



Parliamentary Debates

(HANSARD)

FORTY-FIRST PARLIAMENT
FIRST SESSION
2022

LEGISLATIVE ASSEMBLY

Tuesday, 22 November 2022

Legislative Assembly

Tuesday, 22 November 2022

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

PAPERS TABLED

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

PUBLIC ACCOUNTS COMMITTEE

Sixth Report — Bus fair: The report of the inquiry into the student transport assistance policy framework — Government Response — Statement by Speaker

THE SPEAKER (Mrs M.H. Roberts) [1.02 pm]: I advise that in relation to the recommendations contained in the Public Accounts Committee's sixth report, tabled on 18 August 2022, no response has been received from the government by the required time. I note, however, that the Minister for Transport advised the house on 15 November 2022 that the government's response would be provided to Parliament in the next few weeks.

MINISTER FOR PLANNING — PERFORMANCE EDUCATION — MANAGEMENT

Removal of Order — Statement by Speaker

THE SPEAKER (Mrs M.H. Roberts) [1.02 pm]: I inform members that, in accordance with standing order 144A, private members' business orders of the day 1 and 2 that appeared on the last notice paper as "The Planning Portfolio" and "State Education System" have not been debated for more than 12 calendar months and have been removed from the notice paper.

LAND AND PUBLIC WORKS LEGISLATION AMENDMENT BILL 2022

Notice of Motion to Introduce

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

HEALTH — MANAGEMENT

Notice of Motion

Ms L. Mettam gave notice that at the next sitting of the house she would move —

That this house condemns the Minister for Health and the McGowan government for their shambolic management of the health system that has had a series of failings and continues to put health workers and Western Australian families across the state at risk.

FRINGE WORLD FESTIVAL

Statement by Minister for Culture and the Arts

MR D.A. TEMPLEMAN (Mandurah — Minister for Culture and the Arts) [1.04 pm]: Fringe World Festival 2023 will open on 20 January 2023 for a month of entertainment for everyone. Its open-access model has resulted in it becoming the third-largest fringe festival in the world. With over 80 per cent of its artists being local, it is the state's largest platform for local artists and entertainers. It is a platform that provides an opportunity for artists to show their work to new audiences. This year, over 400 000 people attended Fringe World with over 200 000 tickets sold and over \$6.6 million in box office takings. Next year will be even bigger and will see a return of the busy summer nightlife that Perth audiences love.

Fringe World offers comedy, music, musicals, circus and more in providing a diversity of arts and cultural experiences for everyone. The Western Australian government has provided, through Lotterywest, \$3.6 million to Fringe World over three years to help support the event. Since 1994, Lotterywest has provided more than \$13.1 million to Artrage, which produces and delivers the Fringe World Festival. This has enabled Artrage to exponentially grow Fringe into the success that it is today. Artrage is also supported by the Department of Local Government, Sport and Cultural Industries with \$250 000 per annum in operational funding support. With government support underpinning it, Fringe World reported that in 2022 it delivered a direct economic impact of over \$30 million across the 455 events, 122 venues and 2 120 artists. This includes \$5 million paid to Fringe World artists and venues. Fringe World demonstrates the value of the arts to the state of Western Australia.

The 2023 festival will see the return of Fringe Sunday Funday, supported by Lotterywest, a popular community engagement event that first ran in 2022. The 2023 Fringe World program is now available online with over 430 shows, including local, national and international acts, to enjoy across the summer period. I urge members to binge on fringe in 2023!

CHARLES STREET PLANNING STUDY*Statement by Minister for Transport*

MS R. SAFFIOTI (West Swan — Minister for Transport) [1.06 pm]: Earlier today, Main Roads Western Australia announced it will not proceed any further with the current planning study for Charles Street. The decision follows a recent meeting between my office and Main Roads at which the outcomes of the consultation to date were reviewed in detail. Based on the feedback, it is clear that there is significant community concern about the proposal. It is important to note that a planning control area already exists that impacts 141 properties on Charles Street in some way. This planning study was undertaken to ensure that the planning control area could be updated to better reflect new thinking for the area. The proposal sought to deliver a balance between ensuring Charles Street remains a key corridor helping to connect people from the Wanneroo corridor to Perth, while creating better local amenity and ensuring better local connectivity.

The new Charles Street corridor planning was long term and this project was not likely to be implemented for at least another 10 years. Corridor planning and preservation is important to ensure that we can continue to deliver world-class infrastructure in the future. However, it is clear that this plan will create too much uncertainty for landowners and it has generated a high level of concern. For that reason, it was agreed that Main Roads would wrap up consultation now and take the time to carefully consider options for the future of Charles Street. Delivering a long-term solution for Charles Street is still required, but taking the extra time now means that we can consider the impact of other projects such as the Wanneroo Road transit corridor study and the opening of the Morley–Ellenbrook train line.

I want to again thank those members of the community who took the time to provide feedback. The information we have received to date will be important to better understand the community's views and attitudes and inform any future consultation we undertake in the years ahead. I also thank the Mayor of the City of Vincent, Emma Cole, and local member, John Carey, for their involvement in the process.

NATIONAL ASSOCIATION OF WOMEN IN CONSTRUCTION AWARDS FOR EXCELLENCE*Statement by Minister for Women's Interests*

MS S.F. MCGURK (Fremantle — Minister for Women's Interests) [1.08 pm]: I rise today to inform the house that I recently had the privilege to attend the annual National Association of Women in Construction Awards for Excellence. The awards celebrate the achievements of WA women excelling in this male-dominated field. I have attended this event for the past five years and I am extremely encouraged by NAWIC's continuous growth and unwavering commitment to educate and advocate for change in the construction industry. This year's event was its biggest yet with over 650 people in attendance. Awards like these are a positive step to increase the visibility of women in construction and challenge perceptions about traditional gender roles. NAWIC is leading the way in advocating for the representation of women in the construction industry with a significant goal to have women make up 25 per cent of the industry by 2025. The construction industry remains one of the most male-dominated industries in Australia, with women making up just 13 per cent of the building and construction industry's workforce and, of those, only two per cent are in trades. We need more women to work in historically male-dominated sectors and we need them to be treated with respect. In order to create safer workplaces for everyone, it is crucial that we increase women's representation to create better outcomes. The construction industry is a key driver of our economy, making valuable contributions to jobs, investment and economic growth even when other sectors are struggling. Girls and women have every right to be afforded opportunities to build meaningful careers no matter what the industry. These awards are a positive step in the right direction in challenging the perceptions of traditional gender roles and empowering women to take up a career in the construction industry.

I want to take this opportunity to congratulate all the prize winners and nominees for this event, and NAWIC for the important work it does in building an equitable construction industry in which women are able to fully participate.

CARER INITIATIVE*Statement by Minister for Child Protection*

MS S.F. MCGURK (Fremantle — Minister for Child Protection) [1.11 pm]: I have the great pleasure of updating the house on a Department of Communities local initiative aimed at supporting foster and family carers. The Armadale and Cannington child protection districts are two of the largest in the state. In 2020, the Armadale district implemented the Carer Initiative, which is aimed at improving the recruitment and retention of foster and family carers. This initiative has now grown to the whole east metropolitan region. The underpinning philosophy of the initiative is that care arrangements are the site of healing for children and that well recruited, skilled and supported carers are crucial to better life outcomes for children in care.

The Carer Initiative provides practical support for carers, including the provision of meals and house cleaning. Carer meals are offered to foster and family carers four times a year, or once a school term. Carers choose from a menu with multiple selections for the main meal and a dessert or snack pack. As at 2 November 2022, a total of 1 014 meals had been delivered to carers since the initiative commenced. The Armadale district also formed a partnership with

a local cleaning agency to provide carers with cleaning supports after workers decided that they wanted to find a better way to practically support their carers. As at 31 October 2022, a total of 636 regular cleaning services were provided to 146 carer households. As well as practical support, 116 Adventure World season passes were purchased for carers in the Armadale and Cannington districts for foster and family carers, their biological children and the children in their care to enjoy together.

Feedback from carers has been overwhelmingly positive, with the general feedback being that they feel valued. I commend the Department of Communities east metropolitan region for its efforts in supporting local carers, allowing them to spend more time with the children in their care and enabling them to be more involved in the emotional healing of children. Foster and family carers are critical to supporting children in care and I want to acknowledge the incredible work that they do and the caseworkers who support them.

DIRECTORS' LIABILITY REFORM BILL 2022

Second Reading

Resumed from 17 November.

MS J.J. SHAW (Swan Hills — Parliamentary Secretary) [1.13 pm]: I rise to make a contribution to debate on the Directors' Liability Reform Bill. The personal criminal liability of directors and officers for offences committed by the companies for which they bear office is a controversial topic. Although it is generally accepted that directors should have personal criminal liability if they commit an offence themselves or are accessories to the commission of an offence, it has proven far more controversial to determine the extent to which personal criminal liability should be imposed on the director for wrongful or even criminal acts of a corporation in which the director had no personal involvement. As others have pointed out, back in 2012, the Council of Australian Governments agreed to a set of principles and guidelines for the imposition of personal criminal liability on directors for corporate offences. This bill, first introduced in 2015 and now back before Parliament, seeks to incorporate these principles and rationalise Western Australia's laws for directors' liability. In short, the bill will make directors personally criminally liable for offences committed by bodies corporate in circumstances in which they have not taken all reasonable steps to prevent the body corporate committing the offence. Others have gone to considerable lengths to outline how the bill's provisions will operate to this effect, so I will not go through that again but I want to contribute to this debate by reflecting on the vital role that directors play in setting the objectives and culture of an organisation, and the direct and indirect benefits that this can bring shareholders and society more broadly.

It is well known that directors hold a central role in corporate governance in their overall responsibility for a business's performance and compliance efforts. They have a core role in preserving shareholder values, setting strategic direction and driving culture and performance. They do this on behalf of the shareholders who appoint them. The director's role is becoming ever more complex. In addition to having an eye to the bottom line, directors now face shareholder activism on a range of issues like labour standards, climate change, relationships with First Nations peoples and external stakeholders who influence corporate activities. Directors must now have a mind to how their decisions might resonate in the wider community and either help or hinder their social licence to operate. There is also a growing and welcome recognition that the issues that challenge businesses, affect value and drive strategic direction are those that confront the whole planet—nations, governments, communities and individuals—and that businesses now have a central role in confronting those issues. They are not the remit of governments alone; the private sector can and must act.

In my inaugural speech, I spoke about my belief in the need for a strong, active state as an enabler for a dynamic private sector. I observed that the state provides a whole range of factors that deliver a secure and stable business environment, including the enforcement of our laws, the construction of infrastructure to enable industries to grow, the education, housing and protection of a healthy workforce and the investment in value-generating projects and support provided for innovation. I acknowledged the key roles that enterprises play in driving innovation and creating new markets, employment opportunities, goods and services. However, I also stated my belief that corporations have a duty to support the communities in which they operate. It is here that directors play such a vital role. Company directors drive corporate effort and fundamentally influence the extent to which the entities they control provide support to their communities. I very recently had cause to reflect on this at a macro scale. In the last fortnight, I had the great privilege to lead Western Australia's delegation to the B20 Summit in Indonesia, representing the Deputy Premier; Minister for State Development, Jobs and Trade, Hon Roger Cook. It was one of the most incredible experiences that I have had in my professional life and I was deeply grateful for the opportunity.

Since 2010, the Business 20—or B20—has been the official dialogue forum for the business community to communicate and share their aspirations with the G20. The G20, of course, is an intergovernmental forum bringing together the world's largest economies, comprising 19 countries and the European Union and accounting for more than 80 per cent of world GDP, 75 per cent of global trade and 60 per cent of the planet's population. The Bali B20 Summit was hosted by KADIN Indonesia, the nation's chamber of commerce and industry. The 2 000 delegates to the B20 summit included company owners, shareholders, directors, CEOs and senior business leaders. The companies participating in the work program of the B20 ranged from some of the largest in the world, through to micro, small and medium-sized enterprises. Australia had the largest delegation of any nation to B20 and I am proud to say that Western Australia

provided the largest team of any Australian state—a little factoid I managed to work into every speaking engagement and every sideline meeting I had over there. It was just fantastic to fly the flag for our state, alongside some absolutely wonderful Western Australian business leaders.

In the year leading up to the summit, KADIN convened six task forces and an action council in: trade and investment; energy, sustainability and climate; digitalisation; finance and infrastructure; the future of work and education; integrity and compliance; and the Women in Business Action Council. These bodies formulated a series of policy recommendations that were issued to the G20 via a communiqué on the final day of the summit. The way that the work program was prosecuted meant there were lots of sets of three, and I think it is important to go through them. The work of the groups was ordered by reference to three priorities for the B20, which were boosting an innovative global economy, forging an inclusive and sustainable future, and embracing collaborative recovery and growth. The three work areas that drew the main focus were, firstly, a sustainable energy transition, with a focus on empowering micro, small and medium-sized enterprises and disadvantaged groups, ensuring that we not only have green and sustainable economies, but also a just transition underway in both developed and developing countries; secondly, the strengthening of global health architecture by creating guidelines for health emergency preparedness and improving the coordination of crisis management; and, thirdly, advancing digital transformation to build on the foundations of equitable access and adoption of digital technology, bridging the digital divide and ensuring people-centred future innovations.

The task forces produced three messages associated with nine action clusters. These were outlined in the summit's plenary sessions and then discussed in detail in breakout parallel sessions. The first message was to promote innovation and unlock equitable post-crisis growth. The three actions associated with that are to advance digitalisation in a deliberate manner to bridge the digital divide, promote broader access to innovative financing models for projects that foster equitable growth, and implement measures to ensure that digital innovations are people centred, responsible and safe. The second key message was to facilitate sustainable development, inclusive of micro, small and medium-sized enterprises and vulnerable groups. The associated actions are to drive further inclusion of MSMEs and women-led businesses in the global economy, enable the implementation of sustainable business practices in MSMEs, and promote and protect women and other vulnerable groups in the workplace. The third key message was to drive multi-stakeholder collaboration across developed and developing countries to build a resilient and sustainable future. The associated actions are to accelerate a green and just transition, strengthen cooperation to build resilience against future shocks to the global economy, and further develop interoperability and enable safer and more robust global cooperation.

There is quite a bit of very detailed information on these plans and the key performance indicators associated with them. It was actually really interesting to see the ways in which the B20 went about setting KPIs to measure progress towards the achievement of the goals. It is well worth reading the B20 final communiqué.

The B20 and G20 summits adopted the common theme of growing together and growing stronger, referencing the impacts of the COVID-19 pandemic. The summits took place in the shadow of escalating geopolitical tensions and increasingly severe climate change impacts. We heard from world leaders, a range of ministers from around the world and across a range of portfolios, and a truly remarkable array of business and global institution leaders. Every session referenced the pandemic, climate change and political instability as affecting workforce development and availability, supply chains, business planning and continuity, investment flows, the movement of goods and people, and escalating costs and inflationary pressures.

There were three sessions in particular that really made an impression on me and I want to briefly discuss them. Firstly, Klaus Schwab, founder and executive chairman of the World Economic Forum, delivered a plenary address titled "Harnessing the Power of Innovation for Future Economic Growth". He spoke about the fundamental structural reform underway in the world trading system around energy, supply chains, the integration of external costs and the militarisation of economies. He suggested that businesses should work with governments towards constructing a future with purpose that is sustainable and inclusive. He observed the leadership role that governments took in response to COVID-19 and urged businesses to now step forward and work together with governments on recovery. He also stated that businesses needed to be trusted to take a leadership position and should consider the relevance of stakeholder capitalism—that business leaders should consider not just their shareholders, but also what they do for the betterment of people and the planet. He told the summit that businesses should be uncompromising about community standards.

My colleague Daisy Pope reminded me that the trade and investment parallel session was like a silent disco. We broke out into workstreams on the conference floor. With the multiple workstreams, having the sessions conducted in multiple languages and us all sitting there with our headphones on, it looked like a silent policy-wonk disco! I thought that was quite an amusing observation. There are some photos of us clapping along to the silent disco.

During that trade and investment session that I sat in on, there was a lot of discussion around the risks of increasing protectionism in the wake of COVID-19 and geopolitical instability, which serves to erode confidence in the international trading system and may lead global trade back to the inward-looking policies of the Great Depression era. Speakers warned against the decoupling of economies and the dismantling of supply chains and business

relationships that have taken 25 years to develop. It was impressed upon us that there has never been a more important time to acknowledge and rely on interconnectedness and collaboration. Businesses rely on strong links through robust supply chains for their survival. Economic growth depends on access to markets for the sale of goods and services. The energy transition in particular will be far more readily achieved through scale and the interconnection of assets, rather than disaggregation and isolation. Business leaders were urged to raise their voices in favour of collaboration, to strengthen links and speak against the value destruction caused by a retreat into protectionism.

WA has an outward-facing economy and our links throughout the region are strong, with abundant potential. Our ability to support our neighbours to recover and, particularly, to transition to a more sustainable energy economy through our contribution to renewable and distributed energy supply chains, is second to none. We have a vested interest in shoring up and expanding ever greater trading links and we can work with our business leaders in Western Australia to achieve that.

The final contribution that really struck me, and is relevant to any discussion about the role of company directors, came from a Western Australian. In the summit dialogue session titled “Sustainable Resource Management for Economic Growth”, the panellists spent a considerable portion of time focusing on energy resources and the need to mitigate carbon pollution. There was a lot of discussion on supranational, regional, national and subnational policies and initiatives to address climate change. Literally as he walked off the stage, the Fortescue Future Industries chairman and founder, Andrew Forrest, observed that action should not be left to government; the single most effective thing that many board members in the room could do to progress the B20’s agenda was simply to direct their CEOs to pursue the objectives under discussion at the summit and then hold them to account for delivery. This is disarmingly simple and true. If company directors set clear metrics and KPIs for CEOs and executive teams that are linked to the pursuit of projects and initiatives that deliver both commercial returns and positive social and environmental outcomes that are aligned with the broader public policy goals of the countries within which they operate, significant advances can and will be made.

Another takeaway from the visit was that I left with the distinct impression that there is an incredible opportunity to build a much stronger trading relationship with our host, Indonesia, particularly in energy. WA has a longstanding sister relationship with East Java, and Indonesia is currently our ninth-largest trading partner. We trade predominantly in iron ore, wheat, alumina and live cattle, but our relationship can and should diversify into a range of commodities, goods and services that stand to deliver benefits to both of our economies and societies. During Indonesia’s presidency of the B20, the government of Indonesia organised a B20 delegation roadshow to Australia. Its final event was held right here in Perth—a global energy transition forum.

On the first evening of our B20 visit, the Australian delegation was hosted by the Indonesia Australia Business Council. I would like to thank the national president, Mr George Iwan Marantika, and his team for their kind hospitality. I then had the great pleasure of meeting with the chairman of KADIN Indonesia and B20 host, Mr Arsjad Rasjid, who spoke with me at length about the opportunities for strengthened business links between Western Australia and Indonesia. We were honoured to have Mr Rasjid as our guest and keynote speaker at a welcome sundowner hosted by the Department of Jobs, Tourism, Science and Innovation on the second evening, at which I again reminded all the Australians in the room that WA was the biggest game in town.

I also had the opportunity to meet with the Indonesian Minister of Investment, Mr Bahlil Lahadalia, who was very positive about the prospects for forging a closer partnership with Western Australia across a range of sectors, particularly in energy technologies. The Indonesian government is committed to moving its economy to a more sustainable model and contributing to global efforts towards decarbonisation. There is a great opportunity for Western Australia to partner in this initiative, become a central and strategic link in the world’s supply chains, and whilst Indonesia develops its own industries for global export, be a reliable supplier of many of the inputs required for battery manufacturing, including lithium.

At the closing session of the summit, Prime Minister Anthony Albanese accompanied President Joko Widodo. The Prime Minister was the only world leader to do that, which perhaps signals the importance of the relationship between Australia and Indonesia. The speeches of both of them highlighted the great prospects for deepening our economic ties, particularly in energy.

Despite the enormous challenges discussed during the B20 summit, it showed me that there is considerable optimism in the Western Australian business community about the prospects for recovery and the opportunities for Western Australia in Indonesia and beyond. Although some extremely complex geopolitical issues are clearly in play, businesses and subnational governments can continue with the important work of fostering trade, augmenting business links and maintaining pathways to markets, and, through that, links to communities. Business-to-business links are often the ballast to assist international relationships weather stormy seas, and state governments play a vital, frontline role in promoting and enhancing those links.

[Member’s time extended.]

Ms J.J. SHAW: In that vein, it was great to meet our hardworking Department of Jobs, Tourism, Science and Innovation team, who are doing the heavy lifting for WA. I would like to thank Daisy Pope, Krista Dunstan and

Diyas Herrianti for the fantastic support they provided to the delegation. They clearly have been working very hard to maintain and strengthen WA's presence in the market. I received a lot of very positive feedback about their work building Brand WA. My thanks go also to Anthea Griffin, the Consul-General in Bali, and to the Department of Foreign Affairs and Trade and Austrade teams for their assistance during the summit, and their ongoing support for Western Australia's efforts in Indonesia. Anthea actually helped us get home on the closing night of the summit, because the traffic around the whole of Nusa Dua was pretty crazy; otherwise, we might have gotten into a bit of trouble.

I would also like to thank the members of the official party. The first is Michael Lynn from Deloitte, whom I know from my past life in the energy sector. It was absolutely delightful to see him on the delegation and to be able to spend a bit of time together, particularly given that he has just stepped back from a leading practice role in Deloitte's ASEAN practice, particularly around energy. It was great to be able to pick his brain and gain his thoughts and insights. Another is Larissa Taylor, chair of the WA chapter of the Australia Indonesia Business Council. I do not think there is a person key to the Australia-Indonesia relationship whom Larissa does not know, and I appreciated the many introductions that she made and the many conversations that she facilitated. Another is Robbie Gaspar, president of the Indonesia Institute, who spent a bit of time briefing me before my departure for the visit. I also want to mention the business delegates who were part of the official party: Adam Bennett, CEO of Red Piranha; Wayne Liubinskas from Village Energy; and Honny Palayukan from Terra Aurum Minerals. I really appreciated their advice and insights. A number of other Western Australian businesses were part of the Australian delegation. As I have said, we were the largest contingent. It was great to also meet the many other Western Australian businesses that were present.

My participation in the B20 delegation reinforced my belief that the state and the market are necessarily entwined, occupy the same space, and often exercise similar functions. They exist and depend on one another in a symbiotic relationship, sharing both rights and responsibilities. If we are to have any hope at all of tackling the challenges facing us, including post-pandemic reconstruction and the growing threat of climate change, we must recognise that concepts such as mutual support, shared objectives and collective responsibility are highly relevant to the functioning of the state and the market. The only way we will be able to achieve anything for Western Australia is through the joint efforts of governments and industry. This was on clear display at the B20 summit.

Directors have a significant ability to lead and influence shareholder and public value. Insofar as this legislation will underscore and reinforce the ability of directors to influence their corporations, I commend it to the house.

MR M. HUGHES (Kalamunda) [1.33 pm]: I wish to make a small contribution to the second reading debate on the Directors' Liability Reform Bill 2022. As we have heard, the bill was introduced in 2015 in the thirty-ninth Parliament but failed to be legislated. The 2015 bill, and the bill now before us in the forty-first Parliament, make amendments to limit and standardise provisions that will impose personal criminal liability on directors for corporate misconduct.

I read with interest a report published by MinterEllison in January 2017, which coincidentally was just ahead of the 2017 state election, titled *Protecting your position: Western Australian laws imposing personal liability on directors and officers*. The report identified in excess of 90 Western Australian statutes that impose personal liability on directors and officers. Directors have to be cognisant of a significant suite of statutes in order to ensure that they exercise their responsibilities with due diligence. The MinterEllison report identified three policy issues that remain to be considered, some of which I will address in the course of my contribution to this debate.

As it stands, there remains broad, albeit qualified, support for the bill across the corporate governance sector. The sector has generally welcomed the proposed amendments to the Criminal Code and portfolio legislation to comply with the Council of Australian Governments' principles laid down at its meeting on 23 July 2012. These principles aim to ensure that derivative liability is imposed on directors and other corporate officers in accordance with the principles of good corporate governance and criminal justice, and is not imposed on individuals as a matter of course by virtue of the fact that they are directors or officers of a body corporate.

There has been longstanding opposition to executive or derivative liability provisions that impose criminal liability in situations in which directors may not be aware of, or do not have the ability to prevent, the commission of an offence by the company. I note, however, that the Australian Institute of Company Directors, in its comments on the 2015 bill to the Standing Committee on Uniform Legislation and Statutes Review of the Legislative Council, was strongly of the view that the presumption of innocence should always apply. I therefore presume that its opposition to the retention of the type 3 director liability provisions by virtue of the limitations of the bill remains. The institute should pause to acknowledge that provisions reversing the onus of proof are by no means limited to the laws on personal liability of directors. A large number of provisions in our statutes aimed at important public safety values in the areas of motor traffic, drug trafficking, the environment, public health and work safety have for many years included the reversal of the usual onus of proof. Such provisions, in which offences are defined so as not to require proof of a "guilty mind", have been upheld by the High Court of Australia, and have also been specifically held not to be in breach of the human rights obligations imposed by the English Court of Appeal. In that regard, the reversal of the onus of proof can be justified given the importance of social justice issues and the inherent difficulties faced by prosecutors in this sphere of legislation.

Nothing in the bill is offensive to the principle that where companies contravene statutory requirements, liability should be imposed in the first instance on the company itself, and that personal criminal liability of a corporate officer for the misconduct of the corporation should be limited to situations in which the officer knowingly encouraged or assisted in the commission of the offence or was reckless in attending to their duties as a corporate officer, thus allowing the offence to occur—that is, accessory liability.

The 2012 COAG principles were agreed following a report to the government from the Corporations and Markets Advisory Committee in 2006. We have heard this before, but I will go through it again. The COAG principles categorise the directors' liability provisions into three types of offences. Type 1 offences require the prosecution to prove every element of the offence. A director will be presumed to have taken reasonable steps to prevent the commission of the offence, and, as a result, not be liable, unless the prosecution proves otherwise. Under type 2 offences, a director is presumed to be guilty of the offence unless the director can produce at least enough evidence to suggest that there is a reasonable possibility that the director took reasonable steps to ensure that the corporation did not engage in the conduct constituting the offence. Once this evidence is produced, the prosecution will bear the onus of proving beyond reasonable doubt that those reasonable steps were not taken or that other reasonable steps should also have been taken.

The type 3 provisions that the Australia Institute is a little concerned about are similar to type 2 in that they presume that the director is guilty, but to avoid liability, the director is required to prove on the balance of probabilities that they took reasonable steps. A significant feature of the legislative changes to directors' liability in other jurisdictions—one contemplated before us today—is that some type 2 and type 3 offences will be reduced to type 1 offences, and some type 3 offences to type 2 offences. It is important to note, however, that the directors' liability amendments contained in this bill do not affect direct liability or liability as an accessory. Directors will continue to be criminally liable for offences committed by them personally; in such cases, the person is not liable because of the office they hold but because they are the offender, and directors will continue to be criminally liable if they have acted as an accessory.

I was going to range over some of the Corporations and Markets Advisory Committee's report, *Personal liability for corporate fault* from September 2006, which effectively gave rise to the COAG principles, but I will leave that to one side. In short, the two principal areas of concern that the Corporations and Markets Advisory Committee identified were —

- a marked tendency in legislation across Australia to include provisions that impose personal criminal sanctions on individuals for corporate breach by reason of their office or role within the company (rather than their actual acts or omissions) unless they can establish an available defence
- considerable disparities in the terms of personal liability provisions, resulting in undue complexity and less clarity about requirements for compliance.

This is evidenced by MinterEllison's 63-page report on the number of Western Australian statutes that directors and officers must be mindful of. The Corporations and Markets Advisory Committee's principal concerns were —

... overreach in the treatment of individuals where the company is in breach of the law, together with lack of harmony in the standards of personal responsibility required under various provisions.

The committee also noted that this move to overreach was not new and referred to various inquiries dating back to 1989. The CAMAC report set out strict criteria for the distinction between derivative and accessory liability, stating —

- liability for breach of a legal requirement by a company should fall in the first place on the company itself. It should not be assumed that appropriately weighted monetary or other penalties will not have an impact on shareholders and others who have a stake in the success of a company or will not influence the behaviour of those individuals who control and manage the company, whether through their being held accountable by shareholders or otherwise
- in addition, an individual who is personally implicated in such a breach—who helps in or is privy to the misconduct—should be exposed to personal liability as an accessory in accordance with ordinary criminal law principles.

The committee considered that great care should be taken in considering any extension of personal liability for the breach of a law by a company, and that proper account should be taken of the individual rights of corporate officers and how their proposed treatment compared with the way other citizens, including individuals involved in the governance of non-corporate organisations, are dealt with, as well as the interest in promoting corporate compliance with relevant statutory requirements. The committee acknowledged that in some circumstances, a legislature may judge it appropriate to go beyond accessory liability and impose a duty on a specified individual to ensure that a company complies with a particular legislative requirement. In effect, provisions of this kind impose a form of strict liability upon a designated officer.

The committee considered that any such provision should be confined to responsibility for ensuring that a company complies with a specific operational or administrative requirement, such as filing a return by a particular date, and that it should not extend to areas in which compliance requires the exercise of significant judgement or discretion.

This bill meets not only the six COAG principles that others have referred to, but also the criteria set out in the Corporations and Markets Advisory Committee report. It is concerned not with the criminal liability of directors who have committed offences themselves or with those who are accessories to offences committed by bodies corporate, but only with situations in which a director is made liable simply on the grounds of having been a director of a body corporate that has committed an offence.

The CAMAC report noted that in reaching its position —

The Committee reviewed relevant provisions in Commonwealth, state and territory environmental protection, occupational health and safety, hazardous goods and fair trading laws. While not exhaustive of all statutes containing personal liability provisions, those categories were chosen because of their significance to the commercial operations of many enterprises ... These differences in legislative approach, even in the same areas of regulation, and the consequential lack of harmony result in complexity and lack of clarity for individuals in considering their responsibilities.

This gave rise to MinterEllison providing almost a checklist of statutes that directors and officers have to go through to ensure that they are well aware of their duties and responsibilities under various aspects of Western Australian law.

I will not go through the COAG principles again. It would just be tiresome.

The bill will facilitate a national economy by providing for a strong degree of consistency across jurisdictions in provisions that impose personal liability on company directors and officers for corporate offences or corporate fault. The McGowan government should be commended for ensuring that Western Australia finally fulfils its commitment to implementing the recommendations of the COAG directors' liability reform project. The bill is a sensible and measured approach. It will not do away with derivative liability from Western Australian legislation altogether, but it will ensure that officers continue to be held appropriately accountable for their failures to prevent bodies corporate from offending. It will remove the existing blunt-instrument approach in which officers are exposed to personal criminal liability for each and every offence that a body corporate might commit. The bill will hold officers to account in appropriate circumstances and will ensure that when legislation seeks to impose derivative liability, it will not do so as a general blanket provision but rather with specific consideration of the seriousness of the offence, including the liability in the form of deterrent that properly ought to be imposed on any individual to protect the public. The provisions of the bill will substantially reduce the number of derivative liability provisions on our statute book. Importantly, as the Attorney General stated in his second reading speech —

... further confining those provisions that reverse the onus of proof, whilst leaving in place a sufficient layer of regulation to ensure that officers of bodies corporate take all reasonable steps to protect the public from corporate offending.

With that, I conclude my contribution to the bill.

MR J.R. QUIGLEY (Butler — Attorney General) [1.48 pm] — in reply: I rise to thank members for their thoughtful and considered contributions on the Directors' Liability Reform Bill 2022. The house is now well versed on the COAG principles and policy, and intent of the bill.

I will now take the opportunity to comment on the contributions made and answer some of the questions asked during debate. I am pleased to note that the opposition will support this bill, which has been nearly a decade in the making and will conclude our state's obligations for directors' liability reform that was required under the 2008 intergovernmental agreement.

Members will have noticed an amendment on the notice paper that will be considered when we move to consideration in detail on the bill. I will provide more detail and an explanation for the rationale behind this amendment, but I can briefly advise that it has become necessary as a consequence of the recent passage of the Emergency Management Amendment (Temporary COVID-19 Provisions) Act 2022, which created a new offence in the principal act that merits the imposition of derivative liability.

First, I would like to thank the lead speaker for the opposition, the member for Moore, for his comprehensive comments on the bill. He indicated his preference to ventilate his queries regarding the bill during the consideration in detail in stage, and I thank him for that advance notice. In response to the member's first question regarding the interaction between the bill and the Work Health and Safety Act 2020, I can firstly advise that the bill does not propose to amend the Work Health and Safety Act 2020 because at the time that the COAG considered the issue of directors' liability reform in 2010, it was acknowledged that the model work health and safety laws contained provisions that specifically dealt with the liability of officers and provided their own due diligence criteria. Western Australia has now adopted the model work health and safety laws through the operation of the Work Health and Safety Act 2020, which came into effect on 31 March 2022 and has resulted in the amendment to the Mines Safety and Inspection Act no longer being required. The approach taken in the Work Health and Safety Act 2020 is based on the model work health and safety laws and is not directly inconsistent with this bill. It imposes a different standard on officers and requires them to exercise due diligence as defined in section 27 of that act to ensure compliance with work, health and safety duties. The definitions in the bill do not affect the obligations on officers as defined in the Work Health and Safety Act 2020 and the two regimes can exist side by side.

In response to the member for Moore's second question regarding the Emergency Management Act 2005 and why the Department of Fire and Emergency Services is exempt from amendments in this bill that would reform directors' liability, I can advise that DFES is not exempt from the important provisions at all. The 2015 bill previously proposed to delete section 98 of the Emergency Management Act in its entirety, as that provision imposes blanket derivative liability on officers in contravention of COAG principals. Following the reengagement with the Department of Fire and Emergency Services and the drafting of this bill in 2019, the position was reached whereby DFES analysed the Emergency Management Act and specific provisions within that act were identified as meriting application of derivative liability according to the guidance principles set out in the guidelines by COAG. The third query that the member for Moore raised was about the consultation that occurred. I can advise the member for Moore that there is a long history of consultation on this bill dating back to 2012. During the drafting of the 2015 bill, the Department of Justice coordinated significant consultation with government agencies across 18 portfolios regarding the amendments to other acts. The department also reengaged with many agencies affected by consequential amendments to their legislation as part of the drafting of the bill between 2019 and 2022. The Law Society of Western Australia, the Australian Institute of Company Directors and the Office of the Director of Public Prosecutions were given the opportunity to comment on the bill, and they advised their support for the bill. With regard to the member for Moore's final point regarding the use of the words "all reasonable steps" in the bill, I can advise that according to the new sections proposed to be inserted in the Criminal Code, an officer will be liable if they fail to take all reasonable steps to prevent the body corporate from committing an offence. The words, "all reasonable steps" take into account the possibility that there may have been only one step that was reasonable or indeed multiple steps. In some cases, a court may find that there were no reasonable steps that ought to have been taken by a particular officer, thus they could not be held liable for the body corporate's offending. The member referred to variants of the language used in the bill and I can confirm that "reasonable steps" omitting the preface "all" in proposed sections 39(3), 40(4) and 41(4) is a grammatical requirement for the drafting of the provisions.

I now turn to other members' contributions. I thank the member for Mount Lawley for his very comprehensive summation of the background of this bill, including the history behind the COAG agreement and the infamous James Hardie scandal. I particularly thank the member for Cockburn for his comments on the bill and his personal insight as a legal practitioner director in his life before entering Parliament. The member for Mirrabooka provided her perspective on the bill as someone with firsthand experience as a director in various capacities. I thank her for her comments. I also thank the member for Thornlie, who drew the attention of the house to the importance of continuing to hold environmental polluters to account, which the bill certainly seeks to do. I appreciate his support for this bill. The member for Bicton noted the importance of increasing diversity on the boards of directors in her comments on the bill, and she shared her personal experiences working within local government. The member for Victoria Park reiterated the importance of the COAG principles and outlined the critical reforms to the statute book that the bill will achieve. I thank her for her cooperation. In her comments, the member for Churchlands referred to the bill being futureproof and noted the important nature of the reforms. I thank the member for taking an interest in directors' liability reform. The member for Belmont also made a valuable contribution about her own professional experience with corporations during the global financial crisis of the 2000s. The member for Carine outlined his support for the bill and provided background information on the duties and values that directors are expected to adhere to under incorporations law in Australia. I thank the member for Willagee for his contribution to the second reading debate on the Directors' Liability Reform Bill 2022, in which he noted the long history that forms the basis of corporate governance principles, and recounted his own experiences as a director on boards, both commercial and in cabinet. Finally, I note the member for Landsdale's contribution to the second reading debate, particularly with regard to the ethical responsibilities incumbent upon corporations and the significance of directors' duties.

As was mentioned in my second reading speech, this is not a standalone bill. It is quite technical in nature, and will amend 69 separate acts. It will insert three templates of directors' liability provisions into the Criminal Code.

Debate interrupted, pursuant to standing orders.

[Continued on page 5671.]

VISITORS — CRAIGIE HEIGHTS PRIMARY SCHOOL

Statement by Speaker

THE SPEAKER (Mrs M.H. Roberts) [2.00 pm]: On behalf of the member for Hillarys, I welcome the students and a teacher from Craigie Heights Primary School to the gallery. Welcome.

QUESTIONS WITHOUT NOTICE

BANKSIA HILL DETENTION CENTRE — PREMIER'S MEETING

731. Ms M.J. DAVIES to the Premier:

I refer to reports that the Premier's scheduled youth detention crisis meeting will go for less than 90 minutes, despite him repeatedly referring to this matter as difficult, not easy and complex. Does the Premier believe that 90 minutes is adequate to discuss reform of a system that has been described as a recipe for making kids worse and how to make a monster?

Mr M. McGOWAN replied:

The meeting is tomorrow, and I thank the participants for coming along. It is scheduled for 90 minutes, but as I have made plain, if it needs to go longer, it will go longer; it all depends on the contributions of the people involved. I am interested in the positive, constructive, practical and achievable ideas that people might have to improve the youth justice system.

I have a few points to make on the youth justice system. The average incarceration over the last 10 years, or the number of people in detention, has halved. That is a very significant thing that goes without any public acknowledgement by the people who comment on these things. In 2010 or 2012 there were roughly double the number of people in detention. Secondly, in order to be detained when people are under the age of 18, they ordinarily have to have committed a great many offences or an extremely serious offence. I have had involvement with young people going into detention before, and ordinarily it is at the expiry of 20, 30 or 40 offences before they end up there—normally multiple break-ins or assaults and things of that nature. It is very unfortunate, but at some point in time every other diversion or measure put in place by the courts that are designed to rehabilitate and provide alternative options for young people are used, and if they do not work, eventually detention is the option of final resort. Banksia Hill has a large number of programs in place—music programs, recreational programs, educational programs, group programs, welfare programs, psychological programs and access to psychiatrists. Banksia Hill has all those services available to the detainees.

Today the Minister for Regional Development is in the Kimberley, announcing the site of the Kimberley youth justice diversionary facility. We announced—I think it was in the state budget—\$15 million towards a Kimberley diversionary facility. We worked cooperatively with the Kimberley Land Council and local Aboriginal groups to come up with a site for the Kimberley diversionary facility. For juvenile offenders who are from the Kimberley, the Pilbara, the goldfields or the midwest, there is now an alternative option available to the courts to send them to so that they do not go to Banksia Hill.

However, there is one thing we do not want to do. The advice I received from Wayne Martin, the former chief justice, was that if we build too many youth detention facilities around the state, we will just fill them. Wayne Martin was adamant: “Don’t build any more; you’ll just fill them.” So we have come up with an innovative concept on a pastoral station where young people will be able to gain access to guidance and counselling from Aboriginal elders in particular, but also some of the activities that one engages in on a pastoral station—basically pastoral activities, such as riding horses, rounding up cattle and whatever else it might be on that pastoral station. The site of that is being announced today.

These are important initiatives that have not been done before. Last time something of this nature was done—I would not say I liked it—was when the then Liberal government in the 1990s announced a boot camp out near Kalgoorlie. Do members remember the boot camp announced by the then Liberal–National government? This is a very different concept from that.

BANKSIA HILL DETENTION CENTRE — PREMIER’S MEETING**732. Ms M.J. DAVIES to the Premier:**

I have a supplementary question. Why was it good enough to establish the Ministerial Expert Committee on Electoral Reform to suit Labor’s political agenda, but not good enough to address dysfunction and chaos in communities, families and the youth justice system with an independent inquiry that would allow everyone to have their say?

Mr M. McGOWAN replied:

That is a very strange analogy that the Leader of the Opposition has drawn. She seems to be opposed to the concept of democracy in Western Australia, whereas we support the concept of democracy. The idea that people should have equal votes is, I think, a good thing. The United States created the concept of the gerrymander, whereby some people’s votes are worth more than other people’s votes, because some people voted Republican; it might have even been the Democrats, actually. In the southern states of the US, they made sure that some people’s votes were worth more than others. That is anathema to democracy, so we have fixed that to make sure that this state is democratic. This state has democracy.

We are convening a meeting tomorrow and we will listen to what the various participants have to say. If there are good ideas, we will listen to them and see what is practical and achievable.

RESOURCES COMMUNITY INVESTMENT INITIATIVE**733. Ms S.E. WINTON to the Premier:**

I refer to the McGowan Labor government’s success in delivering a strong, nation-leading economy, and its commitment to using this success to deliver long-term benefits to the Western Australian community. Can the Premier outline to the house how this government’s historic decision to establish the resources community investment initiative will support the delivery of long-lasting community projects that will benefit generations to come?

Mr M. McGOWAN replied:

I thank the member for Wanneroo.

Today was a historic moment for Western Australia. The partnership we announced today will use the strengths of our economy to build a legacy for future generations of Western Australians. This government has invested significant amounts in core services of government; has provided record spending on health and mental health—the strongest in Australia, per capita, of all the states; has made record investment in education and training; presided over an unprecedented boost in police numbers; and is building roads and rail around the state, along with providing social housing and homelessness services.

However, we do not have infinite amounts of money, so the resources community investment initiative is a partnership between government and the resources industry to provide additional funding for important legacy projects for Western Australia. At this time, we have secured \$750 million for this project. I would like to thank the founding partners: Rio Tinto, BHP, Hancock Prospecting, Roy Hill, Atlas Iron, Woodside, Chevron and Mineral Resources. I will be writing to a further 30 companies today to seek their participation in this initiative. We would like to reach more than \$1 billion, which I suspect we will—hopefully, an amount in the vicinity of \$1.5 billion. I would like to thank all the participants for their commitment to the state and their commitment to joining this unique project that has not been seen in Australia before.

The initiative will be overseen by an advisory committee with an independent chair. Each company will get to decide which legacy projects they want their funding to be directed towards. The projects we have identified up-front include the Perth Zoo master plan, the Perth Concert Hall redevelopment, additional contributions to Telethon, and—one that I am particularly proud of—the remote Aboriginal communities fund. We have put \$350 million in the budget to build new houses and upgrade housing in remote communities. It is the biggest spend on remote communities ever seen. Of course, back when Tony Abbott was Prime Minister of Australia, the Liberal Party pulled commonwealth funding from remote communities, and sadly we now have to cope with that withdrawal of effort. It was the first time in 50 years that the commonwealth government withdrew effort from remote communities. This initiative, in addition to the \$350 million of our state money, will assist us in building and maintaining more housing in remote communities.

The other landmark project is the Aboriginal cultural centre, to which the commonwealth and state governments have committed \$100 million. We estimate that the budget is approximately \$400 million. The details of that are being worked through. The resources community investment initiative will secure the remaining funding for the Aboriginal cultural centre, which will be a landmark initiative to showcase Aboriginal culture and history, provide pride for Indigenous people in the state in the heart of Perth and be a representative facility for the entire state. That is another initiative we are putting in place that will be a significant legacy project for the people of Western Australia that this fund will contribute to. I am very excited that we are able to do this. This will be a legacy for generations of Western Australians to come. We have been able to do this because we have worked cooperatively with industry to secure this money for the state. I encourage other businesses to join. I certainly want to get an even bigger amount than the \$750 million that we have secured.

BANKSIA HILL DETENTION CENTRE — PREMIER'S MEETING

734. Ms M.J. DAVIES to the Premier:

Will the Premier table the agenda and the names of the attendees of the meeting being hosted by the Premier tomorrow regarding the crisis at Banksia Hill Detention Centre?

Mr M. McGOWAN replied:

It is a meeting to hear from people. I do not know whether there even is an agenda. I will put it this way: it is an agenda to listen to people. I am unaware whether there is a range of topics. It is an agenda to sit around the table with a group of people who have expressed views on the matter to listen to what they have to say. The Leader of the Opposition seems to be critical of that. I think that is a reasonable thing to do. From memory, the attendees are the Minister for Corrective Services; the Minister for Community Services; the Commissioner for Children and Young People, Jacqueline McGowan-Jones; Fiona Stanley, who has expressed views on the matter; Jonathan Carapetis and Ben Wyatt from the Telethon Kids Institute; Gail Beck from the Aboriginal Advisory Council; Mr Daniel Morrison from Wungening Aboriginal Corporation; and a number of other attendees and me. It is an opportunity to listen. I do not know why the Leader of the Opposition is so critical about that.

BANKSIA HILL DETENTION CENTRE — PREMIER'S MEETING

735. Ms M.J. DAVIES to the Premier:

I have a supplementary question. How and when will the Premier report the agreed actions from the meeting that we now know has no agenda and has had attendees added to it as late as today?

Mr M. McGOWAN replied:

That right there is a great example of verballing by the Leader of the Opposition. I was just verballled. I said that the agenda is to listen to people, and that is what I will be doing tomorrow. If good outcomes come out of it, I expect that the government will examine them closely.

ABORTION — LEGISLATIVE REFORM

736. Mrs J.M.C. STOJKOVSKI to the Minister for Health:

I refer to the McGowan Labor government's announcement that it will be modernising legislation governing abortion care in Western Australia. Can the minister outline to the house why laws regarding abortion care need to be updated, including the full decriminalisation of abortion, and can the minister advise the house how women and other stakeholders can provide input into the proposed legislative changes?

Ms A. SANDERSON replied:

I thank the member for her question.

Labor has a proud track record of ensuring that women can access legal and safe abortion care in Western Australia. Many members will know that in 1998, Labor member Cheryl Davenport introduced a private member's bill from opposition in the Legislative Council. At that time, it was nation-leading reform, but concessions were made as part of that bill. It was a tight vote and a conscience vote, as was appropriate, and therefore concessions were made. We now have 25 years' worth of data and evidence to show us that although the legislation was nation leading for a long time, it has created unnecessary hurdles for women. Since then, we have seen other jurisdictions catch up very recently and introduce their own frameworks to provide legal access to terminations. Many women under the current framework have had to travel interstate to access the care they need, despite it being based on best medical advice. The legal framework is challenging to navigate. In addition, the obligations and, in some cases, the reporting that is required for practitioners are also challenging and unclear under the legal framework, particularly for later gestational terminations.

I am pleased to announce that on Sunday we opened up four weeks of consultation on reforming the legislation. We are seeking to introduce legislation early next year that will fully decriminalise and streamline access to care. We want to review a number of requirements, including the GP referral and counselling requirements, the upper gestational limit of 20 weeks and the role of the ministerial panel after 20 weeks. We want to hear from women who have accessed abortions, from practitioners and healthcare workers who support women with abortion care, and other interested stakeholders. The aim of the law will be to safeguard the future of abortion care and ensure the dignity, privacy and safety of patients, and provide clarity for practitioners as they navigate those services. To be clear, abortion in Western Australia is legal, and has been since 1998. We are not consulting on whether it should be legal. It is legal, full stop. We are consulting on how we can provide access to this legal healthcare option for women in Western Australia. To date, we have already had 7 000 responses. That is fantastic and I encourage people to have their say.

ELECTORATE STAFF — TRAINING

737. Mr P.J. RUNDLE to the Premier:

I refer to media reports published by WAtoday and aired on 6PR that Labor electorate staff members have been undertaking intensive training programs at taxpayers' expense related to campaigning and fundraising for the 2025 election. Does the Premier believe that it is appropriate for fundraising and campaign training to be delivered by the Labor secretariat to publicly funded electorate officers during their work hours?

Mr M. McGOWAN replied:

A range of training programs are in place for electorate staff around the state, I understand, by all political parties, to ensure they are well informed in how to operate modern technology and ensure they understand how to communicate with the electorate and all those sorts of things. That has been going on forever. That is what electorate staff do. If the member would like, I could outline some of the activities of the National Party in its electorate offices.

ELECTORATE STAFF — TRAINING

738. Mr P.J. RUNDLE to the Premier:

I have a supplementary question.

Several members interjected.

The SPEAKER: Order, please, members!

Mr P.J. RUNDLE: Can the Premier confirm that his Labor Party secretariat is delivering fundraising and campaigning training to electorate officers during work hours and that the Premier sees no issue with this?

Mr M. McGOWAN replied:

As I said to the member, staff are trained in how to use technology and those sorts of things by all political parties, but I am aware of the National Party's state conference in 2021. What did it do? It used the electorate office of the Leader of the Opposition for Young Nationals events—for the Young Nationals annual general meeting. There it is. Not only did the National Party do it, but it published that it was holding those sorts of things there. The Leader of the Opposition's staff were up there campaigning in the by-election for North West Central. Not only that, the Leader of the Opposition actually thanked them.

Several members interjected.

The SPEAKER: Members! I am unable to hear what the Premier is saying because of your interjections. I think we should all be able to hear and, in particular, Hansard needs to be able to hear and record.

Mr M. McGOWAN: It does not stop there. The Liberal Party has done this sort of thing as well. During the by-election for Darling Range, campaign events used the electorate office staff of the Leader of the Liberal Party during work hours for doorknocking, campaign events and the like. The Leader of the Liberal Party also sent out invitations to hold fundraisers in his electorate office. The last Premier, Colin Barnett, used his Premier's office for Liberal Party fundraisers. He used the actual Premier's office to invite people in for fundraisers. That is what you did, both in opposition and when you were in government.

BYFORD RAIL EXTENSION

739. Mr H.T. JONES to the Minister for Transport:

I refer to the McGowan Labor government's unprecedented investment in job-creating, economy-driving public transport infrastructure. Can the minister update the house on the delivery of the Metronet Byford rail extension, including the new Thomas Road over-rail bridge, and outline to the house any attempts to obstruct and stop this important local project?

Ms R. SAFFIOTI replied:

I am glad the Premier raised the electorate of Darling Range, because it allows us to focus on what a good member for Darling Range we have, compared with his predecessor.

Mr W.J. Johnston: Such a change!

Dr A.D. Buti: Positive!

Ms R. SAFFIOTI: Positive, engaging, delivering for Darling Range —

Ms A. Sanderson: Pleasant.

Ms R. SAFFIOTI: Pleasant.

Several members interjected.

The SPEAKER: Members, this answer is being given by the Minister for Transport; she does not need your help.

Ms R. SAFFIOTI: It is quite enjoyable, though!

This member for Darling Range is a very positive change, and he is delivering for his electorate. Of course, there is no better sign of that delivery than the Byford rail extension. This commitment was given by the Labor Party in opposition and is now being delivered in government. We are already seeing some of the benefits of that project, with the opening—a single lane currently—of the Thomas Road Bridge. Another level crossing has been removed; it is now a bridge over rail. What this will do, as part of the Byford extension, is completely transform that area.

I was watching a show on the weekend on some of the transport issues of people who live in the outer suburbs of Melbourne. These people, who are not connected by rail or buses, take an extraordinarily long time to travel from A to B. What we are doing with Metronet is delivering world-class public transport while the suburbs are being delivered. In Byford, we will see a brand new station. There will be a new station in Armadale, member for Armadale, as well as elevated rail. Eight level crossings will be removed across Armadale, which is incredible.

Mr W.J. Johnston: Well done.

Ms R. SAFFIOTI: That is just in Armadale, let alone Cannington.

Mr W.J. Johnston interjected.

Ms R. SAFFIOTI: I will stick with Armadale. We are completely transforming Armadale. There will be a new station in Byford. Of course, there will also be all the benefits that that rail line will bring. Because of our two-zone cap, it will cost \$5 to travel across the network. Along with the Thomas Road Bridge, we have new paths, we have the ability for people with horses to use some of the underpasses —

Mr P. Papalia: You are accommodating the horses—the equestrians.

Ms R. SAFFIOTI: We are in Byford because the equine industry is very big in that area. We are delivering to the community.

Stage 1 of the bridge opening has seen the installation of 417 precast concrete panels, 370 tonnes of reinforcement, 1 900 square metres of concrete and 1 300 tonnes of sand. We have seen enormous improvements already. We have road improvements throughout the whole area with the Thomas Road Bridge over rail. A level crossing has been removed, which will improve safety and reduce congestion. The whole of Thomas Road will undergo a significant transformation. We are delivering for people in the outer suburbs. Of course, when that station is up and running, people who use the rail line will have a capped transport fare, which will also assist with the cost of living. There has been great progress, and it is great to see a member for Darling Range delivering.

MULTI-EMPLOYER BARGAINING

740. Dr D.J. HONEY to the Premier:

I refer to data from the Chamber of Commerce and Industry of Western Australia's snap business survey, which shows that four in 10 WA businesses would scale down operations if forced into multi-employer bargaining —

Several members interjected.

The SPEAKER: Order, please! Sorry; Ministers for Finance and Health, please do not interject while a question is being asked.

Dr D.J. HONEY: — and 92 per cent believe they would be damaged by the changes, as well as Rio Tinto Australia chief executive Kellie Parker's statement that these reforms could threaten job security and suppress wages in the long term.

- (1) What has the Premier discussed with the Prime Minister to voice the concerns of Western Australian businesses about the federal government's Fair Work Legislation Amendment (Secure Jobs, Better Pay) Bill 2022?
- (2) What, if any, are the Premier's concerns about the effect of his federal Labor counterpart's industrial relations legislation on the job stability and long-term wages of Western Australian miners?

Mr M. McGOWAN replied:

(1)–(2) I think there is a lot of scaremongering going on in relation to this issue.

Dr D.J. Honey: Is the head of Rio Tinto scaremongering?

Mr M. McGOWAN: When the Leader of the Liberal Party asked the question, I did not interrupt him.

One thing that has been apparent in recent years in the private sector is that the profit share has been very high and wages growth has been very low. Obviously, that has needed to be addressed in a range of industries across the community. That is occurring. The state government is putting up its wages significantly. We obviously had to repair the terrible deficits and debt we were left by the last Liberal–National government, which we have done in ways that other states have not been able to achieve, and we had to do some difficult things to get there. We are now putting up wages and salaries, providing bonus payments for sign on and so forth, and improving conditions significantly across the public sector. A lot of scaremongering is going on. I urge people to get back and negotiate, and to talk reasonably and rationally.

MULTI-EMPLOYER BARGAINING

741. Dr D.J. HONEY to the Premier:

I have a supplementary question. Does the Premier support the proposed changes in the federal Labor industrial relations bill?

Mr M. McGOWAN replied:

The answer is yes. I would urge the Leader of the Liberal Party to put his questions to the commonwealth government. I do know someone who can do it, because the Liberal Party has some outstanding representatives, such as the federal member for Moore, Ian Goodenough.

Several members interjected.

The SPEAKER: Order, please!

Mr M. McGOWAN: Once Ian Goodenough has finished with the commonwealth Parliament, he can come into the state Parliament, into Cottesloe, and take over as the Leader of the Liberal Party. I am sure he would do a better job than the current member for Cottesloe. He is more hard-hitting and more incisive. He is the leading light of the Liberal Party in metropolitan Perth. I look forward to his future contributions.

WIND TURBINE MANUFACTURING

742. Mr D.A.E. SCAIFE to the Minister for State Development, Jobs and Trade:

I refer to the McGowan Labor government's efforts to diversify the Western Australian economy through its investment in local manufacturing. Can the minister update the house on the work being undertaken to identify the requirements for a potential wind turbine manufacturing hub in WA, and outline to the house how growing our capacity to manufacture components for wind turbines will support local jobs and the local economy?

Mr R.H. COOK replied:

I thank the member for the question and acknowledge his support for advanced manufacturing in Western Australia and great manufacturing jobs.

The McGowan government is powering ahead with its commitment to diversify the economy, enhance Western Australia's manufacturing capabilities and, most importantly, create the jobs of the future by examining

what local manufacturing opportunities there are in Western Australia, particularly in servicing the opportunities for wind turbine components. The state government has commissioned independent consultant Aurecon to undertake a comprehensive full feasibility study to progress the findings of a previous analysis that initially examined wind farm supply opportunities. In 2020, the prefeasibility study recommended actions towards progressing wind turbine manufacturing in WA, including the development of a detailed approach for government trading enterprises in the energy sector. It identified that government investment and financial assistance will be critical to transition Western Australian businesses to wind turbine component manufacturing. The full feasibility study is the next step in our \$10 million wind turbine manufacturing initiative to support and facilitate local wind turbine manufacturing. The feasibility study will complement the WA government's plan to invest an estimated \$3.8 million in green energy infrastructure, which is going to be vital if we are going to cut our emissions by 80 per cent below 2020 levels by 2030. We know that Western Australia has an abundance of solar energy and an abundance of wind energy, and it is incumbent on us to take advantage of the opportunities for our economy and to make sure that we are well advanced in terms of the supply chain in providing all those elements of their manufacturing.

Just yesterday, I attended the Greenbushes lithium operation operated by Talison Lithium, with the Minister for Mines and Petroleum and, of course, the Premier. This site is particularly important because it produces 22 per cent of the world's lithium supply. The challenge for us is not necessarily to dig up more lithium, although we want to; it is to drive up our value on the global supply chain by ensuring that we are processing it. It is great to see that some terrific work is going on at Tianqi Lithium and Albemarle to develop lithium hydroxide facilities to make sure that we are part of the green energy manufacturing future.

This comes on top of the great work done by the former member for Cockburn as chair of our working party on the supply and manufacture of iron ore and grain railcars, and that comes on top of the great work done by the Premier and the Minister for Transport in bringing back railcar manufacturing to Western Australia.

I am getting a little bit older and a bit greyer, but I remember when the Liberal–National government in 1993 closed down the Midland railyards and rang the death knell for manufacturing and heavy manufacturing of railcar components in this state. Only one party in government will bring back manufacturing to Western Australia. We are bringing it back as part of our green energy future. We are bringing back the jobs that it provides and we are adding value to the Western Australian economy. This is all proof that we can and should manufacture our own future right here in WA.

HOSPITAL IN HOME SERVICE

743. Ms L. METTAM to the Minister for Health:

I refer to the Hospital in Home service provided by Silverchain, which focuses on minimising hospital utilisation and providing patients with alternatives for managing their health journey. Can the minister confirm that funding for this incredibly important service has been simply rolled over for one year; and, if yes, why was that decision made because it makes it difficult for Silverchain to employ appropriate staff and plan for future service provision?

Ms A. SANDERSON replied:

Silverchain already has an existing workforce and the Hospital in Home contract makes up 15 per cent of its entire contract, so I am not sure it is an appropriate extrapolation to say that it cannot employ people or does not have certainty. We are working with the hospital system internally on how we can improve access to care for people who require care in the home but do not necessarily need to take up a hospital bed. It is completely appropriate that we do that. It is part of our emergency access program. It is part of how we work through some of the challenges and blockages in our system of people—long-stay patients, for example—who are in hospital beds who can access care.

Silverchain is a highly regarded organisation. It is enormously valued in our community. My family has used Silverchain and certainly availed themselves of its services. The government is looking at what are the best possible options to keep people out of hospital. Hospital in Home is absolutely a part of that, but we need to make sure that we have the right settings in place.

HOSPITAL IN HOME SERVICE

744. Ms L. METTAM to the Minister for Health:

I have a supplementary question. Given the service is internationally recognised and saves thousands of bed days every year, is this simply another plan to appease unions and bring these services within the Department of Health, given it is just one year?

Ms A. SANDERSON replied:

I reiterate: it makes up 15 per cent of Silverchain's entire contract. It has the palliative care contract and a range of other contracts. This is about looking at the best ways to keep people out of hospital beds. Silverchain is obviously an integral part of that. We are looking at how we can expand the opportunities for people to receive care outside of hospital.

I took over this portfolio towards the end of last year, and the negotiations are underway. I also started the ministerial task force to look at emergency access, which looks at systemic issues around hospitals and where the challenges and pinch points are, and exiting people from hospital beds and into their home is one of those. It is logical that we look at how we can improve that and expand that service to people in the community.

NATIVE FOREST — LOGGING — TRANSITION PACKAGE

745. Ms E.J. KELSBIE to the Minister for Forestry:

I refer to the McGowan Labor government's commitment to supporting the communities of the south west as they transition away from the logging of native forests. Can the minister update the house on how the government is supporting the development and diversification of small businesses, and outline what this support will mean to those communities in the south west?

Mr D.J. KELLY replied:

I thank the member for Warren–Blackwood for the question. I had the privilege to be with her along with other members of cabinet in the south west, in Warren–Blackwood, in the last couple of days. I had the pleasure of seeing the member in Margaret River, twice in Bridgetown and in Manjimup. I have to say that the reaction from the community to their local member was fantastic. The member for Warren–Blackwood has obviously worked extremely hard in that electorate. I think there was a bit of surprise on the faces of some members of the community at exactly how much work she has put in in such a short period of time. It was a pleasure to be down there with the member for Warren–Blackwood. It was also a pleasure to announce some of the new programs we have to assist her community as it moves away from native logging. We were in Manjimup yesterday in particular to announce a new program—that is, the community small grants fund. Grants of up to \$100 000 will be available to not-for-profits and small businesses that want to improve the liveability, the amenity, of the local area. Those grants will be available in February but we announced them yesterday because we announced a community advisory group that will assist the Minister for Forestry to make decisions on those grants. People put up their hands to work on that committee, which the member for Warren–Blackwood will chair. It was a great pleasure to announce that Nicola Sheridan, Jayde Darin, Sean Tysoe, Belinda Meehan and Marilyn Morgan are the famous five, as I would put it. They showed great enthusiasm yesterday in Manjimup at the prospect of assisting their community to be part of this transition.

This program of course comes on top of the small business development grants that we have already announced. They are grants of up to \$400 000 for small businesses that want to invest to protect existing jobs or to diversify their businesses and create new jobs in the south west. There are two more planks of business assistance to come. One is a \$10 million fund for grants of up to \$2 million for businesses that want to bring new businesses to the south west. That tranche of funding will require co-investment. The last tranche of funding will be for businesses that want to simply close, given the decision that we have made. We are very excited about this round of funding. It is on top of the redundancy packages that were put in place for affected workers and the significant financial assistance that we are giving to the mills themselves. All the mills now have an offer that they can consider.

I want to congratulate the member for Warren–Blackwood for the work that she has done. The reception that she received in the last couple of days, in my view, was quite outstanding. I look forward to continuing to work with her, as does the rest of the cabinet, on the transition away from native logging.

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

ELECTRICITY — OUTAGES

746. Dr D.J. HONEY to the Minister for Energy:

I refer to the government's announcement that it will send residents in some suburbs at risk of suffering a blackout text messages telling them to reduce their energy consumption in an attempt to avoid the widespread blackouts that occurred on the minister's watch last Christmas.

- (1) Considering the minister attributed last year's Christmas outages primarily to unusually high temperatures, can he explain why such a measure is necessary when temperatures for December are predicted to be average for that time of year?
- (2) Why did the minister not do more over the last year to ensure the electricity supply would be sufficient for all Western Australians this Christmas?

Mr W.J. JOHNSTON replied:

- (1)–(2) I have a copy of an extract from Western Power's 2014 annual report. Can the member remember who was in government at the time? It says, "Together we can beat the peak between 4pm and 8pm" and it shows somebody with their air conditioner on 24 degrees. Here is some marketing collateral from when the member's party was in government. It says, "Reduce your energy use between 4pm and 8pm"—with a dead marsupial inside a wheel. I make it clear: I am not going to kill any marsupials! Here we have a running marsupial inside a wheel. This one says, "Make saving energy your new year's resolution".

Ms S.E. Winton: Can you table that?

Mr W.J. JOHNSTON: If the member wants me to. It says, “Make saving energy your new year’s resolution”—a different version of the same ad. This one says, “If it is on standby, it is still running” and “Switch your future”.

There is absolutely nothing unusual about telling people to save money and reduce their use. That is exactly what Western Power and Synergy did when the Liberal Party was in government. I agree that we did not run that campaign for a few years. That was probably an error on my behalf, and I apologise to the community for not continuing to remind people of these commonsense activities. I will also let the member know that in January this year, after the Christmas outages, Western Power used the facility that it already had available to it to send text messages to customers in an area within which there was a potential for an outage. Do members know what happened? The community responded to those text messages and outages were avoided. We have simply reminded people, through television ads, of what they can do to make the system more sustainable, reduce carbon pollution and reduce costs, exactly as the Liberal Party did when it was in government.

ELECTRICITY — OUTAGES

747. Dr D.J. HONEY to the Minister for Energy:

I have a supplementary question.

Mr D.J. Kelly: Where do you go now?

Dr D.J. HONEY: Not to you.

Is this not just a desperate attempt on the minister’s part to cover up his failures to provide sufficient electricity to households this Christmas?

Mr W.J. JOHNSTON replied:

The problem with these prewritten questions is that opposition members do not listen to the answer. I remind members of what we used to do when we submitted our questions to the tactics group; we would write “supplementary depending on answer”. We would listen to the answer and then ask the supplementary question. We would not pre-prepare a supplementary regardless of the answer.

This is the end frame from the TV ads that used to be run when the Liberal Party was in government.

Dr D.J. Honey interjected.

Mr W.J. JOHNSTON: Power prices have almost flatlined. They have gone down over the last three years compared with a 97 per cent increase when the Liberal Party was in government. It has flatlined under us; there was a 97 per cent increase under the former government. Those states that followed the ridiculous idea of privatisation are having a 57 per cent increase in their electricity costs this year and next year. If members want to know how not to run an electricity system, talk to the Liberal Party. If members want to know how to have a disaster, talk to the Liberal Party. Remember Hon Dr Mike Nahan said in this chamber that the former government was planning to import coal from Indonesia. That was in the energy market review written by Peter Kerr. Do not forget those things. Also, do not forget that there was this massive piece of legislation, which fortunately never passed the Parliament and which would have got rid of our capacity market here in Western Australia and given the east coast control over our electricity system. Thank God for the inability of the upper house, under Hon Peter Collier’s leadership, to pass any legislation because we would have had to unwind what would have been a disaster for Western Australian energy consumers.

The SPEAKER: That concludes question time.

BANKSIA HILL DETENTION CENTRE — PREMIER’S MEETING

Standing Orders Suspension — Motion

MS M.J. DAVIES (Central Wheatbelt — Leader of the Opposition) [2.44 pm] — without notice: I move —

That so much of standing orders be suspended as is necessary to enable the following motion to be debated forthwith —

That this house condemns the Premier for his 90-minute secret meeting into Banksia Hill Detention Centre and calls on him to listen to the experts calling for an independent inquiry into the youth justice system.

Several members interjected.

The SPEAKER: Order, please!

Standing Orders Suspension — Amendment to Motion

On motion by **Mr D.A. Templeman (Leader of the House)**, resolved —

To insert after “forthwith” —

, subject to the debate being limited to 10 minutes for government members and 10 minutes for non-government members

Standing Orders Suspension — Motion, as Amended

The SPEAKER: Members, as this is a motion without notice to suspend standing orders, it will need the support of an absolute majority for it to proceed. If I hear a dissentient voice, I will be required to divide the Assembly.

Question put and passed with an absolute majority.

Motion

MS M.J. DAVIES (Central Wheatbelt — Leader of the Opposition) [2.45 pm]: I move the motion.

Ms A. Sanderson interjected.

The SPEAKER: I point out that 10 minutes are available for each side. That will not work if we have repeated interjections.

Ms M.J. DAVIES: Thank you, Madam Speaker.

What we heard in question time today is further confirmation that the Premier is not taking this issue seriously. His flippant response to a question around the agenda for the meeting that is being held behind closed doors with a select few, some of whom have been invited only as late as today, just proves that this government does not want to have this conversation and is not willing to share the outcomes or be held accountable for the suggestions that might come forth.

It is a private talkfest with the Premier because I have never heard of a meeting being held in the Premier's office without an agenda. He is adding attendees to a meeting, without an agenda, on a particular issue that he has spoken about for the past two weeks, and the Premier has failed to invite some of the key stakeholders. Some of them have been invited only today, Premier. Did the Premier know that? Did the Premier know that his office is still inviting stakeholders to this meeting? It smacks of the fact that he is not interested in having this conversation and that he is flippant and wants this issue to go away. It will not, because a growing chorus of experts are saying we must have an independent inquiry. His dismissiveness is arrogant and insulting to those people who have spent a lifetime engaged in the youth justice system.

We moved this motion because both the Premier and his minister are failing to take this matter seriously. They think they know better than the experts. They say that Banksia Hill Detention Centre is working and that there is no need for an independent open inquiry. The fact of the matter is that the meeting tomorrow is just a meeting. It is not a summit. There is clearly not an agenda from the Premier's perspective. He is going to listen. There will be no outcome in terms of recommendations. We had no clarification from the Premier on how that will be reported publicly and how we might hold him and those in the system to account. It is a meeting behind closed doors. The reality is that the Premier does not want the meeting at all. He does not think anything is wrong. He thinks Banksia Hill is working and there are no failures in the system, despite the fact that juveniles are in an adult jail.

The Premier thinks that he has all the answers. He thinks that he and his ministers have come up with all the solutions, so they will have a meeting to placate those who have been calling for some action; and this will make this issue go away so that he can get back to making big announcements like the one he made today, instead of focusing on the issues that are causing enormous pain in communities across Western Australia. I think it is a sign that the Premier believes he is untouchable—that he cannot be questioned and that he knows best. He is an arrogant person who will not listen or learn, even when he is the Premier.

Let us recap on what the experts have said. The Youth Affairs Council of Western Australia stated —

Children should not be sent to maximum security prison under any circumstance.

When the only option in our system to support young people with complex needs is to place them in maximum security prison, then it is the system that is broken.

In response to the treatment that detainees at Banksia Hill Detention Centre were subjected to, Judge Hylton Quail said —

“When you want to make a monster, this is how you do it,” ...

That is a chilling statement. The President of the Law Society of Western Australia said —

“Sending children to the main maximum-security prison in WA is not the right solution and there needs to be a rethink. The WA Government needs to urgently look at how it can redirect funding to the programmes that work to reduce the root causes of crime before behaviour escalates, and how to house children appropriately when either bail is inappropriate, or a custodial sentence is to be imposed. The system is broken if juvenile detainees are being housed in conditions described as cruel and punishing, and as having no rehabilitative effect.

Mick Gooda, co-commissioner for the Royal Commission into the Protection and Detention of Children in the Northern Territory, or the Don Dale royal commission, said —

Our answer can't be to just keep locking kids up. We've got a recipe for making kids worse.

The Inspector of Custodial Services, Eamon Ryan, who I understand is attending the meeting tomorrow, said that Banksia Hill Detention Centre is not fit for purpose as a youth detention centre; he said —

“It looks like, and in many respects runs like, an adult prison ...

He has also been on record saying that we have to involve all players—representatives from various departments such as health, education, mental health, communities and justice. I can attest to the fact that members of the community call in to my electorate office and those of our Nationals members to ask whether they can have their say to explain their lived experience of the impact of this revolving door of juveniles going through the justice system and returning back to their communities to cause chaos and havoc. The victims whom the Premier spoke about in this Parliament last week want their say.

The final quote that I will remind the Premier about is from the CEO of the Western Australian Council of Social Service. Referring to the government, she said —

There is a clear choice before them: listen to the voices of many, or dig in and try to ride out the bad press without any tangible change.

She also said —

It is not a talkfest that the Premier is trying to avoid.

It is scrutiny and accountability of our failing justice system.

That came from an opinion piece in *The West Australian* yesterday. Ms Giolitto cut straight to the core of the issue. The Premier is trying to avoid scrutiny and accountability. He prefers to play the political line. After six years in government, with a massive majority and a huge budget surplus, it is bordering on ridiculous to resort to that strategy. Any number of experts are waiting to offer their assistance and support, and community members want to offer their lived experience. We call on the Premier to instigate an independent inquiry and let everyone have their say so that we can get on with dealing with this serious issue.

DR D.J. HONEY (Cottesloe — Leader of the Liberal Party) [2.53 pm]: I strongly support the motion moved by the Leader of the Opposition. We need an independent inquiry into the youth justice system to end the destructive cycle of youth crime that we are seeing in this state. It is ludicrous for the Premier to contend that a 90-minute summit in his office is somehow any meaningful attempt to look at this problem. If we look at the number of attendees who will attend that summit, they will have something like 10 minutes each. This is a problem with many complexities. We have heard from this side, at least, of the complexity of the issues facing primarily those communities in the north of the state, but also across the whole of the state, that led to this youth crime problem.

It is ludicrous to imagine that the Premier will arrogantly sit there and solve this problem in 90 minutes with some suggestions from a hand-picked group of people. It is utterly farcical. It is a complete disservice to those youths and to the people of Western Australia to contend that this problem is so simple that the Premier can solve it in a 90-minute meeting. If it were indeed that simple, why has this problem not been fixed previously?

We know about it, because we get out into those communities. We know that in all those communities, this situation is worse.

Several members interjected.

Dr D.J. HONEY: Member, you should get out of your house. We know —

Several members interjected.

The SPEAKER: Order, please!

Ms S. Winton interjected.

The SPEAKER: Member for Wanneroo! Continue, please, member for Cottesloe.

Dr D.J. HONEY: We know that this is just a stunt because *The West Australian* was on the Premier's back. This is a stunt to get *The West* off his back, because *The West Australian* has reported this issue faithfully and has said that we need a proper inquiry into this matter. The Premier is not going to do that. This is a stunt to try to deflect criticism. What have we seen along the way? We have seen a new manifestation: the Premier has gone from being a Premier tough on COVID to now being a Premier tough on crime. But there are two victims in this, and they are the communities suffering from this crime and the conveyor belt of children going into the criminal justice system. This Minister for Corrective Services has described those children as the third priority. That is an absolute disgrace. This 90-minute meeting is a stunt to deflect criticism. This is a serious matter. We need a full-blown independent inquiry into the youth justice system to look at what factors led those children into crime and how those children are being dealt with in the criminal justice system. It is apparent that the government is failing the majority of those children, because a large number of them go on into the adult justice system. The government's system and its programs are not working. The Premier needs to have a proper inquiry and look at this issue seriously. Do not come forward with a stunt.

MR M. McGOWAN (Rockingham — Premier) [2.56 pm]: The government will not support this motion. I will outline a few things. Firstly, as I have told members opposite now on two occasions, the meeting has been scheduled for 90 minutes but will go longer if required. If people want to say more or there are more contributions to be made, the meeting will go longer. Second, how is the meeting secret when it has been published in the press, it is on the television, and all the invitees are publicly known? A range of people have been invited to this meeting to put forward whatever views they have on the matters that are publicly in question. Third, the agenda of the meeting is to listen to people and to see whether they have any good ideas. Rather than just the ministers and I talking, we will hear these people's ideas and provide any advice they might require. I think it is reasonable to listen to people. I actually think that is reasonable. Fourth, the attendees include me; the two ministers I outlined earlier; the Commissioner for Children and Young People; Gail Beck, the co-chair of the Aboriginal Advisory Council; the Telethon Kids Institute, including Professor Jonathan Carapetis and Ben Wyatt; Fiona Stanley, a well-known Western Australian; Mr Daniel Morrison from the Wungening Aboriginal Corporation; the Inspector of Custodial Services; and the director general of the Department of Communities.

The opposition has not acknowledged the things that have occurred. Firstly, the number of young people in detention has halved since members opposite were in office. Secondly, members opposite closed down Rangeview Remand Centre when they were in office. Thirdly, they had seven times as many juveniles in adult prisons as we have at this point in time—seven times as many! There were 70 young people in Hakea prison at one point in time. We have a group of 10 juveniles currently in an adult prison because their cells are being repaired because they were destroyed by the youth detainees. That is what occurred. That is a difficult problem to resolve, but we are doing our best to resolve it.

We have put in place the Kimberley initiative that I outlined today—our first on-country facility, which has been talked about for a long time. The minister is up there up announcing the site. It is an Aboriginal co-design and is being worked on with the Aboriginal community. As members will understand, it will take some time to put that in place. We have a \$25 million upgrade to Banksia Hill Detention Centre currently being put in place, which will include new facilities and upgrades to existing facilities and recreational facilities. Banksia Hill has a range of programs. I have told members opposite this before; they do not listen. I have told them about all the programs currently running well whilst all these services are being provided to the youth detainees. We are putting in place an Aboriginal services unit, at a cost of more than \$3 million, which we announced in the budget. Again, that will be Aboriginal co-design and will take some time to put in place. We have put in place the Target 120 program to intervene in families early. That has been ongoing for some years. Nearly 300 families have been the beneficiary of that program that the government has put in place.

We are dealing with a range of those issues in the community currently. What never features in the language of the Liberals and Nationals is the victims. You do not care about the victims. All of your language says that you do not care. I will tell opposition members one other group that we have invited. That is the secretary of the Community and Public Sector Union—Civil Service Association of WA. The CSA represents youth custodial officers and people who work in prisons. There have been hundreds of attacks on those people. We have invited the CSA, because we want to hear the view of the staff who work there and have been subject to attacks. Those people deserve to be listened to. I know the Liberals and Nationals do not care about them. I know they do not care about the victims in the community who have suffered from crime. I know that does not feature in their language. We actually care about those workers.

We are trying to address the issues that confront juveniles, and in particular to improve some of the facilities at Banksia Hill. We are putting in place the on-country facility in the Kimberley. We are putting in place programs to intervene in families early. We are also supporting people in the community who are victims of crime. That includes people who are victims of crime in the workplace. That is what we are doing. That is why we have invited all those people, including the representative of those workers who have suffered from crime.

MS S.F. McGURK (Fremantle — Minister for Child Protection) [3.10 pm]: I would also like to speak on this ridiculous motion. As the Premier said, to say that this will be a secret meeting, no-one knows what is going to occur, and there is no agenda, is an insult to the people who are coming to that meeting and whose opinions we value. It is obviously not secret. That is patently clear.

What is frustrating to most of the people who have been listening closely to the opposition's position on this issue is that it has one foot in each camp. On the one hand, the opposition is saying that youth crime in the regions is difficult and out of control, and we need to do more and lock more kids up, but when the opportunity arises and people are concerned about what is happening in Banksia Hill, the opposition says we should be locking up fewer children and there should not be any consequences for what those young people are doing. The opposition is trying to have two bob each way. There is no doubt about that. Depending on the dialogue of the day and the headline in *The West Australian*, the opposition will go in that direction. That is distinct from the behaviour of this government. We are looking at what the evidence tells us is effective in addressing the underlying causes of youth crime, and in supporting families to keep children safe and make sure that they can start to do the things that we expect our young people to do—that is, get an education; be engaged with their community; get involved in organised activities, whether it is sport or community groups; and be good, happy and healthy functioning members of their community. That is what we have been concentrating on, and that is what I have been responsible for largely as a minister.

I am very proud of some of the outcomes that we have achieved. Target 120 warrants more attention. Time and again we hear from the opposition that it wants early intervention and it wants to address the underlying causes of crime. We are doing that through Target 120. All the indicators are that that approach is working. We are having a huge amount of success with that program. We are also getting good results with child protection and in engaging with Aboriginal-controlled organisations to work with families.

MR W.J. JOHNSTON (Cannington — Minister for Corrective Services) [3.03 pm]: I want to wrap up a few things on this motion. The first is the idea that the government of Western Australia is choosing who goes into detention. That is completely untrue. The decision about who goes into detention is made by the courts. We do not ask the courts to put anyone in detention. The courts determine that themselves, in accordance with the act. That is why I have commissioned a review of the act. We have to make sure that the legislation is up to date. That is actually the most important thing that I have done in youth justice since I have had this portfolio.

I also want to address the idea that these offenders become violent only after they have been in detention. That is not the experience of the workers on site. The youth custodial officers and members of the Civil Service Association do not agree with that. They say that the youth offenders are violent from the moment they arrive. That is not a surprise, because some of these offenders have been violent in the community.

I next want to address the fallacy or myth that the member for Cottesloe keeps creating. The overwhelming majority of young people in detention are from Perth. They are not from the Kimberley, the Pilbara, the goldfields or the midwest. They are from Perth.

Next, fewer than 100 of the approximately 1 300 young people who are being dealt with through the youth custodial system are in detention at any one time. An even smaller number of those are sentenced detainees. The idea that the government is throwing every young person it can find into detention simply is not founded on fact. That is the problem. It is very hard to have a debate with the opposition when it knows nothing about the topic that it is talking about. That is why this is so frustrating. I remember that back in 2005 when the Leader of the Opposition was elected, her campaign was to put 16 and 17-year-olds into adult prisons. She wanted them tried in open court and sent to adult prisons.

Ms M.J. Davies: In 2005? I wasn't in Parliament at that time.

Mr W.J. JOHNSTON: The Leader of the Opposition reckons it was 2008. Fair enough. That was the Liberal and National Parties' campaign in 2005. I accept that they have left that behaviour behind, but the idea that somehow this is a new challenge is ridiculous.

Division

Question put and a division taken with the following result —

Ayes (6)

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

Noes (47)

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

Question thus negated.

GOLD CORPORATION — GOVERNANCE

Matter of Public Interest

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

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

MR R.S. LOVE (Moore — Deputy Leader of the Opposition) [3.12 pm]: I move —

That this house calls on the Premier and Minister for Mines and Petroleum to take responsibility for the governance failures exposed at Gold Corporation, putting the WA public at risk of incurring huge financial liability and damage to our state's reputation.

For over 120 years, since 1899, Perth Mint has been at the centre of the economy of Perth and our state, but in recent years we have seen red flags raised and structural failures in the administration exposed.

The Mint's 2021–22 annual report showed a turnover of \$21.77 billion, but it had a rather thinner profit of just over \$40 million and a return to the state in dividend and tax equivalents of \$25.6 million. Over \$6.2 billion is held for clients in bullion deposits. The Mint has over 60 000 customers in more than 130 countries. In dollar terms, it is one of Western Australia's largest exporters and one of the biggest manufacturers in the country. The Perth Mint and GoldCorp are subsidiaries of Gold Corporation, and they are state entities, constituted under the Gold Corporation Act 1987. Under the act, the Perth Mint is financially guaranteed by the state. The act states —

22. Guarantee by Treasurer

(1) The payment of —

- (a) the cash equivalent of gold due, payable and deliverable by Gold Corporation, the Mint or GoldCorp under this Act; and
- (b) all moneys due and payable by Gold Corporation in respect of the exercise of the power to buy, borrow or otherwise acquire and to sell, lend or otherwise dispose of, deal in and hold Australian and foreign currency,

is guaranteed by the Treasurer, in the name and on behalf of the Crown in right of the State.

Therefore, the Mint operates the only government-backed gold depository in the world. That brings unique challenges and potential financial risks, which are ultimately borne by the taxpayers of Western Australia. Under the act, both the minister and the Treasurer have roles, and given the extent of the risk, the responsible minister requires a diligent approach. From 2017 until April 2021, the Premier was the responsible minister, before he handballed it to the Minister for Mines and Petroleum.

Section 5 of the act sets out that there will be a board of directors and the Under Treasurer, or their delegate, sits as an ex officio director of the board. This puts the government at the heart of Gold Corporation's board. Under section 6 of the act, the responsible minister holds broad powers to gain information and give direction to the board and thus should be well and truly across all the activities of GoldCorp and the Mint.

According to the Mint's *Annual report 2022* —

A GLOBAL FORCE IN PRECIOUS METALS

We are an internationally competitive precious metals refining, manufacturing, minting, marketing, distribution and storage business. Structured as a vertically integrated entity we operate across the precious metals value chain. Management responsibility is based on functional and business lines designed to provide a comprehensive and cohesive service to our many customers around the world.

The role as a depository is explained in the *Annual report 2022* —

For over a quarter of a century, our Depository has offered the world's only government guaranteed precious metals storage and investment program. We offer safekeeping of the metal within central bank grade vaults in the safe geopolitical environment of Western Australia, with our extensive network of vaults clients can purchase and store precious metals directly (online, by phone or with an app) or via one of our authorised distributors.

There are various ways to trade with the Perth Mint, and I will run through some ways mentioned in the annual report —

- Perth Mint Depository Online ... provides web-based access to precious metals with a low cost, live-priced 24/7 service. We market this service directly and it is also available through select distributors.
- Perth Mint Depository Program Account ... is modelled on a traditional service with personalised contact. PMDP is tailored to investors who wish to operate their account by phone or email.
- Perth Mint Certificate Program ... offers similar services to PMDP and is marketed through an international network of distributors. PMCP investors receive confirmation of their holdings via a certificate issued by The Perth Mint.
- Perth Mint Depository Distributor Online ... is marketed through an international network of distributors seeking to offer their clients precious metals investment and storage.
- Perth Mint Gold ... is listed on the Australian Securities Exchange and offers unallocated storage to investors who prefer to deal through their stockbroker or online trading account.
- GoldPass is a phone-based app ...

I will talk about GoldPass more later on.

Like all bullion dealers in Australia, the Mint provides a designated service. Perth Mint has responsibilities under section 5 of the commonwealth Anti-Money Laundering and Counter-Terrorism Financing Act 2006, which, in its original 2006 version, required under then section 73 —

- A person must not provide a registrable designated remittance service unless the person's name is entered on the Register of Providers of Designated Remittance Services.

That was in 2006. Section 73 of the current act now reads —

- This Part provides for a tiered system of registration for providers of registrable remittance network services and providers of registrable designated remittance services.
- Division 2 sets out offences and civil penalties in relation to the provision of registrable remittance network services and registrable designated remittance services by persons who are not registered.
- Division 3 requires the AUSTRAC CEO to maintain the Remittance Sector Register ...

As mentioned in the last point, the organisation responsible for the Anti-Money Laundering and Counter-Terrorism Financing Act is the Australian Transaction Reports and Analysis Centre. Its website reads —

AUSTRAC (Australian Transaction Reports and Analysis Centre) is the Australian Government agency responsible for detecting, deterring and disrupting criminal abuse of the financial system to protect the community from serious and organised crime.

Through strong regulation, and enhanced intelligence capabilities, AUSTRAC collects and analyses financial reports and information to generate financial intelligence. This vital information about potential criminals and criminal activity contributes to our national security and law enforcement investigations.

...

Today, AUSTRAC finds itself working in a disrupted financial landscape, with new and emerging technologies changing the way financial services are delivered, in an increasingly globalised economy.

It goes on to say —

Criminals seek to exploit vulnerabilities within the financial sector to disguise illicit funds and enable other serious crimes such as terrorism, slavery, drug trafficking, child exploitation, fraud, tax evasion and corruption.

Until March 2021, Gold Corporation was operating an international remittance service but had failed to register on the remittance sector register, a strict liability criminal offence under the Anti-Money Laundering and Counter-Terrorism Financing Act. In addition, the Mint failed to file a single report to AUSTRAC about its international funds transfers.

The minister, in an answer to me, blamed the previous government for failings and ducked responsibility, as he does in all his portfolios. Think of his response to the FIFO report. He was not even in the chamber when the member for Vasse handed that down. Think of the mess with the approvals that is going on in the Department of Mines, Industry Regulation and Safety and the ongoing concern about the exploration and mining permit situation under his watch. Think about Banksia Hill Detention Centre. Think about the text messaging Western Australians when they lose power during this summer as a result of his policies. The minister said —

... it is possible that a failure to register under the AMLCTF regime means that there was no failure to comply with the regime. I am not a lawyer, and I am not giving that as advice, but that appears to be the situation.

I am also not a lawyer, but I did take the time to do a little reading of the act and I would say that that would shake the minister out of his complacency. Section 74, "Unregistered persons must not provide certain remittance services", states —

(1) A person ... must not provide a registrable remittance network service to another person if:

- (a) the first person is not a registered remittance network provider ...

...

(2) A person commits an offence if:

- (a) the person is subject to a requirement under subsection (1) ...
- (b) the person engages in conduct; and
- (c) the person's conduct breaches the requirement.

Penalty: Imprisonment for 2 years or 500 penalty units, or both.

(3) Strict liability applies to paragraphs (2)(b) and (c).

The penalties double if the person has been warned about it and been given a direction or has made an undertaking but still continues. The penalty goes up to imprisonment for seven years or 2 000 points if they repeatedly breach the act.

Similar provisions in section 76A deal with providing certain digital currency exchange services. It is unclear, but certainly possible, that the civil penalty points could occur each time the person acts without registering, so with over thousands of transactions during the four years that the Premier was the minister responsible, that could accumulate into a very large penalty indeed. Each penalty point in the period 2017 to 30 June 2020 was worth \$210; it is now worth \$222. Potentially, each of these thousands of transactions could incur a penalty of \$105 000.

We have seen AUSTRAC investigations and court actions lead to very large penalties in the Federal Court. In March 2017, Tabcorp was penalised \$45 million. On 20 June 2018, the Federal Court ordered the Commonwealth Bank of Australia to pay a penalty of \$700 million. On 24 September 2020, AUSTRAC and Westpac jointly filed in the Federal Court an agreed statement of facts, including agreeing on a proposed civil penalty of \$1.3 billion. As I said, perhaps the minister should not be quite so complacent after all.

Regardless of the failure to register as required, under the Premier's watch, the organisation was having a range of difficulties in other areas, insofar as it had difficulties in managing its customer base. In the estimates hearing in September 2021, my curiosity was piqued by the seemingly extraordinarily costly building under the Gold Corporation's asset investment program of an ecommerce platform called the one-future program. In the 2019–20 budget, that program appeared as an asset investment with a total budgeted figure of \$31 million.

At that time, I was trying to get an understanding of why that program had apparently blown out to \$42 million by 30 June 2021. The minister was not very helpful in explaining why the program was so expensive. The expectation was that by the time it was to be completed, it would cost \$54.437 million, which seemed to be an extraordinary uplift from the budgeted figure in 2019–20. When I quizzed the minister about it, he told me —

I will throw to the agency staff in a moment. It is exactly what it says on the page. I thought it was a pretty straightforward explanation. The one-future program is a key initiative designed to transform the corporation's technology capability to deliver products and services in a diverse and global precious metals market across the entire value chain. Underpinning this initiative is the need for a flexible and scalable integrated digital experience, ecommerce website and a stable and reliable enterprise resource planner. The program's key justification drivers are to replace the corporation's current enterprise resource planning solution, which is 15 years old, and its current websites, which are between 12 and 14 years old and subject to, unfortunately, regular outages.

The point of all that is not a simple matter of a cost overrun; rather, it demonstrates that the minister, and presumably the previous minister, and Gold Corporation knew that it was operating an antiquated, unreliable program that was not stable. For the record, at no time during that estimates hearing did the minister allow Gold Corporation staff to provide any advice, which I thought would have been helpful in providing detail to the committee. I wondered at the time why he did not, but perhaps I have a better understanding now.

The one-future program was started in about 2014 or 2015 under a different name, the enterprise resource planning program, but was not completed and not operational until December 2021—last year. I understand that after that, glitches were still being ironed out and information was being loaded. The failure under the Premier to complete this program in a timely fashion left Perth Mint without a compliant AMLCTF program.

Documents obtained under freedom of information reveal that the gravity of the situation was explained to the board via a briefing note dated March 2021 entitled “One Future IT Systems Replacement Project”. It states —

The purpose of this paper is to provide the Board with an update on the One Future project.

...

As was foreshadowed at the recent Board meeting, the project will not be going live at the beginning of May.

Whilst everyone on the team has worked tirelessly and tried their best to meet the go-live date, the level of testing that has been required to ensure a good and robust solution is achieved that does not expose the Corporation to additional risks has been far greater than had ever been anticipated.

It also says —

What is the One Future Project Trying to Achieve?

It's worth reminding ourselves of the main goals of the One-Future project.

1. The existing ERP —

That is, the enterprise resource program —

... and associated e-commerce websites are now some 15+ years old. They have served the Corporation very well over many years, and have certainly more than paid for themselves. However, the reality is that these systems are now old and outdated, and no longer fit for purpose to run a business of the size and complexity of the Corporation.

It goes on to say at paragraph 4 —

Best practice risk management is challenging with the current systems. For example, there is no single view of a customer (they are spread over multiple systems), making AML/CTF management obligations more difficult than would otherwise be the case.

It goes on to say —

The new systems have thus been designed to provide the following:

- A more streamlined and flexible system that will enable us to better service our customer base (by enabling a single view of the customer, no matter where they are purchasing) and more proactively manage risk across the Corporation.

It knew very well that there was risk in the system that it was operating. It goes on to say —

Gold Corporation is a complicated international business. Whilst it is not BHP, it does have some BHP like complexity ...

The Corporation has grown significantly over the last 12 years, with much of this having occurred over the last 6 years. We are now WA's third largest exporter, and Australia's 7th largest manufacturer. We have well over a hundred thousand individual customers in 130+ countries, and we manage billions of dollars of precious metal inventory, some \$6bn of which is metal held on deposit for some 60,000 clients worldwide.

As mentioned in the section above, some of our key processes are not adequately systematised, and as one of the largest precious metals businesses on the planet, we need better and more "real time" information to ensure we both manage risk properly and continue to provide the sort of customer service we are known for.

It goes on further to say —

As noted above, currently there is little real integration between our multiple progress systems, the ERP and the other systems we run our business on. The One-Future project will achieve a level of integration we have not seen before ...

It goes on to say that the project will allow Perth Mint to manage its information and risk. Further, it says —

We need to achieve a single view of our customers ...

It goes on to say —

An update will be provided at the end of April ...

However, this system dragged on for many months after that. Another freedom of information document obtained is an email from the then CEO from 30 June 2021 to one of the board members. It states —

Apologies for our not getting back to you sooner, but we had AUSTRAC yesterday, and the Auditor General wanting to do additional metal stock counts ...

It goes on to say that a person —

... is pulling a summary options paper together. We should have this by Friday—she is tied up with AUSTRAC today who have asked us for significant information on a range of customers going back to 2014.

AUSTRAC has been looking at the situation in Perth Mint for some time and has been expressing concerns recently about what has been going on at the Mint. This is a very worrying situation indeed. Judging from the email that the then CEO wrote, the interest was in a range of matters. The CEO felt it was worth mentioning in his note and email to the board member and others.

The organisation knew that its platform was not fit for purpose, and presumably had thought that since at least 2014 when it sought to replace it, for all the reasons outlined by the minister and the CEO, as I have outlined already. In the midst of this, and under the not watchful eye of the Premier, Perth Mint announced the new digital pathway for traders known as GoldPass, which is a smartphone app. An article states —

At the touch of a smartphone screen, GoldPass™ gives retail investors the unique ability to securely buy, store and sell gold via digital certificates. The app also allows the instantaneous transfer of gold to other approved GoldPass™ app users.

It takes very little to get approved to be a GoldPass user. I have it on my phone. People simply upload their driver's licence number and the bank account the user will transact with. Users do not have to provide a photograph that could be verified. It is a very limited range of security. There is no 100-point check, as such. The article continues —

All GoldPass™ digital certificates are 100 percent backed by physical Perth Mint gold stored in its network of central bank grade vaults, with the weight and purity of every ounce guaranteed by the Government of Western Australia.

“With the uncertainty and speculative nature of cryptocurrencies with no asset backing their value, investors are always keen to discover innovative and credible vehicles through which to safely protect the worth of their portfolios,” Perth Mint Chief Executive Officer Richard Hayes said.

It goes on to say —

GoldPass™ digital certificates are an alternative to cryptocurrency investments and will pave the way for gold to be used as an easy and convenient store of wealth with the ability to also transfer gold to other approved GoldPass™ users.

I could think of no easier way to enable money laundering and all sorts of other matters. It continues —

“We are making this traditional asset more accessible, trades immediate and revolutionising how customers transact in real time with other GoldPass™ app users. This is a significant leap forward in gold exchanges globally,” ...

An investor’s digital certificates, which reflect their gold balances in ounces, are visible in the app’s interface ...

Perth Mint launched this app when it was already having trouble tracking customer details and transactions. Was there any concern, I wonder, when the app was launched about that inability to track customer details? We know that the system in place at that moment was not working properly. Did the Premier not even think to ask what this would mean?

But things did not slow down there. In the next iteration of events, on 11 October 2019, InfiniGold launched the Perth Mint gold token—the PMGT. An article states —

The Perth Mint Gold Token (PMGT) will be the first digital gold token on a public blockchain backed by government guaranteed gold.

...

PMGT is digitised gold that allows users to conveniently acquire and have entitlement over government guaranteed physical gold ... with the additional benefits of real-time trading and settlement enabled by blockchain technology.

Digitisation of The Perth Mint’s inventory began in 2018 when GoldPass was launched ...

...

The real-time liquidity of PMGT is provided by market makers and enabled via The Perth Mint GoldPass platform where users can sell back to The Perth Mint, or take delivery of their holdings by exchanging their GoldPass certificates for a range of the Mint’s gold products, including LBMA London Good Delivery ... bars. Subject to final regulatory consultation, this will make PMGT directly tradable against traditional gold products ...

PMGT provides a unique alternative to USD-backed stablecoins ...

We have launched into cryptocurrency. Who was checking on that when it was raised?

Another article stated that in the first two weeks since the launch of the PMGT, 1 400 new digital accounts had been opened. There had been 10 000 downloads of the GoldPass app in the previous 12 months. That is a serious number of people coming on board.

This leads me to wonder whether any thought was given about the risk of noncompliance with the money laundering legislation. Was it ever raised by the chair or the CEO at any time with the Premier or the responsible minister? Was there any awareness by the minister or the Premier at the time that Perth Mint had transitioned into the high-risk cryptocurrency market? Once Gold Corporation launched GoldPass, was it appropriately registered on the digital currency exchange register under section 76 of the act? Did anyone in the Premier’s office ask what was going on when Perth Mint then announced its next foray, which was on 9 September 2020? This is from a release from Perth Mint —

The Perth Mint introduces gold trading app to US investors

The Perth Mint, one of the world’s largest precious metals refining, minting, storage and distribution enterprises, has launched ... GoldPass in the United States.

Now trading in USD, GoldPass allows investors to securely buy, sell and transfer gold at the touch of a screen ...

We have now entered the massive American market—again, with a compliance issue already at hand—and into trading in US dollars on that app, which, in international terms, poses some significant differences and questions. Gold Corporation had been operating without those measures in place, as I said. We know that the gold itself can be converted into cryptocurrency and from there it is really difficult to track. Gold Corporation had progressed from

a face-to-face bullion exchange to a high-volume trade and transaction business in offering its PMGT trading and had even gone on the exchange known as KuCoin. Gold Corporation went through a rapid phase of expansion, but apparently had little understanding of the increased risk. Is that risk worth taking for the Western Australian taxpayer?

Gold Corporation, which is linked to the digital certificates that can now be easily sold and transferred, will slide through to the criminal economy, as the PMGT is backed by the state government. At the same time, we have a genuine risk that these PMGTs are circulating in the black market, which is enabling a float for the criminal economy, as no-one ever cashes in the gold; they simply transfer those PMGTs around and never have to operate a bank account. All the tokens operate as good as gold, all thanks to the state government guarantee and all unknown to the taxpayer. That has actually created a honeypot for crime. It is no wonder that AUSTRAC is expressing concern.

On 30 August, AUSTRAC ordered the appointment of an external auditor that must report back within 180 days of appointment. It has said in its note that it has reasonable grounds to suspect that Gold Corporation as a reporting entity has contravened and/or is contravening various sections of the act. Not too many organisations have faced this action in the past. This is a fairly rare and dangerous action for one of our organisations to be looking at.

AUSTRAC identified compliance concerns in a number of areas. The first area was the AMLCTF program and whether its part A program was operating sufficiently. The part A program must include processes and procedures to help identify, mitigate and manage the money laundering and terrorism financing risks that an organisation may reasonably face.

The second issue to be looked at is compliance with applicable customer identification procedures, and whether Gold Corporation had failed to comply with some of those measures. It goes on to refer to compliance with enrolment obligations. There was another issue with enrolment obligations! The audit will also cover compliance with international fund transfer instructions and ongoing customer due diligence.

With regard to due diligence, I asked the minister this question last Wednesday —

- (1) Does Gold Corporation currently conduct due diligence on all corporate customers?
- (2) If yes, what does this entail; and, if not, why not, and for how long has this lack of due diligence been occurring?

What I got back was a whole lot of irrelevance, until the final sentences, when the minister said —

Gold Corporation is currently working with regulatory authorities to complete all “know your customer” checks and we are investing in that. There is a dedicated team to bring all the “know your customer” arrangements into compliance as quickly as we are able to.

In other words, he was saying that, no, it had not been compliant. I asked a supplementary question —

Is the minister satisfied that Gold Corporation is currently conducting due diligence on all high-risk clients, including customers from areas such as the United Arab Emirates?

What I got back was basically crickets. The last sentence was repeated, but no information was given about whether it took the risk of the tainted gold that was mentioned in the Gary Adshead article a few weeks ago, in which he explained how it is such a risk. I wish the AUSTRAC team good luck in getting any information from this minister. Perhaps it will be able to educate him on the corrosive and dangerous effects of both money laundering and the passing through of conflict gold and gold bought from other dubious sources, which could occur without appropriate customer due diligence. The Premier’s offhand and flippant dismissal of these matters as simply administrative issues, as reported in *The West Australian*, shows that he fails to grasp the serious damage to not only the state, but also society at large from a lax approach to compliance with the Anti-Money Laundering and Counter-Terrorism Financing Act. It needs to be understood that this is about protecting the community from organised crime. It is not good enough to come in here and bang on about organised motorcycle gangs and the like when the government is enabling the black economy that they rely on by having lax money laundering processes in place. This is a very serious failure. We will know just how serious it is once AUSTRAC completes its audit and the processes that will happen after that. I do not expect this to be a tick-and-flick exercise, as the minister seems to think. I do not think this is a simple administrative error. This is a serious breach of criminal responsibility by Perth Mint.

MR W.J. JOHNSTON (Cannington — Minister for Mines and Petroleum) [3.42 pm]: It is interesting that the member talked about his due diligence in all these matters. In the 2021 estimates hearings, not a single question was asked about anti-money laundering measures, yet by the time estimates were on, I had already had a series of conversations about money laundering issues. The idea that the opposition was holding our feet to the fire is not supported by evidence; it is just make-believe. I had my first conversation with the Auditor General on money laundering on 6 May 2021, shortly after I took on the role of minister with responsibility for Gold Corporation. It was nearly a year before the shadow minister raised anything with me about money laundering. The idea that it is somehow only because of the diligence of this lazy member that we are doing stuff on money laundering is just a fabrication. I have previously tabled correspondence from AUSTRAC, dated 28 June 2021—2021! Again, this was just six weeks after I had met with the Auditor General on a range of issues, including AMLCTF issues.

The email to one of my staff members states —

Thank you for your enquiry on behalf of Minister Johnston, regarding a company that contacted the Minister about a potential AUSTRAC investigation.

That was Gold Corporation, although it does not say that in the email. It continues —

I am unable to comment on specific businesses or AUSTRAC operational information. AUSTRAC does not publicly disclose or discuss matters it is or may be investigating.

The email was signed by Diana Wilk, chief of staff of the office of the CEO. It is not like I was not trying to reach out and find out what was happening; I went to the very agency that is responsible for regulating AMLCTF and asked it to give me a briefing. What was its response? It could not give me a briefing. This is the ludicrous position of the lazy opposition, whose members never do any work and who came to this issue after media reporting on it and disclosures by Gold Corporation. The idea that this hardworking shadow minister is somehow holding me to account is ridiculous.

The member commented about the interaction we had in estimates on 23 September 2021, remembering that not once did the member raise anything about anti-money laundering issues. I said —

I will throw to the agency staff in a moment.

I went on and read the answer that had been provided to me by the agency, which is what ministers do in estimates. When I had finished, rather than allowing me to throw to the agency, the member then asked an unrelated question! The reason I did not throw to the agency was that the member did not want me to; he asked a different question.

Mr R.S. Love: It is not the only time you didn't throw to the agency.

Mr W.J. JOHNSTON: It is there. He asked —

As at 30 June this year, had \$42 million been spent on this program?

That question was unrelated to the topic that I was covering. The member came back to the issue later and I gave the exact same answer, because, of course, it was the answer that had been prepared by the agency. He again pivoted to a new issue. He puts out the idea that he is somehow holding me to account, but this just shows that he does not understand the answers that I give him. He put out a media release on 17 November that reads —

Mr Love used Question Time this week to ask the Minister if Gold Corporation conducts due diligence on corporate customers and to explain the process.

“Instead of being open and honest about the organisation, which is currently under fire, the Minister was unwilling to be upfront about processes involving taxpayer money,” Mr Love said.

That was not reflective of the answer I gave! I answered twice. I said —

Gold Corporation is currently working with regulatory authorities to complete all “know your customer” checks and we are investing in that. There is a dedicated team to bring all the “know your customer” arrangements into compliance as quickly as we are able to.

Because he asked me the same question again, I said —

I go back and answer the question again exactly as I did in the first part: we are working through all the “know your customer” obligations, and the business, as has been announced previously by the Australian Transaction Reports and Analysis Centre, is working with relevant authorities on the arrangements that AUSTRAC has requested.

I gave a full, detailed explanation of exactly what is occurring, but because the shadow minister did not understand the answer, he went and whinged to the media. This is an embarrassment! This guy does not know what he is doing. Again, I go to the debate on 21 September 2022. Let me make this clear: this is after Gold Corporation talked about AUSTRAC. It is not that he came across something secret; it was after the information had been made public. I said —

I understand that that is not what was reflected in the article in *The West Australian*, but I make it clear that from March 2021, Gold Corporation exercised its obligations in respect of that particular aspect of its registration.

That was referring to the failure regarding remittance advice, which had been solved in March 2021. I went on to say —

That is a separate question to what AUSTRAC is currently reviewing—that is, whether any of the counterparties that Gold Corp has dealt with are involved in either money laundering or other improper conduct. That is not about the registration. Again, I want to emphasise that. It is exactly what I said yesterday, but I want to make it clear to the member. He is actually asking about two separate issues.

This is the problem. From the day I got this job, I have been absolutely worried. I told the member in estimates in 2022, when he actually asked me about it—not in 2021, when he did not ask me about it—that this is the thing that

makes me most nervous. That is why I reached out to AUSTRAC. That is why I spoke with the Auditor General. That is why I asked for changes in the business. The idea that somehow or other the opposition is finding secrets in dark corners is a fabrication. It is simply not true.

I draw attention to a question the member asked me during estimates on 26 May 2022 —

I am wondering whether there is any comment about the relationship that Perth Mint has with a group called BFI Consulting.

My answer was —

Obviously, I do not know the names of the individual customers of the business, and the member would not expect me to.

Later on, I said —

What I would say is that from my conversations with the Auditor General, she does not believe that there is a challenge.

That is what I was advised by the Auditor General about that particular issue.

The member also asked whether I needed to change the *Hansard*. No. Every time I have given an answer, it has been 100 per cent accurate. I apologise if the member does not understand the words I use, but I cannot be held responsible for the member not understanding the plain English that I use. I remind the member of what I said in May this year —

We thought AUSTRAC was coming last year, so we expect it to do an audit very soon, and we would welcome that because if there is anything that we do not know or are not aware of, we would like to know about it.

To that, the member said —

I want to put on the record that I am not accusing anybody of anything.

That was the member's position in May. Journalists have written articles since. I know the member comes in here confused about those articles, asks confusing questions and then does not understand the answers, but that is not my fault. I said on that same day, 26 May —

... I am very concerned about money laundering and terrorism finance. It is an issue that I have raised on a number of occasions with the former chief executive officer, the current CEO and the chair, and it was an issue that I personally discussed with the Auditor General not long after I took on the role as minister with responsibility.

The member went on —

Can we seek an assurance that positive actions, reviews and steps are being taken to ensure that the organisation does not get caught up in that sort of behaviour?

I said —

Yes. It is a significant risk for the reputation of the government of Western Australia; therefore, it is a matter that is in discussion between me, on behalf of the government, the chair and the chief executive. It is a matter that I have discussed with the Auditor General and I look forward to AUSTRAC doing its review.

That is the opposite of a lack of transparency. In fact, what we were doing was being transparent. I know the member is lazy, but sometimes he has to do a little bit of work. He has to actually understand what has been explained to him.

There is confusion about artisanal goldmining in New Guinea, which is a matter of the past. I read the article by Gary Adshead. Gary Adshead went to a person in Papua New Guinea who used to trade with Gold Corporation and said, "Do you want to trade with Gold Corporation again?", and that person said, "Yes, I want to trade with them again." The journalist asked Gold Corporation what it had to say about that, and the reply was, "We do not deal with anybody dealing with artisanal gold. We only have dealings with one business in Papua New Guinea, and that is a major multinational corporation." The guy in Papua New Guinea who used to trade with Perth Mint when the Liberal Party and the National Party were in government, who we have banned from trading with the Mint, says he wants to trade with the Mint again. Of course he is allowed to say that. It does not mean that he trades with the Mint, and it does not mean that he will ever be allowed to trade with Mint.

Again, the answer given by Gold Corporation, which clearly does not want to speculate on the names of counterparties, was that there is only one business in Papua New Guinea that is being dealt with. It is not an artisanal miner; it is an international company. One does not have to be very knowledgeable about the mining industry to know which company that is, because there are not that many around. I say to the member: "Do your job. Get a briefing." I will happily arrange a briefing.

The member went into the question about gold that is guaranteed by the government. The gold guaranteed by the government is in our vault. This year, the Auditor General did a touch count of all the gold in our repositories, and she assures me that she is satisfied that all the gold that is recorded in the books of Gold Corporation is in the vault.

That is important because that is the risk that the government is insuring. We are saying, “If you buy gold from us, we will have the gold to sell to you”, or, “If you deposit gold with us, it will be kept in our vault.” That is not a risk because the gold is in our possession and it is in our vaults. That is the risk we guarantee. We guarantee that if someone turns up for their gold, the gold will be available. That is fundamental to the business.

We do not want to be in the position of taking a risk on the gold itself. The gold price can go up, but that means that it can also go down. That would mean the government would be taking the risk of a fall in gold value, and we are not going to do that. We do not take a position on the gold. The only gold in our ownership is the gold in the coins that we sell, and that is an extremely high-margin business. There is a risk for the business in that we buy gold from goldminers, particularly Western Australian goldminers, and at the same time we sell an equivalent volume of gold so that our gold position does not change. Of course, if the gold price were to collapse tomorrow, to \$1 000 or something, that would be very bad. We would start to have problems, and we would probably not be able to buy more gold. We would have to freight the gold to England and sell it at the London Bullion Market Association, which is the final market for gold, and that would be suboptimal. We have to examine every aspect of this business, and that is exactly what we are doing.

This is, unfortunately, a complicated business. I understand that means it is not well understood on the other side, but the situation is the opposite of what the member has put forward. This business was a mess when we came to government. The Premier started a program of reform. As I have told the member previously, that program was paused because of the COVID pandemic. The Premier wanted to save Western Australian lives. I looked at the difference between the rate of deaths in Florida and the rate of deaths in Western Australia, and saw that it was 100 to one. That is not the number of deaths but the rate at which people died. The Premier should be proud of the job he did in saving the lives of Western Australians. I think Western Australians think that he did a good job. It is probably why he won 62 per cent of the primary vote. He got the largest single vote in every region of Western Australia, including the Agricultural Region.

Mr R.S. Love: For most of the time he was the responsible minister, there was no COVID.

Mr W.J. JOHNSTON: The member is not listening to me again. I said that the Premier had a reform program. Yes, when we came to government, we did not realise the mess that had been left to us. The Premier started a reform program, and then COVID hit. The reform program was paused. After the election, when COVID was still present, the Premier specifically asked me to continue his reform program and go further, and that is exactly what I have done. I make the point again: on not one day that the Liberal Party and the National Party were in office were the remittance arrangements in place—not one day! That was all resolved prior to me becoming minister. The idea that this has been a static issue is wrong. We are systematically dealing with the issues at Gold Corporation. One of those is the “know your customer” challenge, and we have a large investment in getting assistance with resolving it.

I will make another point. When Westpac Banking Corporation, Commonwealth Bank and National Australia Bank were prosecuted for breaches of the Anti-Money Laundering and Counter-Terrorism Financing Act, it was not the shareholders who were held accountable; it was the management of the business. I am the shareholder; I am not the manager. The manager is the chief executive officer to the board.

Mr R.S. Love: But they paid the \$1.3 billion, didn't they?

Mr W.J. JOHNSTON: The penalty was so large because the breaches were so large. Selling the LBMA bars is not what they are worried about; it is the gold held on deposit that they are worried about. It beggars belief that the member does not get this.

My fear from the day I got the job until now has always been that we are holding gold on behalf of somebody who is not the sort of person we should be dealing with. That is my fear.

Mr R.S. Love: So why did you go into this cryptocurrency?

Mr W.J. JOHNSTON: This is how silly the member is. The cryptocurrency thing does not change the risks. The point the member made was that people need to do a 100-point check to get the gold pass. The member described the 100-point check. The 100-point check is a driver's licence and a bank account. That is called 100 points.

Mr R.S. Love: That is not 100 points.

Mr W.J. JOHNSTON: What is 100 points?

Mr R.S. Love: It is a lot more. There is no photo recognition. Why do you not have any photo recognition in it?

Mr W.J. JOHNSTON: A driver's licence is photo recognition. Anyway, the point I am making is that we are investing. We are systematically working through the “know your customer” procedure.

Mr R.S. Love: Think Optus breach.

Mr W.J. JOHNSTON: If it is true that it is being breached now, it is true that it was being breached when the Nationals WA were in government.

Mr R.S. Love interjected.

Mr W.J. JOHNSTON: I am not interested in interjections, particularly not the inane ones I am getting.

Let me make it clear: a range of legacy issues were left to us and I am fixing them. I expect the business to be fully compliant with all its obligations within a very short time. For example, the issues about the arrangements in the US were self-reported by the new management of Gold Corporation. It said it had reported its apparent noncompliance with the model state commodity code in the United States. I want to make a point about that. The model state commodity code is designed to prevent fraud. There has been no fraud. For every person in the United States who brought gold from Gold Corporation, the gold is there. There is no fraud. It is important for GoldCorp to become compliant with the US model state commodity code. We have reported to most, if not all, I believe, of the 19 states that apply the model state commodity code, but there has not been fraud. We cannot say what the regulators will do because they are independent of us. On those occasions when prosecutions have arisen from failure, there has been fraud. The opposite is not true. The fact that there is no fraud here means that it is quite likely that there will not be a penalty for our legacy noncompliance. I make the point again that it was only after I became minister and through the due diligence that I asked of the new chief executive that we discovered the failure to comply. Every day the Nationals were in government, it failed to comply. How come nobody in the Liberal–National government ever did anything to fix the Australian Transaction Reports and Analysis Centre’s compliance or the model state commodity code compliance?

Another issue that has been raised is the question of the privacy rules from Europe, because we are necessarily adopting those privacy rules. However, there is a conflict with the State Records Act because the EU code requires the destruction of documents, whereas, of course, the State Records Act requires the retention of documents. We will obviously comply with Western Australian law, rather than European law, but we will continue to work to be in compliance with the European privacy rules. We have a continuing campaign to simplify the business. I am not going to apologise for trying to make the business more simple and straightforward.

Again, I draw members’ attention to the audit reports for Gold Corporation. This year is the first time that anti–money laundering and countering financing of terrorism has been raised by the auditor. Why is that important? It is because part of the responsibility of the auditor is make sure we are in compliance with the law. That is one of the reasons we have the Auditor General. I know that this is confusing for the member for Moore; I get that. But that is no excuse for him not to understand what he is saying. I get very, very concerned that the member creates this impression that I do not answer questions when the opposite is true. Every single time the member has asked me a question, whether in person, on notice or in estimates, I have answered the question completely. Sometimes he does not like the answer, but it does not change the answer. The answer is still whatever it is.

I am happy that we are going to continue to work towards full compliance with AUSTRAC because I think that every Western Australian would want that. That is what we are doing for the first time. It is the McGowan Labor government that is getting this business into shape. We should be thanked and congratulated for the fact that we are paying attention to these things and investing resources to bring ourselves into compliance with AMLCTF.

I will finish because I know the Minister for Transport wants to have a say.

This is a necessarily complicated business. As I have explained previously to the member, if we take a profit as percentage of turnover, it is 0.15 per cent or thereabouts. If the business’s preferred measure of percentage of controlled costs is used, it is about a 20 per cent profit margin. The principal job of Gold Corporation was always to provide refining services for Western Australian gold producers. Unfortunately, refining services are very, very narrow margin businesses and people can make a profit or make a loss without a significant change in either volume or price. It is a very, very narrow margin business and we can see that around the world. That is why there are so few refineries around the world.

We will continue to review the business to make sure that it is not an unnecessary risk to Western Australians. That is why I have made the point that the number one risk is not whether we filled in a form for AUSTRAC; it is whether we are holding gold for people we should not. The final point before I hand over to the minister is that if we are holding gold for somebody we should not, the gold is sitting in a vault and they cannot take it with them because they cannot get to it without our approval; therefore, the risks for us are much lower than an automatic teller machine from which we can simply withdraw cash.

MS R. SAFFIOTI (West Swan — Minister for Transport) [4.07 pm]: I rise to speak on this motion and to reject the motion moved by the opposition today, which includes that this house calls on the Premier and Minister for Mines and Petroleum to take responsibility for the government’s failures. We have seen the Minister for Mines and Petroleum give an explanation of the active way this issue has been answered during the term of this government. This is a matter of public interest. I was going to say that my first point is I believe that the opposition is misleading Parliament, because I think this is similar to most issues that it brings to this place; it creates a Watergate scandal on every issue. On every issue, there is somehow secrecy and lack of transparency.

Ms S.E. Winton: A mole on the hill.

Ms R. SAFFIOTI: There is a secret government on the hill. Every day, there is another conspiracy theory from the opposition, and today’s motion is another example of it. The Minister for Mines and Petroleum answers questions

in a lot of detail. He provides all the information that is asked of him. On this matter, there is no doubt he has made very clear from the beginning his issues and concerns and what action the government is taking. To come here and claim otherwise shows that members opposite do not listen to the answers provided. The member for Moore asks questions, including of the Minister for Mines and Petroleum. The minister is also asked questions about his other portfolios. I would say that the minister is very forthright with information. I remember when he initially explained the situation. He publicly stood up and talked about it. I remember that, because I thought, “Wow!” He stood up and said that he was worried about money laundering. He actually said it; he did not try to deny or hide it. But he had an action—a reform plan to make sure that the state would not have these issues in the future. As I said, all the questions have been answered.

Again, for government trading enterprises, there is a board and a CEO. Of course, the responsibility for the day-to-day operations rest with those people. As a shareholder and the owner of the company, we need to make sure that it operates in a functional way. Again, that is what the Minister for Mines and Petroleum does. I must say, I think it is good that one member of the Liberal Party came back. I do not know how members opposite choose who moves a matter of public interest or what they move each day. Maybe members take turns; maybe they do rock–scissors–paper or pull a subject out of a hat. I do not know. I do not know their parliamentary strategy, but I like it, because it is pretty dysfunctional. Today’s matter of public interest is another example of that. It is probably one of the most ridiculous things I have ever heard in this place to accuse this minister of not knowing the detail. This minister is across the detail, and he is keen to bring forward reform to address the issues. He has answered every question that members opposite have put forward. As I said, sometimes I have been surprised by the level of detail he has given, but he has answered every question. Members opposite have not raised any new points today; all they have done is read through annual reports and media statements. As the minister outlined, he has a program of reform. The Premier started a program of reform; of course, COVID interrupted that, and there were massive priorities like saving people’s lives, which I am sure all Western Australians very much appreciated. There is a program of reform. We will make sure that we comply with all the Australian Transaction Reports and Analysis Centre obligations, but we reject the proposition that was put forward in this matter of public interest. This minister continues to administer this organisation in an effective way and continues to ensure that we minimise any exposure to the state.

Like I said, I am not sure what the opposition’s parliamentary strategy is—it must be the Deputy Leader of the Opposition’s shot today—but members opposite did not provide a compelling case. They basically misled the Parliament when they said that the Minister for Mines and Petroleum does not answer his questions. The minister is always transparent on these issues.

Division

Question put and a division taken, the Acting Speaker (Mr D.A.E. Scaife) casting his vote with the noes, with the following result —

Ayes (6)

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

Noes (44)

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

Question thus negatived.

DIRECTORS’ LIABILITY REFORM BILL 2022

Second Reading

Resumed from an earlier stage of the sitting.

MR J.R. QUIGLEY (Butler — Attorney General) [4.17 pm] — in reply: As I was saying earlier in my reply, not finally but penultimately, the member for Swan Hills reflected on the vital role that directors play in driving the social licence and strategic directions of corporations, and on the B20 business summit. Finally, the member for Kalamunda commented on the Directors’ Liability Reform Bill 2022’s intention to limit and standardise the imposition of derivative liability across the Western Australian statute book, and explained the differences between the different types of derivative liability that the bill seeks to impose. I thank the member for Kalamunda for his support of the bill.

As I mentioned in my second reading speech, this is not a standalone bill. It is quite technical in nature and will amend 69 separate acts. It will insert three template directors' liability provisions into the Criminal Code, in accordance with Australia's national partnership agreement.

I commend the bill to the house.

Question put and passed.

Bill read a second time.

[Leave denied to proceed forthwith to third reading.]

Consideration in Detail

Clause 1: Short title —

Mr R.S. LOVE: The short title of the act will be the Directors' Liability Reform Act 2022, yet the concept of officers rather than directors is introduced throughout most of the bill. I am wondering why that is not reflected in the title.

Mr J.R. QUIGLEY: It is important that the long title reflects the content of the bill. The long title has been chosen to best reflect the content of the bill. It is intended to explain the effects of the key commonwealth Corporations Act definition of "officer" in the proposed amendment to section 30 of the Criminal Code. It would have been possible to adopt a different approach and include in the long title "officers of bodies corporate"; however, there is a risk that this could be interpreted narrowly to include only directors or secretaries, whereas the Corporations Act definition that will be adopted by the bill is much broader and includes a range of persons involved in the management of a body corporate. It is not considered that the amendments in the bill will cause confusion once it is passed, given that the provisions to be included in the Criminal Code make it clear that they will relate to officers rather than solely to directors.

It is noted that the new chapter 6 that the bill will insert into the Criminal Code is titled "Criminal liability of officers of bodies corporate". In addition, new sections to be introduced into other acts that will be amended by the bill will have the heading "Liability of officers for offence by body corporate". Although this bill refers to directors' liability, the actual acts that will be affected by the amendments refer to officers.

Mr R.S. LOVE: With the Attorney General's indulgence, because the debate on clause 1, "Short title", is sometimes an opportunity to talk about the provisions of the bill a bit more widely, could the Attorney General explain whether these provisions will be retrospective? For example, if a practice has occurred in the past under a particular regime and is now highlighted, will these proposed changes have a retrospective nature?

Mr J.R. QUIGLEY: The bill has been drafted with staged commencement clauses for acts that have yet to commence operation. This arrangement will negate the need for transitional arrangements and will ensure that there is no gap in liability for officers of bodies corporate. In respect of acts that have happened in the past, under the Criminal Code, derivative liability will be specified for those particular pieces of legislation. Transitional provisions were not considered necessary, as the law that will apply to each of the offences that will be effected by the bill will be the law that was in place when the offence was committed. The bill will not be retrospective in that regard, but we will not have transitional provisions going forward.

Clause put and passed.

Clause 2: Commencement —

Mr R.S. LOVE: This clause refers to commencement dates. The Attorney General has just spoken about the effect of commencement and whether an act would be liable to be under one regime or under the new regime, although one could imagine that there might be a continuing act, and that would make it more difficult to understand. Regardless of that, I will leave that to the Attorney General to go into. Clause 2(h) states —

section 79 —

- (i) if the *TAB (Disposal) Act 2019* section 99 comes into operation ...

Will this still be required, given that the government has announced that it no longer intends to dispose of the TAB? Would the Attorney General consider deleting this proposed provision now that the government has made that decision?

Mr J.R. QUIGLEY: The decision to abandon the sale of the TAB was made by the executive, given that the intended purchaser, Betr, could not meet its contractual financial obligations. That act is still on the statute book. Therefore, this provision is still required, because we need to cover everything that is on the statute book. Although the executive has made an announcement about a previous intended sale, it still could happen. We need to cover the statute book as it is.

Clause put and passed.

Clause 3: Further provisions relating to commencement —**Mr J.R. QUIGLEY:** I move —

Page 4, after line 2 — To insert —

(2A) Despite section 2(i), if the *Emergency Management Amendment (Temporary COVID-19 Provisions) Act 2022* section 30 comes into operation on or before commencement day, section 53A of this Act —

(a) does not come into operation; and

(b) is deleted.

Mr R.S. LOVE: For the benefit of the chamber, given that there is no explanation in the explanatory memorandum for this amendment, can the Attorney General explain why it is necessary?

Mr J.R. QUIGLEY: The amendment is required due to the recent passage of the Emergency Management Amendment (Temporary COVID-19 Provisions) Act 2022, which has created a new offence in the Emergency Management Act 2005 that merits the application of derivative liability. The new provisions that are relevant to that offence are contained in part 6A of the Emergency Management Act 2005. Part 6A is time limited and will be deleted on 3 November 2024. In the event that part 6A is deleted before the amendment contained in division 20 of this bill can be commenced, proposed section 3(2A) will operate to delete the amendment in division 20 as it will no longer be relevant. It should be considered in relation to the second amendment, which introduces new clause 53A. I will wait until I move that amendment to come back to this explanation, which will be when we deal with new clause 53A.

Amendment put and passed.**Clause, as amended, put and passed.****Clause 4 put and passed.****Clause 5: Part I Chapter 6 inserted —**

Mr R.S. LOVE: Clause 5 inserts chapter 6, “Criminal liability of officers of bodies corporate”. I am looking at proposed section 38, “Term used: officer”, which states —

In this Chapter —

officer, in relation to a body corporate, has the meaning given in the *Corporations Act 2001* (Commonwealth) section 9.

I asked this question at clause 1 as well. Can the Attorney General explain the difference with the insertion of “officer” as opposed to “director”?

Mr J.R. QUIGLEY: The bill will apply to officers of bodies corporate and adopts the definition in section 9 of the Corporations Act, which the member just referred to. Section 9 essentially contains three broad definitions of “officer”, and all three definitions will be captured by proposed section 38 of the Criminal Code. Firstly, it is an officer of a corporation as defined in the Corporations Act but not a corporate collective investment vehicle; secondly, a corporate collective investment vehicle; or, thirdly, another type of body corporate that is neither a corporation as defined in the act nor an individual.

Under the key definition that applies to officers of most corporations, an officer of a corporation, other than a CCIV, means —

(a) a director or secretary of the corporation; or

(b) a person:

(i) who makes, or participates in making, decisions that affect the whole, or a substantial part, of the business of the corporation; or

(ii) who has the capacity to affect significantly the corporation’s financial standing; or

(iii) in accordance with whose instructions or wishes the directors of the corporation are accustomed to act (excluding advice given by the person in the proper performance of functions attaching to the person’s professional capacity or their business relationship with the directors of the corporation) —

For example, lawyers —

(c) a receiver, or receiver and manager, of the property of the corporation; or

(d) an administrator of the corporation; or

(e) an administrator of a deed of company arrangement executed by the corporation; or

It also means a restructuring practitioner for the corporation, or a restructuring practitioner for a restructuring plan made by the corporation.

The definition continues —

- (f) a liquidator of the corporation; or
- (g) a trustee or other person administering a compromise or arrangement made between the corporation and someone else.

This definition is not limited to persons acting in formal offices, such as directors or secretaries. It is all those persons who have sway over the decision-making of the corporation. The term “officer” was chosen over “director” in order to include persons who may not be on the board of directors but are substantially involved in the management of the board of a body corporate. Other jurisdictions have chosen different terms such as “executive officer”. However, this approach was not taken because it departs from the Corporations Act. It will capture all those people like a chief financial officer or a chief executive officer who is not a director or secretary but who has direct sway over the decisions and conduct of the corporation.

Mr R.S. LOVE: The Attorney General outlined a wide range of people who will be officers, as defined in the Corporations Act, but this provision refers to their liability for decisions made and the various forms of that liability. Given that some of those people have a direct role in the decisions of the corporation and some have an indirect role and some have an executive function, like the executive officers and managers et cetera, how can we successfully lump them all into one group with the same level of liability when they do not have the same ability to influence decisions or general responsibility for the day-to-day conduct of the organisation?

Mr J.R. QUIGLEY: As I said in the second reading speech, it gets back to taking all reasonable steps. If the executive officer were to advise the board not to do something, the executive officer would be taking what reasonable steps he could to sway the decision of the corporation. He might be overruled by the board, and the board does not take all reasonable steps. It is a question of whether the officer was in the position to influence the conduct of the body corporate. The chief executive officer who might, as I said, advise or urge the board not to do something and has put a memorandum to the board at a board meeting has taken all reasonable steps, so he or she would not be the one who ultimately made the call. Do not forget that this is to do with derivative liability, whereby the corporation commits an offence and it is about who should be held liable as well. If the chief executive officer has taken all reasonable steps to get the corporation to not offend, they will have available to them one of the template defences that we are putting into the Criminal Code.

Mr R.S. LOVE: I turn to proposed section 39, “Officer liability for corporate offence: onus on prosecution to prove reasonable steps not taken”. There are three separate types of liability or test mentioned in proposed section 39. How many of the many acts that will be amended by this bill will be affected by this provision in proposed section 39?

Mr J.R. QUIGLEY: Each of the acts affected adopts one of the particular derivative liability provisions. I have to say that the 69 acts are affected only by proposed subsections (2) and (3) thus far. Let us look at proposed subsection (1), which states —

This section applies to an offence if a provision of this Code, or of another written law, expressly provides that it applies to the offence.

Proposed subsection (2) reads —

If a body corporate is guilty of an offence to which this section applies, an officer of the body corporate is also guilty ...

That is the derivative. Proposed subsection (3) states —

In determining whether things done or omitted to be done by the officer constitute reasonable steps, a court must have regard to —

- (a) what the officer knew, or ought to have known ...
- (b) whether the officer was in a position to influence the conduct of the body corporate in relation to the commission of the offence; and
- (c) any other relevant matter.

In a moment, I will go through the 69 different pieces of legislation. There are 41 type 1 situations. We cannot find any necessity for type 2 at the moment. For type 3, we have the Criminal Law (Unlawful Consorting and Prohibited Insignia) Act, in which it is throwing the onus of proof—did I say 41 earlier? Sorry. Type 1 has 41 pieces of legislation affected in the list. Type 2 has no pieces of legislation presently listed. For type 3, in which the onus of proof is thrown onto the defence to demonstrate that they have taken all steps to abate the offence, there is the Criminal Law (Unlawful Consorting and Prohibited Insignia) Act, under which the company officer has to prove that they took all reasonable steps; the Contaminated Sites Act; the Emergency Management Act; the Environmental Protection Act; the Fair Trading Act; the Food Act; the Medicines and Poisons Act; the Public Health Act; the Road Traffic (Vehicles) Act, under which the officer would have to prove that they took all reasonable steps to abate

the offence; the Tobacco Products Control Act; and the Waste Avoidance and Resource Recovery Act. Like in the food and poisons acts, it is matter of public policy that the person has to prove that they have taken all reasonable steps to avoid the offence, rather than the prosecution showing that they failed to take all reasonable steps.

Mr R.S. LOVE: The Attorney General has indicated that proposed section 40 will not affect any particular act of the 69 acts to be amended today. If that proof is so rare that it will not be reflected in any of our statutes, why is it necessary for it to be included?

Mr J.R. QUIGLEY: As a part of the director liability reform project, COAG identified three acceptable forms of derivative liability for officers of bodies corporate—type 1, type 2 and type 3. These are embodied in proposed sections 39, 40 and 41 respectively. Given type 2 liability was deemed acceptable, it is considered appropriate to include proposed section 40 in the Criminal Code so it can be used in the future if necessary. This approach was also taken in the former Liberal government’s 2015 bill.

Mr R.S. LOVE: I wonder whether the Attorney General could explain proposed section 42, “Further provisions relating to criminal liability of officers of bodies corporate”, as I am struggling to understand the import of proposed subsection (4), especially the definitions contained in (4)(b). Could the Attorney General explain what that will achieve?

Mr J.R. QUIGLEY: Proposed section 42(4) provides —

If an officer of a body corporate who is charged with an offence in accordance with section 39, 40 or 41 ...

That is, the officer is charged with derivative liability. We should not forget that this is derivative liability for an offence by a body corporate. To charge an officer with derivative liability, the corporation itself will not have to be convicted or charged. Therefore, the officer should have the same defences as though the corporation were charged, but the onus of proving the defence will be on the officer. The officer will come along and be charged with derivative liability under proposed section 39. He will say, “Aha! How can I be guilty under derivative liability because the corporation itself could never have been convicted?” If he or she runs that defence, the officer will have the onus of proving the defence, and the standard of proof required is the standard that would apply to a body corporate for the defence and evidentiary standard.

Mr R.S. LOVE: Proposed section 43, “Penalties”, reads in part —

- (2) The maximum penalty for the offence if committed by an officer of a body corporate is one-fifth of the maximum penalty that could be imposed on the body corporate.

I wonder why the figure of one-fifth is appropriate.

Mr J.R. QUIGLEY: If the officer is found guilty, the penalty will apply to them even if the body corporate is guilty of the primary offence. The corporation will be guilty of the primary offence, and the officer will be convicted under derivative liability. As a matter of general principle, corporations, with their vast sums, are subject to higher penalties than individuals. A body corporate is generally subject to a penalty that is five times higher than any individual penalty, according to section 40(5) of the Sentencing Act 1995. Proposed section 43 of the Criminal Code will provide for situations in which an offence provides a specified penalty only for a body corporate and does not provide a specified penalty for an individual. Reflecting section 40(5) of the Sentencing Act 1995, it will be one-fifth.

Clause put and passed.

Clauses 6 and 7 put and passed.

Clause 8: Sections 263 to 265 replaced —

Mr R.S. LOVE: Clause 8 is one of the amendments to the Aboriginal Cultural Heritage Act 2021. A range of changes will be made to the act, which quite recently went through Parliament. I wonder why the principles of this bill, which had already been accepted by COAG, were not reflected in the Aboriginal Cultural Heritage Act 2021, which is such new legislation. There is also other recent legislation, such as the Criminal Law (Unlawful Consorting and Prohibited Insignia) Act 2021, the Heritage Act 2018 and the Transport (Road Passenger Services) Act 2018. Why were the principles not incorporated in those acts, when they were bills, given that COAG had already put forward the principles that should be reflected?

Mr J.R. QUIGLEY: This bill will amend 69 pieces of legislation in Western Australia. Some of them have not yet been proclaimed but are likely to be proclaimed in the near future, and others require subsidiary legislation to be drafted to give effect to some of the amendments. It is intended that some of the acts that the bill proposes to amend will themselves be replaced or amended in the future, such as the Aboriginal Heritage Act 1972. It would have been possible to leave these acts as is for the time being, but the bill instead seeks to amend the statute book as it currently stands to best achieve consistent directors’ liability provisions across Western Australian legislation, as required by COAG principles. For these reasons, the Parliamentary Counsel’s Office advised that the bill needed to be drafted with specific commencement provisions for the acts affected in this way. Parliamentary counsel was generally aware of the new acts and their formation and wanted to draft this bill to cover the field.

Clause put and passed.

Clauses 9 to 52 put and passed.

Clause 53: Act amended —

Mr R.S. LOVE: I had a question on this, but I think the Attorney General adequately explained this in his second reading summation. I am comfortable with the explanation he gave and I take the point that he has an amendment.

Clause put and passed.**New clause 53A —**

Mr J.R. QUIGLEY: I move —

Page 26, after line 8 — To insert —

53A. Section 77X amended

After section 77X(1)(f) insert:

- (fa) section 98(2) is to be read as if a reference to a direction given under section 47(1), 71(1) or 75(1) included a reference to a direction given under section 77O(1);

I have moved that new clause 53A be inserted into the bill to provide for section 98 of the Emergency Management Act—that is, the directors' liability provision—to be modified so that it will refer to section 77O(1). This will ensure that type 3 derivative liability, as set out in proposed section 41 of the Criminal Code will apply. That is the reverse onus of proof.

By way of explanation, the bill will impose derivative liability for certain offences in the Emergency Management Act 2005 by including a reference to proposed section 41 of the Criminal Code in section 98 of the Emergency Management Act. This will be achieved by inserting a table into section 98 of the Emergency Management Act that specifies the offence provisions to which the liability will apply. The bill also proposes to apply section 39 of the Criminal Code to one offence in the Emergency Management Act—that is, section 95 of the EMA. That is when the prosecution itself has to prove that all reasonable steps were not taken. With regard to the offences to which proposed section 41 of the Criminal Code will apply—that is, the reverse onus—the table in division 20 of the bill currently refers to section 86(1) of the Emergency Management Act, which applies to a direction given under the following provisions: section 47(1), a direction from a local government to take specified measures in respect of vegetation or premises on land in a cyclone area; section 71(1), a direction from the police to close a place for the purpose of emergency management during an emergency situation or state of emergency; and section 75(1), a direction given by an authorised officer for emergency management purposes who is exercising the general powers during a state of emergency.

The Emergency Management Amendment (Temporary COVID-19 Provisions) Act 2022 inserted a new provision, section 77O, in the Emergency Management Act. Section 77O(1) deals with the powers of officers to direct the closure of places for the purposes of managing COVID-19. Noncompliance with a direction under section 77O is an offence. The Department of Fire and Emergency Services advises that directions under that section are to be treated in the same way as directions under section 77(1) in respect of liability of the officers of a body corporate. In other words, they have to show they took all reasonable steps to comply with those directions.

New clause put and passed.**Clauses 54 to 168 put and passed.****Title put and passed.****SWAN AND CANNING RIVERS MANAGEMENT AMENDMENT BILL 2022***Second Reading*

Resumed from 19 October.

MRS L.M. O'MALLEY (Bicton) [4.57 pm]: The electorate of Bicton is blessed to be bordered to the north and north-west by Derbarl Yerrigan, or the Swan River. It is my absolute pleasure and great privilege to speak on matters related to this significant waterway whenever the opportunity arises. Today, that opportunity is by way of the legislation currently before us, being the Swan and Canning Rivers Management Amendment Bill 2022, which will amend the Swan and Canning Rivers Management Act 2006. In making my contribution, I will speak from the perspective of both the local member for Bicton and a family small business owner. This duality of roles provides me with a unique perspective in this house on this bill.

The Swan and Canning Rivers Management Amendment Bill 2022 will introduce regulatory reforms under the government's Streamline WA initiative. Streamline WA is seeking to improve regulation and regulatory practices to make it easier to do business in Western Australia. When preparing to speak today, I found it useful to look back at the Streamline WA initiative and will share the following with members. Streamline WA is a whole-of-government initiative to make it easier to do business in WA by improving regulation and regulatory practice. It is designed to make it easier to do business in Western Australia through better regulation, and was launched on 6 December 2018 to deliver better services and outcomes for Western Australians. This is done by providing more effective regulation

to support innovation, investment and the protection of our community and environment, while reducing regulation that is ineffective and can increase the costs and difficulties of doing business. By improving the way that we develop and apply regulation in our state, Streamline WA ensures that Western Australians can be confident that risks are well managed, regulatory requirements are clear and easy to understand, decision-making addresses risks and focuses on outcomes and is timely and transparent, and regulation is applied consistently. Streamline WA helps to reduce overlap and duplication and adopts a customer-focused approach to service delivery. By making regulation more effective, Streamline WA encourages investment through the greater confidence gained by the knowledge that its timeliness, transparency and consistency of approach will facilitate businesses to get on with the business of creating more jobs in Western Australia.

Streamline WA also aims to strengthen cross-sector collaboration and features an online one-stop government shop centralised at wa.gov.au that provides clear guidance and a reduced reporting burden, builds common understanding, and strengthens case management support. It provides statements of expectation and performance measurements. It also introduces legislative amendments to simplify decision-making and improve efficiency across four statutes for mining, tourism and other developments, including this bill before us. Importantly, this bill will streamline practices but not change the rigorous assessment the Department of Biodiversity, Conservation and Attractions applies to licence agreements and permit applications to ensure environmental protection of the Swan and Canning Rivers under the Swan and Canning Rivers Management Act.

I, like everyone who lives in the electorate of Bicton, feel very strongly that the protection of the river must be the top priority, and I know that it absolutely is the case for the McGowan Labor government and our Minister for Environment. I also know how much my constituency values and enjoys the many opportunities provided by our local waterways, both on water and along foreshore areas. Access, enhancement and protection share equal importance to the people I represent in this Parliament. I am very pleased to see that this bill reflects these views in equal measure. The bill will support local tourism and hospitality businesses and associated jobs, while ensuring that the special values of the Swan and Canning Rivers remain protected.

Our local waterways and foreshores are special places that support diverse activity, bringing intrinsic value to those who access and enjoy its natural places and built form. From east to west along the riverside boundary of Bicton exists a mixture of open spaces of environmental significance, passive and active recreation, as well as hospitality and tourism businesses. I would like to acknowledge their contributions to the vibrancy and health of our community and environment. They include Alfred Cove's bird sanctuary zone, Troy Park's sporting clubs, Point Walter, Blackwall Reach, Bicton Quarantine Park, Bicton Baths, the historic Bicton water polo club, East Fremantle Yacht Club, 8 Knots Tavern, the Swan Yacht Club, Zephyr Cafe, the Dôme Café and the Left Bank, amongst many others. Then there are the organisations and friends groups that care for these places, like the Swan Estuary Reserve Action Group, Friends of Melville Bird Sanctuary, Bicton Environmental Action Group and Friends of Attadale Foreshore.

I would also like to acknowledge the monumental underwater work of the Nature Conservancy in recreating Australia's most threatened marine ecosystem—native shellfish reefs in local waters. Those who know me well, and those who hear me speak often in this place, know how passionately I feel about the local environment in Bicton and beyond, and how very excited I get about shellfish reefs. For those uninitiated in the benefits of shellfish reefs and the restoration work of the Nature Conservancy, let me just say that each individual mussel has the ability to filter one litre of water an hour. The work the Nature Conservancy is undertaking with the support of this government means that, so far, four reefs are either to be constructed or under construction in local waters within 10 years, I believe; that sounds like a long time, but we all know that goes very quickly. The reefs and mussels contained within those reefs have the ability to turn over pretty much the whole body of water, from where we come into the harbour in Fremantle and East Fremantle up to about the Narrows Bridge. It could turn over that entire body of water. They have an incredible ability to filter and provide greater clarity through their work. I am always terribly excited about that; it is just that we simply cannot see it. I recently had the opportunity to get out on the water and look at the construction of the reefs. Unfortunately, members will never see us cutting a ribbon in front of those reefs, notwithstanding the incredibly important work they do.

The shellfish reefs that we have in local waters and beyond bring a wealth of benefits for people and nature. This includes improving local fish populations, as reefs act as fish nurseries; better water clarity due to the filtration power of shellfish; increased shoreline protection; extra feeding habitat for threatened migratory shorebirds; and an overall increase in biodiversity. Additional benefits include increased opportunities for economic development and tourism.

Members may be interested, as I was, in the following information about eco and nature-based tourism in Western Australia that I sourced from the Department of Treasury's website. I note that the following was published in 2018, but I think the key points remain valid for me to share here today. It states —

Over the last seven years, participation in eco and nature-based tourism activities across Australia has grown steadily at 4 per cent per annum. In 2014, 37.7 million visitors, including 68 per cent of all international tourists, participated in a nature-based tourism activity. On average, visitors that come to Australia for a nature-based experience spend more, and stay longer, than those holidaying for another purpose.

...

Western Australia has over 100 terrestrial national parks and 13 marine parks. These parks comprise some of the richest and most threatened reservoirs of plant and animal life on earth, with the South West recognised as one of the world's original 25 biodiversity hotspots.

Aboriginal tourism activities and experiences in Western Australia are a sought after point of differentiation in competitive domestic and global tourism markets, and geotourism is emerging as an important growth sector, particularly in expanding Asian markets.

...

Despite rising demand, and Western Australia's spectacular natural environment and rich cultural heritage, recent data indicates that growth in the eco and nature-based tourism sector has stalled.

In 2010, the *Review of Nature Based Tourism* identified 349 established nature-based tourism businesses in Western Australia, noting substantial growth in the sector since 1994, when there were only 50 operating businesses.

...

Growth in the eco and nature-based tourism sector may be affected by a range of factors including exchange rates, public access routes and infrastructure in regional and remote areas, access to capital, aviation policy, availability of short term accommodation and hospitality skills shortages.

And more recently, of course, there was the global pandemic —

While these factors are important considerations for government, this project focused on the regulatory frameworks that have a material impact on businesses in this sector.

If well designed and streamlined, the regulation of activities provided by eco and nature-based tourism businesses will allow for growth and innovation in this sector to proceed while still retaining the necessary protections that ensure Western Australia remains a clean, safe and attractive tourist destination.

The people of my electorate are passionate about protecting our natural environment, and they also have a strong appreciation of the need for legislation that supports small businesses and acknowledges the integral part that the small business sector plays as part of a thriving and diverse economy. Some parts of the electorate of Bicton are home to around 41 per cent of residents who derive their income as small business owners. We know how important it is to ensure that regulations and processes around the business of doing business be as streamlined as possible. That is why the bill's streamlining effects are crucial, with the two key effects being that, firstly, it removes the duplicative process of granting combined licences and permits for commercial operators in the Swan Canning Riverpark. This duplication will be addressed by amending section 32 to clarify that licence agreements will be granted only if they relate to approved development—that is, a licence will no longer be needed to authorise acts and activities, provided that the act or activity is being conducted under the authority of a permit. The amended section 32 will clarify that licence agreements are contractual in nature and permits, which are granted under the Swan and Canning Rivers Management Regulations 2007, are regulatory. It will also clarify that licence agreements authorise non-exclusive occupancy and use of the river reserve by the licence holder.

Secondly, the bill will amend section 13 to remove the requirement for the Minister for Environment to conduct further consultation on changes to the Swan–Canning development control area and the Swan Canning Riverpark if the change relates to and follows an amendment to the metropolitan region scheme that has already been approved under the Planning and Development Act 2005 and has been subject to public consultation or if the amendment to the MRS is made by an act.

The amendment bill will recognise the validity of existing combined licences and permits, which will be transitioned as permits, and conditions that were applied to licences will be made conditions of the permits. As such, the changes for tourism operators should be seamless.

Other amendments will introduce a new regulation-making head power in section 136. This will enable the chief executive officer of the Department of Biodiversity, Conservation and Attractions, when granting permits, to include a condition that requires permit-holders to take out and maintain insurance. This is currently a standard licence condition but cannot be applied to permits.

The bill will also amend sections 38 and 133 to remove the requirement for delegation instruments to be published in the *Government Gazette*. This is another amendment to streamline processes and address workload issues.

Consultation on the amendment bill was undertaken earlier this year, with briefings provided to relevant local government and state government agencies. Consultation letters were also sent to the holders of combined licences and permits and other licence holders. The Swan River Trust was briefed on the amendment bill on 28 October 2021 and 23 August 2022 and supported its progression.

In summary, the Swan and Canning Rivers Management Amendment Bill 2022 introduces important regulatory reforms that will support tourism businesses operating on the Swan and Canning Rivers. It will do this in such

a way that the value of the Swan and Canning Rivers is not placed at risk. The resulting regulatory reform will enable DBCA to focus regulatory effort on protecting the outstanding value of the Swan and Canning Rivers, which is very important to the people of Perth and Western Australia, particularly the people of my electorate of Bicton.

I thank the Minister for Environment for bringing the Swan and Canning Rivers Management Bill 2022 to Parliament, and I commend the bill to the house.

DR K. STRATTON (Nedlands) [5.13 pm]: I, too, rise to speak in support of the Swan and Canning Rivers Management Bill. A stretch of the Swan River, the Derbarl Yerrigan Bilya, that makes its way through Crawley, Nedlands and Dalkeith forms one of the boundaries of my electorate of Nedlands. I have been privileged to grow up playing and swimming on the river, particularly at Matilda Bay, as have my children.

The Swan River has great meaning to the Noongar people. In the Aboriginal Dreamtime, the Wagyl, an ancestral serpent that moved across the river plain, created the Derbarl Yerrigan Bilya, which has traditionally been used as a trading place and site for rituals, camping and initiation, including important women's business.

In more recent history, it was home to the Crawley Baths, a public swimming facility in Matilda Bay. Opened in 1914, it was the largest enclosed body of water in the Southern Hemisphere at the time. It served as an important recreational facility in Perth for over 50 years, with many schools, including my high school, Hollywood Senior High School, holding their swimming lessons and carnivals there—long before I was a student, I will just point out! It was demolished in 1964 after Beatty Park was built to host the 1962 Commonwealth Games. We would all be familiar with Eliza, a swimmer immortalised in bronze, who stands in the river near the former location of the Crawley Baths, poised to dive in for a swim. Eliza's ever-changing outfits tell a story about what is happening in Perth at any given time.

The Swan River is also home to one of the most photographed spots in Western Australia—the infamous, 90-year-old blue boathouse. The hashtag #blueboathouse has nearly 25 000 Instagram posts to its name and has become something of an Australian icon through its inclusion in tourism advertising campaigns. In fact, I recall stepping off a train in Singapore a few years ago and seeing people standing in front of a cardboard cut-out of the blue boatshed and taking selfies.

Alongside this history, I want to outline some of the diverse activities that occur on the banks of the Derbarl Yerrigan in my electorate. I do so to show the river's contribution to tourism and recreation in Western Australia and to highlight the importance of the amendments in this bill, making it easier for people to do business here while also protecting the river's social, cultural and environmental value.

I was at Matilda Bay on Saturday for the Perth Frontrunners Pride Run and Walk. Perth Frontrunners is a social running and walking group for the LGBTQIA+ community and allies and welcomes all sexualities, gender identities, ages, backgrounds and fitness levels. The group has structured its activities to cater for people of all abilities and ages and, perhaps most importantly, their dogs. The group does a weekly walk or run on a Saturday morning, usually setting off from Kings Park. Perth Frontrunners is part of International Front Runners, an 8 000-strong community of LGBTQIA+ allies running and walking in over 100 clubs around the world. Front Runners groups play an important role in LGBTQIA+ history, having been named after a novel by Patricia Nell Warren. *The Front Runner* was one of the first novels about gay love to find worldwide popularity, with 10 million copies sold.

Saturday's event is an annual run to mark the Perth Frontrunners birthday, celebrated during Pride Month. There was an amazing turnout of nearly 200 people. I was proud to stand alongside the Lord Mayor of the City of Perth, Basil Zempilas, and set the runners and walkers on their way. The group has grown significantly over the past year and, proudly, has the largest membership of any LGBTQIA+ sporting group in Perth. I congratulate co-presidents Laurie Butterly and Richie Yates for this fantastic achievement and for their ongoing contribution to creating safe and inclusive communities and access to sport for the LGBTQIA+ community.

As well as being host to a range of recreation and tourism activities, the Swan River is an important environmental asset for all Western Australians, home to many species of plant and animal life. I want to acknowledge the work of the Swan Estuary Reserves Action Group to improve the river environment. This non-profit community-based organisation aims to protect, conserve and restore the rich and diverse natural heritage value of the Swan River estuary. In Nedlands, it works across three sites on the Swan River, with a particular focus on Pelican Point. The group was formed in 2010 in response to what it felt was an urgent need for action to ensure the long-term health and wellbeing of three unique sites in the Swan River estuary. As I said, it is a volunteer-run group with a lot of expertise in environmental management as well as an understanding of the history of the area, and it works to restore and strengthen the resilience of the native habitat in and around the river. Projects involve planting with indigenous species, weeding and soft erosion control measures as well as community efforts to pick up rubbish on occasions such as Clean Up Australia Day.

Many activities take place on the Nedlands stretch of the Swan River. It is home to five yacht clubs. The Perth Dinghy Sailing Club is one of the only yacht clubs in Perth operated entirely by volunteers—the start crew, safety boat drivers, coaches, office staff, membership officers, and the staff running the canteen and the bar. The club was also one of

the first to have a female commodore. The Pelican Point Sea Scouts group has been in continuous operation since 1913, shaping the experiences of many young people, including my own son, in their enjoyment and protection of the river.

Cafes and restaurants, including the Matilda Bay Tea Rooms, pumped out hundreds of coffees for the Frontrunners on Saturday morning, as they do most weekends for the many community members who gather there. There are windsurfing and paddleboarding lessons and hire, and the Jo Wheatley All Abilities Play Space. This playground is a unique and remarkable inclusive, accessible playground, built under the existing tree canopy. It covers 10 000 square metres with wheelchair access throughout. The park contains a sensory garden, a flying fox that is built for adults, climbing obstacles, slides, swings, picnic areas and water play. The playground is fully fenced and protected. It also includes an activity area for older persons. I am reassured that, as I still go on the flying fox, I am not quite ready for the seniors activity area just yet! The rotary clubs of Nedlands, Subiaco and West Perth raised more than \$2.6 million in capital funding to bring the park to life.

Nedlands foreshore is also home to soccer fields and a rugby field, which is the home ground of the most successful Rugby Union club in Western Australia—"Nedgies"—which was established in 1934. I thank the club members for their ongoing patience in educating me about Rugby Union.

Just on our little stretch of the Swan River foreshore in Nedlands and Dalkeith, a great variety of tourist and recreational activities are available. This amendment bill intends to make it easier for businesses related to those tourist and recreational activities to operate. Although it introduces regulatory reforms, it does not change the Department of Biodiversity, Conservation and Attractions' rigorous assessment of licence agreement and permit applications to ensure the environmental protection of the Swan River remains unchanged—something I know is really important to my community. The bill will continue to support local tourism and hospitality businesses and associated jobs, while ensuring that the important cultural, social, recreational and environmental value of the Swan and Canning Rivers remain protected.

Streamlining will occur through a number of regulatory reforms that will remove duplicative processes, such as granting combined licences and permits for commercial operators. The validity of existing combined licences and permits will be recognised, creating a seamless transition for existing tourism operators.

The amendments also remove the requirement for delegation instruments to be published in the *Government Gazette*, and the inclusion of a condition that will require permit holders to take out and maintain insurance, which is a standard licence condition that cannot currently be applied to permits.

Given the importance of the Derbarl Yerrigan Bilya to the WA community and, particularly, my local community, for a variety of uses, and to ensure its ongoing accessibility and varied use while continuing to protect its environmental value, I am happy to commend this bill to the house.

MR C.J. TALLENTIRE (Thornlie) [5.22 pm]: I am very pleased to rise to speak to the Swan and Canning Rivers Management Amendment Bill 2022 and give it my full support. "Activation" is perhaps an overused word in some circles, but it is a word that captures what I think we need to do in some parts of the river. Indeed, this bill addresses the idea of activation where tourism operators want to put forward projects that will be attractive to locals and visitors to the city alike. I am also very excited by the increasing amount of passive recreation that could occur along the Swan and Canning River system.

I recently had the pleasure of hosting the Minister for Environment in my electorate. He joined me, the chair of the Armadale Gosnells Landcare Group, Pat Hart, and Shane Hunter, also from the Armadale Gosnells Landcare Group, as we inspected the latest stage of the creation of some trails along the Thornlie–Maddington part of the Canning River. This is very much needed because we have suffered a little bit. We have a situation in which many people in the Thornlie and Maddington area may not really be aware that a river passes through their suburb. The problem is that the area has been a bit of a no-go and it has seemed a little bit dark and intimidating but with a little bit of careful landscaping and the integration of some paths, we will enable people to get to a brand new play area, where there is indeed a flying fox! The minister was very courageous; he was happy to have a go on the flying fox, and I followed him. I let him go first, though!

Mr R.R. Whitby interjected.

Mr C.J. TALLENTIRE: Our test pilot!

That is already bringing people down to the river foreshore. The next stage is to get them into this new area that we have spent \$200 000 on. It is one of the commitments from the 2021 election. The trails there will be accessible to many people who come from backgrounds and cultures that mean they are not automatically familiar with the Australian ecology. They need just a little bit of guidance to appreciate it for its beauty, incredible resilience and harshness at times—its ability to survive our dry, hot summers and come to life in the wetter months. They need to see it for its incredibly evolved natural beauty. That is something that this trail network will provide for and I am really excited about that. I am thrilled that people will be able to enjoy, in the Thornlie, Maddington and Kenwick areas, a quality river that provides for barbecue-type recreation, but also interaction with the natural ecology of the area. That is something that is really positive.

It is also an example of activation. This legislation is very much about facilitating tourism operators so that they do not have to go through a permit system and a licensing system. There will, of course, be necessary checks in place to make sure that operators' activities do not damage the ecology, biodiversity or fauna and flora of the river system and their operations can go ahead in a well-managed way that helps people have that sense of connection and contact with the Swan and Canning river system, which is, after all, the defining feature of the City of Perth and this part of the world that we live in. I understand that, for people from other parts of the state, it is a much spoken about asset that they do not constantly interact with, but for the vast majority—well over two million people who live in this part of the state—the Swan and Canning river system really is the defining natural feature. When I speak to people who have visited Perth and I ask them what they recall, they say the Swan and Canning river system. That is one of the defining features, along with Kings Park, the beaches and, perhaps, the hills as well. This beautiful river system that we have comes to mind automatically, and visitors connect with it just as much as locals.

This all means that we have a river system that is very much the focal point of our two million-plus people. I believe it is coming under increasing pressure because it is being used in such a positive way. Many people are interacting with the river, and that is something that we want to encourage, but there are some issues. Inevitably, there is going to be a degree of friction; there are going to be some problems that we will have to manage. To the credit of a succession of state governments, we have developed things such as our *Swan Canning River protection strategy*. That first came out in 2015. We have since had a progress report that came out in 2019. A lot of the objectives in the report are around water quality—quite rightly so. That makes a lot of sense because one of the things that really could be an incredible threat to the health of the river system is nutrients getting into the river, which could cause terrible things like algal blooms, which contribute to the mass death of fish stocks, and all sorts of things like that.

Naturally, water quality has been, and, indeed, should continue to be, a strong focus of the *Swan Canning River protection strategy*, but I am particularly concerned about another area relating to the fauna and especially the birdlife around the river. It is a real concern that we have a problem with a certain category of recreational fisher. We absolutely want to encourage people's enjoyment of fishing, but some of them do not realise that their fishing activity can be to the detriment or even the death of birdlife. Unfortunately, that is happening all too often at the moment. We have a sad situation that has been highlighted by one group that is involved in rescuing seabirds such as pelicans, swans, cormorants, darters and egrets—a whole host of beautiful bird species. In fact, the pelican has pride of place on the strategy, with a beautiful pelican appearing on the cover of the *Swan Canning River protection strategy*. It really is a magnificent bird. I think that the Australian pelican has one of the biggest wingspans of any pelican and many birds. It is a magnificent animal. It has quite a character; it is quite an intelligent bird. Pelicans are curious, and they can learn bad habits and come too close to people who are fishing. The same goes for birds such as heron—the nankeen night heron is a beautiful bird—and some of the darters and cormorants. They are stunning animals. They can be triggered by the “plop” of a sinker and a fishhook going into the water; they hear that and think it is a fish, so they go and catch the hook. They get hooked up. Then a certain category of inexperienced, untrained, unqualified recreational fisher thinks, “I have a cormorant on my fishing line; what do I do?”, and they cut the line. This is actually the worst thing they can do. But I do not hear people in the recreational fishing community talking about what they should do, and I think this is where we have a job to do as a government. We have to make sure that the educational levels are improved. Fishers should not cut the line; they should gently bring that bird in, as though it were a fish, and then try to get the hook out themselves. Perhaps the bird will be fine. If not, they should call the Western Australian Seabird Rescue Group. This wonderful volunteer group is averaging about two call-outs a day at the moment to deal with various fishing line entanglements.

When we talk about entanglements, I think people have an idea that a bird is walking around the foreshore and somehow gets discarded fishing line wrapped around its foot; that is a nuisance and a bother, and sometimes the bird has to have its foot amputated or something. That is not what causes entanglements. They happen at the moment that someone is fishing. They are highly avoidable. The simplest way to avoid them would be for people to have a sense of responsibility. If people see egrets or herons nearby, they might choose to fish somewhere else. They might move on and respect that those birds are fishing there at the moment; they can go and fish perhaps 500 metres further along and have a wonderful time fishing there. They do not need to fish exactly where the birds are. I have seen this happening down at the WA Maritime Museum in Fremantle. Night herons roost there. People go down and night fish right underneath where they roost, so as soon as the sun goes down, the birds start looking at these plops in the water and thinking there are fish there, they go and get caught on the lines. That is totally avoidable and unnecessary, but we have to educate people.

I have spoken briefly to Dr Andrew Rowland, the CEO of Recfishwest, about this. I know that Recfishwest's actual penetration into the recreational fishing sector is quite limited. It does have some membership, but not all recreational fishers are members, by any means. Some people who are out there fishing do not understand the risks of their activity—what it can mean to the biodiversity and especially the birdlife of our Swan and Canning Rivers system. Those uninformed fishers are sometimes very young kids. Mum and dad perhaps thought that it would be a great idea to buy a couple of fishing rods for the school holidays, and their young kids can go out and go fishing. What a great, healthy way to amuse themselves! I can understand that, but not when it is doing this amount of damage—to the extent that the WA Seabird Rescue Group is getting two call-outs a day to deal with entanglements.

Those volunteers really see a spike in the number of call-outs when we get into the better weather. During the winter when it is rough weather, no-one is out fishing, and so they do not get many call-outs, but they get a big spike in the number of call-outs as the weather gets better. These members of the Seabird Rescue Group will be flat out for the next six months, really. I acknowledge those real local heroes who go out and spend a lot of money on petrol as they drive around. They get tipped off by members of the public. There is a Facebook group that I know the Department of Biodiversity, Conservation and Attractions could monitor, if it were so inclined, to get a general idea of the activity, but there is a members' Messenger group that is even better. They hear about every call-out. It is quite striking. I want to especially acknowledge people like Rowan and Mary Walsh, who are real experts. They have developed an amazing skill set in their ability to catch birds, and it is a difficult job.

It is sad that when a bird is really sick—it may have had a hook in its mouth or body that has got into its bone, an infection gets into the bone, and the bird is getting quite sick—it is easier to catch, but when people take it to the WA Wildlife hospital in Bibra Lake, the prognosis is not so good. The animal is too sick. It is better to catch the animal as early as possible. If members drive over Canning Bridge and look up, they will see the pelicans perched on the lights there. They have an amazing ability with their huge wingspan to come in on quite windy conditions and land on a space that is probably about 50 centimetres by 50 centimetres. It is amazing that they can use that as a landing point. But if members look up at them, generally, hopefully, they will see that they are in good condition. Sadly, though, they may look up and see a fishing line hanging off the bird, and then a bit of blood oozing out where the hook is doing its damage. They may see that the animal is fluffed up and not looking particularly healthy because it is already suffering the consequences of an infection. This is all highly avoidable. We have to address this.

I am coming to this point. With that very important protection strategy document, we also have the *Swan Canning River protection strategy: Progress report 2019*. There is a little case study in it that refers to the “Reel it in” project. It states that 111 kilometres of fishing line have been collected. However, as I have said, the number of kilometres of fishing line we have brought in through the “Reel it in” bins is not the key KPI. The key KPI—the sad one—is the number of call-outs for birds that have been hooked up. That is the one we need to target, but that is not in this strategy. I think that needs to be in the next progress report. A whole lot of indicators need to be updated. The original document goes back to 2015 and was signed off by then Minister for Environment; Heritage, Albert Jacob. In the 2019 progress report, we pretty much took every single action from the original report and just carried them across. Objective 4 of the report is “Protect, manage and enhance biodiversity”.

We really need to have an action item in here to reduce entanglements. What I have said about entanglements for birds could well apply to dolphins as well. Dolphin entanglements are fortunately not as frequent as bird ones. I think that our Swan River dolphin population of 25 animals would be wiped out if dolphin entanglements were anywhere near as frequent as those with birds. Fortunately, the situation with dolphins is not as bad. We need a clear key performance indicator or action item to reduce the number of bird entanglements.

[Member's time extended.]

Mr C.J. TALLENTIRE: That is certainly due. I am sure the government is looking at the next update of this protection strategy, and this would fit in nicely with that. The 2019 strategy is just reporting on the 2015 strategy. It makes for interesting reading. It has some positive features. On the water quality side, there are a lot of green lights for when things have gone extremely well; we have seen a turnaround, or at the very least a stabilisation, of a problem. Generally speaking, things are trending in the right direction.

I also want to acknowledge some other people who are working consistently hard. When I think about the people who are working with Western Australia Seabird Rescue, all volunteers of course, I also think about the trauma that they have to go through. Trauma is something that wildlife volunteers encounter. It is recognised across the board that wildlife conservation volunteers will encounter some pretty awful situations. It is sometimes easier to cope with the end of the spectrum when the animal is taken to the vet and is straightaway euthanised. In other situations, when we see the amount of suffering that an animal has gone through, or recover a bird that has been hanging on a line that has been wrapped around a tree, we can only hope that the death was relatively quick. This review is absolutely necessary from an animal welfare perspective. I know that the real purpose of this legislation is around tourism. However, if anything can be damaging to tourism, it is a poor animal welfare track record. If we do not get animal welfare right, we might damage our state's reputation, and that would be a real shame.

I also want to acknowledge Angela Radalj and Craig Underwood. Their ability to catch injured animals is incredible. In talking about swans, there is an interestingly saying that the beating wing of a swan can break a man's arm. It turns out that swans are easier to catch than most other birds. Once a swan is caught around the neck, it goes quite floppy. It is amazing. Swans might do a bit of hissing, but Angela and Craig just go for it and get them. They are developing a real skill in catching birds. They sometimes use a net launcher, which works by setting off a little explosion that sends out a net that drops over the bird. Another way is a leg rope or lasso that sits on the ground, and when the bird steps into the lasso, they pull it tight so that they can grab the bird around the leg and catch it. That is often a good way of catching a pelican that is fit and has had the hook just go into it, because it is not easy to catch pelicans by other means.

I also want to acknowledge Kaylene Taylor, a very busy mum who is always ready to do rescues; Aaron Shackleton; and Matt Watson, who is a Marine Stewardship Council certification professional in his spare time. It amazes me how people can find the spare time to fit in these very lengthy rescue operations. They might see a bird in one area that needs to be rescued and then hear that it has moved. That often takes the best part of at least a morning or an afternoon. The rescue procedures are often very lengthy. I also want to acknowledge Dr Halina Burmej, one of the leaders in the group.

Mr D.J. Kelly: A fabulous woman.

Mr C.J. TALLENTIRE: She is an excellent person, well known to the Minister for Water. She is a great inspiration to others in the group. She is one of the people who teaches new members of the group about the various techniques that can be used. Others are Fiona O’Sullivan, the president, and Rachel Olsen, Maud Lowe, Lee Rose Beavis and Claudia Karwacki. They are fabulous people. I thank them for the absolutely fantastic work that they do.

I also want to acknowledge the great work that is done by the WA Wildlife hospital. I have not mentioned that a lot of these cases end up at that hospital. The veterinary bills may also be very expensive. A bit of negligent behaviour by someone who has not thought about where they are going fishing might end up costing thousands of dollars if we costed it properly by considering the time taken to catch the bird and take it to the wildlife hospital, and the X-rays and other veterinary procedures and techniques that are employed. That could perhaps be picked up in the development of the new edition of the *Swan Canning River protection strategy*. I have talked about what is going on in the Perth area. This problem obviously extends right across the state to some extent. There are WA seabird rescue groups in Mandurah, the Moore River area and Albany. There are great people doing amazing things across the state.

This legislation will provide for the coming together of the permit or licensing arrangements. I thank the officers from the Department of Biodiversity, Conservation and Attractions, Brendan Dooley and Sophie Moller, for their excellent briefing and for helping me to understand the intricacies of the bill.

I want to finish on a local Thornlie note. I was talking to one of the very talented Aboriginal artists in my electorate, Nerolie Bynder, and I commissioned her to do a painting of the Swan–Canning River system for me, with the Perth hills in mind as well. She did a magnificent piece of art for me, and she gave me some words to help explain it. I will read it out so that I can give members, even without seeing this beautiful piece of art, a sense of what our river means to Noongar people —

The wargle represents our river. The water overflows in the background as the river waters branch out all over country.

The spirits are happy and moving down the hills towards the river edges.

The three waterholes are connected by the white dots and represent traveling from place to place.

The sprockets add a link to riding bikes around the rivers and hills. The whole wargle is surrounded by the chain links to link the bikes with the river as close as possible. The spirit of the wargle watches over us all.

Leaves are for the trees all around the hills and beyond in Perth.

It is being by the river that links us to many people and to never forget the Ancestors of the past who lived in peace along the river’s edge.

Thank you, Nerolie, for those words and also for your beautiful artwork.

I commend this bill to the house. I am thrilled to see so many of my colleagues in this place who were elected by the good constituents of riverside suburbs. I count Thornlie as one of those. I know I am in good company and that the people of Western Australia always want the very best for our Swan–Canning River system. I am sure that is what this legislation will provide.

MR P.C. TINLEY (Willagee) [5.48 pm]: I rise with great pleasure to speak on the Swan and Canning Rivers Management Amendment Bill. This bill is quite personal for most of us who grew up anywhere near a river. The Swan and Canning Rivers have a unique place for all of us. For me, the Swan River, particularly towards the Fremantle end, played a significant part in my childhood, and for my entire family cohort. My children have all grown up around and have used the Swan River.

In fact, on a personal note, it is a rite of passage down Fremantle way to jump off the “new bridge”, as they call it; the Stirling Bridge must be 40 years old now! There is Blackwall Reach and the “White Lady”. We learnt to swim in the river. I got my basic and intermediate swimming qualifications at Bicton Baths, swimming amongst the jellyfish. I have very fond memories of getting stung by the man o’ war jellyfish! Of course, during our teen years, on very hot summer nights, we had great fun prawning with dragnets in the Swan River and then sleeping on the beach sand. From time to time, we ventured into the Canning River.

Ms M.M. Quirk: You sound all Tim Winton.

Mr P.C. TINLEY: I know. There is a dirt story right there.

We made fires and cooked the prawns and the occasional crab we had caught and then slept on the river bank. We tried to fish off the jetties in the river but all we came up with were buckets of blowfish. Occasionally we would get a kingfish swimming through, if we cast out far enough. On a weekend down at Bicton, the challenge of a swim across the river to the CSR sugar refinery was not unusual. We would find our way into the sugar refinery to see what we could pilfer! It was a very good adventure. In fact, the last bit of the CSR refinery that is left is the hydrothermal energy system. The refinery got its power from thermal energy. Neesham family members swam across the river one day and brought back a pipe that was connected to that system. It now heats the Bicton water polo club pool, as it has for the last 20-plus years.

Mr D.J. Kelly: Going to the CSR sugar refinery was one of the only school excursions we ever did.

Mr P.C. TINLEY: That is right.

Mr D.J. Kelly: We didn't steal any pipes, though. We left that for the Neeshams!

Mr P.C. TINLEY: That is right.

The river is much more than the natural body of water that flows between the banks; it very much flows through the lives of all of those who have experienced it. Knowledge of the river and its role in individual's lives is fundamentally important to the Perth community and Western Australia generally. That connection with the rivers is not unique to us. For 60 000-plus years, before it was called the Swan River, it was called the Derbarl Yerrigan. To this day, it is a very special place for First Nations Australians. We represent First Nations Western Australians who have a heritage that goes back many thousands of years. A simple welcome to country teaches us about the Whadjuk Noongar people's Dreaming stories of the Swan and Canning Rivers that we can all so fondly connect with.

Of course, there is a relationship with the groundwater system, and beyond that the wetlands of the Swan coastal plain, which have been impinged on severely by development. We are coming to understand only now that they are the aqualungs for this sandy plain. The rivers are very much part of that hydrological system.

It is always important to acknowledge the lessons from cities around the world that have planned for their rivers. It was natural to position urban development along a river. In fact, we often talk about the Canning and Stirling Highways as the early routes to move from the port to the city, but history tells us there was also a strong thriving business of ferries and barges moving along the Swan River. In Nairobi, Kenya, in the 1990s, the government had to destroy buildings constructed in particular areas to mitigate the impact of floods. Nairobi is an example of a growing African city that has not adequately protected its rivers. It is very important that we consider the impact of rivers and their role in a drying climate and extreme weather events when we take on climate change. We are yet to see those sorts of things in Western Australia, particularly with our rivers. Most of the older cities of the world developed along rivers. Rivers played a major role in sustaining the city and the people, as they did in Western Australia, providing water and natural resources, food and so on, but they also provide flood mitigation or prevention. Tampering with or close to the edges of or around rivers can have a significant impact, as we found with the wetlands. We built towards the edges of the wetlands because we did not understand that the greenbelt was part of the filtering system that that body of water needs, creating that environment.

Heavily polluted cities obviously have a significant impact on their rivers. We are very fortunate that the Swan River Trust's approach to managing the river in Western Australia goes from aerating the upper reaches to repopulating it with certain fish species and trying to keep down the numbers of the endemic pest species that populate it or eradicating them when possible. The management of the health of the river is fundamentally important. We often think of the river with the edges that we know today, but early photos of the river, particularly around the Narrows Bridge, show a lot of land was reclaimed from the river and mudflats—Langley Park and those areas. People wonder why the city was built so far back from the riverbank. It was because it was low-lying and in parts very swampy land, and with the early styles of construction, it was not particularly suitable to build the city closer to the water.

There was a military component to that decision, too. We often forget that the French were on the sniff when English settlement was underway in Western Australia. Perth was chosen as the place for the capital because it was further up the river than Fremantle and it was easier to defend. I am very much simplifying a long history. The best defensive position for protection of the approach to the city up the river was of course what we now know as Kings Park. It was the best place for gun placements. Historians of architecture tell us that was the origins of Kings Park. It was originally retained for defence of the city. It was preserved during early periods of white settlement from being built on and used. As the highest point around the place, it would be a nice urban development zone. The Kings Park we have today is in large part thanks to the military tacticians of the early white settlement; they retained it because they needed it to be retained.

Langley Park and those areas of South Perth that we now know of as the South Perth foreshore were all mudflats. Again, that is why they had to build further back from the river. In places, one can see the historical high-water mark on the pavement. There are small markers around Perth. It is a very interesting part of our history. The river threads its way through our history time and again, as I said, up to the modern day.

The river has never been under more pressure but it has also enjoyed a renaissance, if you like. I have talked to people about and read reports on the health of the river and its rejuvenation. For many years, we did not see dolphins in the river. We had determined that they had all vacated the river. In more recent years, pods of dolphins moving up and down the river is a common sight. Of course, unfortunately, we also get the odd bull shark moving up and around. We had a tragedy last year at Blackwall Reach, where a swimmer was mauled by a bull shark. It is not a very common occurrence. Before that, the last one was in, I think, 1932. It was a long time between shark attacks in the river. On the other side of it, I note that the health of the river is on the mend as we have seen nursing sharks come into the river during different parts of their life cycle. We are also seeing a better quality of fish, with a significant reduction of mercury and lead in their flesh. That is an important component of the health of the river. When we move to the upper reaches of the river and into the Swan Valley, we see that it is of fundamental importance to the agricultural and horticultural industries in those areas.

Although this bill may seem to be a minor amendment, this chamber should always be diligent when attending to anything that deals with the natural environment to ensure that we make the right decisions on its behalf because it really does not get a voice. If you like, its voice comes many years after a decision is taken, such as decisions that impinge on any river or waterway. For example, I refer to the impact that a four-lane freeway would have had on the Beeliar wetlands if it had been built right through the middle of it. We would not have seen its true effects until many years afterwards. The diesel particulate plume alone would have extended many hundreds of metres beyond the road itself and would have significantly impacted the flora and fauna around it. A decision taken in haste relating to our natural environment can always have a consequence that we did not see, cannot understand and will not necessarily feel the effects of in our generation, and potentially several generations thereafter.

During the small contribution that I have made today, I wanted to highlight the connection between the rivers and our lives, both in the urban and natural context, in our lived experience and for many generations after us. We hope that we leave a legacy of enjoyment and contribution from this great waterway to the lives of our kids and their kids. I look forward to the bill passing the house.

MS J.J. SHAW (Swan Hills — Parliamentary Secretary) [6.02 pm]: I rise to make a brief contribution to the debate on the Swan and Canning Rivers Management Amendment Bill 2022. As has been discussed by other members, this bill is part of the Streamline WA initiative to streamline regulations and regulatory practices. It is intended that it will support tourism and hospitality businesses while ensuring that the special environmental values of the Swan and Canning Rivers are protected. A number of businesses in the Swan Valley are very interested in utilising the Swan River as a tourism asset. Indeed, the opportunity is fantastic. I understand that the Swan Valley wine region is one of the only wine regions in the world connected to the CBD by a river. It is a very under-utilised asset in terms of tourism. There is certainly a real appetite to improve that situation. It is very important that as we do that, we preserve and protect those environmental values.

As the name would imply, the seat of Swan Hills has a significant stake in the Swan River. It runs right through the electorate—through the Avon Valley, Brigadoon and Upper Swan. The western border of my electorate in the Swan Valley is the Swan River. We have a vested interest in making sure that that asset is not only utilised, but also protected.

As part of my contribution to this evening's debate, I wanted to talk about a number of groups in my electorate that contribute to our efforts to protect the Swan catchment. Some fantastic work is done by community heroes, who are often unsung. I wanted to take the time this evening to acknowledge some absolutely fantastic work. The first group that I would like to talk about is the Friends of the Western Swamp Tortoise. I am very proud to be the patron of the Friends of the Western Swamp Tortoise. The western swamp tortoise is Australia's most critically endangered reptile species. Ellen Brook, which is part of the Swan catchment, is the only place left in the world where western swamp tortoises naturally occur, and right next door to the fastest growing part of the metropolitan area. Tens of thousands of people are moving into an area right next door to the one place on the planet where western swamp tortoises naturally reside. It is important that we do what we can to protect that little ecosystem that is so vital to sustaining the western swamp tortoise. The driving force of the Friends of the Western Swamp Tortoise is Jan Bant and Cathy Levett. They are two environmental warriors. They are very committed to raising awareness in the general community, particularly in schools, about the plight of the western swamp tortoise. The friends meet regularly to plant the Ellen Brook Nature Reserve and the Twin Swamps Nature Reserve. It has been revegetated. In fact, we had to undertake a major revegetation initiative following the Wooroloo fires when Ellen Brook reserve was burnt out. Thankfully, only one western swamp tortoise was injured during that fire. Major work was required to replant that part of the habitat of the western swamp tortoise.

I was also very privileged to participate in three releases of western swamp tortoises into the wild. Perth Zoo and the Department of Biodiversity, Conservation and Attractions do some absolutely fantastic work breeding western swamp tortoises for release into the wild. I have been very privileged to be part of that. It was quite emotional to do that; it is a special experience. It is lovely to hear about the success of the western swamp tortoises being released in that area. They are breeding. The work of the Friends of the Western Swamp Tortoise is fantastic. The program is succeeding through the group's support. The membership released a record number of swamp tortoises

this year—147. That involved a lot of traipsing through the mud into the swamp to release them. It was really wonderful to do that. Membership of the Friends of the Western Swamp Tortoise is free. Schools can get involved. They can do educational visits. They hold seed bomb manufacturing days, where people get together and put all sorts of native seeds in vermiculite and then “bomb” them into the habitats, so the bombs explode and the seeds grow. As I said, the friends do quite remarkable work.

Alongside the community and the Friends of the Western Swamp Tortoise, we lobbied the City of Swan very heavily last year to refuse a subdivision that would have considerably intensified dwellings between the Twin Swamps reserve and the Ellen Brook reserve. There is now data that shows that western swamp tortoises migrate between the two spots. Obviously, if a whole heap of houses were built in the area, the movement between the two habitats would be prevented. It was very pleasing to see that the City of Swan voted against recommending that change to a local planning scheme, which would have allowed subdivision in that habitat. That is one good thing that the City of Swan has done. The Friends of the Western Swamp Tortoise is an absolutely amazing organisation.

The other organisation that has a significant impact on the Swan River is Chittering Landcare. I would like to give a nod to Doreen Mackie and Rosanna Hindmarsh. I met Rosanna in connection with her work with Perth City Farm and the Forever Project. She is a really fierce environmental warrior. In fact, today Chittering Landcare hosted a bush tucker event in collaboration with Bullsbrook Landcare. It holds night stalk events in Julimar State Forest to explore nocturnal species throughout the catchment. It held native wildflower displays of species local to the Chittering area in September, it planted essential vegetation in Moondah Brook to improve water quality and habitat in July, and it has also hosted a junior landcare project in collaboration with the state-run natural resource management program to connect young people to the natural environment. That is great. A couple of years ago, I was very pleased to join Chittering Landcare at the Yanchep Inn to celebrate the group’s twentieth anniversary. The driving force behind Bullsbrook Landcare is Anne and Richard Janes; they are very dear friends of mine who work tirelessly on environmental issues. Just recently, in October, Bullsbrook Landcare participated in the great Aussie Bird Count, recording 37 species of bird along the Bullsbrook bridle trail. That group is constantly rehabilitating the bridle trail and doing planting and fantastic work to rehabilitate degraded environs in the Bullsbrook area. Bullsbrook Landcare hosted an educational drop-in info desk for Landcare Week at Ethel Warren Community Centre in August, providing information on weeds and protecting local fauna and native plants. As I said, it also hosted a tree planting at Kingsford in July. Ki-it Monger Brook runs through the new Kingsford development and Bullsbrook Landcare assisted with planting out that area to protect that tributary that also feeds into the Swan River. I was very pleased at the 2021 election to provide some funding for Bullsbrook Landcare for new equipment to help with its rehabilitation efforts.

I mentioned before that I met Rosie through the Forever Project, and I acknowledge the work that the Forever Project has done in my electorate. Chris Ferreira is doing incredible work to raise awareness about waterwise and fire-wise projects. He runs educational sessions and puts together display gardens right through my area. He particularly supported the Wooroloo fire recovery process. He ran workshops and helped people recover in an environmentally sensitive way from the Wooroloo fires.

The Ellen Brockman Integrated Catchment Group is also a very significant group that operates in my electorate. Again, Richard Janes is part of that, as are Errol Howard and Doreen Mackie. It is dedicated to maintaining the health of waterways in the Ellen–Brockman region, particularly Ellen Brook. Again, it is funded through the natural resource management program. The Ellen Brockman Integrated Catchment Group received \$149 000 from the Community Rivercare grant program in January 2022 to assist with foreshore revegetation and weed control.

We also have an organisation called the Friends of Pioneer Park. That is a bit further up into the south-eastern hills part of my electorate. It received \$65 000 through the Community Rivercare grant program to assist with weed control and natural regeneration. It has been removing weeds through the course of the year but it did a big project in October. A range of volunteers and contractors get onboard to maintain the health of Pioneer Park and surrounding bushland in the hills.

The Susannah Brook Catchment Group is another great group. I think Susannah Brook runs through my electorate, but the lion’s share of it is further west. It runs from West Gidgegannup through Red Hill and down into Millendon. That group also aims to protect and enhance surface water quality, maintain and enhance biodiversity, understand the impacts of climate change on the catchment and educate the community about sustainability and impacts. It also received a \$10 000 Community Rivercare grant to assist with habitat improvement for birds and other waterway-dependent species. Right the way across Swan Hills, a range of environmental groups are doing absolutely fantastic work.

I would like to take this opportunity, whilst we are talking about the Swan River catchment and the great work that community champions do in the furtherance of environmental causes, to acknowledge a truly outstanding member of my community who, very sadly, passed away on 12 October 2022. I think it is no understatement to say that she truly was a remarkable woman and a great advocate for the environment. That is, of course, Dr Anne Margaret Sibbel. I want to take a moment to reflect on her life because I can tell members that as a local member I do not think I have met anyone as deeply committed to the community, as hardworking or as measured and effective in her advocacy for her community or as deeply committed to making the place she lived in a better place as she was.

Anne was born in Victoria and died in Bullsbrook. She initially trained as a primary school teacher. She went back to university later in life and did her PhD in community psychology and was widely acknowledged as a Western Australian expert on the impact of FIFO on wellbeing and, in particular, the impact of FIFO on families and, importantly, how to make things better for workers and families at home.

She was always passionate about her community. From volunteering to teaching adult literacy to supporting refugees in detention, if there was a cause to be taken up, you could bet your life that Anne was prepared to pitch in and she was passionate about achieving outcomes. Making sure that everyone had a voice was always central to everything she did. I can attest to that. She would often advocate to me on behalf of her community and often the voiceless within her community. Her whole life was about standing up for what she believed in, from protesting against conscription in the Vietnam War as a young person to contacting my office on any number of community issues. She absolutely loved Bullsbrook where she lived from 2003 until her death.

She was involved in a wide range of community organisations, including Communities for Children. She was on the board of the Zonta House Refuge Association. She was part of the stable fly working group and worked with the poultry industry, market gardeners, experts and landholders to address stable fly issues, which are significant in Bullsbrook in particular. She was heavily involved in Landcare. She held various positions in Landcare. She was also a member of the Bullsbrook College board and the South Midlands Pony Club committee and she won a City of Swan citizenship award.

I met her during the campaign for the 2017 election. She was president of the Bullsbrook Residents and Ratepayers Association. I will say we actually did not get off to a good start. I wrote to her and I misspelt her surname as “Sybil”. I spelt it as one would spell the lead character in *Fawlty Towers*, and she let me know in no uncertain terms what she thought about that. I very quickly realised that here was quite a formidable woman in Anne Sibbel and I was at pains to make sure we spelt Anne’s name correctly from that point forward. She was on the panel of the very first community meeting that I was invited to as a candidate. I had never done anything like this before and I had been invited to a community meeting on an issue that I will talk about. Anne was there in her capacity as the ratepayers’ association president. She was remarkable. She was measured but fierce in her advocacy for her community, so I was impressed by her. In a very calm, sensible way, she prosecuted an excellent argument on the need to oppose what were some terrible projects that were being applied for in the Bullsbrook community. That was my first experience of seeing Anne in action.

After I was elected, the tip proposal issue was one of the very first issues that I took up as a local member. From that day forward, I worked with Anne on a wide range of community issues. Anne established the Bullsbrook Residents and Ratepayers Association, and she was its president for many years. She was the driving force behind the establishment of the Bullsbrook Museum, and hit me up for funding for it. I was very pleased to do what I could to support the establishment and the development of that community asset. She was responsible for organising many Bullsbrook community events—outdoor movies, the Bullsbrook Country Fair, music nights and Christmas carols. You name it, Anne was behind the scenes working on it. I thought it was fantastic the way that she established the team in the Bullsbrook ratepayers’ association meeting and how she then went out of her way to assist other community groups to get themselves set up by auspicing them. At times when it was difficult to get a constitution together, or costly, or someone did not know how to put the rules together or what their insurance requirements were, Anne would help community groups through auspicing. It is such an important part of helping fledgling community groups to get on their feet.

[Member’s time extended.]

Ms J.J. SHAW: Anne was also very willing to provide advice and support to other fledgling ratepayer and resident associations on how to effectively campaign on community issues. In my time as a local member, the Upper Swan District Ratepayers and Residents Association formed and it had a very complex community issue that it needed to advocate on, and Anne was always very willing to provide what advice and support she could, because she was really good at it; she was very effective at advocating for her community.

I will run through some of the issues that Anne raised with me. She was constantly advocating for improved public transport links between Bullsbrook, Midland and Ellenbrook. She was a fierce advocate for safe water for west Bullsbrook; the PFAS issue has been an ongoing struggle for the Bullsbrook community. Anne was unrelenting in her pursuit of outcomes on that issue, and I was pleased to support the work. Anne also was right on it when we were talking about the proposed quarantine facility for Bullsbrook, which now sits there, and wanted to make sure that the community’s needs were considered. She certainly advocated to me, and, in turn, on the community’s behalf, I was very pleased to assist. Anne always raised with me the importance of community banking. The Bullsbrook Residents and Ratepayers Association did quite an extensive amount of work to try to retain the Bendigo Bank branch there. Anne again realised the need for community facilities and amenity in Bullsbrook. She also took up the cause of the impact on rural properties of rating reviews to change from unimproved value to gross rental value. Anne really took up that issue on behalf of her community. It affects places like Bullsbrook and Gidgegannup. Anne constantly lobbied me for an alternative point for access and egress on the Shady Hills access road in case of bushfire. I was very pleased to work with the BRRA to secure a state government funding commitment for the delivery of an alternative point for access and egress, and we certainly look forward to the City of Swan working to deliver that

project. Anne also advocated to me on the need for upgrades to Stock Road to make that asset integrate with NorthLink. She also advocated on the issue of traffic on Chittering Road. As I mentioned before, she was on the Stable Fly Action Group and was also involved with the Bullsbrook heritage trail. Her advocacy and use of her community development expertise really helped shape the Kingsford development. She was a fierce advocate for the protection of the banksia woodlands in west Bullsbrook. Anne worked tirelessly to put together submissions on the tip proposals on Jenkins and Chittering Roads, and advocated to state, federal and local government stakeholders. She sat for days on end in State Administrative Tribunal hearings and she made depositions to councils. That project was terrible for Bullsbrook and I believe it would have gone ahead but for Anne Sibbel's remarkable advocacy and tireless work, along with the other members of the Bullsbrook Residents and Ratepayers Association. Finally, I want to mention one issue that Anne advocated to me on—voluntary assisted dying. She gave me permission to read her contribution. She emailed me about it and said that she was quite happy for me to use her words. According to my notes, she said —

As you know I have metastatic breast cancer. It can't be cured. I am not afraid of death but am very concerned about the process of dying. I don't know how it's going to be for me, but having nursed both of my parents through their awful journeys with cancer, and my aunt through her drawn out death with emphysema, I know I don't want to go that way. I believe assisted dying is a basic human-right and a very personal one—not a political or religious choice—in this day and age we don't have to have agonising deaths where families are left traumatised by their loved ones' suffering. People can die a kinder and better way. I would like to have the choice.

The Bullsbrook Museum is now creating a memorial garden in Anne's memory, and I think that is very appropriate. We have lost a kind, funny, caring and very compassionate woman and, I think, one of the most effective community advocates I have had the pleasure to work with. She is truly irreplaceable. She and I really connected when she discovered that my parents used to breed Newfoundland dogs. Anne had newfies. She was a remarkable woman. We are so very grateful for the contributions that she has made to our community. I extend my deepest sympathies to Frank, Kate, Jo and Nick, and their partners, and her grandchildren.

The protection of rivers, the protection of the environment and the advancement of deeply held grassroots community issues depend on people like Anne Sibbel. It all depends on people standing up and being prepared to put in hours of work and face some pretty difficult criticisms, sometimes from other parts of the community that face adversity. Anne Sibbel was remarkable, and I want to thank her for her incredible contribution to Swan Hills.

MR G. BAKER (South Perth) [6.25 pm]: I rise to speak on the Swan and Canning Rivers Management Amendment Bill 2022. I would like to thank the Minister for Environment for bringing this bill to the house. As the member for South Perth, rivers surround my seat on three sides; in fact, South Perth is a peninsula between the Canning and Swan Rivers. The Canning and Swan Rivers—the Derbarl Yerrigan and the Djarlgarra—are central to the life of our city. At every turn of history, our city has relied on these rivers for food, transport, recreation and commerce. However, we have not always been aware of the environmental and social consequences of management decisions that were made and, for a time, allowed the river to degrade to a sorry state. It has taken a lot of work to come back from that.

This bill will streamline the administration of many uses of the river, while protecting the river environment. As part of the Streamline WA initiative, the bill will improve regulation and the regulatory practices to make it easier to do business in Western Australia, but it will not change the rigorous assessment that the Department of Biodiversity, Conservation and Attractions applies to licence agreement and permit applications to ensure the environmental protection of the Swan and Canning Rivers under the Swan and Canning Rivers Management Act 2006. Managing the river is beyond the capacity of a single local government authority. More than 20 local government authorities border the banks of the two rivers. We have also had a succession of organisations in Perth looking after the river. We had the Swan River Conservation Board between 1959 and 1976, the Swan River Management Authority between 1977 and 1989, and the Swan River Trust, which started in 1989 and was largely folded into the Parks and Wildlife Service in 2015 and is now within the Department of Biodiversity, Conservation and Attractions. Past that, an array of other government departments, such as the departments of lands and tourism, and even the Civil Aviation Safety Authority, have a bit to say about the management of the river. Who could forget that the Premier opened an airport on the river in South Perth earlier this year? Not many people know that—a whole airport. Simplification is a welcome reform, but we also want to protect the natural habitat.

The Derbarl Yerrigan is an ancient waterway that nurtured the Noongar community for thousands of years. Evidence of this can be found on the Como Beach foreshore, where archaeologists found the shellfish middens left by generations of Whadjuk camp sites.

Since the arrival of European settlers, the river has changed radically. In 1829, colonists noted that the river water was a little brackish, but not as salty as the sea. As late as 1950, Chinese market gardeners on the South Perth foreshore were able to use river water on their market gardens. We all know about the swimming baths in Como and, as the members for Willagee and Nedlands reminded us, in Bicton and Crawley. We all know about the swimming baths along the river. My dad thought nothing of swimming in the river at the Preston Street jetty. Today, it is really hard

to imagine jumping in for a quick swim with all the salt water and the jellyfish, but we have to remember that back in the day, the water was not salty; it was fresh and it was a completely different marine environment from what it is today.

This all began to change in 1902, with the removal of the reef at the mouth of the Swan River as Fremantle Harbour was built, allowing tidal water to creep up the river from the sea. Additionally, the clearing of native vegetation from the wheatbelt brought salt to the surface, which, over time, has pervaded our rivers systems. These two factors have slowly, over 100 years, transformed the Swan and Canning Rivers from freshwater rivers into salty estuaries. With that change came a huge change in wildlife. For one, we have largely destroyed the natural habitat of the black swan. We used to have thousands of black swans on the river; they were a staple food for the colonists. I have seen photographs of pens of swans kept at the Old Mill in South Perth. They were all clipped and ready to be eaten in the way we would eat ducks or geese. There were thousands of them, but they are mostly all gone; not just the swans, but the entire ecosystem that supported them. This complicates the notion of protecting the Swan River environment in the present day.

If we wish to have similar habitats as we had 100 years ago and support the traditional fauna and flora, we need to create freshwater lakes along the banks. We have done that in South Perth, with Millers Pool, Lake Hurlingham and Douglas Lake. They are freshwater wetlands that swans and other freshwater birds can feed and drink from. We have also created Djirda Miya, which means “homes of the birds”. That is a small island in the Swan River off Douglas Lake. That is a joint project between the state government and the City of South Perth. It is between Coode Street and Lake Hurlingham, and is a rocky and sandy island just off the shore. It can be seen very easily. The island allows black swans a safe place to breed, while giving them access to the fresh water at Douglas Lake where they can feed and drink. The intention of Djirda Miya was to provide the black swans with a home, but it has been adopted by birds of all kinds, especially pelicans.

While I am talking about Djirda Miya, I will give a shout-out to Veronica McPhail, who photographs and documents the wildlife along the South Perth foreshore, and the revival of the black swans breeding there. She has been photographing the swans and other waterbirds around the new island haven since 2001. She has snapped several families of swans that have successfully produced cygnets while nesting on the island, which is great to see. Members can see some of her photos around Parliament House. One is in the Premier’s office and a couple of others are on the interactive video display, just outside in the corridor.

However, the changing salinity does not stop our need to protect the river and its environment. New species have moved into the ecological niche that depend on the health of the river. Currently, the river has over 130 species of fish, including rays, cobblers, herring, bream, flatheads, leatherjackets and blowfish. We have jellyfish in abundance, bottlenose dolphins, prawns, blue manna crabs, mussels, molluscs, black swans, gulls, twenty-eight parrots, rainbow lorikeets, kingfishers, red-tailed black-cockatoos, Australian pelicans, Australian magpies, ducks, shags and all sorts. We also have small mammals like water rats, brush-tailed possums, short-nosed bandicoots, quenda, snakes, lizards, spiders and insects that all inhabit and depend on the foreshores and the wetlands along there.

What are we doing to preserve the foreshore habitat along the river? The Department of Biodiversity, Conservation and Attractions is working on the Riverbank program to manage the foreshore with the state and local governments. Funding is available for a wide range of foreshore restoration and protection activities.

Recently, we have funded programs all the way up and down the river, from Fremantle, Bayswater, the City of Swan and Armadale to South Perth. In South Perth, this funding has recently gone towards the restoration of the Mt Henry Spit, as well as river wall replacement, beach creation and revegetation around the Coode Street foreshore. Added to this is the work on restoring the wetlands along the foreshore, like the Andrew Thomson Conservation Reserve along the Waterford foreshore, and efforts to replace introduced trees with local native trees. Now we are getting somewhere. Now we have a beautiful river running through our vibrant city. Through careful management, we have a clean river that is the envy of any large city around the world. We can swim and sail in the river without concern, except for the jellyfish, and we can eat the fish, crabs and prawns. This is not a given in all similarly sized cities around the world. I remember the disappointment and confusion when I first went to Adelaide and looked at the River Torrens and saw a little trickle.

The ACTING SPEAKER (Ms M.M. Quirk): That is disappointing, member.

Mr G. BAKER: It is. The Yarra River was a poisonous, tiny little thing running through Melbourne. I also think of places like Cleveland, which is an industrial city with a poisoned river, and Los Angeles, which has a huge concrete gash going through the city with hardly any water running through it. Even cities like London and Amsterdam sit on big rivers, but they are very dirty rivers.

Our environmental success is a wonderful commercial and recreation success story. We love our river, and we love visiting it. I will give members one example of this from South Perth. Last weekend, at Sir James Mitchell Park, we saw the return of South Perth Streats, better known as the food trucks down at the foreshore. That is a South Perth institution. Thousands of people gather there in the evening to watch the sunset and chat with friends while eating cheap meals from the food trucks. I have been down there many times, enjoying sushi, Canadian fries, Thai, pizza,

Tex-Mex, bao buns, mango ice cream, or whatever is on offer that evening. You can't go wrong. I commend it to everyone. Just pick the food truck with the shortest queue, and members will be pleased. In a few years, it has become a huge event, attended by people from all across the metropolitan area. That has created its own management problems. These are problems that can be solved, but there is a surprising amount of back and forth across departments and local governments to work through them. For example, the land in Sir James Mitchell Park is a mix of freehold land owned by the City of South Perth and crown land owned by the state government, but the water on the shoreline is managed by the Department of Biodiversity, Conservation and Attractions. That is just for Streets. I could go on about Skyworks and how difficult it is to manage that across many departments, but 7.00 o'clock is approaching. Managing this popular demand for commercial and recreation uses across government departments and 20 local governments while protecting the environment is the key.

The Swan and Canning Rivers Management Amendment Bill 2022 will make this job easier. First, we will simplify administration around the licence agreements for commercial operators in the Swan Canning Riverpark by amending section 32 of the Swan and Canning Rivers Management Act 2006. Secondly, we will amend section 13 of the Swan and Canning Rivers Management Act 2006 to remove duplicate consultation on projects. These changes should be seamless for operators and save government resources while maintaining the same level of environmental protection.

We have a lot of people in Perth who want to enjoy their river. When I talk to small businesses or local government, too often they talk about the administrative complexity in getting anything done. These sensible reforms will make things a little easier and further unlock the potential of our river while maintaining high standards of environmental protection. As I said, the seat of South Perth is surrounded by river on three sides, and the Swan and Canning Rivers are dear to our hearts. Ask someone to take a great photo of South Perth and invariably they will take a photo of the river. It gives me great pleasure to support this bill to create better administration of the rivers while protecting our environment.

MR R.S. LOVE (Moore — Deputy Leader of the Opposition) [6.38 pm]: I rise to make a contribution to the Swan and Canning Rivers Management Amendment Bill 2022 on behalf of the opposition. In doing so, the resolution of the opposition is that it will support this bill. I have a couple of reservations that I want to express, and I will do that as we go through those matters. The opposition will, in general, support the bill that has been presented to Parliament.

I want to start by reflecting upon the speech given by the member for Swan Hills. She gave quite a passionate tribute to Anne Sibbel of Bullsbrook and I would also like to join with the member in reflecting on the passing of Anne. She was well known in the Chittering area generally; she was someone I had quite a bit to do with over the years and for whom I had a lot of respect. Obviously I was not as close to her as was the member for Swan Hills, but I would like to say how sad it was to hear of her passing.

Another little commonality between her and my electorate is the Ellen Brockman Integrated Catchment Group, which had its genesis in the Lower Chittering area. The member spoke of people from the Chittering Landcare Centre who were involved in the Ellen Brockman Integrated Catchment Group. That group started out as the Ellen Brook Integrated Catchment Group back in the day, but changed its name. It started off because a worrying level of salinity had been observed in Ellen Brook and other streams in the area, including Marbling Brook and the Brockman River. The group was formed by people mainly from the Lower Chittering area, including Hartley Read, a then councillor with the Shire of Chittering and a very well known local who has a long history of dealing with water. He is an earth mover and understands the construction of dams and how water moves across the environment. As I understand it, the first meeting of the group was held at the Lower Chittering Hall. Another constituent of mine for whom I have a great deal of respect, John Lambie, was also an early member of the group, and for many years it has been working assiduously towards improving the quality of water in that catchment area that ultimately flows into the Swan River. The group is mainly based in my electorate, but actually shares in some of the issues around the Swan River. It just shows that water does not respect boundaries that much as it flows through, and that is one of the issues that the member for South Perth reflected upon. Many local governments are tied up in the Swan catchment area as well. Water does not really respect political boundaries; it flows around, and it needs to be treated across the whole of its extent rather than just wherever an organisation exists, be it state or local government.

Returning to the Swan and Canning Rivers Management Amendment Bill 2022, the opposition will support it for the reason that we generally support legislation that tries to make life simpler for people with less duplication, and this legislation will remove some regulatory duplication. The need to have both a permit and a licence will be done away with and only a licence will be required, which apparently will be of some benefit to people affected by it. I think a couple of organisations have leases and they will remain special leases; there is the flying boat, as it is called, and the zipline.

I want to ask some questions about proposed section 13, which will remove the need for the Minister for Environment to consult on changes to the development control area when those changes relate to an amendment to the metropolitan region scheme that has already been approved under the Planning and Development Act and has been the subject of consultation. What difference will this make, in a practical sense? If the minister can answer that in his reply to the second reading debate it will maybe satisfy me so that I will not have to take the bill into consideration in detail. As I said, the opposition will support this bill. The shadow Minister for Environment is Hon Tjorn Sibma in the other place, so I am sure that if he has questions of a technical nature, he will be able to ask them in Committee of

the Whole in the other place as required. My question is: what is the practical change? What is the implication, in particular, for people who may comment on or appeal against a proposal? Will there be any difference in rights of appeal, for example, for something that might happen under the changed arrangements in proposed section 13?

Another matter that I am a bit curious about is proposed section 30. I think there is a heading change that substitutes “licence” for “lease”. I am curious as to why that has occurred, when the bill I am looking at makes reference to consequences of contravening conditions of a river reserve licence, whereas before it referred to a river reserve lease. Throughout the actual provision, there are still references to leases and lessees and the like. That does not seem to reflect “licence”, so why has the heading changed but not the matters that are the actual substance of the provision—the difference between “licence” and “lease”?

Those are the issues I wanted to briefly raise with the minister. I ask also if he could enlighten me on proposed section 32(6), which states —

A licensee must not, without the prior approval of the CEO, sell, transfer or otherwise dispose of, in whole or in part, the licence agreement or any interest in it.

Can the minister give me an understanding of whether those transfers can be through family arrangements? What happens if a parent wants to pass their licence to one of their offspring? Is that something that is of an automatic nature? In the unfortunate event of the demise of the licence holder, is it something that can be passed down through inheritance? Is it possible, in fact, for the estate of a deceased person to hold the licence? It provides that a person holds the licence; is that something that is actually possible under the legislation?

Those are the few little queries I have. If the minister can look at them in his reply, I may well be satisfied with that, because the bill is otherwise considered non-controversial. With regard to proposed section 13, I would be interested to know what the ramifications may be for people who want to comment on a proposal or appeal a decision. With that, I will conclude my remarks and look forward to further contributions from government members.

MS C.M. TONKIN (Churchlands) [6.49 pm]: I rise today in support of the Swan and Canning Rivers Management Amendment Bill 2022. I think we all know the significance of these rivers to the Whadjuk Noongar people in particular, but we are only beginning to appreciate how these rivers figure so prominently in their dreaming. The more we learn from the traditional owners, the more we will be in awe of this magical environment. Their stories and their understandings of the river environment add enormously to our own understanding, and make this a very rich place for all concerned.

Like for many people who live in Perth, the Swan and Canning Rivers have a very important place in my heart. My mother used to speak with great fondness of her childhood experiences fishing and netting prawns with my grandparents during the 1930s along the river at Applecross. It was not only the stuff of magical childhood memories, but also very necessary for feeding a large family during economically difficult times. There were six children in my mother’s family, and she was the youngest. My mother had happy memories of her father cooking the fish whole in the coals of a fire on the beach. She said that he never used to gut them—the guts used to just shrivel up inside the fish and you could pull them out easily and eat them. That is something I have never tried, but something my mother thought was wonderful. As adults, my mother, aunts and uncles would go prawning in the river on a hot summer’s evening, repeating lessons learnt and joyful memories from their childhood.

In primary school, we used to have an annual end-of-year excursion to the Swan River, where I learnt to swim. It was wonderful. I went to a Catholic primary school in East Victoria Park. It always seemed hot in East Victoria Park! Going to the river on the bus with the nuns, with all our picnic gear and swimming stuff, was fabulous. It was the highlight of the year for me as a child.

When my sons were young, they loved to fish. My role was to provide the transport and to ensure that the bait was bought and the fishing lines were untangled. That was my constant role—untangling fishing lines, and occasionally getting hooked myself. It was an enormous pleasure to see the delight my sons experienced in this simple activity. Of course, I often used to take them fishing at the jetty adjacent to Royal Freshwater Bay Yacht Club. It was, and still is, one of our favourite places in the world. It is a place to which my sons have taken their children to fish. I always knew when any of their relationships were getting serious when the girlfriends would be taken to the favourite fishing spot as well!

The Swan and Canning Rivers are of such personal significance to so many of us, but some might rightly ask: what possible interest could the member for Churchlands have in these rivers?

Mr G. Baker: Exactly.

Ms C.M. TONKIN: Exactly. My electorate does not border the rivers. To this I must say that it is a little-known fact that the overflow from Galup, Lake Monger, flows into the Swan River from a drain at the south-east corner of the lake. At the moment, it carries contaminated run-off from the freeway and drainage from surrounding areas into the Swan River. The overflow from the lake into the river is contaminated because the swales through which the drainage flows along the eastern side of the lake are no longer fit for purpose. It is over 20 years since these nutrient-stripping channels for stormwater run-off were established. In that time, the swales have slowly deepened and lost their filtering sedges. Work is currently underway on my \$700 000 election commitment to redesign,

decontaminate and revegetate the swales. When the swales are made shallower and planted with sedges, they will do what they were designed to do—reduce the rate of water flow and filter out the pollutants and nutrients flowing into the lake. This will improve water quality and better support the lake's natural fauna and flora. This project is funded by the Department of Water and Environmental Regulation and is being delivered under a project managed by the Town of Cambridge. I must thank the honourable minister, Dave Kelly, for his enormous commitment to this project. I am sorry he has just left the room so I cannot thank him in person, but I am sure he will read about it in *Hansard*.

This project will be watched closely by the Friends of Galup–Lake Monger, a community group formed earlier this year with a committee drawn from over 120 local residents who love the lake. The friends group will play a role in the ongoing maintenance of the swales through weeding, planting and replanting sedges, and generally observing and caring for the environment. This ongoing role of making sure that these swales are managed effectively will be important to their longevity. Most of the work on the swales will be undertaken this coming summer, with planting of vegetation to occur when we get some rain during May and June. One of the first things to be done will be to remove the she-oaks on the east side of Galup. These were planted about 20 years ago and are now causing significant problems in this area, as they spread rapidly by sending out multiple suckers. They also release chemicals into the soil that suppress the growth of other native plants. As the she-oaks are removed and the swales are redesigned to make them shallower, more suitable natives and sedges that will work to strip nutrients from the water flowing into Galup will be planted. These water-quality improvements will be enjoyed for many years to come by native flora and fauna, as well as the visitors to Galup. With the swales functioning as they should, water flowing from Galup into the Derbarl Yerrigan will be cleaner and, therefore, better for the natural environment of the Swan and Canning Rivers.

This bill is not directly about managing the natural environment; it is about streamlining the regulatory regimes around the use of the rivers. That said, regulating activities on and around the rivers will affect the natural environment by circumscribing and controlling those activities. The bill will also make the granting of licences and permits more streamlined, which will make it simpler and easier for commercial river users to develop opportunities that will bring tourists and the local community to enjoy this exquisitely beautiful environment. On Sunday, 27 November, there is going to be an exhibition of electric watercraft down on the river near the Matagarup Bridge. A local company called Electro Nautic has been developing a really cool, as my son would say, watercraft that is similar to a jet ski but with none of the smell and noise. It operates on hydrofoils and comes up out of the river and glides along silently. It gives people all the enjoyment that they would normally have using a jet ski but is much more friendly to the environment. There are going to be many forms of electric watercraft down at the river. It is called Aquakhana and it will be worth people coming along. People should wear their hats and sunscreen, because it is no doubt going to be a hot day. These sorts of activities that bring people to the river and enhance their enjoyment of it, in this case in an environmentally friendly way, are some of the things that this legislation aims to facilitate.

The purpose of the Swan and Canning Rivers Management Amendment Bill is to amend the Swan and Canning Rivers Management Act 2006 to implement government policy commitments identified through the Streamline WA initiative. These are intended to change the consultation process; amend the development control area; clarify provisions to address duplicate approval processes for licences and permits; make transitional arrangements for existing combined licences and permits as well as specific licences; insert a new regulation-making head power in relation to requiring insurance as a condition of a permit; and remove the requirement for delegations to be published in the *Government Gazette*. These might sound like boring provisions, but they are aimed at making life much more streamlined and easier for all concerned, both for the agencies—the Department of Biodiversity, Conservation and Attractions, which administers a lot of these arrangements—and those who want to use the river for commercial, tourism and other community purposes.

The amendment bill will introduce regulatory reforms under the government's Streamline WA initiative. Streamline WA is seeking to improve regulation and regulatory practices to make it easier to do business in Western Australia. Importantly, this bill will streamline practices, but it will not change the rigorous assessment by the Department of Biodiversity, Conservation and Attractions of licence agreements and permit applications to ensure environmental protection of the Swan and Canning Rivers under the Swan and Canning Rivers Management Act. This is a really important thing to recognise. There will be no compromising on the natural environment or its management; this is all about streamlining the processes around the use of this wonderful resource. The bill will support local tourism and hospitality businesses and associated jobs, while ensuring that the special values of the Swan and Canning Rivers remain protected. Those values are important to many in our community—to the Whadjuk Noongar people and all of us who have fond memories of these rivers and look forward to using them in a way that will preserve them and make them a magical, special place for generations to come. I know my grandchildren will enjoy these rivers. As stewards of these rivers, we must do all we can to make that happen effectively, including putting in place measures such as those in this amendment bill.

Debate adjourned, on motion by **Mr D.A. Templeman (Leader of the House)**.

House adjourned at 7.04 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

GOLD CORPORATION

557. Mr R.S. Love to the Minister for Mines and Petroleum; Energy; Corrective Services; Industrial Relations:

- (1) I refer to the One Future Program:
 - (a) On what date was the One Future Program fully operational; and
 - (b) What was the final cost of the One Future Program?
- (2) I refer to Gold Corporation's Gold Pass program, on what date did the Gold Pass Product begin in operation?
- (3) How many conflicts of interests have been declared by board members and senior Gold Corporation staff for the financial years:
 - (a) 2017–18;
 - (b) 2018–19;
 - (c) 2019–20;
 - (d) 2020–21;
 - (e) 2021–22; and
 - (f) 2022–23 to date?
- (4) How many Freedom of Information requests were lodged to or transferred to Gold Corporation from Departments, Government Trading Entities or Agencies for the 2021–22 financial year?
- (5) How many cases of bullying have been lodged by staff at Gold Corporation the financial years:
 - (a) 2017–18;
 - (b) 2018–19;
 - (c) 2019–20;
 - (d) 2020–21;
 - (e) 2021–22; and
 - (f) 2022–23 to date?

Mr W.J. Johnston replied:

- (1)
 - (a) December 2021
 - (b) \$52.3M
- (2) Launched 3/10/2018 in Australia. Launched 9/9/2020 in the US.
- (3) Directors of Gold Corporation have declared the following interests which may pose a potential conflict at board meetings during the financial years identified by the questioner:

(a) 2017–18	0
(b) 2018–19	6
(c) 2019–20	3
(d) 2020–21	2
(e) 2021–22	5
(f) 2022–23 (to date)	0

In accordance with Treasurer's Instruction 924, Gold Corporation executives and Directors are also required to declare any company in which they, their spouse, or children and dependants over the age of 16 have a controlling interest. These declarations are reviewed by Gold Corporation to note any potential conflicts of interest. For the relevant financial years identified by the questioner, Gold Corporation has declared transactions with related parties of Directors on one occasion in accordance with internal policy, as noted at item 30 of the notes to the financial statements for FY 2021/22.

Separately, all Gold Corporation employees are required to complete a Disclosure of Interests and Relationships form which records any conflicts of interest that may arise between the performance of employees' duties and their private and personal interests. This form is completed as part of onboarding new employees, and Gold Corporation's Code of Conduct provides that employees have an ongoing responsibility to declare any actual or perceived conflicts as and when they arise during the course of their employment.

- (4) One.
- (5) Gold Corporation has an Equal Opportunities Policy that states that it is committed to providing a work environment which provides equality of opportunity in employment and employment conditions and ensures that the workplace is free from any form of discrimination harassment (sexual, racial or disability), bullying and victimisation. Workplace bullying is interpreted in the policy as unreasonable behaviour that creates a risk to the employee's health or safety at work. "Unreasonable behaviour" is that which victimises, intimidates, humiliates, threatens and/or undermines a person or group, or would reasonably be expected to do so. Bullying generally involves behaviour that is repeated over time.

The following number of complaints which contained elements of the above definition are as follows:

- | | | |
|-----|-----------------|---|
| (a) | 2017–18 | 2 |
| (b) | 2018–19 | 4 |
| (c) | 2019–20 | 2 |
| (d) | 2020–21 | 2 |
| (e) | 2021–22 | 4 |
| (f) | 2022–23 to date | 2 |

PUBLIC SECTOR MANAGEMENT — ONBOARDWA

559. Mr R.S. Love to the Minister for Public Sector Management:

I refer to OnBoard WA and ask:

- (a) How many unique visitors have accessed OnBoard WA;
- (b) How many accounts are active with OnBoard WA;
- (c) How many applications to boards have been received and processed through this portal:
- (i) In total since September 2017 when OnBoard WA was launched;
 - (ii) 2017–18;
 - (iii) 2018–19;
 - (iv) 2019–20;
 - (v) 2021–22; and
 - (vi) 2022–23 to date;
- (d) As at 1 October 2022:
- (i) How many Government Trading Entity boards are seeking to fill board vacancies through the portal;
 - (ii) How many Government Agency boards are seeking to fill board vacancies through the portal; and
 - (iii) How many not for profits are seeking to fill board vacancies through the portal;
- (e) How many people have access to the boards@dpc.wa.gov.au email address;
- (f) What hours is the (08) 6552 5666 phone number active and do the calls get redirected to any other hotline or government number after those active hours; and
- (g) Have all board appointments to government trading entities and/or agencies since September 2017 been through OnBoard WA? If not, please detail:
- (i) The board seeking to fill the vacancy;
 - (ii) Who was appointed to the role;
 - (iii) When the government trading entity and/or agency chief executive officer or equivalent was aware of the appointment;
 - (iv) When the Minister responsible was made aware of the appointment; and
 - (v) The process undertaken to ensure the government trading entity and/or agency board appointee was appropriate for the role?

Mr M. McGowan replied:

- (a) 2,733
- (b) 2,702
- (c)–(d) Not applicable. Applications to boards are not received and processed through OnBoard WA.
- (e) Six.

- (f) (08) 6552 5666 is monitored and responded to between the hours of 8.00am to 5.00pm. Calls are not redirected to any other hotline or government number outside of those hours.
- (g) (i)–(v) See (c)–(d).

EDUCATION AND TRAINING — HYDROGEN INDUSTRY TRAINING

563. Mr R.S. Love to the parliamentary secretary representing the Minister for Education and Training:

I refer to the Hydrogen Industry and training programs for skilled workers in relation to the hydrogen sector, and ask:

- (a) How many approved and accredited training courses are on offer in WA specifically in relation to the Hydrogen industry;
- (b) How many apprentices or trainees have signed up to these programs;
- (c) Has the Minister requested development of regulations, legislation and training standards for the Hydrogen industry:
 - (i) If yes, which department, agency or entity is responsible for developing these important legal documents;
 - (ii) How much work has progressed; and
 - (iii) What is the timeline for the introduction of each regulation, legislation or training standard;
- (d) Who has the Minister directly engaged with in relation to ensuring a strong workforce is ready to go for this future industry; and
- (e) Has the Minister engaged with the relevant stakeholders to ensure that the TAFE network is prepared for upskilling skilled workers in the construction and mining sectors, in preparation of creating a strong local hydrogen sector workforce before projects start?

Mr T.J. Healy replied:

- (a) The 2021 UEG Gas Industry Training Package includes five units of competency that relate to working with hydrogen.

Three training package qualifications include hydrogen units of competency:

UEG20121 Certificate II in Gas Supply Industry Operations has an elective unit with a focus on handling Hydrogen;

UEG30121 Certificate III in Gas Supply Industry Operations has 5 elective units with a focus on working with Hydrogen; and

UEG40221 Certificate IV in Gas Supply Industry Operations has 2 elective units with a focus on Hydrogen.

There are three skill sets included in the UEG Gas Industry Training Package:

Basic Hydrogen Safety Skill Set

Inject Hydrogen into Distribution Networks Skill Set

Monitor Hydrogen using Control Systems Skill Set

- (b) There are eight apprentices in training in the UEG30121 Certificate III in Gas Supply Industry Operations.
- (c) The Minister for Education and Training does not have responsibility for regulations and legislation for the Hydrogen industry.

Training standards are set at a national level through Training Packages that include qualifications and occupational skill standards. They are developed through industry reference committees set up by the Commonwealth Department of Employment and Workplace Relations.

(i)–(iii) Not Applicable.

- (d) The McGowan Government committed to develop a renewable hydrogen industry in the WA Jobs Plan. The Department of Training and Workforce Development is supporting the Department of Jobs, Tourism, Science and Innovation to develop a workforce for the hydrogen industry.
- (e) The McGowan Government is delivering a strong TAFE network around the State, in consultation with industry stakeholders, including:
 - \$320.5 million investment to keep training fees low;
 - \$215.8 million investment in TAFE infrastructure projects to deliver high quality training facilities at TAFE college campuses and Muresk Institute;
 - \$25 million to provide new equipment to provide students, apprentices and trainees with access to tools and technology they will encounter in a modern workplace;
 - \$11.3 million for TAFE lecturers to return to industry to deliver training to current industry standards.

More Western Australians are receiving on-the-job skills needed by local industry than ever before, with a record 47,700 apprentices and trainees in training in June 2022 and almost 4,500 training contract registrations in the month of July 2022.

Both apprenticeship and traineeship and classroom-based enrolments remain at historically high levels.

The State Government has approved development of a business case to establish a Pilbara-based Clean Energy Training and Research Institute, which will consider training infrastructure and an industry-led approach to skills development to support the State's hydrogen industry.

STATE DEVELOPMENT, JOBS AND TRADE — PLUMBERS AND GASFITTERS

566. Mr R.S. Love to the Deputy Premier; Minister for State Development, Jobs and Trade; Tourism; Commerce; Science:

- (1) I refer to jobs and trade data, including registrations of business licences, in reference to plumbers and gasfitters trading and employed in Western Australia. What is the 'service gap' between the number of plumbers and gasfitters sought and the number of plumbers and gasfitters currently employed in the following regions:
 - (a) Kimberley;
 - (b) Pilbara;
 - (c) Gascoyne;
 - (d) Mid West;
 - (e) Goldfields–Esperance;
 - (f) Wheatbelt;
 - (g) Peel;
 - (h) South West;
 - (i) Great Southern;
 - (j) Metropolitan South;
 - (k) Metropolitan East; and
 - (l) Metropolitan North?
- (2) How does the average state-wide 'service gap' compare to other Australian jurisdictions?
- (3) Can the Minister or department quantify the number of plumbers and gasfitters in Western Australia:
 - (a) Of those in (3), how many have relocated to Western Australia directly from overseas?
- (4) Where can plumbers and gasfitters trained overseas be assessed in Western Australia to ensure they meet local guidelines and regulations prior to starting or working for a business?

Mr R.H. Cook replied:

- (1) Licence applicants can provide either their business or residential address but do not need to specify which they are providing on application. Currently licensed plumbers and gasfitters either residing or with a business in each region is:

Plumbers:

Region	Plumbing contractor	Provisional Tradesperson Plumber	Restricted Plumber	Tradesperson Plumber
Kimberley	52	0	0	38
Pilbara	107	0	0	97
Gascoyne	19	0	0	19
Mid West	98	0	1	73
Goldfields–Esperance	53	0	0	48
Wheatbelt	131	0	4	81
Peel	221	0	5	201
South West	325	1	4	223
Great Southern	106	0	0	55

Indian Ocean Territories	5	0	0	5
Perth Metropolitan	2512	11	65	2442
Interstate	106	0	3	153
Overseas	1	0	0	8

Gasfitters:

Region	Gasfitting training permit	Gasfitting permit	Gasfitting authorisation
Kimberley	15	83	4
Pilbara	31	5463	6
Gascoyne	7	34	5
Mid West	13	200	4
Goldfields–Esperance	29	113	19
Wheatbelt	24	605	5
Peel	48	6	18
South West	78	135	21
Great Southern	20	188	
Indian Ocean Territories	3	8	
Perth Metropolitan	743	473	72
Interstate	2	235	8

Department of Mines, Industry Regulation and Safety (DMIRS) systems do not allow for the breakdown of sub-metropolitan regions.

The total ‘service gap’ and number of plumbers and gasfitters sought cannot be provided accurately as there is no requirement for members of the community to register all requirements for a licensed plumber or gasfitter with the State Government.

- (2) This cannot be supplied as there is no national definition of ‘service gap’ or current information sharing across jurisdictions on demand for plumbers and gasfitters. Establishing this across each State and Territory would be a significant undertaking and is considered to be an unreasonable diversion of Departmental resources.
- (3) As at 1 November 2022 there are currently 7 223 plumbers and 8 986 gasfitters licenced in Western Australia (WA).

Plumbing Contractor	3736
Tradesperson Plumber	3443
Provisional Tradesperson Plumber	12
Restricted Plumber	82
Gasfitting permit	7811
Gasfitting training permit	1013
Gasfitting Authorisation	162

In addition, 14 interstate plumbers and six gasfitters have notified DMIRS of their intention to operate in WA under the Automatic Mutual Recognition scheme since it commenced on 1 July 2022.

- (a) DMIRS does not collect data to determine how many plumbers and gasfitters have relocated to WA directly from overseas.

Plumbers who have obtained qualifications or competencies outside of Australia or New Zealand can apply for a Provisional Tradespersons licence if they hold an Offshore Technical Skills Record issued by Trades Recognition Australia. There are currently 12 provisional tradesperson plumbers licensed in WA.

Gasfitters who have obtained qualifications or competencies outside of Australia or New Zealand are required to undertake appropriate training to be considered qualified for the grant of a gasfitting permit.

Plumbers and gasfitters from New Zealand can seek an equivalent licence under the Trans Tasman Mutual Recognition arrangements and they are not required to undertake further training. The number of current licences issued using these arrangements is:

Plumbing Contractor	15
Tradesperson Plumber	35
Gasfitting permit	4

- (4) Plumbers who have obtained qualifications or competencies outside of Australia or New Zealand that hold a provisional tradespersons licence must undertake a training course on local requirements. This course is delivered by MPA Skills and South Metropolitan TAFE.

Gasfitters who have obtained qualifications or competencies outside of Australia or New Zealand can undertake the required Certificate III course at Central Regional TAFE, MPA Skills, North Metropolitan TAFE, South Metropolitan TAFE or South Regional TAFE.

COMMERCE — BUILDING STANDARDS

567. Mr R.S. Love to the Deputy Premier; Minister for State Development, Jobs and Trade; Tourism; Commerce; Science:

I refer to legislation and regulations around building standards and ask:

- (a) Has the Minister or department started drafting legislation relating to waterproofing standards and training;
- (b) If no to (a), why not;
- (c) Has the Minister or department started drafting legislation or regulations relating to climate conscious roofing materials;
- (d) What representations has the Department of Mines, Industry Regulation and Safety made to the Federal Government in relation to building standards and the uniqueness of regional Western Australia; and
- (e) Similarly to (d), what representations has the Minister for Commerce made to the Federal Minister for Housing and Homelessness or the Federal Minister for Industry and Science in relation to building standards and the uniqueness of regional Western Australia?

Mr R.H. Cook replied:

- (a) No.
- (b) New buildings and building work in Western Australia have to comply with the National Construction Code (NCC). The NCC already includes requirements for waterproofing in buildings. The Australian Building Codes Board (ABCB), which is responsible for the NCC, is working on a project to further enhance the existing technical provisions in the code.

The Department of Mines, Industry Regulation and Safety's Building and Energy Division has published information to educate industry about the requirements in the NCC.
- (c) No.
- (d) I am advised that the NCC caters for climatic conditions of regional Western Australia.
- (e) Refer to answer in (d) above.

ROAD SAFETY — YELLOW BOX JUNCTION MARKINGS AT SIGNALISED INTERSECTIONS

571. Mr R.S. Love to the Minister for Police; Road Safety; Defence Industry; Veterans Issues:

I refer to road safety and the yellow box markings at signalised intersections program:

- (a) How many iterations of the document 'Policy and Application Guidelines: Yellow Box Junction Markings at Signalised Intersections' have existed since the initiative was announced in 2016;
- (b) Please list the intersections marked, suburb or town of the intersection, number of accidents prior to demarcation and the number of accidents after demarcation in:
 - (i) 2017–18;
 - (ii) 2018–19;
 - (iii) 2019–20;
 - (iv) 2020–21;
 - (v) 2021–22; and
 - (vi) 2022–23 to date; and

- (c) For (b)(i)–(vi) please also detail the number of applications received by Main Roads for Yellow Box Junction Markings?

Mr P. Papalia replied:

Please refer to Legislative Assembly Question On Notice 572 for answer.

PRIMARY INDUSTRIES AND REGIONAL DEVELOPMENT — OFFICES

573. Mr R.S. Love to the Premier representing the Minister for Regional Development:

I refer to Question on Notice 348, asked in November 2021, relating to the Department of Primary Industries and Regional Development (DPIRD) offices at 1 Nash Street:

- (a) Has the annual rent cost changed or has DPIRD received advice that it has been changed;
- (b) Does DPIRD currently occupy all office space at 1 Nash street:
 - (i) If no, which other Government departments, agencies or trading entities are co-located there;
- (c) How many staff are currently at 1 Nash street:
 - (i) How many of these staff work for DPIRD; and
 - (ii) How many of these staff work for a Regional Development Commission;
- (d) Does Corval Partners Limited ATF The Corval Workzone Trust still own 1 Nash Street:
 - (i) If not, who currently owns 1 Nash Street; and
 - (ii) Have Corval Partners Limited ATF The Corval Workzone Trust indicated they may sell 1 Nash Street;
- (e) Has the new temporary laboratory to house critical biosecurity services at Kensington South Perth reached practical completion:
 - (i) If not, what has been the cause of the delay and is there a new completion date; and
- (f) Has a Project Definition Plan for a new DPIRD biosecurity research and development in South Perth been completed:
 - (i) If yes please table; and
 - (ii) If no, why not and when will it be completed?

Mr M. McGowan replied:

- (a) The negotiated lease arrangement includes an annual fixed percentage rent increase effective on 1 May each year for the duration of the lease.
- (b) No.
 - (i) The Mental Health Commission occupies the Ground floor, Level 1 and Level 2. The Grower Group Alliance (GGA) shares space with the Department of Primary Industries and Regional Development (DPIRD) on Level 6.
- (c) 452 employees across levels 3, 4, 5 and 6.
 - (i) There are 442 DPIRD employees, and 10 GGA employees.
 - (ii) None.
- (d) Yes.
 - (i) Not applicable.
 - (ii) No.
- (e) Yes. This occurred on 4 March 2022.
- (f) The DPIRD New Metropolitan Facilities Project Definition Plan is under active consideration by Government.

EDUCATION AND TRAINING — HOME SCHOOLING

574. Mr P.J. Rundle to the parliamentary secretary representing the Minister for Education and Training:

I refer to the home schooling program in WA and I ask:

- (a) How many school aged children are currently registered for home schooling in WA; and
- (b) How does this number compare with the number of school aged children home schooled over the previous four years?

Mr T.J. Healy replied:

(a)–(b) As at the March 2022 census 6,151.

Year	Number of home educated students (as at March census)
2018	3,563
2019	3,720
2020	4,116
2021	4,562

EDUCATION AND TRAINING — EDUCATION REGIONAL OFFICES — STAFF

575. Mr P.J. Rundle to the parliamentary secretary representing the Minister for Education and Training:

I refer to the network of Education Regional Offices and I ask:

- (a) What is the current FTE for each office; and
- (b) What is the FTE for each Education Regional Office for the past four years?

Mr T.J. Healy replied:

FTE is calculated on the average number of full-time equivalent employees (including permanent, fixed-term and casual employees) that were paid in the financial year. Figures do not include FTE in project or school-based positions that are funded by education regional offices.

(a)–(b)

Education Regional Office	FTE				
	2018–19	2019–20	2020–21	2021–22	2022–23
Goldfields	8.1	8.7	8.7	8.6	8.9
Kimberley	8.6	20.1	22.3	21.1	20.3
Midwest	9.5	10.8	12.4	12.8	13.8
North Metropolitan	35.2	38.4	39.4	42.6	44.4
Pilbara	9.7	10.3	10	7.2	6.4
Southwest	9.7	10.1	16.1	18.4	18.9
South Metropolitan	33.8	36.8	39.6	41.5	40.8
Wheatbelt	8.4	8.2	9.5	9.5	8.6

STATE DEVELOPMENT, JOBS AND TRADE — ADVERTISING CAMPAIGNS

576. Mr R.S. Love to the Deputy Premier; Minister for State Development, Jobs and Trade; Tourism; Commerce; Science:

I refer to campaigns under your portfolios as the Minister for Jobs and Trade and Minister for Tourism:

- (a) In reference to the website and campaign “Build a Life in WA” (<https://www.buildalifeinwa.com.au/>):
 - (i) What was the cost to build this website;
 - (ii) When was the website first conceived as an idea to attract people to WA;
 - (iii) How many unique visitors have been to the website? Please breakdown by country of origin;
 - (iv) How is the website being marketed and how much money is budgeted in total for marketing:
 - (A) Interstate; and
 - (B) Internationally;
 - (v) What is the expected lifetime of the website;
 - (vi) What is the ongoing cost of the website;
 - (vii) Are there key performance indicators for the website, and if yes how will they be tracked; and
 - (viii) How many people have identified the website as a direct reason they have moved to Western Australia, and how is this being quantified by the Department of Jobs, Tourism, Science and Innovation;

- (b) In reference to the website and campaign “Like no other” (<https://likenoother.wa.gov.au/>):
- (i) What was the cost to build this website;
 - (ii) When was the website first conceived as an idea to attract people to WA;
 - (iii) How many unique visitors have been to the website? Please breakdown by country of origin;
 - (iv) How is the website being marketed and how much money is budgeted in total for marketing:
 - (A) Interstate; and
 - (B) Internationally;
 - (v) What is the expected lifetime of the website;
 - (vi) What is the ongoing cost of the website;
 - (vii) Are there key performance indicators for the website, and if yes how will they be tracked; and
 - (viii) How many people have identified the website as a direct reason they have moved to Western Australia, and how is this being quantified by the Department of Jobs, Tourism, Science and Innovation; and
- (c) In reference to the campaign “Walking on a dream – Tourism WA” (<https://www.westernaustralia.com.au/pages/western-australia-walking-on-a-dream>):
- (i) What was the cost to build this website;
 - (ii) When was the campaign first conceived;
 - (iii) How many unique visitors have been to the website? Please breakdown by country of origin;
 - (iv) What is the expected lifetime of the website;
 - (v) Please provide an annual expected breakdown of the \$15 million budgeted for the campaign, detailing how much has been spent to date;
 - (vi) Please provide a breakdown of expenditure by print, digital, TV and radio advertisements in the following jurisdictions:
 - (A) Western Australia;
 - (B) Queensland;
 - (C) New South Wales;
 - (D) Victoria;
 - (E) Tasmania;
 - (F) Northern Territory;
 - (G) Australian Capital Territory;
 - (H) South Australia;
 - (I) International – total;
 - (J) Singapore;
 - (K) India;
 - (L) United States of America;
 - (M) China; and
 - (N) United Kingdom;
 - (vii) Please provide a breakdown of fees and payments to date to any licence holder, producer and/or artist for the commercial use of the song ‘Walking on a Dream’:
 - (A) Are these fees once off or paid on a royalty basis; and
 - (B) If paid on a royalty basis, please list the cost per annum for each year of the campaign; and
 - (viii) Has there been any commercial agreement to use other songs by or featuring Luke Steele in other Government funded advertisement campaigns:
 - (A) If yes please detail.?

Mr R.H. Cook replied:

- (a) The Build a Life in WA campaign is managed by the Department of the Premier and Cabinet. Questions relating to the Build a Life in WA campaign should be directed to the Premier, as the responsible Minister.

- (b) (i) \$18,000 ex GST
- (ii) The campaign ‘Western Australia – It’s Like No Other’ and website, were launched on 15 December 2021.
- (iii) As at 7 November 2022 1.32million unique visitors, with the top 10 countries:
- | | |
|---------|-------------|
| 594,137 | India |
| 224,275 | Philippines |
| 155,489 | Indonesia |
| 119,051 | Pakistan |
| 97,089 | Vietnam |
| 52,565 | Nepal |
| 38,582 | Malaysia |
| 11,784 | Bhutan |
| 5,660 | Hong Kong |
| 5,228 | Australia |
- (iv) (A)–(B) The website is the digital destination for a variety of marketing activities, and forms a key component of campaign engagement. The marketing campaign ‘Western Australia – It’s Like No Other’ generates awareness of Western Australia to an international audience with a spend of \$2.93 million ex GST until the end of 2022 through digital and press advertising. The website is not currently promoted to an interstate audience.
- (v) The website will be utilised for the duration of the “*Western Australia–It’s like no other*” campaign.
- (vi) Cost managed within standard annual operational funding.
- (vii) Yes – sessions, engagement rate, user journey, devices used and web traffic by geographic location and language.
- (viii) The purpose of the website is to provide awareness of Western Australia’s key pillars for visitors, students, investors and workers; and provide referrals to other platforms under the key pillars. It does not quantify the number of people identifying the website as a direct reason for moving to Western Australia.
- (c) (i) \$878,384 to add significant functional enhancements to Tourism Western Australia’s consumer website, westernaustralia.com, and incorporate new “Walking on a Dream” design elements.
- (ii) October 2021
- (iii) As at 19 October 2022 and since its soft launch on 1 September 2022, 343,237 unique visitors from:
- | | |
|---------|--------------------------|
| 277,152 | Australia |
| 28,136 | New Zealand |
| 10,103 | Singapore |
| 8,367 | United Kingdom |
| 6,342 | United States of America |
| 4,665 | India |
| 4,592 | Germany |
| 3,880 | Malaysia |
- (iv) 7 years before the website is likely to require a redesign and further enhancements
- (v) 2021–22 – \$1,400,000
2022–23 – \$13,759,712 (budget spent or is committed to be spent)
Total – \$15,159,712
- (vi) (A)–(H) Confidentiality of funding amounts spent with media companies across specific media is critical in order to maintain the Government’s ability to negotiate the best outcome for the State on future Tourism Western Australia campaigns. Tourism Western Australia has assessed that this information is confidential and commercially sensitive and cannot be released.
- Accordingly, I will notify the Auditor General’s office and both houses of Parliament that part of the questions will not be answered as per Section 82 of the *Financial Management Act 2006*.

(I) \$2,000,000 has been committed in 2022–23, with campaign activity commencing in different international markets at different times of the year.

(J)–(N) Confidentiality of funding amounts spent in specific markets is critical in order to maintain the Government’s ability to negotiate the best outcome for the State on future Tourism Western Australia campaigns. Tourism Western Australia has assessed that this information is confidential and commercially sensitive and cannot be released.

Accordingly, I will notify the Auditor General’s office and both houses of Parliament that part of the questions will not be answered as per Section 82 of the *Financial Management Act 2006*.

(vii) (A)–(B) Confidentiality of negotiations, contract terms and funding amounts is critical in order to maintain the Government’s ability to negotiate the best outcome for the State on future Tourism Western Australia campaigns. Tourism Western Australia has assessed that contract information, including the fees and payments to date to any licence holder, producer and/or artist for the commercial use of the song ‘Walking on a Dream’ is confidential and commercially sensitive and cannot be released.

Accordingly, I will notify the Auditor General’s office and both houses of Parliament that part of the questions will not be answered as per Section 82 of the *Financial Management Act 2006*.

(viii) No.

(A) N/A

STREAMLINE WA — INITIATIVES

577. Mr R.S. Love to the Premier:

- (1) How many initiatives from Streamline WA have been enacted since Streamline WA was first announced?
- (2) Of the initiatives in (1), please list:
 - (a) The operational title;
 - (b) Department/s responsible;
 - (c) Minister/s responsible;
 - (d) Whether the program has been completed, in progress, or not yet started; and
 - (e) When a review into whether the Streamline WA program has met its intended outcomes will occur?
- (3) For the initiatives not started but originally in the scope of Streamline WA, please detail why the initiative has not progressed?

Mr M. McGowan replied:

- (1) Streamline WA has publicly released two six-monthly reports that outline the progress of initiatives, including those that have been enacted and responsible agencies. The March 2022 and the September 2022 reports are available on the Streamline WA website.
- (2) (a)–(d) See (1).
(e) A review of Streamline WA is planned to commence in 2024–25.
- (3) Not applicable.

COMMUNITIES — REGIONAL SERVICES REFORM UNIT

580. Mr R.S. Love to the Minister for Child Protection; Women’s Interests; Prevention of Family and Domestic Violence; Community Services:

- (1) I refer to the Regional Services Reform Unit:
 - (a) Has the Government undertaken to update the document Mapping of government-funded services: An expenditure and outcomes mapping exercise for the Kimberley and Pilbara regions since October 2017;
 - (b) If yes please table the latest version; and
 - (c) If no, why not?
- (2) How does the Regional Services Reform unit interact with the Aboriginal Housing Central unit within the Department of Communities?

Ms S.F. McGurk replied:

- (1) (a) No.
- (b) Not applicable.
- (c) The 2017 mapping of government-funded services was a point-in-time exercise.
- (2) The Regional Services Reform Unit no longer exists. Funding ceased in 2018–19.

REGIONAL DEVELOPMENT — REGIONAL DEVELOPMENT COMMISSIONS**584. Mr R.S. Love to the Premier representing the Minister for Regional Development:**

I refer to Regional Development Commissions (RDCs):

- (a) Relating to consultants used by each individual RDC in the financial year 2021–22:
 - (i) Please table the total number of consultants contracted to each RDC in the last financial year, regardless of price threshold, detailing:
 - (A) The name of the consultant or group;
 - (B) Month they started to provide their service;
 - (C) Month they finished providing their service – if still ongoing then please state ‘ongoing’;
 - (D) Purpose of consultation;
 - (E) Total cost of consultation; and
 - (F) The town that the consultant or group is based;
- (b) How many staff are in each RDC as at 1 October 2022:
 - (i) How many of these staff reside within the boundary of the RDC they work for; and
 - (ii) Has the number of staff in total working in the RDC increased or decreased since 2017; and
- (c) How many projects does each RDC currently have, whether the RDC has lead agency status?

Mr M. McGowan replied:

- (a) I refer the Member to the regularly tabled quarterly Consultants Reports.
- (b) I refer the Member to the Public Sector Commission’s ‘State of the WA Government Sector Workforce Statistic Bulletin’ which provides a detailed breakdown of the government sector workforce, including the FTE and Headcount of each entity, and the work location of each entities employees. The bulletin for 2021–22 is expected to be published in November 2022.
- (c) Regional Development Commissions lead and contribute to a range of projects and programs, if the Member would like further information on a particular project, I encourage him to be more specific.

TOURISM — *THE AMAZING RACE AUSTRALIA***585. Mr R.S. Love to the Minister for Tourism:**

I refer to the Amazing Race Australia, Season 6, which saw teams come to Perth, Fremantle and Broome for legs 19–21 of the race and ask:

- (a) How much did the State Government pay to Channel 10 or Paramount directly in order for Western Australia to feature in the program;
- (b) Did adverts for the “Walking on a Dream” Tourism WA campaign air on interstate markets during the Amazing Race Australia? If yes, what was the specific cost of the ad buy;
- (c) Did the State Government directly provide funding assistance to the following in order to help prepare their businesses / sites for filming:
 - (i) Perth Airport;
 - (ii) Royal Aero Club Jandakot;
 - (iii) Ready Team One;
 - (iv) Optus Stadium;
 - (v) Geronimo Skydive;
 - (vi) Rottnest Island Ferry;
 - (vii) Gage Roads;
 - (viii) Swan Bell Tower Trust;

- (ix) City of Fremantle;
 - (x) Rottnest Island Authority;
 - (xi) Segway Tours WA operating as Rottnest Island Tours;
 - (xii) Willie Creek Pearl Farm;
 - (xiii) Broome International Airport;
 - (xiv) Sun Pictures Broome; and
 - (xv) Mantra Frangipani Broome; and
- (d) For (c), did the Minister have any conflicts of interest and if yes, when were those conflicts of interest declared?

Mr R.H. Cook replied:

- (a)–(b) In relation to the specific cost of the ad buy funding provided by the State Government for individual media partnerships, this has been assessed by Tourism Western Australia (Tourism WA) as being confidential and commercially sensitive.

Disclosure of this would reveal information about the commercial affairs of a State Tourism Organisation and could adversely affect Tourism WA's ability to perform its duties and compromise the negotiation of future contracts.

It is not appropriate to table this information and I will notify the Auditor General's office and both houses of Parliament that this part of the question will not be answered as per Section 82 of the *Financial Management Act 2006*.

- (c) No.
- (d) N/A

STATE DEVELOPMENT, JOBS AND TRADE — LOCAL CAPABILITY FUND

586. Mr R.S. Love to the Minister for State Development, Jobs and Trade:

I refer to the Local Capability Fund (LCF), which is currently administered by the Department of Jobs, Tourism, Science and Innovation:

- (a) With reference to the Smartygrants portal used for the LCF:
- (i) What is the administrative cost to Government for services rendered;
 - (ii) When was the contract with Smartygrants first signed;
 - (iii) What is the value of the contract; and
 - (iv) What ongoing commission costs, if any, are payable to Smartygrants? Please detail;
- (b) For the South West Regional Round 2022–23:
- (i) Why was the maximum grant figure of \$20,000 chosen;
 - (ii) How many applicants have applied to date;
 - (iii) What was the average amount of money that applications applied for; and
 - (iv) Please define a 'business predominately located in the South West';
- (c) For the Total Solar Eclipse Round 2022–23:
- (i) How many applicants were made and what was the average amount of money applied for;
 - (ii) Please detail the number of applications by location (for example, how many applications were from businesses in Carnarvon); and
 - (iii) Why was the maximum grant figure of \$25,000 chosen;
- (d) For the Aboriginal Business Round 2022–23:
- (i) Please detail the number of applicants by location (for example, how many applications were from businesses in Carnarvon);
 - (ii) Why was the maximum grant figure of \$50,000 chosen;
 - (iii) Please detail the successful applicants and the amount they received; and
 - (iv) Have all applicants:
 - (A) Received the funding allocated; and
 - (B) Spent the funding allocated;

- (e) For the Supplying Key Major Projects Round 2022–23:
 - (i) Please detail the number of applicants by location (for example, how many applications were from businesses in Carnarvon);
 - (ii) Why was the maximum grant figure of \$50,000 chosen;
 - (iii) Please detail the successful applicants and the amount they received; and
 - (iv) Have all applicants:
 - (A) Received the funding allocated; and
 - (B) Spent the funding allocated; and
- (f) For the National and International Standards Compliance Round 2022–23:
 - (i) Please detail the number of applicants by location (for example, how many applications were from businesses in Carnarvon);
 - (ii) Why was the maximum grant figure of \$20,000 chosen;
 - (iii) Please detail the successful applicants and the amount they received; and
 - (iv) Have all applicants:
 - (A) Received the funding allocated; and
 - (B) Spent the funding allocated?

Mr R.H. Cook replied:

The Department of Jobs, Tourism, Science and Innovation advises:

- (a)
 - (i) \$38,850 annual subscription.
 - (ii) 16 June 2020.
 - (iii) \$63,350 as at 19 October 2022.
 - (iv) None payable.
- (b)
 - (i) Based on achieving a balance between maximising the number of businesses assisted while still providing for a significant impact in regional Western Australia.
 - (ii) Twenty-nine applications received by the closing date of 1 November 2022.
 - (iii) \$17,775
 - (iv) Principal place of business in one of the local government districts of the South West region, aligned to Schedule 1 of the *Regional Development Commission Act 1993*.
- (c)
 - (i) Sixty-nine as at 19 October 2022 with the average requested of \$20,929.
 - (ii) Exmouth 39; Carnarvon 12; Onslow 5; Coral Bay 1; Other 12 (locations in the Gascoyne and Pilbara falling outside of the four towns)
 - (iii) Based on achieving a balance between maximising the number of businesses assisted while still providing for a significant impact.
- (d)
 - (i) Metropolitan 36; Gascoyne 1; Goldfields–Esperance 1; Great Southern 4; Kimberley 5; Mid West 3; Peel 3; Pilbara 13; South West 5; Wheatbelt 1.
 - (ii) Based on the previous year’s success of this round.
 - (iii) Applications are still being assessed and funding recommendations have not yet been finalised.
 - (iv) (A)–(B) Not applicable.
- (e)
 - (i) Metropolitan 24; Goldfields–Esperance 1; Mid West 2; Peel 1; Pilbara 1; South West 12; Wheatbelt 1.
 - (ii) Based on the previous year’s success of this round for which \$50,000 per application was the maximum funding available.
 - (iii) Applications are still being assessed and funding recommendations have not yet been finalised.
 - (iv) (A)–(B) Not applicable.
- (f)
 - (i) Metropolitan 28; Pilbara 1; South West 3; Wheatbelt 1.
 - (ii) Based on the cost of implementation and third party certification of national and international standards which typically does not exceed \$20,000 for most SMEs.

(iii)	Company	Funding Approved
	Asset Reliability Inspections	\$20,000
	CCS Rentals Pty Ltd	\$20,000
	Cheeditha Energy Pty Ltd	\$11,018
	Clear Cut Interventions Australia Pty Ltd	\$20,000
	Corecomp Pty Ltd	\$18,164
	E and L WA Pty Ltd	\$5,618
	EK Contracting Pty Ltd	\$20,000
	Energy Testing Solutions Australia Pty Ltd	\$14,886
	Engineering Supplies (WA) Pty Ltd	\$20,000
	Engixo Pty Ltd	\$20,000
	Floveyor Pty Ltd	\$5,250
	Harley Dykstra Pty Ltd ATF The Harley Survey Group Unit Trust	\$11,041
	Hopea Family Trust	\$15,444
	Hub Interiors Australia Pty Ltd	\$20,000
	Jeyco Pty Ltd	\$5,621
	Main Camp WA Pty Ltd	\$20,000
	National Grid Link Power Pty Ltd	\$16,268
	Neurotologix Pty Ltd	\$20,000
	OccuMED Consulting Pty Ltd	\$20,000
	Portable XRF Services Pty Ltd	\$20,000
	Qbit Trading Company Pty Ltd	\$20,000
	Quattro Solutions Pty Ltd	\$20,000
	RETco Pty LTD	\$20,000
	Secure Power Solutions Pty Ltd	\$20,000
	Solar suite Pty Ltd	\$20,000
	Suretech Innovations Pty Ltd	\$20,000
	Terra15 Technologies Pty. Ltd.	\$20,000
	The Trustee for Charlton Family Trust	\$20,000
	Tree Amigos Tree Surgeons	\$20,000
	Tunnel Vision (WA) Pty Ltd	\$11,685
	Xerces IT Pty Ltd	\$16,493
(iv)	(A)	As at 19 October 2022, no applicants have received funding.
	(B)	Not applicable.

POLICE — LET'S JOIN FORCES CAMPAIGN

588. Mr R.S. Love to the Minister for Police; Road Safety; Defence Industry; Veterans Issues:

I refer to the “Let’s Join Forces” media advertising campaign to encourage more people to apply to work with WA Police:

- (a) Was a creative media agency hired to develop the advertisement or was the project entirely internal? If a creative agency was hired:
 - (i) What is the name of the agency;
 - (ii) What was the cost of contract; and
 - (iii) What is the length of the contract;

- (b) How much money has gone to the following platforms in advertising for the campaign:
- (i) Tiktok;
 - (ii) Snapchat;
 - (iii) Meta:
 - (A) Instagram; and
 - (B) Facebook;
 - (iv) Online advertising;
 - (v) Physical or print media;
 - (vi) Television; and
 - (vii) Streaming services or catch-up television streaming services;
- (c) Was there a specific budget for special effects and if yes, please detail the breakdown in spend; and
- (d) With reference to the website <https://letsjoinforces.wa.gov.au/>:
- (i) How many unique visitors have been to the website? Please breakdown by country of origin;
 - (ii) What was the cost to build this website;
 - (iii) What is the expected lifetime of the website;
 - (iv) What is the ongoing cost of the website;
 - (v) Are there key performance indicators for the website, and if yes how will they be tracked; and
 - (vi) How many people have identified the website as a direct reason they have moved to Western Australia, and how is this being quantified by WA Police or the Department of Jobs, Tourism, Science and Innovation?

Mr P. Papalia replied:

The Western Australia Police Force advise:

- (a) (i) The Brand Agency.
- (ii) As at 5 October 2022, \$1,927,508.88.
- (iii) Five years.
- (b) (i) \$24,763.00
- (ii) Nil.
- (iii) (A)–(B) \$136,808.00
- (iv) \$97,269.00
- (v) \$83,030.00
- (vi)–(vii) \$1,117,941.00
- (c) No.
- (d) (i) Between 1 January 2021 and 30 September 2022, there has been 359,285 unique visits to the website.

Top 10 Countries	Unique Visits
Australia	333,966
United Kingdom	5,745
United States	5,595
New Zealand	3,916
India	2,400
Singapore	1,157
Ireland	682
Canada	490
Philippines	320

The Western Australia Police Force launched a new Let's Join Forces website on the 15 October 2022, and updated statistics are not available at this time.

(ii)–(iv) The Western Australia Police Force cannot provide a response, as the information requested is not available at this time.

(v) Yes.

Google Analytics.

Website sessions.

Unique website users.

Page views.

Session time / time spent on page/s.

Number of applications submitted.

(vi) The WA Police Force cannot provide a response at this time.

PREMIER — TAB — MEETINGS AND CONFLICTS OF INTEREST

589. Mr R.S. Love to the Premier; Treasurer; Minister for Public Sector Management; Federal–State Relations:

I refer to the sale of the WA TAB and ask:

- (a) On how many occasions have you directly met with the following in relation to the sale of the WA TAB:
 - (i) Tabcorp;
 - (ii) Entain Group;
 - (iii) Betr;
 - (iv) SEC Newgate;
 - (v) GRA Partners; and
 - (vi) Any other lobbyists acting on behalf of bidders, detailing who the lobbyists were;
- (b) On how many occasions has a member of your office met with the following in relation to the sale of the WA TAB:
 - (i) Tabcorp;
 - (ii) Entain Group;
 - (iii) Betr;
 - (iv) SEC Newgate;
 - (v) GRA Partners; and
 - (vi) Any other lobbyists acting on behalf of bidders, detailing who the lobbyists were;
- (c) Did any member of Cabinet declare a conflict of interest in relation to the sale? If yes, please detail which member of cabinet, including the Cabinet Secretary, and when the declaration was initially made;
- (d) Did all Cabinet members who declared a conflict of interest excuse themselves from all discussions and decisions around the sale process of TAB WA as is appropriate; and
- (e) Can the Premier guarantee that all Ministers who have received gifts or hospitality from any of the short-listed bidders disclose these gifts and any real or perceived conflict of interest ahead of any Cabinet discussions regarding the TAB Sale?

Mr M. McGowan replied:

(a) (i)–(vi) Nil.

(b) (i)–(vi) Nil.

(c)–(e) In accordance with the Ministerial Code of Conduct, all Ministers are required to make declarations should they arise, in addition to any potential, perceived or actual conflicts of interest. As was the case under previous Governments, these declarations remain Cabinet-in-Confidence.

Section 10 of the *2021 Ministerial Code of Conduct* details the procedures for managing any conflicts of interest, should one arise.

MINISTER FOR STATE DEVELOPMENT, JOBS AND TRADE — MEMBERS OF PARLIAMENT
(FINANCIAL INTEREST) ACT 1992 ANNUAL RETURN

590. Mr R.S. Love to the Deputy Premier:

I refer to your *Members of Parliament (Financial Interest) Act 1992* Annual Return and ask:

- (a) Can you please detail where you received the 1x bottle red wine – Penfolds Grange Bin 95 2017 Anniversary Release;
- (b) Can you please detail when you paid the Department of the Premier and Cabinet in order to retain the 1x bottle red wine – Penfolds Grange Bin 95 2017 Anniversary Release; and
- (c) Why did you pay for the bottle when you simply could have returned or declined the gift?

Mr R.H. Cook replied:

- (a)–(c) The gift was declared as required and managed in accordance with the options available.

PREMIER — PORTFOLIOS — STAFF — REGIONS

591. Mr R.S. Love to the Premier; Treasurer; Minister for Public Sector Management; Federal–State Relations:

I refer to Question on Notice 399 asked this year. Can the Premier now provide updated data for parts (a)–(f) reflective of the public sector as at 13 March 2022?

Mr M. McGowan replied:

- (a) As stated in the response to Legislative Assembly Question on Notice 399, it is not possible to measure staffing arrangements on a particular date.

The Public Sector Commission publishes information about the size and composition of the public sector workforce each quarter in the *Western Australian Public Sector Quarterly Workforce Report*. The most recent data published is June 2022.

Government trading enterprise data is collected annually, with the most recent being as at March 2022.

The Public Sector Commission does not collect regional breakdown from government trading enterprises.

[See tabled paper no [1703](#)] for the latest available data, as outlined above.

SUPPORTING COMMUNITIES FORUM

592. Mr R.S. Love to the Premier:

Will the Premier please table the Supporting Communities Forum 2021–22 meeting notes and advise why the August quarterly meeting and August Communique are not available on the website: <https://www.wa.gov.au/organisation/departments-of-the-premier-and-cabinet/the-supporting-communities-forum-2021-2022>?

Mr M. McGowan replied:

The Supporting Communities Forum 2021–2022 meeting notes and communiques are publicly available on the Supporting Communities Forum website.

The August 2022 meeting was rescheduled to 20 September 2022. Meeting notes for the 20 September 2022 meeting will be published on the Supporting Communities Forum website following their approval at the next scheduled meeting in December 2022.
