



# Parliamentary Debates

(HANSARD)

FORTY-FIRST PARLIAMENT  
FIRST SESSION  
2024

LEGISLATIVE COUNCIL

Tuesday, 22 October 2024



# Legislative Council

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THE PRESIDENT (Hon Alanna Clohesy) took the chair at 1.00 pm, read prayers and acknowledged country.

## PENGUIN COLONIES — PENGUIN ISLAND

### *Petition*

HON NEIL THOMSON (Mining and Pastoral) [1.02 pm]: I present an e-petition containing 910 signatures couched in the following terms —

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

Express our grave concern regarding the alarming decline of the Little Penguin population on Penguin Island and note that insufficient resources are being allocated to environmental research and preservation, placing the colony at serious risk of local extinction. We note, key factors contributing to the penguins' decline, as identified by Murdoch University researchers, include: 1. Climate change and marine heatwaves affect food availability and habitat quality. 2. Penguins dying from hyperthermia due to overheating. 3. Watercraft injuries, up to 25% of mortalities between 2007 and 2019 were attributed to collisions. 4. Unrestricted visitor access to Penguin Island when the daily maximum under 35 degrees centigrade, resulting in the disturbance nesting and moulting penguins. We note the outdated management plans for the Shoalwater Islands Marine Park (which is seven years old) and Penguin Island Management Plan (which is 22 years old) have not been revised despite years of reports on the penguins' decline. We believe the failure to act has negatively impacted on the penguin colony. We also note the failure to deliver the promised Penguin Discovery Centre and request the establishment of the Penguin Discovery facility on the mainland to enhance community education, support conservation efforts, and promote sustainable tourism and economic development. We believe the Little Penguins on Penguin Island urgently deserve a comprehensive and properly resourced Recovery Plan We urgently request that the Legislative Council call on the Government to take immediate action to reverse this decline. Given the crisis we are facing, we also urge the Legislative Council to conduct a public inquiry into the issues, ensuring that the local community is fully informed and that effective action is taken to save Rockingham's Little Penguins for future generations.

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

[See paper 3725.]

## STANDING COMMITTEE ON ENVIRONMENT AND PUBLIC AFFAIRS

### *Sixty-sixth Report — Broken bonds, fractured lives:*

*Report on the inquiry into past forced adoption in Western Australia — Government Response —  
Statement by Minister for Agriculture and Food*

HON JACKIE JARVIS (South West — Minister for Agriculture and Food) [1.05 pm]: I rise today to table the government's response to the Standing Committee on Environment and Public Affairs' sixty-sixth report, *Broken bonds, fractured lives: Report on the inquiry into past forced adoption in Western Australia*. The inquiry has been an important opportunity for people with lived experience of forced adoption to be heard, listened to, and to have their personal experiences publicly recorded. I would like to thank the environment and public affairs committee for facilitating this significant inquiry.

Our government acknowledges the extraordinary courage and determination of the many mothers, fathers, adopted people, their families and support services who provided submissions and evidence to the inquiry. We also recognise those who were impacted but unable to tell their story. The inquiry uncovered a system of secrecy and misuse of power by individuals and institutions that inflicted harm, undermined people's rights and silenced their voices. Forced adoption continues to profoundly impact many aspects of the lives of survivors and their loved ones. The involvement of the government in forced adoption represents a significant failure by authorities and people in power to safeguard the parental rights of mothers and fathers.

There is work to be done and we will learn from this inquiry to ensure that the mistakes of the past are not repeated. The Cook Labor government is deeply committed to addressing the recommendations of the sixty-sixth report. We have supported, or support in principle, a majority of the recommendations, and we will pursue legislative changes. We will introduce integrated birth certificates. We will improve access to information and improve government processes and practices. Importantly, we also have a way forward that is strongly guided by the lived experiences of mothers, fathers, adopted people and their families, and the expertise of community sector organisations and peer-support groups. To steward the implementation of the government response, a forced adoption reference group

will be established to ensure that future reforms to legislation, policy, practice and the delivery of services meet the unique needs of people with lived experience. This government is committed to ensuring the important work of the inquiry, and that the history and harm caused by forced adoptions in Western Australia is not ignored or forgotten.

[See paper [3726](#).]

### PAPERS TABLED

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

#### STANDING COMMITTEE ON UNIFORM LEGISLATION AND STATUTES REVIEW

##### *150<sup>th</sup> Report — Evidence Bill 2024 — Tabling*

**HON DONNA FARAGHER (East Metropolitan)** [1.09 pm]: I am directed to present the 150<sup>th</sup> report of the Standing Committee on Uniform Legislation and Statutes Review, titled *Evidence Bill 2024*.

[See paper [3727](#).]

**Hon DONNA FARAGHER:** The report that I have just tabled advises the house of the committee's findings and recommendations regarding the Evidence Bill 2024. The bill proposes to introduce a version of the uniform evidence law in Western Australia. It draws from the current Evidence Act 1906, and the commonwealth and New South Wales acts, and contains new clauses unique to this bill. Implementing a form of uniform evidence law in Western Australia will provide the ability to share resources like bench books and the opportunity to reorganise and modernise evidence law in Western Australia.

The most significant impact that the bill will have on the Western Australian Parliament's sovereignty is due to its extended application, which will seek to apply certain provisions to parliamentary proceedings. As detailed in the committee's report, the effect of similar provisions on parliamentary sovereignty has been subject to previous consideration by the Legislative Council. The provisions contained within this bill may affect parliamentary proceedings and the extent to which evidence is admitted and may be used. Although there are limited circumstances in which some clauses will interact with parliamentary proceedings, in those circumstances, they restrict Parliament's ability to conduct its own inquiries as it wishes. They will give common treatment to parliamentary proceedings and proceedings outside Parliament. The application of those clauses to parliamentary proceedings will impinge on parliamentary sovereignty.

The committee has made three recommendations for amendments to the bill that will address this concern. The committee acknowledges the Attorney General's support for these amendments. Without these amendments, the bill may lack the requisite clarity of intention to affect parliamentary privilege.

The bill will also impact the Western Australian Parliament's sovereignty and lawmaking powers in the following ways. The commencement clause provides that most of the bill will come into operation on a day fixed by proclamation. The bill contains one Henry VIII clause and two clauses with the potential for a Henry VIII effect. The review clause for the bill will be triggered by its own commencement, which lacks certainty because of the commencement provisions, and the bill contains transitional regulation-making powers. The committee has made nine findings and four recommendations regarding parliamentary sovereignty issues for the Legislative Council's consideration during debate on the bill. I commend the report to the house.

#### NATIVE FOREST — LOGGING — TRANSITION PACKAGE

##### *Notice of Motion*

**Hon Louise Kingston** gave notice that at the next sitting of the house she would move —

That the Legislative Council —

- (a) acknowledges that significant failures and maladministration have resulted from the closure of the native timber industry and have adversely affected various stakeholders—beyond furniture makers—including sawmill operators, firewood producers and other related businesses that rely on a stable timber supply;
- (b) notes that urgent action is required to investigate and rectify the ongoing problems created by the closure, which include but are not limited to —
  - (i) the disruption to the supply chain that has negatively impacted the production capacities of local manufacturers and operators across the industry;
  - (ii) the challenges faced by firewood operators that have been compelled to invest millions in their operations despite receiving no assurances regarding wood supply, leaving them in a precarious financial position;
  - (iii) the disparities in the grants system, by which some individuals within the industry have received inadequate support or none at all, while those outside the industry have been considerably compensated, raising concerns about fairness and efficacy;

- (iv) the significant delays of up to 12 months to obtain contracts and secure wood supplies for sawmills, which have hindered operational capacities and financial stability;
  - (v) the need for assurance regarding the availability of alternative timber supplies to meet industry demands;
  - (vi) the effectiveness of the Western Australian government's initiatives aimed at mitigating these impacts and ensuring a sustainable flow of timber to local artisans and businesses; and
  - (vii) the need for a comprehensive review of the Forest Products Commission's performance and its ability to adapt to the evolving needs and demands of the timber industry;
- (c) calls on the government to commit to optimising timber supply processes to support all sectors of the timber industry and protect jobs within the community; and
  - (d) calls on the government to engage with all industry stakeholders to facilitate a constructive dialogue aimed at restoring confidence and operational stability for all affected parties.

### **TOWING SERVICES BILL 2024**

#### *Second Reading*

Resumed from 18 September.

**HON TJORN SIBMA (North Metropolitan)** [1.15 pm]: I confirm that, for the chamber's purposes, I will be the lead speaker for the opposition alliance on the Towing Services Bill 2024. The opposition supports the bill. It is good to get those parameters established very early in the proceedings.

The problems bedevilling the crash towing industry in Perth and Peel have been established over the course of the last six or seven years, largely through media reports and government statements. As far as Western Australian industries go, it has been beleaguered by poor perceptions that relate to some rather unconscionable practices that, in my estimation, border on or absolutely conform to the definitions of extortion or theft. Some of these practices have effectively included bullying people who are the victims of motor vehicle accidents into having their vehicles towed away offsite by a thug and then receiving extortionate bills for the process. Anecdotally, some of these bills have been in the order of \$5 000 to \$10 000. Once a vehicle has been towed away, there have been incidents of the vehicle effectively being kept from the owner and moved around different storage yards, denying the individual access to their vehicle and to whatever property may be inside the vehicle until the extortionate bills are paid. Then, there is an extortionately expensive storage charge. People have taken some weeks to recover their property. I am aware of instances in which it has taken individuals some months to recover their property. This is a completely and utterly unacceptable state of affairs.

Why has it got to this point? To what degree are these very poor behaviours—I would say crimes—indicative or representative of this industry sector in Western Australia, particularly in Perth? I will be honest and concede that I am not yet sure. The industry's reputation seems very much framed, if not anchored, by the practices of a number of notorious—I was about to say notable, but I will say notorious—companies that, at the moment, I have chosen not to name. There seems to be a connection between the proprietors of and workers within these select towing companies who have some allegiance or familiarity with or are absolutely members of organised crime syndicates, including outlaw motorcycle gangs, and, in keeping with the reputation of those kinds of organisations, they are, at least, consistent in their treatment of victims—ordinary people in Western Australia who have had a terrible day because, as the road safety messages advise us, nobody plans to have a crash. How we treat a victim who is in shock and potentially injured says a lot about the health of our regulatory framework and the standard that governments and others will walk past and accept.

How, then, should we view this bill? We should at least attempt to understand what it attempts to do through its major provisions. One major arm of the bill is it will establish a process of price regulation for the towing of crashed but not broken-down vehicles that meet the definition of being light vehicles of a tonnage of under four and a half tonnes within, effectively, the Perth and Peel region. Storage charges will be regulated to within what some consider to be a more reasonable framework; obviously, I might go back there. There is a proposed schedule of maximum fees for towing a vehicle away from the site of a crash, and I intend to get into the logic and rationale behind that in the Committee of the Whole stage, because I am concerned that a schedule of fees has been approximated from other jurisdictions in Australia, but the state government does not seem to have, at least to the best of my knowledge, any working knowledge of the cost of doing business in Western Australia, and I will get to some fundamental economic theory later in this address.

The legislation will introduce some minimum safety standards, particularly as they apply to the outfitting or the personal protective equipment worn by the driver of the vehicle. There is proposed to be a ban on the advertising of crash tow companies and the banning of so-called spotter fees, which are alleged to be the incentive for the unseemly and dangerous rush of tow trucks to the site of an accident. I doubt very much whether there is a person in this chamber who has not witnessed the phenomenon themselves of people charging along in peak hour, particularly

on the freeway or a major highway, frankly heedless of all traffic laws. This will be a recurring theme: are the laws, frameworks and regulations that we currently have in place already being appropriately enforced? I suspect not, but apparently this will be the remedy. A ban on spotter fees, which appears to me to be largely unenforceable, is the first provision that will be enacted under this bill. I largely think it will have a negligible effect, because the information exchange of crash data proceeds on other platforms, through an ecosystem of apps that towing companies use. I am aware of those apps and have been shown them by towing companies.

The fourth limb or tranche of provisions that this bill seeks to introduce is a range of occupational authorisations, which will apply to both the business operation and also the individual worker working on behalf of that organisation. Despite my uncertainty and suspicion around the wisdom of some provisions in this bill, if there is one reason at all to support this bill, it is the government's intentions in relation to fit and proper people working in the industry. The unspoken or, actually, reasonably spoken assumption is that there are people who are not fit and proper who own crash towing businesses and employ people who are not fit and proper to deal with the public and to provide—quote, unquote—a service to them. Perhaps the problems in this industry might evaporate if, indeed, these provisions that deal with the fitness of a company and an individual working on behalf of that company to provide a towing service were elevated in the government priority list.

There seems to be some anecdotal evidence, which I think is reasonably grounded, that as other Australian jurisdictions have introduced bills similar to this one, nefarious individuals operating through a series of corporate frameworks or company frameworks have vacated at least some of their business in the eastern states and established operations here in Western Australia, taking advantage of what they might consider to be a lower regulatory barrier to entry. That may or may not be the case, but the anecdotes that I have observed or listened to in the course of consultation on this bill seem to suggest that. I am not naive enough to assume that everything in this industry has been pristine and flawless until recent times, but there does seem to have been an elevation in complaints and in obvious transgressions over the course of the last five to six years, which is, again, to make the point, perhaps, if not subtly, that when we are attempting to reform or regulate an industry, can we be reassured that we are actually dealing with the source of the problem?

I would hate to see, as a counterintuitive or counterproductive result of the passage of this bill, that the honest operators, whom I have met and whom I consider to be honest on the basis of life experience in assessing the calibre of different people in different industries, are somehow disadvantaged by these provisions in a way that will make it difficult or more difficult for them to ply an honest trade and make a reasonable profit. In my observation of these sorts of things, it is sometimes those operators who can operate at scale and can establish scale and markets here very quickly who are actually the best placed to manoeuvre around a changed regulatory framework. Without being too speculative about these things, would it be better for an organisation that wishes to launder money from other sources to invest in loss-making businesses or those sorts of businesses that turn over only a modest profit? That is an open question and is one of the concerns I have. Unintentionally, this may advantage those players who are, effectively, far more nimble market operators because their very lives and livelihoods depend on it. They might have somewhat of a first-mover advantage, particularly if the implementation of the fit-and-proper test provisions are delayed. If I were the minister, I would circle that part of the bill and seek whether those provisions could be expedited.

The bill will introduce some enforcement powers that we will potentially get into in the Committee of the Whole stage. On the face of it, they seem to be reasonably constructed; nevertheless, their origin and application merits some examination. The scope of the bill is another issue that requires some clarification. I say that because the application of these provisions, particularly as they relate to the price-setting components, relate only to an instance in which a crashed vehicle is towed away from a site and do not apply to when a vehicle has broken down. There is a provision in this bill that verges towards, if not actually is, a Henry VIII regulation-making power to extend these regulations to another part of the industry or another form of practices if some unknown and unspecified threshold of complaint is breached. I find that more than troubling for orderly lawmaking.

There is also a constraint on where this bill will apply geographically, as I said, to the Perth and Peel regions. If the justification the government uses to establish price-regulation mechanisms is somewhat reliant on the fact that there has been a movement of operators from the eastern states setting up operations in Perth to make a quick buck, is it not equally plausible that the application of these provisions as they relate to the Perth and Peel areas might result in nefarious operators relocating their businesses to Bunbury, Busselton, the midwest or the goldfields? I say that because the spotter's fee ban and the advertising ban are to apply statewide. There is a difference in the treatment and application of some of these provisions that I find difficult to reconcile. My view is that if we are to do this, do it all at once. I might not agree with the way the government has gone about it, but at least it would be far more consistent. I am not sure why a different treatment is to be applied.

I have somewhat gone into this previously, but for the chamber to satisfy itself that what this bill proposes to do is a reasonable response in light of the circumstances, it is worth reflecting on a theoretical question with well-established literature on whether the implementation or application by central command of a price ceiling for products and services works in any industry. A fair degree of literature suggests that the establishment of

a price ceiling does not work or, if it does work, it works in the short term. However, over the medium and longer term, a range of displacements and market disturbances, in the end, do not necessarily benefit that cohort, segment or the market consumer that the price ceiling was designed for in the first place. The first topic on price ceilings that comes up in most economic literature is the establishment of rent controls in New York City and the counterproductive, uneconomic misallocation of resources that ensues from it. People with a large capacity to pay are paying the subsidised deflated cost for their own habitation, displacing those who would benefit from lower priced accommodation. I am not a fundamentalist on anything, and I am not a market fundamentalist, but it can be observed over the long term that 80 to 90 per cent of this theory is upheld in its application.

I am concerned when a fundamental piece of economic intelligence in a free market—the price—is interfered with. The intention behind that interference can be either noble or ignoble, but in this case, it is a noble motive. Market equilibrium for prices is when the supply and demand curves intersect. That is a fair price. We all understand that. What should we expect? When a price is high, we would expect the supplier would want to provide more supply to the market to take advantage of that. When the price increases, we would expect a corresponding downward shift in demand as people make adjustments. Not all goods and services are equivalent, obviously. Price elasticity is the concept of supply elasticity and demand elasticity. What kinds of goods or services are we talking about here? The demand for crash towing services will remain unchanged. As I said, nobody—or very few, I hope—wakes up in the morning and deliberately involves themselves in a motor vehicle accident that renders their vehicle unroadworthy and requiring a tow. There is not that organic demand, but there is a supply. I am very cautious that if we are to do this, we do not do so in a way that is ignorant of the cost of providing that service, particularly for a smaller family-owned business with a fleet of trucks. I understand that they cost between \$250 000 to \$350 000 apiece. There are probably only two or three insurers in the market that will insure those vehicles not only because of the specified nature of the equipment they carry and the specified service, but also the inherent risks in what they do. There are fundamental business costs, obviously, such as wages, time, property, leasing and all the rest. I get that the government is insinuating there will be some proposal that the government will seek to understand and better inform itself. However, until that work is well considered and articulated, I would be very resistant to the concept of even discussing notional caps or notional prices, because I do not think we are in a position to determine the validity of that.

The other issue stems somewhat from my introduction. We sometimes discuss bills that concern industries with which we have only a passing familiarity. If we are to be honest with ourselves, it is very difficult to have a full understanding of an industry's dynamics when we discuss such a bill or to know what effect the reform, which I think is the most used and abused word in the political lexicon, or the regulatory tail proposed by the bill will have on that industry and whether they will be delivered in a way that we expect. It is an unreasonable and naive expectation of anyone in this chamber and, frankly, of any of the very well-intentioned and better-informed bureaucrats who construct the bills.

At least five forces apply to any industry, and these can help us form a better sense of its health. These forces are well established in business literature. The first lens is one of competitive rivalry. We can pick the airline industry as an example. It is a very low profit-sharing and low profit-generating industry, particularly because the rivalry between the suppliers is so vicious. We have been given an indication of the competitive rivalry in the crash tow industry in Perth. That rivalry gets kinetic, and by that I mean that physical intimidation is exerted by different companies. The stories that I have been told in recent weeks about the threats exchanged between nefarious elements and honest operators is enough to make your skin crawl. It happens. This is an industry in which there is significant competitive rivalry.

The other lens to apply is the power of the supplier in the market, which requires an appreciation of who else is operating in that market. Again, the supplier of the service had the capacity to establish whatever fee it saw fit, and that is demonstrably why we are dealing with this bill, which proposes to establish price ceilings. Other players in this game can also be considered to be suppliers. The principal supplier is the supplier of capital—that is, the insurance companies. One loud voice in the room on this bill is not necessarily the consumer—the innocent member of our community who had a terrible day and was then extorted thereafter—but the insurance companies themselves, which have been embarrassed for effectively signing off on extortionate fees. As our understanding of human dynamics and human nature goes, there is the potential for a corresponding overreaction to being caught out and embarrassed for one's inaction. The insurance companies will say—this has been repeated by the government; I am not casting aspersions here—that one reason that insurance premiums for regular consumers have increased in recent years is the trade practices of this kind of organisation; they have passed on the cost to consumers through higher premiums. That could be established or disestablished if someone wanted to quantify that, but let us say that that did happen and that is the justification. If that is so, I have not seen a corresponding commitment from insurance companies to reduce premiums as a result of the passage of this bill. My message to Western Australians is this: do not expect your insurance premiums to decline because the government is doing the right thing by you and passing this bill. Those who will benefit the most from this bill will not be the customers; I suggest that the primary beneficiary will be the insurance companies that lie behind this. That they should benefit is not necessarily an evil, but let us be honest about who is likely to do well out of this and who is not.

With any market, there are threats of substitution. That idea can perhaps be applied to our consideration of this bill, because this reform will be geographically bound. Why would a nefarious operator not just shift their operations outside of the Perth metropolitan area? They might not get an authorisation to operate at all in Western Australia so it would not matter if that were to happen, but there will be a constraint or boundary through the price ceilings that will apply. However, they will not apply further south than Mandurah. There, it will be open season. I would not be surprised if, as the industry recalibrates or those elements within the industry recalibrate their operations, they substitute their Perth-based operations and look for other areas of the state in which to operate or they apply their standover tactics to vehicle breakdowns rather than crashes.

**Hon Sue Ellery:** There are economies of scale that would make an economic difference between operating in metropolitan Perth, for example, and somewhere where there is less traffic.

**Hon TJORN SIBMA:** I concede that there are probably reasonable justifications, but there is a potential challenge there. If indeed that is the case and it is not a problem, my view would be to just apply it to the entire state and not even ask the question, but there we go.

The minister's second reading speech in the Legislative Assembly contained a reflection on the industry and the calibre of some of its operators, which is my abiding focus. The minister referred in the second reading speech to a joint operation between the Western Australia Police Force and the Department of Transport called Operation City, which apparently was the second such operation. The most recent operation occurred in November last year. To quote from the second reading speech delivered in the Assembly —

During those two weeks, police and the Department of Transport stopped 200 tow trucks from 37 companies. Seven tow trucks were seized and impounded and 17 people were charged with 26 offences, including the possession of drugs, reckless or dangerous driving and other driving offences.

I would like an update from the minister, if possible, either at the end of the second reading debate or in the committee stage, on what has occurred as a result of those charges. I presume that some of those matters are still before the courts and that it would be unwise to comment on them. However, there is a clear indication that the Department of Transport and WAPOL know about the source of the companies. I imagine there is a correlation between the problematic individuals and the companies they drove for that were scooped up in Operation City, and the complaints from regular customers to the Consumer Protection division or whoever else over the course of a few years about the practices of those operators, including the carnapping phenomenon. I consider that to be utter theft but, looking at that, will those sorts of companies have absolutely no chance of meeting the fit and proper operator test, or will there be some sort of caveat or right of appeal? Will we all go back to square one? Is there some language here about making a determination about an individual operator's close associates, which I think might be fraught with some danger, even though we are attempting to do so for the best possible reasons?

There is more in the Towing Services Bill 2024 than meets the eye. It contains the sort of detail that will be best addressed during Committee of the Whole, through targeted questions. I note that it has taken the government some time to consider the issues and formulate this legislation as a response. I know that there has been pressure on the government, from the media and from members of both chambers, to expedite its responsiveness to these sorts of, I think, already criminal practices. I welcome the fact that there is now an unequivocal response, but my caution in dealing with these matters is: be careful what you wish for. I hope this legislation will actually apply in the way in which it is intended.

As I consider some of these issues, I am concerned that the implementation schedule has not been properly calibrated, and will not deal with the source of the problem. There is an inherent risk, when we meddle with things as fundamental as price signals, that unintended and counterproductive consequences will arise. I would hate to see a narrowing down and consolidation of this industry in a way that in 20 or so years will generate, if not the same problems, a different class of problems and we will have to re-regulate. With that, I think the intention behind this bill is a noble one, but we cannot just allow things to pass through on the vibe alone. I look forward to dealing with some of these issues during Committee of the Whole.

**HON NEIL THOMSON (Mining and Pastoral)** [1.52 pm]: I rise very briefly to speak to the Towing Services Bill 2024. I express my support for the comments made by Hon Tjorn Sibma about the range of potential challenges with regard to some of the bill's provisions. I will reinforce a comment he made about the fit and proper person test. I may paraphrase here, and I hope I do not have to verbal the member, but he suggested that a greater degree of emphasis may have been put on that in respect of the government's priorities for these provisions.

I am speaking on this bill because it is a fraught area. It is a sector that has unfortunately, in Western Australia, reached a point at which this legislation has become necessary. Whether or not it is an ideal or perfect piece of legislation, it is very much needed. I would like to describe a rather unfortunate recent incident in which a family member had to deal with the towing industry. I am always cautious about using family examples, but as Hon Tjorn Sibma observed, we are sometimes expected to comment on bills that are technical in nature. We are required to deliberate on details, but we are not really able to provide some of the information that is going on in an industry. As representatives in this chamber, we come from all sorts of backgrounds, and we bring our individual experiences and those of our constituents into this place.



Challenges arise because, fundamentally, when someone has had an accident or even just a vehicle breakdown and requires a towing service, they are in a very vulnerable position. It could be a young female who is out late at night and their car has broken down in a remote location and needs to be towed. There is a level of concern and vulnerability in such situations. In the case of my family member, they had just been in an accident on the freeway and their emotions were highly activated. This particular accident was a multi-car accident. It is a very challenging, emotional moment when people are confronted with a tow truck operator who presents and says certain things that are actually untrue. That is a challenge. In that particular situation, there were at least two vehicles involved. They were both completely driveable and could have been driven from that situation, but they ended up being towed. The tow truck operator said, “Your insurance will cover this. We can take care of it; don’t worry about that.” That is paraphrasing what was projected.

The issue is the costs that accrue from the vehicle being towed to a tow truck operator’s yard and being able to retrieve the vehicle. In this case, the vehicle did not have comprehensive insurance, but the young person involved was unable to think about that at that moment, so they simply said, “Yes, take my car”, because that was what the tow truck driver was telling them to do. There was a vehicle with flashing lights and it was an emergency situation. In fact, the car could have been pulled over to the side of the road and left in a safe spot, and perhaps after a few moments of recovery from that emotional situation, the person could have driven that vehicle home, notwithstanding the minor damage it had sustained. The damage to the vehicle of another person involved in the same accident was of a very minor nature—a scratch on the bumper—that would not even have attracted the attention of the police had they driven it down the road. It was not in any way damage that would compromise vehicle safety requirements. However, it was a very high-stress situation, and those vehicles were towed. The point I am making is that it actually comes down to the aggression of the tow truck operator and the very aggressive tactics used by tow truck operators in order to, I guess, secure business.

That was not the end of that saga because the vehicle, in this case, was towed. We can only assume that the other unsuspecting party also had their vehicle towed and suffered the same sort of challenge. After speaking to family members, they were asked, “Where’s your car?” They replied, “Well, it’s at the yard because they said the insurance would take care of it.” They were asked, “Do you recall you don’t have comprehensive insurance; you only have third-party insurance?” A lot of young people have only third-party insurance because the high cost of comprehensive insurance means it is hardly worth insuring their vehicle, so they just cover themselves for third-party damage. The point was that they wanted to recover the vehicle because it was going to cost them for every day it was located at the yard. It would not have been covered by insurance because they did not have insurance for the vehicle.

After many phone calls and follow-ups, the behaviour of the towing service was so aggressive upon visiting the yard that somebody was required to provide additional support for the young family member. This is a real example. The initial cost to tow the vehicle, which could have been driven, to the yard and store it for 18 hours was \$2 000. That is a lot of money for somebody on a low income—\$2 000 to be stored in a yard. The point was made that they wanted the vehicle back. They were told to pay the \$2 000 at that time or there would be more charges. I cannot recall the daily charge, but the vehicle would have been stored at the yard for only a few days. Effectively, the value of the vehicle, which in this case was around \$10 000 or so, would have soon been rendered worthless from the costs that the towing company was charging for the storage of the vehicle, which could have been driven. After the exchange of some strong words, the towing company agreed to release the vehicle for \$1 400, provided that a nondisclosure agreement was signed and no complaints were made to Consumer Protection. This is —

**Hon Sue Ellery:** Extortion is what it is.

**Hon NEIL THOMSON:** — extortion and highway robbery, effectively. This is a real example; it happened to a family member, so I am sharing it because I think it is important. I commend the minister for getting onto this, because it needs to be dealt with. This is why the fit and proper person test needs to be implemented. I am obviously not going to mention in the chamber the name of the company because that would be unfair, but I think it needs to be dealt with. In this case, when the vehicle was sought to be moved, the person from the company backed into another vehicle while driving the vehicle out of the yard and did more damage to it before it was left on the street for delivery to the young person. This was witnessed by a family member, although they could say that it was not done on purpose. This is the sort of behaviour that people have to confront in a very tense and difficult situation. Quite frankly, it is unconscionable behaviour by towing services.

I share this story because I know that we are not the only family who has been affected. I am sure that other members in this chamber have family members who have been affected by this behaviour. When I drive along the freeway and see this company’s vehicles providing services to people, I am sure that those people would be in the same situation; it is as predictable as anything. Those people might have had a little end-to-end accident that was not severe. We understand that when there is a major accident, things need to be dealt with, but it is a stressful time for people to make these decisions and they are being confronted with this behaviour. I think of young people who have not been confronted with this type of situation before, so they have never had to address it. There would be a little bit of nervousness and their body might be a little shaken from the incident. People are at their most vulnerable at that point.

I will not say anything more about the details of this particular incident, other than to say that we have to deal with this issue. I think the fit and proper person test needs to be dealt with very strongly by the department. I hope that the compliance services provided by the department will make sure that we crack down on what I believe is unconscionable behaviour by some in the industry. I hope this is not the norm. I hope that many in the industry do not act like this. I am certain it is not normal, but, unfortunately, I think it is more widespread than people believe it is. It is definitely something that I would like to see addressed. I hope that with the passage of this bill, we see some action to deal with this extortion, as the minister said in her interjection, which I agree with, in these circumstances to protect our community.

**HON SUE ELLERY (South Metropolitan — Minister for Finance)** [2.05 pm] — in reply: I thank members for their support of the Towing Services Bill 2024. I will tackle in my second reading reply some of the issues raised by Hon Tjorn Sibma and Hon Neil Thomson, but I note that several particular points were made by the opposition's lead speaker on this bill, which we can go into in more detail during the committee stage. Certainly, both speakers referenced some unconscious —

**Hon Neil Thomson:** Unconscionable.

**Hon SUE ELLERY:** I have the member's disease! Some not good practices are happening in the industry. I will tackle first the schedule of fees issue that was raised by Hon Tjorn Sibma. The Department of Transport engaged an independent consultant to consider how much it would cost to tow in WA. The modelling was based primarily on financial modelling of the costs of operating towing businesses in Western Australia, which was then benchmarked against interstate costs and charges. This work included consultation with insurance companies and also large and small towing service providers in WA. The financial modelling established likely costs for running a crash towing business in WA, including the vehicle type, with the assumption being based on a two to three-axle tow truck costing \$250 000, with the value depreciating over a 10-year period; travel and pick-up for an average number of incidents of 1.3 each day with an average of 77 000 kilometres for each vehicle a year; wages for tow truck drivers based on \$52 an hour, which is higher than the national average of \$27.58; labour based on 1.25 hours of stand-by or waiting, half an hour of travel to crashes, an hour at the crash, half an hour of travel to the final destination and another quarter of an hour for unloading and paperwork, which is a total of three and a half hours; vehicle costs, including road user charges, registration, capital costs, fuel, tyres, maintenance, wages, vehicle insurance, other wages and on-costs, such as \$7 700 for maintenance annually and some \$1 100 for tyres; and storage costs based on industrial lease costs in Perth. The financial model included an operating profit margin, as the intention is indeed to allow for a thriving crash towing industry in Western Australia. It should be noted that the maximum charges for the Perth and Peel regions are higher than the charges in other Australian states and that interstate towing industries have still managed to prosper under the price setting regimes.

To what degree do the unscrupulous practices reflect the industry? The bill has been drafted following consultation between 2020 and 2022 as a result of widespread consumer concerns about unscrupulous or predatory conduct by a minority of operators in the roadside towing industry in WA and price inflation. We know that there are towing service providers doing the right thing and we want to protect those operators. There is a known organised crime presence in the towing industry.

In November 2023, the Commissioner of Police, Col Blanch, reported on Operation City, as was referenced by Hon Tjorn Sibma, which was a two-week crackdown in which police worked closely with the Department of Transport and Main Roads Western Australia to engage with around 200 tow truck drivers from 37 different companies. Police seized and impounded seven tow trucks and charged 17 persons with a total of 26 offences. During this operation it was ascertained that several drivers had links to outlaw motorcycle gangs. The purpose of occupational authorisation will be to ensure that undesirable parties are eliminated from the crash towing and storage industry.

The honourable member asked for clarification of the scope of the bill: why does it apply only to crash towing and why is it limited geographically to the Perth and Peel areas? There has been a significant number of community complaints about crash towing, especially in the areas of overcharging and egregious behaviour. The crash towing industry has not been able to regulate itself; therefore, the government is intervening. In respect of overcharging, crash towing is much more expensive in Western Australia than in other states. The Department of Transport recently saw an invoice for \$10 000 for a short metropolitan tow. In other states in which similar regulation is in effect, the total cost would be less than \$1 000, as it would be under the provisions of this bill.

As well as complaints from members of the public, the department has been contacted by several insurance companies that pointed out that the cost for crash towing and storage is indeed much higher in Western Australia than in other states. Some insurance companies only cover reasonable costs; therefore, drivers who think that they are covered for crash towing may find that they are not. Extra crash towing costs are added to insurance premiums, so all Western Australians are paying more to cover price gouging by some towing businesses.

After vehicles are towed, the costs continue to mount up with overcharging for storage of crashed vehicles. The department has received many complaints from people whose vehicles were towed and they were unable to locate their vehicles or retrieve them. The towing companies deliberately keep vehicles because they charge storage costs of \$100 a day or more and allow large amounts of storage fees to accumulate. Insurance companies have also complained about difficulties in locating vehicles, resulting in the accumulation of excess storage costs and delays

in the release of crashed vehicles. There have been numerous complaints about owners being denied access to their vehicles or charged to access their vehicle or the property within it. The owner may want to retrieve medicine or work tools, for example, but they are unable to access the vehicle or they are charged for the privilege of picking up their own belongings. That practice is a blight on the towing industry.

We heard complaints about towing workers coercing people into having their vehicles loaded, complaints about towing workers falsely claiming to have been sent by the insurance company or by Main Roads Western Australia, complaints that those in minor crashes have been lied to and told that their insurance will be voided if they drive their damaged but roadworthy cars, complaints about towing workers forcing their way into ambulances to pester people receiving medical treatment to agree to a tow, and complaints of lying about or changing quotes for the cost of towing. This behaviour is aimed at vulnerable people who have just been in a crash and are anxious to have their vehicle moved away from the roadside. That was very much the example given by Hon Neil Thomson.

Why does this bill cover crash towing and not breakdown towing? Crash towing is the form of towing in which the problems are currently concentrated. The bill will allow for regulations to be made to include breakdown towing, if problems arise in that part of the industry. Hon Tjorn Sibma drew attention to those regulations. They will allow for a much more nimble response if that is found to be the case.

Why do parts of the towing reforms apply in only parts of the state? The occupational authorisation regime applies across the state for all crash towing, requiring that towing workers be fit and proper persons as all Western Australians should be offered the same protections. The requirement for reasonable charges for towing and storing crashed vehicles apply across the state. However, maximum charges for towing and storage crash vehicles will only apply in the Perth and Peel region as most complaints about overcharging are in the metropolitan area. If overcharging of crash towing is displaced into the regions, as proposed hypothetically by Hon Tjorn Sibma, the bill will allow for the regulations to set charges to expand into other regions.

There was a debate about the economic merit or otherwise of price ceilings. The policy approach followed consultation by government that found support for maximum charges. They are maximum and not fixed charges. We encourage competition between operators, but given the extreme overcharging it is considered necessary to set a ceiling. This model works well in other Australian jurisdictions that regulate crash towing. This is currently an unregulated industry and having industry regulation will allow the development of an effective market in which competition and the availability of information to all parties will operate.

When will the new regulatory regime come into effect? There will be a staged introduction following passage of the bill. The section on spotter fees will commence on the day after the bill receives royal assent. The regulation of maximum charges and authority to tow, conduct around crash towing and enforcement powers will commence as soon as the supporting regulations are in place—I might get some water, thank you. I do not want anyone to panic that I might have COVID-19. This is hay fever from hell. I am sorry that people are going to have to tolerate —

**Hon Peter Collier:** And old age?

**Hon SUE ELLERY:** Probably a bit of old age as well and I am relaxed about that, honourable member. Thank you.

**Hon Dr Brian Walker:** Pre-election pollen banter.

**Hon SUE ELLERY:** Pre-election what?

**Hon Dr Brian Walker:** Pollen banter.

**Hon SUE ELLERY:** Get it?

I will start that again. There will be regulation of maximum charges, authority to tow, conduct around crash towing and enforcement powers as soon as the supporting regulations are in place. Authorisation of towing service providers and towing workers will require computer systems and payment processes to be developed. Proposals are currently being put together on what that might look like, but we anticipate that development will take place during the 2025–26 financial year. We expect that maximum charges will immediately address the large profits that incentivise the bad behaviour that members have touched on and government will monitor industry performance.

I have an update on Operation City and what has happened to those who were subject to charges. The Western Australia Police Force has not yet shared the outcomes of the various prosecutions, some of which might still be ongoing. Once the bill has commenced, the Department of Transport will consider the results of police and Consumer Protection investigations and any convictions when determining whether an individual or business may be authorised to operate in the crash towing industry. That links to the honourable member's question about the correlation between the outcome of court matters and the definition of a fit and proper person. It must be stressed that the powers are intended to complement and not replace the work of the Western Australia Police Force and Consumer Protection in dealing with criminality in conduct that members and members of the community have drawn to our attention. I know there are other matters that Hon Tjorn Sibma wanted to explore in Committee of the Whole House. I am pleased to do that. With those remarks, I commend the bill to the house.

Question put and passed.

Bill read a second time.

*Committee*

The Deputy Chair of Committees (Hon Dr Sally Talbot) in the chair; Hon Sue Ellery (Minister for Finance) in charge of the bill.

**Clause 1: Short title —**

**Hon TJORN SIBMA:** This bill is very clearly targeted at a subclass of operator within the industry who are reasonably alleged to have links to organised crime, including outlaw motorcycle gangs. Is it possible, however, to quantify what proportion of the crash towing industry is presently infiltrated or controlled to a significant degree by organised crime groups, including outlaw motorcycle gangs?

**Hon SUE ELLERY:** As the honourable member might appreciate, given that it is currently unregulated, no, it is not possible to give that kind of indication. Clearly, enough was found in that joint exercise, which we both referred to and which was referred to in the second reading speech, for charges to be laid. It is a concern of itself that over a relatively short period enough information was found to lay charges. Beyond that, I really cannot take that question any further. We would anticipate that that might become clearer once the regulatory framework is in place, particularly when the fit and proper provisions start to get tested by people seeking to be declared fit and proper when, in fact, they are not.

**Hon TJORN SIBMA:** Nevertheless, the government would concede that there has been a level of infiltration or control exerted by the kinds of groups I have just described, which is having a demonstrable market impact; would that be correct?

**Hon SUE ELLERY:** Yes. In my second reading reply, honourable member, I quoted Commissioner of Police Col Blanch, who made that point himself.

**Hon TJORN SIBMA:** Nevertheless, it is difficult for the minister, at least in this position, to quantify the degree to which this industry sector is controlled with the number of companies registered, or the number of workers, or the proportion of market share by value of towing services rendered in each year. Has any quantification or assessment been undertaken to establish the parameters around the problem?

**Hon SUE ELLERY:** No, there is not. There is no mathematical formula. The honourable member can draw whatever conclusion he wants to from the fact that when they did that operation over a two-week period, a substantive number of charges were laid. The member can draw whatever conclusion he wants from that, but more than that, no metric is able to give us that information.

**Hon TJORN SIBMA:** This question might be impossible to answer, but I will ask it. Is there within either the Department of Transport or Western Australia Police Force, effectively what I will categorise as a list of concerning companies that are noted for the frequency of the complaints made against them, who perhaps may have featured in Operation City in a negative way?

**Hon SUE ELLERY:** The short answer is no, honourable member. No metric has been applied to measure that.

**Hon TJORN SIBMA:** Is it possible to provide an estimate of the number of companies in Perth or perhaps in the state—whatever is easiest to provide—that provide crash towing services?

**Hon SUE ELLERY:** This is a scientific term, used by me not my advisers; a guesstimate would have it at some 250 businesses and around 1 200 workers.

**Hon TJORN SIBMA:** Without putting the department through great, arduous work, is it possible to elaborate on how that, I think reasonable, guesstimate, was formulated? Was it on the basis of interaction with stakeholders over the course of the last few years, or some other device?

**Hon SUE ELLERY:** The view was formed as part of the consultation process that was conducted by the Department of Energy, Mines, Industry Regulation and Safety that that was probably the right numbers. It was through consultation with existing businesses, for example.

**Hon TJORN SIBMA:** On the price controlling or price ceiling aspects of this bill, the minister referred to some data revealing the outliers of the most extraordinarily extortionate figures for towing services or storage provision. Does the department have a grasp on the median price, or an average price for crash towing provisions presently in the Perth CBD?

**Hon SUE ELLERY:** No. We are going to keep going in a bit of a circle if this line of questioning continues. It is not regulated, so we do not have precise numbers. In the course of the consultation and trying to do the modelling and benchmarking against other states, the view was that we have the numbers and the dollar figures about right, but I cannot be more precise than that.

**Hon TJORN SIBMA:** I am in no position to assess whether this is valid or not—the unencumbered price signals in a free market are the best guide but this is a market where some forces dominate and probably mix up that signal a bit. The reason I ask is that figures I have been provided by a range of different operators in the Perth metropolitan

area who I would not consider to have featured or caused concern for authorities in the way that other, better known companies may have, have suggested to me that a current median price in the market for a crash tow, depending on circumstances, is somewhere between \$1 500 and \$2 200. I would like to get a sense of whether that corresponds with the market awareness of the minister's advisers at the table.

I take it that an unregulated or light-touch regulatory system—I will get into that later—will mean that the government cannot possibly have control over things. Nevertheless, I am trying to establish where the market intelligence is because it will be directly relevant to the setting of price.

**Hon SUE ELLERY:** I can describe it this way: existing companies are making a choice between which business model they use. There are business models that do other work between attending crash sites. There are those that literally wait on the edges of the freeways and the like and are not doing other work, and they tend to charge at the higher end of the scale. Those that do other work in between charge at the lower end of the scale. Choices are being made about which business model to use.

The other point to note is that at which end they charge will, of course, depend on the circumstances of the crash and how complicated the removal of the vehicles is et cetera. I am told that, essentially, the price driver—if I can use that word—is the business model or approach they use. Are they chasing crashes or doing other work in between?

**Hon TJORN SIBMA:** Okay. I might have to leave that one there. In the minister's second reading reply, she responded to some of my concerns about the cost structure of these businesses and referred to an independent modeller who was charged with doing the assessment. Can the minister confirm the details of the independent organisation or individual who undertook that review?

**Hon SUE ELLERY:** For reasons that will become clear, we have been asked not to reveal the precise identity of the modeller; however, I am happy to have a personal conversation behind the chair with the honourable member. For security reasons, it is not necessarily something that we would want to put on the public record.

**Hon TJORN SIBMA:** I acknowledge and accept that practical response. I hope that that individual has the appropriate qualifications to undertake the job. I am obviously at somewhat of a disadvantage. That is all I have for clause 1. Perhaps someone else has something.

**Hon NEIL THOMSON:** I want to talk about the regulations, and I will do it as part of clause 1 because I see that there is a proposal to establish codes. It goes to the point of my contribution regarding there being a code of practice under which someone in a car accident has to be addressed in a certain way and given options. The sorts of costs might be market based. Given that freeways need to be cleared, I am not saying that having people on call at peak hour is not a requirement, for example, to be able to move vehicles. We have to enable that business model to continue. The complaint is about the behaviour of the towers who are not giving options to drivers, particularly when vehicles can be driven, for example.

I can see that there will be the establishment of codes. I assume that the idea is to establish codes of practice that might define the expectations of how those towers will interact with people in accidents. Could we have some explanation of that? I understand that that is part of the clauses, but I thought it would be good to get that question covered.

**Hon SUE ELLERY:** There will be a range of codes. For example, there will be a code for protective equipment. There will be a code for how people are to conduct themselves and what sorts of behaviour are acceptable and not acceptable. The documents that consumers will see at the site, if that is what we are talking about, will also include consumer protection warnings, so consumers will be warned, "Do not sign this unless ..." et cetera.

**Hon TJORN SIBMA:** I have two streams of related questions remaining on clause 1. The first is around consultation, which is the inevitable inquiry. I appreciate that the process of putting this bill together has been described. Nevertheless, would it be possible to get a list of the companies that participated in stakeholder briefings before the bill was constructed?

**Hon SUE ELLERY:** This is the best I can do. Some companies have asked not to be named. I do not have a list that I can provide the member. I can advise that in February 2022, the Department of Mines, Industry Regulation and Safety published the *Towing industry consultation report*. I assume that the member has a copy of that; if not, it can be provided to him if that is helpful. That report does not list all those who participated, but, as I said, the consultation was with a range of large and small businesses, insurance companies and the peak body for insurance providers. The Department of Transport continues to meet with and consult towing service providers and insurance companies, and it has set up a subscription service on its website to allow members of the industry to register for ongoing updates.

**Hon TJORN SIBMA:** I am curious about consultation because, firstly, the stethoscope for opposition inquiry in clause 1 is: who did you speak to? If the minister is in a position to answer this, acknowledging her most recent response, my more particular inquiry about consultation is about whether the consultation occurred with—how will I put this better?—the more appropriate parts of the market that the minister is about to regulate in this

way. For example, did that consultation include towing companies that are already on contract to the Department of Transport or Western Australia Police Force, and how will this actually affect them, if at all? Secondly, did that consultation include towing service providers that are based outside the metropolitan area to which this bill will largely not apply, or providers of what I will call heavy lift or heavy towing services to which this bill will also largely not apply?

**Hon SUE ELLERY:** I can tell the member that we consulted with those companies that are on contract to the state. Beyond that, it was a mixture of large and small businesses. There were some 37 written submissions and some 414 responses to online surveys, and a large number of people told of their personal experience, similar to what has been shared in the chamber today. That is probably as far as I can take that.

**Hon TJORN SIBMA:** What will be the approach to consultation for the specific regulations that will be formulated? I appreciate that, presently, there has been what the government describes as information or briefing sessions on a bill that has already been written foreshadowing regulations the parameters of which have already largely been constructed, in a way. What is the government's intention, I suppose, to cover the entire field of operators in the metropolitan area in relation to the price ceilings or the scheduling components as an example?

**Hon SUE ELLERY:** I am advised that the department is collecting email addresses of companies that subscribe to its website, and it will hold a series of industry information sessions to talk about the reforms as they are introduced, but also to take feedback on, in practical terms, what it will mean if the regulation is drafted in this way and to seek feedback on that sort of thing.

**Hon TJORN SIBMA:** In that process of interaction, might the work of the anonymous independent modeller be made available for scrutiny and comment?

**Hon SUE ELLERY:** I am advised that if people want to take issue with the modelling part of the work, that will be made available to them. The whole report will not be released, but if people take issue with how the maths, if you like, and the modelling was done, that information will be provided to them to assist them to understand it and to get any feedback from it.

**Hon TJORN SIBMA:** I do not know what level of maturity that work has arrived at. Is the sensitive issue here the identity of the individual or organisation that drafted it, or is there some other sensitive information that the government would be reluctant to hand over; and, if that is the case, could the minister give me some sort of satisfactory explanation for that?

**Hon SUE ELLERY:** There is a bit in here. Yes, it is correct that the identity of the author is not to be released, but there are also other elements of work that were carried out that were provided to government for it to consider what pathways it might take in certain other policy matters. To the extent that there may be issues around the modelling, that can be made available to those in the industry who want to take issue with it and test it, but the document as a whole was written for government. It canvasses a whole range of things within this policy area that were not intended to be publicly released but were intended to form part of the government's policymaking processes, so they will not be released.

**Hon TJORN SIBMA:** I have possibly a final question on the parameters of clause 1. Again, this is an attempt on my behalf to quantify the issue in some structured way. I am not concerned about the timeframe; I am asking for whatever is available. Is it possible to quantify the number of complaints made by individuals, for example, who have been subject to these practices, whether it be the profiteering or price gouging for towing and storage fees or complaints about being impeded from accessing their own vehicle?

I would like the number on an annualised basis, if that is possible. I do not know what I do not know yet, so I am happy to receive any information and then possibly ask a question or two to quantify the scale of the problem.

**Hon SUE ELLERY:** There is not one single source of information, because some will go to Consumer Protection, some will go to the Department of Transport and some will be a police matter. I am advised that the Department of Transport receives two or three complaints a month from the public about crash towing, and also complaints from insurance companies. Although I am the minister with responsibility for this bill, I do not have access to that information here at the table, because I am doing this bill in a representative fashion, but if the member is interested, I can probably get that information from Consumer Protection.

**Hon Tjorn Sibma:** Yes, please.

**Hon SUE ELLERY:** But I do not have that information now.

**Clause put and passed.**

**Clause 2: Commencement —**

**Hon TJORN SIBMA:** In reading the clause on implementation, can I understand, please, why the commencement of clause 68 will take priority over other clauses?

**Hon SUE ELLERY:** It is because it does not require any regulations. No further work needs to be done for it to take effect.

**Hon TJORN SIBMA:** How will abiding by the ban on advertising and the prohibition of spotter fees be monitored, in effect?

**Hon SUE ELLERY:** I am advised that there are compliance officers. It will be led primarily by complaints but they will also do their own proactive examination of advertising on the web, for example.

**Hon TJORN SIBMA:** The minister is generous in dealing with this question at this part of the bill. I can understand that the dimension around advertising is an easier hurdle to jump because we can look at social media and the like, but to what degree can the arrangements between companies, providers and other individuals be known, and can they be prohibited without some sort of additional resourcing or an expansion of power?

**Hon SUE ELLERY:** Some additional staff have already been engaged to do compliance and communications and education work. It is anticipated that as time moves on it will be less about the education and communications and more about compliance. Part 6 of the bill deals with enforcement and all the provisions are set out there.

**Hon TJORN SIBMA:** I might hold over my question about the actual quantification of the resources provided to this moment and those that are anticipated.

My final question on this is about the implementation of all the other provisions, aside from the spotter's fee provision at clause 68. How was that sequence determined and how does it accord against the principal sin that the government is attempting to eradicate? I assume that the principal sin is the infiltration of the industry that is taking advantage of the system rather than the price itself, and that is a function of the individuals in it. Can the minister give me a sense of how the sequence of implementation was arrived at and who provided that advice?

**Hon SUE ELLERY:** I answered this, in part, in my second reading reply. A significant lever for what has been going on in the industry is the maximum that can be charged, obviously, and that will come into effect as soon as the supporting regulations can commence, which is anticipated to be by the end of this year. The authorisation and the authority to tow are two different things. I also said in my second reading reply that the authorisation will be introduced in the 2025–26 financial year. That requires systems and processes to be put in place. It is about how much work is required and how quickly it can be done. That sets the priority for which will come first.

**Clause put and passed.**

**Clauses 3 to 6 put and passed.**

**Clause 7: Breakdown towing —**

**Hon TJORN SIBMA:** Obviously, the differentiation of crash towing and breakdown towing has not been a principal topic of discussion, but it has been a topic of discussion throughout our examination of the bill. I draw the minister's attention to page 10 of the very clear explanatory memorandum, which provides the following advice —

It is intended that the Bill will regulate crash towing, however it is necessary to allow the regulation of breakdown towing if there is a need to. See also clause 8(1)(b) which allows for the making of regulations to “switch on” breakdown towing if needed.

I might ask this now, notwithstanding the reference to clause 8. What set of circumstances would precipitate the switching on of regulations to extend these arrangements to breakdown towing?

**Hon SUE ELLERY:** The member flagged it in his comments during his contribution. If we see a shift into towing of the kind of behaviour that we have all identified as being abhorrent and that which we want to eliminate, we want to be nimble enough to extend the same powers we have for crashes to breakdown towing. All the complaints have been primarily about crash towing, but if we see a shift, we want to be able to address that as quickly as possible. That is why it is referred to in the head of powers around making regulations to that effect.

**Hon TJORN SIBMA:** I think I indicated my—I will not say nervousness—discomfiture around preloading regulatory-making powers within any bill.

**Hon Sue Ellery:** The good MLC member that you are.

**Hon TJORN SIBMA:** Indeed. I am an unreconstructed conservative. There you have it.

Nevertheless, would that necessitate the application of all the other provisions or would it be a partial treatment? This might be hypothetical, but I read this to mean that if the threshold of problematic behaviour leads to the switching on of the regulations to breakdown towing, that would encompass everything, including the ceiling on storage, tow costs and everything else that is encompassed here. Is that an accurate understanding?

**Hon SUE ELLERY:** It will depend on the circumstances. It could be parts of the provisions or it could be all of them. It will depend on the circumstances.

**Clause put and passed.**

**Clause 8: Regulated towing and regulated towing businesses —**

**Hon TJORN SIBMA:** I am asking for more of an explanation rather than a justification. The explanatory memorandum states —

Subclause (3) provides a service of regulated towing provided to or on behalf of a public entity in relation to the performance of that entity's functions under a written law, can still be a regulated towing business. An example of such towing includes towing provided to or on behalf of Main Roads to tow a vehicle from the freeway to prevent or minimise any harm, risk, hazard or obstruction caused by the vehicle.

Can the minister explain why this level of detail has been provided? Is there some confusion that the drafters are attempting to avoid?

**Hon SUE ELLERY:** It is to ensure that those contracted to Main Roads, for example, meet the same standards. In fact, they should be meeting the highest possible standards as a provider of a service paid for by taxpayers. That is what that is about.

**Hon TJORN SIBMA:** I agree with that in principle and without any argument whatsoever. To what degree, though, are there observations on the performance of those contracted entities in complying with the best standards of behaviour? I just want to get to this point: there is a view that there is a complete lack of regulation in this space. I am not 100 per cent convinced that that is true; I believe that partial, piecemeal regulation applies to operators in this space. The Leader of the House might not be able to answer this, but the principle has been established. Is there proactive compliance or compliance monitoring of the contracted entities to ensure that they comply, or is it effectively that a contract is provided for a service and there is no further lens through which that is assessed?

**Hon SUE ELLERY:** There is oversight to the extent that agencies are expected to put things in their contracts and to monitor that those things are being delivered within their contracts. This is for the purpose of ensuring that, going forward, everyone is 100 per cent clear that if someone has one of these contracts, they are expected to meet the standards around vehicles and personal protective equipment.

**Hon TJORN SIBMA:** Thank you, minister. In the same vein, I presume that the companies that presently provide a contracted service to any government entity must, at a minimum, ensure that their vehicles are registered and insured and that their drivers have a valid driver's licence. I believe that that would be a reasonable expectation. Is there any indication to the contrary and that there has been a problem with any of those three dimensions? If so, how would that have been picked up?

**Hon SUE ELLERY:** If I reverse the question, this provision was not included because there is evidence of companies with government contracts not meeting the required standard.

**Clause put and passed.****Clause 9: Determination of whether persons are fit and proper —**

**Hon TJORN SIBMA:** As I indicated, this is the substantive provision. In part, I think it probably will be the element of the bill that, if interpreted and implemented correctly, will provide the most benefit for everyone, including the majority of honest operators in the sector. My questions on this will probably permeate some other elements of the bill, so I will attempt to constrain them here if that is acceptable and I am not straining —

**Hon Sue Ellery:** The friendship.

**Hon TJORN SIBMA:** Yes, straining the friendship—indeed. Subclause (2) provides that a person will not be considered a fit and proper person for the purposes of the bill unless that person is of good repute with regard to their character, honesty and integrity. Consideration of whether someone is of good repute will be an essential component in having regard to whether a person is fit and proper to operate in the towing industry under the provisions of the bill. Reasonable people can have slightly different or slightly nuanced interpretations of that, but I might ask a question using a current example. The Operation City charge sheet is largely still before the courts and we do not need to go into more detail. Does the government expect that individuals being charged for misdeeds involving drugs and all the rest, which might be upheld and convictions recorded depending on the progression of those cases through the system, would demonstrably prove that those people are not of good repute in regard to character, honesty and integrity?

**Hon SUE ELLERY:** Yes, honourable member; those things would indeed be taken into account.

**Hon TJORN SIBMA:** I have asked for the minister's indulgence, not to deal with some of the more theoretical elements, because I think that would be gilding the lily a bit, but in the application of the principle at this clause. Is a person not of good repute in regard to character, honesty and integrity if they are merely charged with an offence?

**Hon SUE ELLERY:** The charge is not the trigger, the facts are the trigger. In the event that the CEO takes the view that, on the basis of the facts that led to the charge, the person or business can be suspended or disqualified, and if a charge is laid and there is a conviction, then the authorisation can be cancelled. Indeed, facts might be taken into account in the first place, in the absence of a charge, which could lead to the person being deemed to not be fit and proper.



**Hon TJORN SIBMA:** There is a bit in that, but if we were to enter into that debate it could potentially run for some considerable time without really advancing our comprehension of the bill. However, it might be worth asking a related question. By way of comparison—I am not attempting to make a political argument—it has been reported in *The West Australian* that there are prominent union delegates who have been either charged with or convicted of some very serious offences, but who, to the best of my knowledge, maintain their senior positions within those organisations. One of those individuals was convicted of certain offences and served their time. To the best of my knowledge, they went on to lead a blameless life. To what degree will the provisions in this bill, as they relate to determining whether a person is fit and proper, take rehabilitation—or what other people might call redemption or the like—into consideration? It is very, very easy to be a tough standover guy when they are 18 or 19 years of age, but a bit of time locked away, considering life’s priorities and other things, may change them as individuals and redeem their character. How far into somebody’s charge sheet or personal history will the CEO—I presume it will be the CEO—delve to arrive at that determination?

**Hon SUE ELLERY:** The best way to answer that question is to say that time itself is, indeed, a factor that might be taken into account. Another thing to bear in mind is that if the individual were to form the view that the decision was unfair because they had been out of prison for five years, but the CEO took the view that the nature of what put them in prison was such that they should not be determined a fit and proper person, it is a reviewable decision. There will be the opportunity for the individual to challenge that decision.

**Hon TJORN SIBMA:** Before I seek some clarification about the review provisions I would like to spend a little more time on this clause, because I think it will be helpful. Clause 9(5) makes reference to “the physical and mental fitness of the person”, “any approved medical report on the person required by the regulations” and “any other relevant matters”. Can the minister explain why this provision has been included? What problems is the government attempting to overcome that might relate to the physical and mental unfitness of people in the industry?

**Hon SUE ELLERY:** I am advised that the provisions are based on those that regulate taxis under the Transport (Road Passenger Services) Act 2018. That is where they come from; they are already in use and relied upon in those industries. The member asked: why physical and mental? Both are required. It is a stressful job and it is physically demanding. They are dealing with people who are in stressful situations as well, so it reflects the importance of their own capacity to deal with any kind of impact that that might have on them. For a towing authorisation they will need to demonstrate that they have reached the Department of Transport’s commercial fitness to drive standards, which requires them to provide the results of a medical assessment against the National Transport Commission and Austroads’ *Assessing fitness to drive* standards for commercial and private vehicle drivers, medical standards for licensing and clinical management guidelines. That will need to be conducted by a bone fide medical practitioner, six months prior to the application.

**Hon TJORN SIBMA:** Do these physical and mental fitness tests apply to tow truck operators in other Australian jurisdictions? The minister referred to a range of national or consolidated standards. Do they apply in New South Wales or Victoria, for example?

**Hon SUE ELLERY:** I am advised that there is a national standard. It is not always applied consistently across jurisdictions. However, the same provision applies to heavy vehicle towing across jurisdictions. There are also applicable provisions that are very similar to what I have just read out; they are just not entirely identical.

**Hon TJORN SIBMA:** We talked earlier about a situation in which an individual fails the fit and proper person test when making an application to become a tow truck driver. The minister indicated that that was a reviewable provision. How will that process work? To whom will the appeal be directed?

**Hon SUE ELLERY:** I am advised that there will be an internal review process. In certain circumstances, an aggrieved party may request that the Department of Transport carry out an internal review. This will involve an independent review by a senior manager from another business area repeating the decision-making process to reach an independent decision. An aggrieved party will also have the right to apply to the State Administrative Tribunal to ask it to review the decision.

**Clause put and passed.**

**Clause 10: Determination of whether grant or continuation of towing industry authorisation contrary to public interest —**

**Hon TJORN SIBMA:** This clause presages, perhaps, some issues that might be encountered not only when the act has been operating for some time, but also in the transition to this new regulated environment. It might be more appropriate to ask this at another stage of the bill, but I will ask it now. Is it an accurate understanding that I hold that every individual business operation and every individual person operating in the industry will be made to seek, effectively, a formal authorisation for them to continue their current practices?

**Hon SUE ELLERY:** Yes, honourable member, if they are doing crash towing.

**Hon TJORN SIBMA:** Does the government already have some expectation that a number of companies or individuals will struggle under the design of this bill to meet the definition of a fit and proper entity or a fit and proper person?

**Hon SUE ELLERY:** Hopefully. Yes, honourable member, that is the purpose.

**Hon TJORN SIBMA:** I am attempting, then, to understand the inclusion of the clause. I do not think it is a redundant clause, but has it been constructed in this way to provide an opportunity for the kinds of operators whose behaviour or reputation is, I will put it this way, marginal or slightly dubious to continue to operate in the industry because an indeterminate public interest criterion threshold has been met? What is the purpose of the clause? Is it to maintain the continuation of operations in the market because there might be a shortage or is it for some other purpose? I may have completely misconstrued the intent. I just find it a curious clause.

**Hon SUE ELLERY:** It is about maintaining the integrity, if you like, and the reputation of the industry as a whole and whether the inclusion of a particular applicant would negatively affect the credibility and integrity of the industry.

**Clause put and passed.**

**Clause 11 put and passed.**

**Clause 12: Close associates —**

**Hon TJORN SIBMA:** I am not going to go on like this all day. This is an interesting provision. Could the minister explain the underlying problem that this provision is attempting to remedy?

**Hon SUE ELLERY:** It is to ensure that we do not end up with what is described, if you like, as a cleanskin being the front of the business, while, in fact, what lies behind it is exactly what we do not want in the industry. That is the purpose of it.

**Hon TJORN SIBMA:** Would there be operators presently in the market who might fit that description or does this anticipate the potential for scenarios of that kind to eventuate?

**Hon SUE ELLERY:** It is possible that that exists already, but we cannot be precise about that. What we do know—comments made by the Commissioner of Police enforce this—is that organised crime does appear to be engaged, and that is one of the mechanisms they often use. I am not necessarily saying as a fact that that is what they are doing in the towing industry, but it may well be what they have done in other industries, and they may seek to do it in this one.

**Hon TJORN SIBMA:** What sort of information will the government rely upon in making those sorts of assessments about a close associate with a relevant financial interest—that being the most important dimension—and from whom will it originate and to whom will it be provided?

**Hon SUE ELLERY:** Making an application will require people—company secretaries, company directors and the like—to declare certain things. The agency will be able to seek information from the police or the Australian Securities and Investments Commission and do their own inquiries into whether they require further information or whether the information they have is in fact valid.

**Hon TJORN SIBMA:** Will the test of the suitability of someone's close associates be applied by the department upon every application for registration as an authorised business?

**Hon SUE ELLERY:** Yes.

**Hon TJORN SIBMA:** I presume that if the chief executive officer of the department forms the view that there is a problem with a company's close associates, that information will be conveyed to the applicant. Will that ruling or determination be reviewable or appealable in the way that the minister has indicated previously?

**Hon SUE ELLERY:** Yes.

**Hon TJORN SIBMA:** This might be the wrong kind of question, but I think the minister will get my point. On this clause and the preceding ones around the continuation of businesses and how they will apply, how has the bill been constructed? Perhaps it is partially done through clause 12 or elsewhere. How has it guarded against the concept of phoenixing that applies in the building industry, with which the minister would be familiar? That is, companies effectively liquidating themselves for a different purpose and re-establishing themselves with different people in different positions.

**Hon SUE ELLERY:** If the company changes, they would need to apply again. This is about individuals in particular. Whatever the company structure is, a certain decision will be made about those individuals.

**Clause put and passed.**

**Clause 13: Towing service provider must be authorised —**

**Hon TJORN SIBMA:** I have a very basic question. This clause introduces “Offences and related matters”. This goes beyond clause 13, but as a principle I will ask here: On what grounds have the proposed set of penalties for individuals and body corporates been formulated? Is there a guide to this; and, if so, what is that guide?

**Hon SUE ELLERY:** The fines for individuals come from the Transport (Road Passenger Services) Act, which I referred to earlier. The fines for body corporates come out of the Sentencing Act. Body corporate fines are five times the amount for individuals.

**Clause put and passed.**

**Clause 14 put and passed.****Clause 15: Release from storage —**

**Hon TJORN SIBMA:** We have talked about this perfidious phenomenon of carnapping or what I would describe as motor vehicle theft, frankly; I would have hoped it would be dealt with in that manner. Can I understand the logic that has been applied in determining a four-hour threshold for the release of a vehicle? It seems reasonable to me but I would like to understand why that four-hour time limit has been applied and whether there might be any lawful excuse for perhaps exceeding it by a few hours, for example.

**Hon SUE ELLERY:** The provisions are as soon as practicable but with a hard limit of four hours. That is based on the wheel-clamping provisions.

**Clause put and passed.****Clause 16: Moving vehicle from storage yard —**

**Hon TJORN SIBMA:** Again, I am attempting to quantify the problem this clause attempts to address. I could imagine only a few lawful examples or legitimate reasons to move vehicles between storage yards. Is the minister aware of the number of complaints that the department or departments have received on this phenomenon?

**Hon SUE ELLERY:** We do not have precise numbers, honourable member. It was reported as a problem during the consultation, particularly moving vehicles around so that the owner does not know where to go to front someone to try to get access to their vehicle.

**Clause put and passed.****Clause 17: Application for towing business authorisation —**

**Hon TJORN SIBMA:** Division 3 deals with authorisation applications for a towing business. Has there been some level of maturity around what the application for applying to be registered as a towing business might look like? If not, at what level of maturity is that work at?

**Hon SUE ELLERY:** It is under early development. They have looked at what applies in other jurisdictions. At this point, they are also looking at what applies for taxi provisions.

**Hon TJORN SIBMA:** Reflecting on an answer the minister gave me about 15 minutes ago, she declared that every single operator at the moment will have to make an application to apply.

**Hon Sue Ellery:** That's correct.

**Hon TJORN SIBMA:** There will be no grandfathering —

**Hon Sue Ellery:** That's correct.

**Hon TJORN SIBMA:** Okay, thank you.

**Clause put and passed.****Clause 18: Responsible officers —**

**Hon TJORN SIBMA:** I refer to paragraph (e) of clause 18 on responsible officers. I presume that each of the provisions in paragraphs (a) through (f) need to be satisfied in order for that person to be designated as the responsible officer within a company. My question relates to paragraph (e), which states —

have the capacity to influence ... compliance with safety standards in relation to the conduct of the regulated towing business;

How will that requirement be established to the satisfaction of the regulator? The reason I ask this is, for example, I am in communication with one company where one lady is effectively the business brain. She does all the commercial systems. I would imagine she would most likely be the responsible officer, but the company internally abides by safety provisions, which are effectively managed directly by the owner with the drivers themselves. In situations like that, or members can also imagine in a family, the sister or the mum is the office person who does all the accounts, they will have to be construed or they must satisfy paragraph (e) that they have an impact on the compliance with safety standards. How might that be reasonably satisfied in these sorts of circumstances, particularly in a small business?

**Hon SUE ELLERY:** This is drawn from the same provisions in the taxi legislation. It is about making sure that the person is able to exercise and check. They do not have to be the technical person managing and setting the standard and going out and putting instruments in the wheels, but they need to be able to check that compliance has been followed.

**Clause put and passed.****Clause 19: Grant of authorisation —**

**Hon TJORN SIBMA:** I am interested in subclause (4), which infers that information will be shared across jurisdictions. Clause 19(4) refers to the appropriateness of an authorisation being granted on the basis of a company

or individual's reputation as established outside Western Australia. Does the department know how many businesses, towing businesses, or people with interests in the towing industry have relocated from the eastern states over the last two or three years?

**Hon SUE ELLERY:** We would not know that information.

**Hon TJORN SIBMA:** Is it an accurate assumption that there has been at least one, or possibly two businesses that have done so and have been the subject of complaints from either insurance companies or victims of motor vehicle crashes?

**Hon SUE ELLERY:** I am advised that a person at the table is aware of one, but beyond that I cannot offer the member any more information.

**Hon TJORN SIBMA:** May I inquire how information will be shared between jurisdictions to give effect to the powers that the CEO will discharge?

**Hon SUE ELLERY:** Part 5 of the bill covers that. We anticipate that there will be memorandums of understanding entered into between jurisdictions.

**Clause put and passed.**

**Clauses 20 and 21 put and passed.**

**Clause 22: Conditions of authorisation —**

**Hon TJORN SIBMA:** Clause 22 states that —

A towing business authorisation is granted subject to —

(a) any conditions that the CEO thinks fit and specifies on the authorisation document ...

Will this include conditions that extend beyond those contemplated in the bill? If so, what further conditions might a CEO seek to apply?

**Hon SUE ELLERY:** The regulations will set conditions that they must meet to be authorised. For example, there will be requirements for crash towing service providers to have a suitable storage or holding yard and a requirement for suitable insurance for the towing service provider. In terms of the conditions that the CEO specifies, there will be flexibility in meeting some requirements, which will allow the CEO of the Department of Transport to set conditions on the authorisation of specific individuals. For example, if it is difficult to arrange a medical assessment in regional Western Australia, the CEO will be able to issue an authorisation with limited conditions, and that might allow them to operate in a specific regional area to allow for services to be offered in that area while the medical assessment is pending.

**Clause put and passed.**

**Clauses 23 to 28 put and passed.**

**Clause 29: Suspension or cancellation order —**

**Hon TJORN SIBMA:** I will attempt to deal with the entirety of division 4 in a principled way because there is a linkage of issues dealing with suspension, cancellation and disqualification of an individual authorisation. We have foreshadowed this a bit, but what specific information resources or sharing arrangements are presently in place to facilitate suspensions, cancellations and disqualifications? Are there arrangements that may need to be entered into between the Department of Transport and the Western Australia Police Force or interstate jurisdictions to give life to these proposed provisions?

**Hon SUE ELLERY:** These provisions come from the Transport (Road Passenger Services) Act 2018. There is currently nothing to share; however, memorandums of understanding will be developed to give effect to the provisions.

**Hon TJORN SIBMA:** This might be partially dealt with in clause 32. I am sorry about this, but this will allow us to get through 10 clauses at once. Will these provisions provide for what I interpret to be a permanent disqualification from a business making applications to gain authorisation if it has been suspended, cancelled or disqualified at any stage and somehow found its way back to redemption? Is there a process for redemption should a business authorisation be suspended, cancelled or disqualified at any stage?

**Hon SUE ELLERY:** The short answer is that there will be no power to stop someone ever applying again. There are certain offences that will lead to disqualification but, like I said, the short answer to the question is that there is not a permanent prohibition on reapplying.

**Clause put and passed.**

**Clauses 30 to 68 put and passed.**

**Clause 69: Regulations may prohibit or restrict towing and storage charges —**

**Hon TJORN SIBMA:** The final paragraph on page 38 of the explanatory memorandum, states —

Consultation and analysis undertaken by DoT did not indicate concerns of widespread overcharging for heavy vehicle towing or vehicle recovery services. Because of this, it is intended that the regulations will

initially allow for charges for heavy vehicle towing and vehicle recovery services to be at a reasonable cost but allow for the setting of maximum charges to be extended to these forms of towing where there is evidence that consumers are being charged excessive fees.

I undertake to inquire what this form of analysis was. Was it part of the overall analysis or something bespoke?

**Hon SUE ELLERY:** It came from the consultation that was led by the Department of Energy, Mines, Industry Regulation and Safety and was continued in information based on complaints, which consistently shows that it is light vehicles in Perth and Peel.

**Clause put and passed.**

**Clauses 70 to 83 put and passed.**

**Clause 84: Terms used —**

**Hon TJORN SIBMA:** This clause is obviously the commencement of part 6, which deals with enforcement across a range of clauses. It is in keeping with the intent that I expressed in my second reading contribution to appreciate how effective the implementation of this bill will be. Earlier, during debate on clause 1, the minister referred to the fact that some additional staff have been hired at the Department of Transport, largely to facilitate this consultation process and engage in the community education process. Can I confirm the number of staff who have been put on to undertake that work and the additional level of resourcing the department will require to enact and enforce compliance with the new regulatory framework?

**Hon SUE ELLERY:** Nine full-time equivalents will do this work. Going forward, IT systems and the like will be required, and the normal modelling and budget process will be applied to that.

**Hon TJORN SIBMA:** I assume that, for example, the IT component will be funded by way of budget provisions. Does the government have any intent to seek cost recovery from the industry that it is attempting to regulate, which is a standard government approach?

**Hon SUE ELLERY:** I am advised that, given the imposition of a whole new regulatory system on an industry that has some elements that might resist paying fees might become an issue in itself, the proposal is that this will initially be covered through appropriations. Going forward, it is anticipated that there will be cost recovery via some sort of fee process. My advice is that that has not yet been determined.

**Hon TJORN SIBMA:** Has that dimension been conveyed to any of the stakeholders with whom the department has been dealing on this bill?

**Hon SUE ELLERY:** It has not been conveyed in specific detail. Stakeholders have been advised that, in due course, there will need to be further discussions about fees, but not in any precise detail.

**Clause put and passed.**

**Clauses 85 to 177 put and passed.**

**Title put and passed.**

#### *Report*

Bill reported, without amendment, and the report adopted.

#### *Third Reading*

Bill read a third time, on motion by **Hon Sue Ellery (Minister for Finance)**, and passed.

### **IRON ORE AGREEMENTS LEGISLATION AMENDMENT BILL 2024**

#### *Second Reading*

Resumed from 15 October.

**HON DR STEVE THOMAS (South West)** [3.57 pm]: I give my apologies to members of the house. We have shuffled the order a bit, and I thank the Leader of the House, Hon Sue Ellery, for being willing to do so, because I am paired this evening. No doubt, I would be out to bring the government down at that point, so it was very important that I do something. It is greatly appreciated.

The Iron Ore Agreements Legislation Amendment Bill will effectively change a state agreement act relating to the Rhodes Ridge Joint Venture, which is a joint venture between Rio Tinto subsidiaries and Wright Prospecting. It will also amend six other components of agreement acts.

At the outset, I say that the opposition will be supporting the bill. I advise the minister dealing with the bill that we might not need to go into Committee of the Whole. I suspect that this bill will struggle to get us to question time, but we will see how we go. It might take a filibuster to make the debate that long.

**Hon Matthew Swinbourn:** Do you want some helpful interjections?

**Hon Dr STEVE THOMAS:** The Leader of the House is not in the room, so if the parliamentary secretary would like to make helpful interjections, now would be the time. How courageous are the parliamentary secretary and members of the government backbench feeling at the moment—courageous or not courageous?

**Hon Stephen Dawson:** Let me answer for them. They are not!

**Hon Dr STEVE THOMAS:** Okay! I thank the minister for that clarification, and I am sure that members of the Labor Party thank him for that clarification as well.

It is on days like this that I miss my old friend Hon Robin Chapple, from whom we could have expected a fairly lengthy contribution about his dislike of state agreement acts. Members will know that state agreement acts are generally put in place for large projects that go over a long period. They provide a degree of certainty for large mining and resources projects—not exclusively but generally—and that is probably part of the reason the Greens movement has, by nature, opposed them for their entire existence.

It is interesting to see that we are now starting to move around amendments to state agreement acts. At some point there will have to be consideration of whether state agreement acts are actually the most efficient way to deliver projects. I suspect that they will remain for some of those very long-term projects, but I have no doubt that there will be occasions whereby the normal processes of government and regulatory processes might actually be more appropriate if for no other reason than they are generally more flexible. I know that, again, state agreement acts provide that long degree of certainty, and to some degree they override other legislation—certainly not the basics of environmental legislation, for the most part, but they do take away the opportunity for, let us say, the philosophically green movement to just block those major projects for the mere purpose of blocking development. For those reasons, the Liberal Party, Nationals WA and Labor Party have all supported state agreement acts as a useful tool for long-term stability for major projects, and this is no exception. I think that we will start to see an increasing trend for smaller projects to shift into the wider regulatory process.

I was pleased last week to be able to support the Environmental Protection Amendment Bill 2024, because some approvals in that process will be streamlined. In particular, third-party appeal processes are always anathema to me. I know that I am again on the direct opposite end of the spectrum, if you will, from the Greens party, for which those things are vitally important; otherwise, much of its membership would not be able to protest. I think that was a good bill and a good move. I offer the suggestion to the government that if it did more of those things, the need for state agreement acts might be mitigated to some degree.

As I have said, this particular agreement is in relation to the Rhodes Ridge joint venture, which is an important iron ore venture that is mooted about 40 to 70 kilometres north-ish of Newman. I think it will be in the minister's electorate, so he is probably well aware of this process. It aims to start with the capacity of 50 million tonnes of iron ore a year, which is not insignificant in a state that I think is trying to get up towards exports of one billion tonnes in total across the entire industry in Western Australia. It is not an insignificant amount. An iron ore process of 50 million tonnes sounds like a small amount when we talk about nearly one billion tonnes in total, and the government's coffers have got rich off its resources and certainly its iron ore royalties, but it is a reasonably sized proposal.

What are we looking at upon the ratification of this document? The second reading speech and the explanatory memorandum for this bill are quite small. The bill itself is 150-something pages and obviously it is quite complex. It is not my intent to go through the bill in great detail—apologies to those members who would like to do so—but I think that most of it is fairly self-explanatory and administrative.

What will the bill do? This agreement will allow for an expansion of the mining lease over 1 167 square kilometres and will allow the joint venture to seek to include another 1 500 square kilometres of mining lease. Obviously, even though that sounds like an enormously big number, we are not talking about a 1 500-square kilometre hole in the ground. That would be an interesting sight to see. Obviously, the actual impact of the mining activities will be a tiny fraction of the area over which the company is allowed to explore. I do not know whether the minister can give in his second reading reply speech an indication of the area that might end up being mined. If he cannot, I will not hold up the progress of the bill by going into committee stage just to try to get a number; I am just mildly curious as to the size of impact we might be looking at.

As part of this process, the joint venture must submit detailed proposals to the minister before 31 December 2032 for at least 30 million tonnes a year of iron ore development. Interim proposals can be submitted before 31 December 2030. That seems like a fairly long way away. I assume that, therefore, this particular proposal is likely to miss the current boom, if you will. I think I am still calling it a boom; the price is over \$US100 a tonne, so we are still at the tail end of the biggest iron ore boom we have ever seen. It hit \$US236 a tonne. Just in case members would like to be reminded, in February 2013 I asked the then Treasurer what would happen if the iron ore price stayed above \$US90 a tonne, and Hon Ben Wyatt then said, "That is highly unrealistic." It would be remiss of me if I did not add that particular prediction from the former Treasurer into a debate on iron ore, because I am still waiting for it to get back down to consistently under \$US90 a tonne; I think it will at some point, and then the rivers of gold will partially dry up for the state government.

I ask the minister to perhaps give us an indication of the timeframe in his second reading reply speech, because they are fairly distant. I know that these projects will take a fair bit of time to put together, but the requirement will be to provide detailed proposals to the minister before 31 December 2032, which is effectively just over eight years away. I am wondering why they need so much time to get their proposal together. That is possibly quite reasonably based on projections of iron ore prices that might make the project less commercially viable in the short term but will certainly see its fulfilment in the slightly longer term. I am interested to see why the timeframe is so far out there.

The minister talked in his second reading speech about the clauses to allow the joint venture to supply power to certain third parties and to obtain power from third parties, and effectively the same thing with the water clause, which will allow the supply of water from mine dewatering to third parties. I think that is particularly interesting, and I ask the minister in his second reading reply speech to perhaps give us a few minutes on what he expects that to look like. Have any third parties expressed an interest in potentially receiving energy from the joint venture? Probably far more interestingly, and the minister may not be able to give me any great detail, I ask about the parties that might be interested in putting energy into that joint venture. I would have thought that at the moment there is probably a large number of opportunistic renewable energy suppliers, let us call them, who might be interested in jumping on board to start supplying energy to some of those projects.

A very good project was announced a couple of weeks ago by one of the mining ventures north of Kalgoorlie, which will be pretty much a self-sufficient mixture of renewable energies and storage projects. I do not know whether that is in the minister's electorate. I think that it is a couple of hundred kilometres north of Kalgoorlie. I think that the government announced that as well. All the research says that is a very good project; it is off-grid and will remain off-grid. To be honest, I expect to see a great expansion of that process.

One interesting thing we did last year was put in some changes to the Electricity Industry Act to allow that sort of thing to occur. I think that the parliamentary secretary was the parliamentary secretary when that went through. There were some good changes to the Electricity Industry Act that allowed that sort of thing to occur. At the time, I said that if we get a bit more inventive and enthusiastic about this, we will start to see these things crop up in remote areas all over the place. It was really good to see that this was the first interesting announcement of that. There will be a significant number of others. The difficulty will be to work out in terms of electricity how much of this is potentially opportunistic and optimistic, particularly those that are trying to get into the south west integrated system.

There are proposals out there far and beyond the amount of energy that the south west integrated system can absorb or use. When we start talking about wind farms putting in 10 gigawatts of capacity and multiple versions of that in a south west integrated system that maxes out at 4.5 gigawatts, we will obviously have issues. These off-grid proposals are actually very, very good and there is great optimism that these will be a part of the future. I think they absolutely will be. Perhaps they will come in a little bit ahead of micro nuclear plants, which may be a fair bit further down the track. There is some good opportunity for these as they go.

The minister may not be able to provide much technical information or detail on this, but I would be interested whether there are expressions of interest both in who might purchase and who might sell power in this project. I think this sort of system will potentially set a trend for the future. It might also be that, as we go down this path, state agreement acts start to become a hinderance to those processes. I know one issue that Hon Robin Chapple and I have talked about is that state agreement acts are so prescriptive that it becomes difficult to have that desired flexibility. As I said earlier, we might find ourselves amending state agreement acts repeatedly on the basis that they sit in and they are super prescriptive to allow this sort of activity to occur. They are wholly prescriptive. That is why the bill's 150-odd pages, the explanatory memorandum and the second reading speech are quite short. Everything in the bill makes sense. It is a good bill. This is the trend that we might find ourselves following.

The second part of that is water. Mine dewatering becomes an increasingly critical issue. Again, I would imagine that mine dewatering will come and go, depending on seasons, et cetera. I imagine this mine is relatively isolated. As we say, it is about 40 to 70 kilometres away from Newman. When we talk about the use of mine dewatering, does the government have something in mind in terms of the use of that water? Is it water that might potentially be shipped, for example, to Newman? A distance of 40 to 70 kilometres is a reasonable trip and not impossible when one looks at the pipeline that goes from Perth to Kalgoorlie. The minister might look at opportunities in that as well. I am very interested in whether the minister will have the opportunity to tell us what the government has in mind. Are there prospective purchases of that water and, ultimately, are there prospective sellers of water and other enterprises that that might fly in water. I suspect that is not necessarily the case, but I think it is worth checking that out to see what is going on.

There is a raft of other smaller changes in the bill. Lots of parts are small and highly technical. Like I say, it is not my intent to go through whole parts of the bill in great detail. I think this bill is supported by industry, government and by the opposition. The only people who might not like it very much, I suspect, are members of the Greens. Given that, at this point, they are not here to complain about it—they are away on urgent parliamentary business—I think we can progress.

I will take as comprehensive a reply as the minister is able to give us on this project. I would love to get a bit more detail on it. Like I say, my intent is not to go into the committee stage of the bill. Any information the minister can provide would be greatly appreciated. Ultimately, I am prepared to accept that that information might have to come later. I do not mind if that information comes later.

I will finish in a little while. I just have to say that we are very supportive of the Western Australian mining industry and particularly the iron ore industry because it has kicked rivers of gold into the coffers of the McGowan and Cook Labor governments over the last seven years. There were \$7 billion surpluses. I know they always say \$6 billion, but every year they retain the earnings of non-financial government enterprises like Water Corporation and they add another billion to it, and they hide that off the books. Even though they call it \$6 billion surpluses, we know that it is \$7 billion surpluses, year in and year out.

We can thank the iron ore industry for that. There were \$6 billion more in iron ore royalties and \$6 billion surpluses. There were \$5 billion more in iron ore royalties and \$5 billion surpluses. It is just a magic number, is it not? It will correct. It will change. Iron ore at \$US100 a tonne is very different from \$US120; it is a \$90-odd million difference each time. Obviously, it will change. The correction will occur.

The money bin that is currently overflowing as we go into the election will overflow for the next few months and then the overflow will be a trickle not a flood. There is still a full money bin. I understand that. The election commitments will come rolling out of that, and I suspect the government will probably mess up the construction industry a bit more by promising to build a whole lot more stuff. It will be what it will be. We love the mining industry and we love the iron ore industry. Otherwise, debt would be twice as much as it is now. Well done; it has paid for Metronet. Let us see whether we can pay for a bit more stuff coming out of the iron ore industry going forward. Because we are doing that, obviously the opposition supports the bill.

**HON STEPHEN DAWSON (Mining and Pastoral — Minister for Emergency Services)** [4.16 pm] — in reply: I thank the honourable member for his contribution and for his indication that the alliance will support the legislation. As the member indicated, the bill ratifies seven variation agreements, including the Iron Ore (Rhodes Ridge) Agreement Authorisation Act 1972, and will make minor changes to six Rio Tinto state agreements. This legislation will have multiple benefits for the state.

The member asked three questions in particular. In relation to when or the timeframe, the Rhodes Ridge Joint Venture intends to commence construction of early works in 2028. It is going through approvals processes now.

**Hon Dr Steve Thomas:** So it is relatively slow.

**Hon STEPHEN DAWSON:** Yes. Early works will commence in 2028. The first ore estimated to come from the project will be in about 2032. It will start from 2028 onwards.

In relation to energy and water, the energy provisions have been modernised and aligned with the integration provisions in Rio Tinto's other state agreements. The provisions continue to provide for the Rhodes Ridge Joint Venture to purchase electricity from third parties. In terms of the water element, the inclusion of this clause allows the joint venture to dispose dewater that is surplus to the operational needs to third parties. Inclusion of this provision recognises the importance of water and obviously efficient water use in the Pilbara. The supply of water from the joint venture operations to third parties is subject to applicable legislation, including the Rights in Water and Irrigation Act 1914 and the Environmental Protection Act 1986.

To supply water to third parties, the joint venture will be required to give notice to the Minister for State and Industry Development, Jobs and Trade, who will need to approve the proposed charge for any supplied excess mine dewater. It will allow this stuff to happen. It is not necessarily saying that it will happen. As I indicated —

**Hon Dr Steve Thomas:** I have no problem with that. I think that is a very positive component. I think the minister is saying that there is no specific proposal for intake or offtake of either energy or water at this point. I am happy to take the minister on his word. I agree. I absolutely support the potential that the minister might want to do that in the future.

**Hon STEPHEN DAWSON:** Absolutely—not at this stage. There is a great deal of work happening in the Pilbara, for example, in terms of power. There is the south west interconnected system here. The previous Minister for Energy lead a process with all the key players in the Pilbara and tried to connect a grid up there.

**Hon Dr Steve Thomas:** That will probably ultimately end up being better than the south west integrated system.

**Hon STEPHEN DAWSON:** Something like this would allow for this joint venture and this mine to integrate with that.

I touched on water and power and the timeframe. In terms of the area, I do not have definitive figures. The member has pointed out the area that is included in this legislation. There would be environmental considerations. They will be matters of national environmental significance. The intention is only to mine areas that it can.

**Hon Dr Steve Thomas:** It will be a fraction of the total lease area, so it will be a tiny portion.



**Hon STEPHEN DAWSON:** It certainly will. Those significant environmental factors—flora and fauna—will be excluded, so we will not mine in those areas. This bigger area will allow for that to take place.

With that, I again thank the member for his contribution. This is an important piece of legislation that will modernise a number of pieces of legislation. I commend the bill to the house.

Question put and passed.

Bill read a second time.

[Leave granted to proceed forthwith to third reading.]

*Third Reading*

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

**BUILDING SERVICES (COMPLAINT RESOLUTION AND ADMINISTRATION)  
AMENDMENT BILL 2024**

*Second Reading*

Resumed from 15 October.

**HON NEIL THOMSON (Mining and Pastoral)** [4.21 pm]: I rise on behalf of the opposition as lead speaker on the Building Services (Complaint Resolution and Administration) Amendment Bill 2024. In making my initial statements, I indicate to the house that we support the bill. This is obviously a necessary piece of legislation, brought about by the crisis in the Iplex piping manufactured by Fletcher Building and used in up to 12 000 homes, or maybe more.

Before I address specific issues relating to the changes, I will highlight a few issues around the housing sector, and particularly the housing construction sector, and the pattern that we are seeing across the world. I will read from a de-identified article and then highlight the point and where it comes from. The article states —

The pandemic has had a considerable impact on all businesses, but ... construction sector appears particularly hard hit and is struggling to cope. Firms have failed, prices have gone up, and labour and materials are in short supply.

In the past few weeks alone, one construction company has gone under and building projects have ground to a halt due to shortages ...

These kinds of problems should not surprise anyone. Material and labour shortages, companies failing, red tape and poor quality outcomes for companies and consumers are not new for the sector.

The big question is why such shocks and stresses create problems for the ... construction industry so regularly. More immediately, how can the sector deliver reliably on the significant building and infrastructure projects in the current pipeline?

That slightly de-identified quote—I left out a couple of points about location—was from an online article titled “Shortages, price increases, delays and company collapses: why NZ needs a more resilient construction industry” in The Conversation of 25 February 2022. New Zealand has had significant issues with its leaky homes crisis. Anyone who followed the news on that issue knows that significant government intervention was required because of the materials that were used in the housing sector. I have another article to read from to provide a bit more background, specifically about Fletcher Building. By the way, Fletcher Building is a New Zealand company. This more recent online article from Radio New Zealand on 1 October 2024 is headed “What went wrong for Fletcher Building?” The article states —

It might be one of the country’s biggest companies, but Craigs Investment Partners has not had Fletcher Building among its recommended portfolios for the past decade, and that has served the investment firm well.

A series of unfortunate events, and the cyclical nature of the business, have meant its share price has fallen from about \$8 a decade ago to \$2.95 this week.

So what went wrong for Fletcher, and will its new chief executive and recently completed capital raise help turn it around?

There is a bit more about Fletcher Building and some of the challenges. The Radio New Zealand article also referenced the issue in Western Australia, saying —

It has been involved in a dispute over leaking pipes in Western Australia, installed between 2017 and 2022 in about 12,000 homes. At the end of August, it told the NZX —

That is the New Zealand stock exchange —

it had reached a multimillion dollar settlement and would set aside A\$155 million in its next financial statements to cover it.

It went on to talk about Fletcher Building's other woes, including the Wellington International Airport project and the SkyCity convention centre fire, as well as some of the losses that have impacted it. The article states —

Then in August, the company reported a \$227m full-year loss and said there was another challenging year ahead.

At the end of last month, it announced plans to raise \$700m to strengthen its balance sheet and improve financial stability and resilience “in the current challenging environment”.

I think it is useful to provide context because Fletcher Building has clearly had some challenging issues as a result of both the pandemic and, in this case, resin materials that I think were provided by a Korean company and used to make the defective piping. The purpose of this bill is to facilitate changes or works that can be undertaken to help long-suffering home owners. The article continues —

Devon Funds head of retail Greg Smith said there had been an “accumulation of things” that had happened to bring Fletcher to this point.

He said there had been clear mismanagement of capital and mispricing of projects, as well as poor execution. “There are things that are their own doing, then you combine that with the economic cycle which more recently has turned—then there's a third category of left-field events that are maybe their fault and maybe not. There's the pipe issue in Australia that you could say is bad luck or could say otherwise.”

Smith said although there had been the partial resolution announced with the West Australian government there were still outstanding issues to resolve with Perth building firm BGC.

I think it is important that we look a little wider than some of the material provided so far, either during the briefings that we have received or in some of the statements from the government. There are two aspects that we need to consider. One is the broader issue that is happening with a degree of regularity across the building sector around the mispricing of housing and construction. Of course, that has led to a number of failures across the board. We saw that with Nicheliving, for example, and some of the matters that we have raised here. This is impacting confidence within the market. Of course, we are seeing a considerable backlog in construction. Notwithstanding some easing of that recently, we are still not building enough houses in Western Australia. In the order of 15 000 homes are constructed a year. As we raised last week during non-government business, the demand for new housing in Western Australia is estimated to be in the order of 25 000 to 30 000 homes a year. That is driving a considerable issue in relation to the pricing of our homes.

Debate interrupted, pursuant to standing orders.

[Continued on page 5387.]

### QUESTIONS WITHOUT NOTICE

#### POLICE — RESIGNATIONS AND RETIREMENTS

**1254. Hon PETER COLLIER to the minister representing the Minister for Police:**

I refer the minister to question without notice 1226 of Thursday, 17 October 2024.

- (1) Were there an additional 138 officers on 30 September 2024 compared with 31 August 2024?
- (2) If yes to (1), how many of these officers were new recruits, overseas recruits and other?
- (3) If there were not an additional 138 additional officers, how many were there over this period?

**Hon STEPHEN DAWSON replied:**

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

- (1)–(3) I would like to thank the honourable member for continuing to highlight the tremendous results of the Let's Join Forces recruitment campaign and the focus on retention of experienced police officers. The Western Australia Police Force has been very successful in running this campaign, resulting in a record number of police officers; a record number of applications, locally and overseas, to join the WA Police Force; and a record number of recruits being trained at the WA Police Academy. The WA Police Force advises that there were 142 additional police officers during this period.

#### AGEISM STRATEGY — CHALLENGE YOUR BIAS

**1255. Hon PETER COLLIER to the parliamentary secretary representing the Minister for Seniors and Ageing:**

I refer to the Challenge Your Bias guide and campaign, which includes, in part, the banning of generational terms such as “boomer” and “millennial”.

- (1) What was the total cost of the guide and overall campaign?
- (2) Was the guide and campaign approved by cabinet?

- (3) If no to (2), who approved the guide and the overall campaign?

**Hon KYLE MCGINN replied:**

I thank the member for some notice of the question. The following answer has been provided by the Minister for Seniors and Ageing.

- (1) An amount of \$400 000 was allocated to a comprehensive suite of programs designed to address age discrimination. The language guide was developed internally by the Department of Communities and did not receive any funding. The campaign does not contain a language ban.
- (2) No.
- (3) The campaign was approved through the state government's campaign advertising policy and guidelines.

ROAD SAFETY SUMMIT

**1256. Hon TJORN SIBMA to the Leader of the House representing the Minister for Road Safety:**

I refer to the recent tragic deaths on our roads this weekend and Western Australia's growing road toll. Which outcomes from the recent summit can be expedited for delivery in time for the Christmas period?

**Hon SUE ELLERY replied:**

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

Since the road safety round table, the Cook government has announced \$32.5 million over the next four years to boost safety on regional roads across Western Australia. This spending includes \$20 million for safety treatments on key regional local government roads; \$8.6 million for two new breath and drug testing buses in regional areas; \$2.1 million for increased police traffic enforcement in regional areas, plus high-visibility police car livery; and \$1.8 million for improved traffic data gathering. The Road Safety Commission has also allocated \$122 million this financial year on road safety initiatives across enforcement, infrastructure, community engagement and education, policy, data and research, and post-crash response.

In addition, more than \$50 million has been allocated from the state Black Spot program and the Safer Road program, and a further \$160 000 has been provided to not-for-profit and community groups for road safety events and projects targeting drivers aged 17 to 29. The government is reviewing all the feedback provided from road safety experts and stakeholders at the round table; however, any new road safety changes must be practical, enforceable, backed by evidence, and not have adverse or unintended consequences. It is anticipated that more initiatives will be announced shortly.

HEALTH — MIDLAND COMMUNITY HEALTH HUB

**1257. Hon DONNA FARAGHER to the parliamentary secretary representing the Minister for Health:**

I refer to the Child and Adolescent Health Service community health hub in Midland.

- (1) Can the minister advise when the hub officially opened?
- (2) Will the minister list the services currently operating from the hub?
- (3) In addition to the services outlined in (2), are any other services expected to be located at the hub; and, if yes, will the minister provide a breakdown of these services and when they will commence?

**Hon PIERRE YANG replied:**

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

- (1) It opened on Monday, 7 October 2024.
- (2) Operating at the hub are child health services, child development services and the community child and adolescent mental health service. School health staff are based at the Midland community hub and continue to provide services at schools in the local area.
- (3) Yes. Immunisation services are due to commence on Thursday, 24 October 2024, and community health Aboriginal health team services will commence in the coming month.

SYNERGY AND HORIZON POWER — DISCONNECTIONS

**1258. Hon Dr STEVE THOMAS to the parliamentary secretary representing the Minister for Energy:**

I refer to both Synergy and Horizon Energy, and I ask the following questions for each month from 1 December 2023 to 29 February 2024 inclusive.

- (1) How many residential disconnection notices have been issued for each entity?
- (2) How many residential disconnections have occurred for each entity?
- (3) What was the number of applications received and hardship utility grants scheme payments made for each entity from 1 December 2023 to 29 February 2024?

**Hon DARREN WEST replied:**

I thank the honourable member for some notice of the question. This is a fairly detailed question and the answer is in tabular form. I seek leave to have the response incorporated into *Hansard*.

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

(1)–(3) In relation to Horizon Power, the following figures are provided:

	Disconnections notices*	Disconnections completed**	Re-energisations**	HUGS#	
				Applications received#	Application approved##
Dec 23	338	91	78	24	22
Jan 24	1,440	217	164	27	22
Feb 24	1,281	288	227	49	45

*	This figure includes disconnection notices for customers who have vacated their property without closing their associated account.
**	Refers to non-payment disconnection and reconnections only. Horizon Power does not capture this data for non-application disconnections.
#	HUGS applications received by Horizon Power and submitted to the Department of Communities, which administer the scheme.
##	Received applications subsequently approved by the Department of Communities

**Number disconnection notices issued by Synergy for non-payment (residential)**

Month	Issued	Completed
December 2023	291	310
January 2024	760	473
February 2024	1,243	903
<b>Total</b>	<b>2,294</b>	<b>1,686</b>

Please note that the disconnection notices issued are those sent to Western Power by Synergy to action, and completed are those completed by Western Power.

**Total disconnections due to consumption without an account**

Month	Issued	Completed
December 2023	1,697	1,225
January 2024	1,826	1,491
February 2024	1,607	1,326
<b>Total</b>	<b>5,130</b>	<b>4,042</b>

**Hardship Utility Grand Scheme**

Month	Applied	Granted	Amount
December 2023	667	621	\$381,072.61
January 2024	763	710	\$444,872.74
February 2024	781	706	\$440,518.70
<b>Total</b>	<b>2,211</b>	<b>2,037</b>	<b>\$1,266,464.05</b>

**INSURANCE LEGISLATION AMENDMENT (MOTOR VEHICLE CLAIMS HARVESTING) BILL 2023****1259. Hon NEIL THOMSON to the minister representing the Treasurer:**

I refer to the Insurance Legislation Amendment (Motor Vehicle Claims Harvesting) Bill 2023, which has not been scheduled for consideration in the remaining weeks of the forty-first Parliament.

- (1) When does the minister propose to finalise the legislation?
- (2) Why did the Insurance Commission of Western Australia undertake extensive advertising prior to the finalisation of the legislation?
- (3) What amount of the \$476 514 was spent on advertising, as outlined on page 63 of the 2023–24 annual report, for the new legislative changes that are yet to go through Parliament?
- (4) Has the advertising campaign been put on hold?

**Hon STEPHEN DAWSON replied:**

I thank the honourable member for some notice of the question. This answer has been provided by the Treasurer.

- (1)–(4) The advertising campaign endeavoured to raise public awareness about the selling of personal information through claims harvesting practices. The Insurance Commission is aware of the impacts of these practices on claimants and progressed the campaign to increase community awareness of these motor injury insurance scams and to help prevent Western Australians falling victim to these practices. The commissioned advertising campaign has been completed.

REX AIRLINES — REGIONAL ROUTES

**1260. Hon LOUISE KINGSTON to the minister representing the Minister for Transport:**

I refer to question without notice 1232 regarding capped regional airfares. I ask the following in light of the Department of Energy, Mines, Industry Regulation and Safety's policies regarding false or misleading representations about goods and services.

- (1) Can the minister clarify why the requirement to purchase a return airfare in order to access the reduced regional airfare cap has not been explicitly stated in the advertising—not even with a disclaimer about terms and conditions?
- (2) Are there any other airlines that promote one-way fares while selling them only in conjunction with a return fare, thereby potentially misleading consumers about their options?

**Hon STEPHEN DAWSON replied:**

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

- (1)–(2) The eligibility requirements for the regional airfares zone cap scheme are clearly identified in Department of Transport and participating airlines' advertising, and are stated explicitly on the Department of Transport website. The terms and conditions include the requirement that regional residents must book a return fare to access the zone cap fares. This requirement is an important aspect of the scheme to help ensure it is used only by regional residents.

PEMBERTON MILL SITE

**1261. Hon SOPHIA MOERMOND to the parliamentary secretary representing the Minister for Environment:**

I refer to correspondence sent from the minister's office, reference 79-14245, on 9 May 2024 to South West Region constituents Mr Henk Dirks and Mrs Deborah Dirks in relation to their request for all copies of the detailed summary of records for the Pemberton mill site on the reported sites register to be publicly available, fee-free, for the local community. Given that six months has passed and the record access costs amount to thousands of dollars, can the minister please advise how long this community will have to wait for free access to these records?

**Hon DARREN WEST replied:**

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

The Department of Water and Environmental Regulation will waive the fee for a detailed summary of records application made using the prescribed form 2—a request for a summary of records in respect of land—for this site.

GUILDFORD ROAD AND EAST PARADE — TREE REMOVAL

**1262. Hon Dr BRAD PETTITT to the minister representing the Minister for Planning:**

I refer to the 10 trees removed from government-owned vacant land along Guildford Road and East Parade last week.

- (1) How many arborist reports were commissioned in relation to these trees and will the minister table a copy of all reports?
- (2) On what date was the second report sent to the City of Vincent?
- (3) Does the Department of Planning, Lands and Heritage have a preferred proponent for the site and has it already prepared a design proposal?
- (4) What community consultation and communication was undertaken by DPLH in the lead-up to and during the tree removal process?

**Hon JACKIE JARVIS replied:**

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

- (1) The Department of Planning, Lands and Heritage is preparing this government-owned site for social housing for seniors. The intention is to deliver 80 much-needed homes on the site that are well located to transport and services. Remediation is required on the site to deal with asbestos-containing materials. I am advised

by the department that several steps have been taken to retain trees onsite. Twenty-five trees are being retained on the site. I am advised that several reports were commissioned, including an arborist's report. When contamination on the site was identified, further advice was sought from a contaminated sites expert.

- (2) It was on 5 June 2024.
- (3) Further announcements about proponents will be made in due course.
- (4) Letters were sent to adjoining residents providing notification ahead of works commencing on the site, as required by the City of Vincent. The letter included links to further question and answer documents regarding the site and the remediation and a direct contact at the department.

#### SOCIAL HOUSING — STOCK

##### **1263. Hon WILSON TUCKER to the minister representing the Minister for Housing:**

I refer to the recent announcement that the Cook government has added 2 500 social homes to the state's public housing stock since 2021–22.

Can the minister please provide by region and area, or to the lowest available level, a breakdown of where these 2 500 homes are located?

##### **Hon JACKIE JARVIS replied:**

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

I am advised that all the data requested is unable to be provided in the time provided. Should the member wish to place this question on notice, the minister will endeavour to provide a response.

#### MEDICAL CANNABIS — VETERANS

##### **1264. Hon Dr BRIAN WALKER to the minister representing the Minister for Veterans Issues:**

I refer the minister to the recently released annual report of the Missouri Department of Health and Senior Services about medical and adult use of cannabis, the latter of which was legalised there only two years ago but which has already pumped \$US13 million into the Veterans Commission in both the 2023 and 2024 financial years. I acknowledge that we work hand in hand with the federal government to look after our veterans in WA.

- (1) How much money did the state government commit to veterans issues in the 2023–24 financial year?
- (2) As the Cook government remains opposed to the legalisation of the adult use of cannabis in Western Australia, as he advised me last week, where does the minister propose to source an equivalent \$A19.2 million to assist veterans in WA on a yearly basis?

##### **Hon STEPHEN DAWSON replied:**

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

- (1) There was \$2 354 914 for the veterans issues portfolio in the 2023–24 financial year. Please note that this does not include veteran concessions provided through other state government departments. This information would require significant input from other agencies and would take longer to collate.
- (2) Western Australia works collaboratively with the federal government to assist WA veterans, noting that the primary responsibility rests with the federal government through the Department of Veterans' Affairs. In 2021, our government increased the state government's contribution to the Anzac Day Trust grants program from \$300 000 a year to \$1.3 million a year.

#### NATIONAL HYDROGEN STRATEGY

##### **1265. Hon BEN DAWKINS to the Minister Assisting the Minister for State and Industry Development, Jobs and Trade:**

I refer to question on notice 1471 of 28 November 2019, in which then minister Hon Alannah MacTiernan in answer stated —

On coal gasification, "Australia's National Hydrogen Strategy" states —

Using fossil fuels means there are carbon emissions, but if these emissions can be captured at a high level and permanently stored, clean 'CCS hydrogen' can be produced.

- (1) Has the government given consideration to the potential for a coal gasification industry to be developed in Collie?
- (2) If no to (1), why not?
- (3) If yes to (1), can the minister provide to the house a summary of those considerations and any conclusions reached?

**Hon STEPHEN DAWSON replied:**

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

- (1)–(3) No. The Cook Labor government is committed to transitioning the Collie economy from its dependence on coal by investing to attract major projects and to bring new and emerging industries to town.

FIRE AND EMERGENCY SERVICES — VOLUNTEERS — PROTECTIONS

**1266. Hon MARTIN ALDRIDGE to the Minister for Emergency Services:**

I refer to question without notice 1122, answered on 18 September 2024, in relation to volunteer PTSD protections and the minister's confirmation that the government was "in the process of engaging a consultant".

- (1) Has a consultant been engaged; and, if so, on what date did the engagement occur?
- (2) If no to (1), what actions have been undertaken to date to engage an appropriate consultant?
- (3) If no to (1), has the consultancy been advertised; and, if so, on what date was it advertised?
- (4) When does the minister expect to have a report from the consultant in relation to this matter?

**Hon STEPHEN DAWSON replied:**

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

- (1)–(4) The Department of Fire and Emergency Services has advised that a consultant has been engaged and anticipates having a preliminary report before the end of 2024.

FORCED ADOPTIONS

**1267. Hon NICK GOIRAN to the parliamentary secretary representing the Minister for Health:**

I refer to the inquiry into past forced adoptive policies and practices, which commenced on 22 February 2023 and culminated in a report tabled on 22 August 2024.

- (1) Is the minister aware that Louise Kirk, who was a participant in this inquiry, has been attempting to access her medical records from King Edward Memorial Hospital for Women for the last five years?
- (2) Is the minister aware that Louise has received a string of unsatisfactory responses from King Edward Memorial Hospital about the whereabouts of her medical records?
- (3) Is the minister aware that Louise has now been informed that some of her medical records have been destroyed?
- (4) Will the minister, without equivocation, assist Louise so that she may access any of her medical records that still exist and ascertain when, how and why any of her medical records were destroyed?

**Hon PIERRE YANG replied:**

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

- (1)–(4) I am aware that Ms Kirk has been in contact with the Women and Newborn Health Service freedom of information service and that Ms Kirk has been advised of the outcome of the investigation into the location of her medical records. An extensive search was conducted to identify any records that exist for Ms Kirk relating to her care and, unfortunately, no records for her admission could be located. I am informed that Ms Kirk has been advised that her records could not be located on the basis that the legislative requirements at that time did not necessitate that one-off records be kept for longer than seven years.

I understand this outcome is disappointing and express sincere regret at the distress this has caused Ms Kirk.

HOUSING — INFRASTRUCTURE DEVELOPMENT FUND

**1268. Hon STEVE MARTIN to the minister representing the Minister for Housing:**

I refer to the infrastructure development fund.

- (1) How many projects, representing how many dwellings, have been approved under the targeted apartment rebate to date?
- (2) How many projects, representing how many dwellings, have had funds paid for water and power costs to date?
- (3) What is the balance of the fund today?
- (4) How many projects, representing how many dwellings, have —
  - (a) commenced onsite construction work; and
  - (b) been completed?

- (5) What is the average payment for each multiple dwelling given the government has approved over 5 000 multiple dwellings under the targeted apartment rebate to receive a maximum of \$10 000, which would cost more than the entire metropolitan split of \$40 million under the fund?

**Hon JACKIE JARVIS replied:**

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

- (1)–(5) The infrastructure development fund was set up to offset some of the up-front construction costs associated with connecting essential infrastructure services, such as water, electricity and sewerage, to unlock housing development. Seventy-nine applications have been approved for stream 1 of the targeted apartment rebate to support the delivery of up to 5 433 new apartments as at 22 October 2024. Thirty of those projects have commenced construction and funding has been disbursed on behalf of 20 projects so far. For stream 1, the maximum rebate for each apartment is \$10 000. The project payment varies depending on the scale of the proposal and individual site characteristics.

FLOREAT SHOOTINGS — POLICE INVESTIGATION

**1269. Hon PETER COLLIER to the minister representing the Minister for Police:**

- (1) Has the report into the Floreat shooting tragedy been completed?  
 (2) If yes to (1), will it be made public?  
 (3) If no to (1), given that it has been five months since the tragedy, when will it be completed?

**Hon STEPHEN DAWSON replied:**

I thank the honourable member for some notice of the question. The Western Australia Police Force advises the following.

- (1) No.  
 (2) Not applicable.  
 (3) It will be after completion of the internal investigation.

FREMANTLE PORT AUTHORITY — KWINANA BULK TERMINAL JETTY

**1270. Hon TJORN SIBMA to the Leader of the House representing the Minister for Ports:**

I refer to sustained and costly port inefficiency.

- (1) Will the Fremantle Port Authority complete its business case for a new bulk jetty in Kwinana before the completion of the Westport business case?  
 (2) If no to (1), why not?  
 (3) Will the government make its investment decision to upgrade facilities in Kwinana before it commits to additional expenditure on the Westport project?  
 (4) If no to (3), why not?

**Hon SUE ELLERY replied:**

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

- (1)–(4) The development of future bulk handling capacity at Kwinana bulk jetty and the Westport container port project are two distinct project proposals. The business cases for the two projects will be considered separately by the government.

GOVERNMENT AGENCIES — EXPENSE LIMIT OUTCOMES

**1271. Hon Dr STEVE THOMAS to the minister representing the Treasurer:**

I refer to the 2023–24 *Annual report on state finances* revealing on page 20 that the financial target “key service delivery agency recurrent spending outcomes are in line with budgeted expense limits” will not be met in 2024–25, either as budgeted estimated actuals or actuals.

- (1) Which agencies will not meet their budgeted expense limits in 2024–25?  
 (2) By what amount will each of these agencies exceed their budgeted expense limits in 2024–25?

**Hon STEPHEN DAWSON replied:**

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

- (1)–(2) Page 20 of the 2023–24 *Annual report on state finances* refers to the estimate of the 2023–24 outturn in the 2024–25 budget and not to the 2024–25 spending outcome. It is too early in the year to know spending outcomes for agencies.



## FUEL PRICES

**1272. Hon NEIL THOMSON to the Minister for Commerce:**

I note the significant differences in fuel prices across the state between metropolitan and regional centres, but also large price differences between regional centres. For example, in Derby, unleaded fuel on Monday, 21 October 2024 was \$2.39 a litre and, in Newman, it was \$1.74 a litre.

- (1) What measures has the government taken to address these disparities?
- (2) Is it possible to provide any advice on the reasons for these significant differences in price between regional centres?

**Hon SUE ELLERY replied:**

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

- (1) Australia is a market-based economy and fuel prices are not set or controlled by the government. Like for other retail goods, fuel retailers may determine their own prices. FuelWatch, a state government initiative, provides price transparency and certainty by ensuring prices are as advertised on the FuelWatch website and set for 24 hours each day from 6.00 am. FuelWatch monitors the Western Australian fuel market very closely and takes appropriate action when FuelWatch laws are broken.
- (2) Fuel prices are mainly determined by wholesale prices, the extent of local competition, the volumes of fuel sold and the retailer's ability to generate profits from non-fuel sales. Regional fuel markets are not homogeneous and local market characteristics need to be considered when comparing fuel prices. For example, wholesale fuel prices in the Pilbara are on average lower than those in the Kimberley due to the significantly larger fuel market. As part of the 2023–24 budget, the Cook government announced a \$100 increase in the Regional Pensioner Travel Card. The card can be used towards the cost of fuel or taxi travel and is now worth \$675. This uplift is complemented by the new fuel discount partnership between the state government and United Petroleum, delivering savings to Western Australian Seniors Card holders.

## ROADWORKS — TIMBER CLEARANCES

**1273. Hon LOUISE KINGSTON to the parliamentary secretary representing the Minister for Environment:**

I refer to the upgrades to Great Eastern Highway—for example, east of the Lakes roadhouse—where there was significant clearing of native jarrah and redgum trees that were subsequently mulched.

- (1) Does the minister think this is an appropriate use of a valuable resource?
- (2) Why were the felled logs not offered at auction or for sale by tonnage to businesses impacted by the closure of the timber industry?
- (3) Will the minister collaborate with the Ministers for Transport and Planning to ensure timber cleared in future roadworks is valued and utilised more productively, noting that the sale of this timber would provide a pathway to recoup public moneys?

**Hon DARREN WEST replied:**

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

- (1)–(3) Approvals provided under the *Environmental Protection Act 1986* do not regulate the use or disposal of timber derived from clearing activities associated with Main Roads. I encourage the member to refer the substance of her question to the Minister for Transport.

## SINGLE-USE PLASTICS

**1274. Hon SOPHIA MOERMOND to the parliamentary secretary representing the Minister for Environment:**

I refer to the recent requirement in the European Union for plastic caps on drink bottles to be tethered by design.

- (1) Is the government aware of the move by the EU to implement this requirement on manufacturers supplying the EU market?
- (2) Is it a consideration of the Western Australian government to implement a similar requirement in this state, especially with the move against single-use plastics?

**Hon DARREN WEST replied:**

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

- (1) Yes, we are aware of the EU requirement for tethering plastic caps on drink bottles within the EU market.

- (2) The state government remains committed to proactive action on single-use plastics and aims to harmonise efforts with other states and territories in Australia. Although this action is not currently part of the WA Plan for Plastics, the WA government will consider both domestic and international perspectives when determining next steps in the Plan for Plastics.

#### CARNABY'S BLACK-COCKATOO

**1275. Hon Dr BRAD PETTITT to the parliamentary secretary representing the Minister for Environment:**

I refer to question without notice 1225 and note that researchers have found a link between canola planting and numbers of the threatened Carnaby's black-cockatoo.

- (1) Is the minister aware that Carnaby's cockatoos are now feeding on canola plants due to a lack of other food sources?
- (2) Does the minister acknowledge that Carnaby's cockatoos are currently experiencing a widespread starvation event?
- (3) What is the government doing to retain important food sources and provide supplementary feeding for Carnaby's cockatoos, like canola plants, in the absence of other food sources?

**Hon DARREN WEST replied:**

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

- (1) Yes. Over time, Carnaby's cockatoos have adapted their feeding habits to consume alternative foods, including the canola seed.
- (2) The minister is aware that a number of underweight Carnaby's cockatoos are presenting at Perth Zoo. This is likely due to reduced food availability following the summer drought. Monitoring at a long-term breeding site of Carnaby's cockatoos in Western Australia's midwest region also indicates a delayed start to the breeding season. This is also likely due to low autumn rainfall and drought conditions affecting the flowering and fruiting activity of some plant species that are food for black cockatoos.
- (3) This government is focused on reducing habitat loss. We have stopped pine harvesting in the Gnangara state forest to retain 1 800 hectares of habitat for the Carnaby's cockatoo in Perth's north-eastern suburbs. We have also made the historic decision to end native logging in our forests, which provide important habitat for the three black cockatoo species. Regarding the immediate concern for Carnaby's cockatoos, we are prioritising the support of those that are sick and injured and may be impacted by reduced food resources. The Department of Biodiversity, Conservation and Attractions is providing additional support to the Perth Zoo veterinary department to ensure it can provide treatment for sick birds and to specialised black cockatoo rehabilitation centres to enable them to rehabilitate birds and release them back to wild populations. DBCA is examining issues affecting WA's black cockatoos as this breeding season continues and will consider any action that may be feasible to assist these species.

#### LIQUOR RESTRICTIONS — KIMBERLEY

**1276. Hon WILSON TUCKER to the minister representing the Minister for Racing and Gaming:**

As reported by ABC news, a spokesperson for the Department of Local Government, Sport and Cultural Industries stated that the director's decision on the new Kimberley liquor restrictions was based on evidence gathered from across the community.

- (1) Which Kimberley stakeholders, beyond alcohol licensees and liquor associations, were fully consulted before the restrictions were implemented?
- (2) Can the minister provide a list of all consulted stakeholders?
- (3) What was the timeline for consultation and how were key community groups, health professionals and Aboriginal organisations involved?

**Hon STEPHEN DAWSON replied:**

I thank the honourable member for some notice of the question. The Department of Local Government, Sport and Cultural Industries advises the following.

- (1) Prior to the independent decision by the director of Liquor Licensing to apply liquor restrictions in the Kimberley region, information and evidence was sought from key Kimberley stakeholders, including Aboriginal organisations, local governments, health and social service providers and other government agencies that play a role in minimising alcohol-related harm in the community.
- (2) Yes. I table the list.

[See paper [3728](#).]

- (3) Formal consultation on alcohol-related harm in the Kimberley commenced on 30 July 2020, with written submissions invited from stakeholders. A determination was made by the director of Liquor Licensing on 10 June 2024, which took effect on 15 July 2024.

MEDICAL CANNABIS — WORKING GROUP

**1277. Hon Dr BRIAN WALKER to the parliamentary secretary representing the Minister for Health:**

I am grateful to the minister for her reply to my question without notice 1234, dated 17 October 2024, confirming that the ministerial working group on THC driving laws has finally convened. I note, however, a difference in her answer as to the group's make-up from the answer she provided to me on 15 May 2024, when she suggested that the group would include a person with "relevant lived experience". With no such person listed in her most recent reply, I ask the following question.

- (1) Did the Chief Health Officer identify a suitable person with relevant lived experience of medicinal cannabis prescription and driving?
- (2) Has such a person been included on the working group?
- (3) If no to (1) or (2), why not?
- (4) If the minister is still looking for someone to fill that role, will she please advise me, as I have been contacted by many constituents over the past three and a half years who would be more than happy to share their distressing experiences in this regard?

**Hon PIERRE YANG replied:**

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

- (1) Yes.
- (2) Yes.
- (3)–(4) Not applicable.

BUNBURY DOLPHIN DISCOVERY CENTRE

**1278. Hon BEN DAWKINS to the parliamentary secretary representing the Minister for Regional Development:**

I refer to the WA Labor government's decision to spend \$1.5 million to bail out the Bunbury Dolphin Discovery Centre, and the recently completed financial audit of the centre.

- (1) Can the minister provide a breakdown of the origin and utilisation of the \$1.5 million bailout?
- (2) What, if any, amounts of the bailout funds were given as payments to former staff, CEOs or board members?
- (3) Will the minister table in Parliament or otherwise provide a copy of the audit report?
- (4) Will the minister confirm whether, following the completion of the audit, amended or updated financial reports have been submitted to the relevant bodies, including the Australian Charities and Not-for-profits Commission?

**Hon KYLE McGINN replied:**

I thank the member for some notice of the question. The following answer has been provided by the Minister for Regional Development and is accurate as of Wednesday, 16 October.

- (1) Funding was sourced from royalties for regions. There was \$985 000 allocated to Bunbury Dolphin Discovery Centre Inc—BDDI—and \$515 000 to the South West Development Commission.
- (2) The \$985 000 resolved outstanding liabilities to creditors, covered administrators' fees and provided working capital.
- (3) BDDI is next required to submit an annual financial report to the Australian Charities and Not-for-profits Commission by 31 January 2025.
- (4) I do not have an answer to part (4).

PUBLIC SECTOR COMMISSION — MOTOR VEHICLE TRAVEL EXPENSES

**1279. Hon MARTIN ALDRIDGE to the Leader of the House representing the Minister for Public Sector Management:**

I refer to guidance provided by the Public Sector Commissioner to the public sector.

- (1) Does the Public Sector Commissioner establish a standard or instruction for reimbursement of motor vehicle travel expenses across the public sector?

- (2) If yes to (1), can the minister please advise what that standard or instruction is?
- (3) Does the standard or instruction include a reference to electric vehicles as well as internal combustion engine-powered vehicles of varying capacity?
- (4) If the Public Sector Commission does not provide such advice to the public sector, what is the source of advice to public sector agencies in this regard?

**Hon SUE ELLERY replied:**

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

- (1) No.
- (2)–(3) Not applicable.
- (4) Motor vehicle allowances are provided in the award or industrial instrument applicable to each occupational group.

RETURN TO PRISON WARRANTS

**1280. Hon NICK GOIRAN to the minister representing the Minister for Police:**

I refer to the minister's answer to my question without notice 1236 on 17 October 2024 that revealed that the return to prison warrant for 29-year-old Candice Allen was successfully executed on 13 September 2024 following the public release of information about Ms Allen and 18 other fugitives a week earlier.

- (1) Was the warrant executed in circumstances in which Ms Allen was endeavouring to flee the state at Perth International Airport or was it the case that she was captured on her return to the state?
- (2) What circumstances gave rise to the warrant being issued more than three years ago?
- (3) How can Western Australians be of assistance in the capture of other fugitives at this time?

**Hon STEPHEN DAWSON replied:**

I thank the honourable member for some notice of the question. The Western Australia Police Force advises the following.

- (1) Ms Candice Allen was arrested on the warrant on her return to Western Australia.
- (2) The Department of Justice Prisoners Review Board cancelled the parole order.
- (3) Community members are encouraged to report information relating to other fugitives to police on 131 444 or by contacting their local police station. Community members can also make a report via the Western Australia Police Force website or Crime Stoppers.

HOUSING — SUPPLY

**1281. Hon STEVE MARTIN to the minister representing the Minister for Housing:**

I refer to Western Australia's housing supply.

- (1) Why has the Housing Industry Forecasting Group not met in nearly a year, since November 2023?
- (2) How is the Cook Labor government forecasting home-building capacity without this group?
- (3) What is WA's target of new homes to be built per annum from mid-2024 to mid-2029 under the National Housing Accord?
- (4) Can the minister please identify any public statements or media releases in which a member of the Cook government committed to the targets in (3)?
- (5) The minister has previously reported to Parliament that the *WA housing strategy 2020–2030* is under review. When will this be complete?

**Hon JACKIE JARVIS replied:**

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

- (1)–(2) This is incorrect. The Housing Industry Forecasting Group met in April 2024.
- (3)–(5) The commonwealth National Housing Accord is an aspirational target that was set by the national cabinet and is one that all state governments should welcome and do everything they can to boost housing supply. Recent industry forecasting released by the Master Builders Association illustrates that Western Australia is one of only two states across the nation that has progressed their Accord target. Further announcements on the WA housing strategy update will be made in due course.

**RETURNED AND SERVICES LEAGUE OF AUSTRALIA WA — NOLLAMARA SUB-BRANCH  
HAKEA PRISON AND CASUARINA PRISON — BEDS**

*Questions without Notice 1239 and 1244 — Answers*

**HON STEPHEN DAWSON (Mining and Pastoral — Minister for Emergency Services)** [5.05 pm]: I would like to provide answers to Hon Tjorn Sibma's question without notice 1239 and Hon Dr Brad Pettitt's question without notice 1244, both asked on 17 October.

I seek leave to have the responses incorporated into *Hansard*.

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

**Question without notice 1239 —**

The State President of the RSLWA contacted and sent correspondence to my office. The correspondence was referred to the Western Australia Police Force. As a result, the WA Police Force advise that the below police units attended on 6 February 2024:

- (a) The Regional Operations Group at 10:18am.
- (b) Mirrabooka Police Station at 4:27pm.
- (c) Mirrabooka Detectives at 5:53pm.

**Question without notice 1244 —**

The Department of Justice advise:

- (1) Hakea Prison 62 and Casuarina Prison 17, as at 17 October 2024.
- (2) No special purpose beds at Hakea are being used for general population. 40 special purpose beds are temporarily being used at Casuarina to house the Mallee Rehabilitation Program.
- (3) 0.

**BANDYUP WOMEN'S PRISON — MELALEUCA WOMEN'S PRISON —  
SUICIDE ATTEMPTS AND SELF-HARM INCIDENTS**

*Question without Notice 1249 — Correction of Answer*

**HON STEPHEN DAWSON (Mining and Pastoral — Minister for Emergency Services)** [5.05 pm]: I rise to correct the record on question without notice 1249, asked by Hon Peter Collier and answered on 17 October 2024. In response to the honourable member's question, two tables were incorporated as part of the answer. In table 1, "Bandyup's average population" should have read, "Bandyup's average daily population". I apologise to the house for the error.

**QUESTION ON NOTICE 2183**

*Paper Tabled*

A paper relating to an answer to question on notice 2183 was tabled by **Hon Pierre Yang (Parliamentary Secretary)** on behalf of Hon Stephen Dawson (Minister for Emergency Services).

**BUILDING SERVICES (COMPLAINT RESOLUTION  
AND ADMINISTRATION) AMENDMENT BILL 2024**

*Second Reading*

Resumed from an earlier stage of the sitting.

**HON NEIL THOMSON (Mining and Pastoral)** [5.06 pm]: I follow on from the discussion about the situation with Fletcher Building. Prior to the interruption of question time, we looked at some of the overall challenges in the market and highlighted a few key issues. Before I go on to that, I point out other failures in the housing market generally and what has occurred around the world. This is not a unique situation in which a material failure is impacting home owners. One of the most significant issues is what is referred to as the leaky homes crisis in New Zealand. It had a massive impact on housing in New Zealand and resulted in major changes to its regulatory environment. It was the result of timber-framed homes built between 1998 and 2004 that were not fully weathertight. The estimated cost to the industry and home owners was \$NZ11.3 billion. At the time, there was government intervention with a package to bail out an industry that was faced with a massive recladding task. In some cases, buildings were demolished because of the use of juvenile sapwood, which had resulted in significant deterioration in the structural integrity of those homes. I understand the New Zealand government provided a \$6 billion rescue package for both home owners and the construction sector. That certainly had an impact on the assessment of the credit rating of the country.

The package that we are talking about is something in the order of \$130 million to \$155 million. I am not 100 per cent sure exactly how much. No doubt, we will get responses later. The overall cost depends on which media we read.

In the briefing by the department, I was advised that it was \$130 million. The government provided \$30 million, and as part of an industry response to the failure of these polypropylene pipes, the manufacturer provided \$100 million for at least the initial stages of the response.

These sorts of things have happened. The leaky homes crisis in New Zealand was a significant crisis that took decades to resolve. I believe that in that situation they did a similar thing: they extended the building guarantee and took it out to 10 years. In this case, we are extending the time in which a home owner will have some recourse for redress to 15 years, as opposed to six years.

This is not the first time this has happened. Of course, we know about the tragic Grenfell Tower fire in the United Kingdom. That was a very tragic situation, and it has had a massive impact on the construction sector across the world. The ongoing task of recladding buildings across Western Australia continues today and is a significant piece of work. That material, which was deficient because of its flammability, was used to clad a number of high-rise buildings across Western Australia. I believe even Fiona Stanley Hospital may have some issues with its cladding. It has maybe had a second audit but still requires to be replaced.

This is the problem that we have had: the issue of defective materials being used by the building sector and resulting in significant problems down the track, when they have been identified as deficient. The impact of these sorts of problems can be significant. They can have a massive impact on our economy. They can have a massive impact on long-suffering home owners. They can have a massive impact on the government's budget because usually, as in this case, the government has to intervene and effectively bail out the private sector for its mistakes.

The problem with all this is that the chain of responsibility becomes an issue. The issue with the leaky pipes here is that, if a home owner has a problem, they would obviously go back to their builder. They would go back to their builder within the six years, if they had the ability to do so, and talk to the builder. In this case, I believe that BGC was the major player. That is certainly outlined in this article from the ABC of 12 October 2023, titled "Builder and manufacturer trade blows as pipes burst in newly built homes across Perth". A quote from that article states —

The issue, which first came to light last year, involves a particular polybutylene water pipe manufactured by Iplex, and installed by BGC in almost 12,000 new homes constructed between 2017 and 2022.

Homeowners first began reporting burst pipes and extensive water damage in their kitchens and bathrooms in 2020.

In this case, we are talking about a situation that has been known about for years, at least from what this article is saying. It continues —

Sam Gray, general manager of strategy and commercial at BGC, told Nadia Mitsopoulos on ABC Radio Perth the company had used Iplex pipes for 20 years, but in 2017 the pipes were changed.

"Back in 2017, Iplex changed an ingredient in the pipe. The ingredient is called a resin and it's basically the core thing that the pipe is made of," Mr Gray said.

"[It was changed] to a resin called TYPLEX-1050 out of Korea, and that is the telltale sign that there is a problem with the pipe."

As far as the home owners are concerned, they started to see these problems come up. Like some of the other crises that have been identified around the world, either massive circumstances or the deterioration of materials in the homes caused the problem to come to light, and people have obviously complained to the authorities.

In this case, the burst pipes came about, and we then had the job of unpacking who is responsible. In normal circumstances, the home owner would go back to the builder, and the builder would go back to the manufacturer. I am sure that the manufacturer, in this case Fletcher Building Group, would have gone back to its supplier.

The issue is something of a legal mess. I am sure that the minister has been advised about all this. Of course, the challenge is what to do about it. One way to address it is to take a legal approach. I understand that there might be a class action on this specific issue. If they are outside the—this word is probably not accurate—statute of limitations for the matter, as far as a guarantee goes, there might still be some legal redress, but I am sure that the hurdles will be much higher for home owners to get redress for what is effectively a defective material placed in their home. The general consumer law in Australia has in certain circumstances applied what might be called an implied guarantee. I certainly do not know to what extent the government has looked at that. It might have applied it if the matter had been handled from a purely legal perspective, and it might have had an impact on the ability of those home owners to get redress for their broken pipes. I expect that, if the legal approach had been applied, there would have been significant time taken and significant cost in the courts. Home owners would probably have been required to cover the cost of repairs if the pipes broke outside the six years. They would have been required to undertake those repairs and cover the costs themselves until the court made a decision about the situation.

I can see why the government has tried to find a resolution and a negotiated solution here and why it effectively had to get its hands into this difficult challenge, just like the New Zealand government had to for those leaky homes.

I believe some other similar situation with defective materials happened in British Columbia, Canada, as well. This is not the first time. I am sure that the department has examined these things and looked at how it has gone about crafting a response in much more detail than we, from the opposition benches, are able to.

Some basic questions remain. The fact is that we are investing a not insignificant amount of taxpayer dollars, notwithstanding our great sympathy for those who are affected. It must be very frustrating for home owners who have built a new home, or have a relatively new home, only to find that they have had water damage. I am sure that the impact in their homes has been quite significant. It is not just the cost of replacing the pipes but also, of course, the water damage that might have occurred when those pipes burst and how that might have impacted the floorcoverings, walls and some of the timber cabinets and furniture within the home. It has obviously been a very frustrating issue for many home owners. I hope that the government has the right balance in identifying the intervention and taxpayer investment and whether it will be a sufficient response, as well. That is another question going forward.

There is another aspect of this. My understanding is that once \$130 million has been spent—maybe the minister can provide some background—there will be an ongoing requirement that Fletcher Building Group will provide, from the advice we got in the briefing, up to 80 per cent of the cost, and the home owners will effectively be required to pay 20 per cent of the cost for resolution of those defective pipes or defective plumbing, if that issue continues to surface.

I think that there are four points or general themes for how we should address this issue. One is the general situation of liability in the industry. I think that probably lends itself to some sort of government support, given it is not in the government's interests for a business like Fletcher, or BGC, for that matter, to not be able to meet the requirements for resolution of this problem. We can see from the articles I have read from Radio New Zealand that a series of problems seem to have afflicted Fletcher, as we know, which is probably not an orphan in the construction sector in the last three to four years, particularly since the COVID crisis. We probably need to think about why these quite spectacular failures have occurred from time to time. I am sure that those in the department and in the Consumer Protection part of the Department of Jobs, Tourism, Science and Innovation are probably aware of many other less spectacular failures; that is why we have the Building Commissioner and the State Administrative Tribunal to address complaints about defective material or construction, and people can avail themselves of some sort of compensation or redress when there is a defective material or construction issue. We know that there has been, one could say, a litany of failures. That might be putting too fine a point on it, but certainly at times there are spectacular failures in the industry, and I am sure that the officers involved in the Building Commission would probably point to not only this situation, but also situations that have maybe not hit the media because they might be smaller or might involve challenges with a particular builder or particular use of materials. I do not know, but I assume that those things happen from time to time. The question is: how does our regulatory response address those situations? I understand that the standard of materials is managed through the National Construction Code. The NCC website states —

**The National Construction Code is Australia's primary set of technical design and construction provisions for buildings.**

As a performance-based code, it sets the minimum required level for the safety, health, amenity, accessibility and sustainability of certain buildings.

I assume that this is the regulatory framework that has some say over the quality of materials used in our construction. I probably pose that to the minister as more of a question for clarification: whether there is any management of the quality of the materials used by our construction sector, and whether the regulatory framework has any ability to provide oversight of that. It may be an impossible task, given the myriad different materials we use in construction. One would assume that in the case of these pipes, the manufacturer gave some level of guarantee, and one would assume that Fletcher, the company that supplied the pipes into Australia, had effectively taken that at face value. It provided that it had a long history of getting that type of pipe from that manufacturer over, as it said, 20 years. There was some change, as outlined in the ABC article from 12 October 2023 that I read. Of course, in this case, BGC again probably relied on the guarantee of the manufacturer effectively saying that it was all fine, and there was probably no capacity for that organisation to undertake its own assessment of those pipes. There is the issue of how we respond in a regulatory sense to try to shore up the quality of materials that are provided into our broader sector.

The third point I raise is a broader stability and confidence in the industry, because that is impacted by all these things—the Nicheliving debacle and the litany of building company failures across Western Australia that has also occurred. I quote some of the comments made by Hon Shane Love in the other place. He said —

There is a history of government neglect in handling this situation. This has been ongoing for years now. Earlier this year, the Building Commissioner was replaced following this scandal, as it was referred to in a newspaper article of 14 February 2024 by John Flint. It states —

WA's Building Commissioner has moved out of the role as the scandal over defective plumbing in thousands of WA homes deepens.

We know that, at that time, zero remedy orders had been issued by the industry regulator to builders who had installed Iplex polybutylene pipes in homes, despite that being a standard practice in other cases of defects. This is something that has not been well handled over a very long period. We are now coming to the end of the parliamentary term and heading into the election, and the government is eager to put together some sort of bandaid solution to enable it to go to the election saying, “Oh, look, we fixed the problem for these thousands of home owners.” I am not sure that what the government is doing will actually achieve that aim.

That was a comment of the shadow Minister for Commerce in the other place. I leave that comment there because I think it speaks for itself. I think there is a question about the extent to which we can have confidence in the regulatory environment and the broader stability in the industry with all the ongoing issues.

Then, of course, the fourth question that I think is very important to address is: was the government’s response timely and appropriate? This is the timely and appropriate piece. I do not think we will ever know the answer. I am not sure we will get a full answer from the government today about the extent to which the government has looked at all parts of the regulatory management of this issue, going back all the way from the importation of this material, the supply and installation of this material by a company, and then the final response by the government once those complaints started rolling in, and the timeframes in which they rolled in.

I intend to go to clause 1 of this bill, because I think it is worthy for the taxpayers of Western Australia for us to ask some questions about this. If the minister does not mind, I will do the courtesy of giving her an indication that my line of questioning will be to some extent around those four points, and particularly around what the government did and whether the government’s response was appropriate and timely. I note that the minister outlined in the second reading speech that the government acted quickly to facilitate a mediation process. I hope that is true.

As I said earlier, according to the ABC article, complaints about pipes bursting began in 2020, so we are four years into that process. If there were just a few complaints at first, I can understand that it might have been considered to be related to the installation and not the materials. However, as complaints escalated over time, I would have thought that the building commission might have made some inquiries about why this was happening beyond the installation process or whatever. When was the Building Commissioner able to advise the minister about the cause? When did the lightbulb come on for the government, the manufacturer or the builder that it was a defective resin? Complaints started in 2020. There was a reasonable period for the government to come to a conclusion on that. If it happened once, we might think that it was just an installation issue or something unique to the particular pipe that was put into that house, but after several complaints, one would expect some action to be taken to assess the reason. We do not know because we have not been told. Maybe there has been some discussion that I am not privy to.

I reiterate the comments of Shane Love in the other place that the government officers at the briefing were probably not as frank as others from different agencies have been in other briefings. I am not sure because we do not have all that information. We did not get it from the second reading speech. What we got was, “We acted quickly to deal with it. We have done this industry response. We have been through this process of assessment and we have got this resolution and this is what we’re doing.” Of course the opposition will support it, because we feel for the families that are facing this incredible cost. Obviously, a person of substance has been involved in this process—Hon John Chaney, SC—supported by the Housing Industry Association of Western Australia. The government had all the components of what could be a reasonable process, but that still does not provide us with the answer to the question of whether all the issues have been addressed in a reasonable way, and whether the government could have done more earlier.

I guess we could use the term that the horse has bolted because that material continued to be used until 2022. I can see members opposite rolling their eyes. I am doing my job by asking some questions. The ABC article said that complaints started in 2020, but the material continued to be used until 2022. There was an overlap. What actually occurred? I am happy for the government to refute that; I am just reading from a news article. We do not have the same level of information as the government because we were not given it. The agency will not talk to us about this in any detail; members opposite can do that because they are in government. They are responsible. They were in power at that time—2017 to 2022. We are not going to blame the government for something that it had no capacity to address if it did not know about it, but if complaints were coming in and were not acted upon quickly enough and the lightbulb moment did not occur quickly enough, then there are some questions about the minister’s performance on this issue. I am putting it out there. The minister can come back with comments; she might say that none of that is true. We will put that on the record. At least we will get that out in the open. When did those complaints come in? How many complaints came in? Those answers were not provided when I asked some of those questions in the briefing. The officers could not or would not provide them. Shane Love had the same problem and made a comment about it.

**Hon Martin Pritchard:** Use his title.

**Hon NEIL THOMSON:** For the purposes of *Hansard*, it is Shane Love, MLA. Does that make the member happy?

**Hon Dan Caddy:** Leader of the Opposition.



**Hon NEIL THOMSON:** Whatever members like. I am referring to Shane Love, MLA.

Let us focus on the important questions of what the government knew and what it did in response to this problem. That will be my laser focus in my questions around this process. How many complaints were made, when did they start to come in and how long did it take to get to an outcome? That is fine.

The other question I want to ask is about the role of the National Construction Code. As I mentioned earlier, I would like to have a look at that as well. Does the regulator have a role in assessing materials? I assume that is done pretty quickly.

The other piece that I think we need to look at is how this bill will impact the legal recourse of different parties outside the industry response. We are going to impose an industry response, which might be the right response. Again, I stand to be corrected or convinced on all of this. This is not necessarily a criticism, but I would just like to know how this will impact on legal actions. I understand that there is a potential class action, but please provide me with advice if there is not. I want to know whether this bill will put an end to that potential class action or whether it will provide home owners with any ongoing capacity to seek legal recourse. Will the bill have an impact, and was any advice sought on that?

I will make a final comment on this. To what extent has the Australian Competition and Consumer Commission advised the department and the government around its role in regulating the input and sale of construction products? I understand that its role is to ensure that products sold to consumers, including building materials, are safe and fit for purpose under Australian Consumer Law. Again, some advice might have been provided to the government on this matter. I think that is important because the ACCC should also look at this from the point of view of a learning opportunity. That is important because, to the extent that we can prevent it, we do not want this to happen again. It might be the case that there is no capacity to really manage this sort of issue into the future because of the massive amount of building products that are used in construction, as I said earlier.

I suspect there are probably some challenges, as with any change in building products. Maybe it is a case in which some innovation might have occurred—who knows? Maybe it was simply an ingredient with no innovation whatsoever, but someone in a company in Korea must have had the bright idea that a different type of resin needed to be used. As I said, in some of these other crises that have happened from time to time, we have seen that there are other factors. Usually there is a bit of an inquiry. Certainly, in the case of the Grenfell Tower tragedy, a very big inquiry was undertaken. One of the findings was that there was systemic dishonesty on the part of the cladding and insulation manufacturers.

We do not have a report here today. We have a bill, a second reading speech and some money, but a report has not been tabled in this place to say, “Here’s our investigation into all the failures along the way.” We are not pinpointing who failed. I am not even sure whether Hon John Chaney, SC, provided any advice; I do not know. Hon John Chaney has negotiated an agreement, or mediated a process; that is what we hear—that Hon John Chaney mediated an industry response on behalf of the government, with the support of the Housing Industry Association, but there is no documentation here and there are no findings. I am sure Hon John Chaney is very familiar, given some of the things he has done in his legal career, with situations in which there are significant court findings in relation to particular issues, but we do not have any of that. It would have been useful to have a report tabled in this place on the industry response to burst pipes, the reasons for that situation, who was found to be responsible and what the source of the problem was. We have none of that; absolutely none.

Again, the minister may choose to say that that is wrong and that we, in fact, have all that material. Maybe the minister has provided that material. I am not the shadow Minister for Commerce; I am the shadow minister’s upper house representative. I have read the shadow minister’s comments on this, however, and he has the same concerns. I will quote him from *Hansard* —

For the entire time the Labor Party has been in power in Western Australia since 2017, there have been countless complaints to the Building Commission, as it was formerly known, and sleepless nights and heartache for affected owners and builders, who have forked out millions repairing and replacing piping at their own expense because a manufacturer has denied liability. It took years for the commission to properly investigate these complaints. In August 2023, Western Australia’s building and plumbing regulator announced preliminary findings from its investigation into water leaks in Perth homes from a particular brand of polybutylene pipe.

There was a report from the Department of Energy, Mines, Industry Regulation and Safety, in which reference was made to inspections carried out on 50 properties. There were already 50 properties by then.

We often hear members opposite saying that they are only representing the minister in the other place, so it would have been useful to have had reports tabled in this place on this matter, and maybe some linkage in the minister’s second reading speech and the explanatory memorandum that went through this much more forensically, including the work done by Hon John Chaney, or whatever other party—maybe the ACCC—that might have undertaken an inquiry. We know that some work was shared with the ACCC, but I hope a much more detailed investigation will be undertaken than has been the case to date, or at least that we have been made aware of.

As I said, I will be very happy to be corrected by the minister, because this is our job. We are doing our job as best we can in this place, given that this bill has been dropped in here at the eleventh hour of the forty-first Parliament. We know that this is just one of a litany of issues affecting the building sector. Given that there has been a commitment of funding, it would be good, for the parliamentary record, to have some more assessment undertaken.

We will go to clause 1 and ask who knew what and when. I think that is probably the easiest way to describe the sorts of questions we are going to ask. Again, that will be done in a spirit of collaboration and transparency, rather than any kind of blame, because we want to know how this all works. At the end of that process, we might get to a point at which everything is clear. If there is one bit of counsel I can give—the government can take it or leave it; it probably will leave it, because that seems to be the way with this government—it is that a little more transparency on this issue would have been useful. It would have been useful to have had some form of systematic analysis or assessment in this place to outline whose liabilities will be mitigated—apart from the obvious case of the home owner, which we all support—and at the back end of that process, along the chain of responsibility, how that has been dealt with. Finally, of course, it would be good to know what we are doing to try to reduce the likelihood of this occurring in the future. With that comment, as I said, we are supporting the bill. We hope to get a few more answers in the next few minutes.

**HON SUE ELLERY (South Metropolitan — Minister for Commerce)** [5.47 pm] — in reply: I thank Hon Neil Thomson for his contribution and his indication of support for the Building Services (Complaint Resolution and Administration) Amendment Bill 2024. We are in an unusual situation in that much of the second half of the honourable member's contribution was about the industry response. The government has announced an in-principle agreement to an industry response. The industry response itself came out of a process of mediation that was led by Hon John Chaney, SC. He did not provide a report; he facilitated the mediation between the parties.

There is nothing about the industry response in the bill before us today. This bill will provide, if you like, part of a broader response to this issue. The honourable member made some comments on the current state and conditions of the building industry in Western Australia, and Australia more generally. He made comments about some fairly outstanding catastrophic events that have occurred. The nature of those events is that they are unusual, they do not happen regularly, and they are catastrophic. To the extent that regulatory bodies can plan for those events, given their very nature, although there are lessons to be learnt from each of them, I do not know that we will be able to design a perfect regulatory framework that can predict what might happen at any point in time. In respect of the industry response itself, like I said, we announced an in-principle agreement to an industry response, which is uncapped in time and money. The respective parties are working through the detail of that now. An important part of government's response to how we deal with this is to ensure that home owners are protected, whether or not the builder they chose decides to be part of the industry response. That is what the bill before us is about. It is about ensuring that all home owners impacted by the leaks occurring with the Typlex 1050 polybutylene pipes, irrespective of which builder they chose, are treated in the same fashion. That is the purpose of the bill. Although I am happy to debate more general matters at clause 1 and, when I can, the industry response, it is important to note that the industry response is not in the bill. This bill goes to two very specific elements.

Nonetheless, I provide a response to some issues raised by the honourable member. In respect of comments on the National Construction Code, all polybutylene pipes are permitted to be used across Australia. Their use is not unique to WA in any way. All plumbing products are governed by national law, the Plumbing Code of Australia, including polybutylene pipes. The Plumbing Code of Australia is a performance-based document and requires that both work and products either meet deemed satisfactory requirements or are performing in an equivalent way. Deemed-to-satisfy requirements are generally followed for plumbing matters. A regulatory framework and process is already in place to make sure that people use the right products. However, ultimately, those who use the products make decisions as to which products they select.

In terms of whether the government's response time was timely and appropriate, it is important to note that the Building and Energy division of the Department of Energy, Mines, Industry Regulation and Safety commenced its preliminary plumbing investigation as soon as it became aware of the issue through social media reports. In fact, the Building and Energy division picked up on the issue before it had even received complaints. The government was then responsible for arranging and facilitating the negotiation, as I said, led by John Chaney, SC, that led to the industry response. There has been no level of inertia at all. The Building and Energy division became aware of the issues some years back and began an investigation off its own back to determine whether there had been breaches of plumbing legislation. That preliminary investigation ruled out a problem with installation. Immediately after that, while the parties were still arguing about who was responsible, the government facilitated the process of bringing them all together to get them to agree or go into voluntary mediation. We paid for the services of John Chaney, SC, and we facilitated that process with a view that, were we to either rely on one of the regulatory tools that was available to us or were the matter to end up in the courts because of a class action or the like, that process would be a long and timely one. Whatever the outcome, it would likely be that the other side would appeal it. Meanwhile, the home owners were not getting their homes fixed. Certainly, for some smaller builders, their financial capacity to defend themselves or to take and participate in any action in the courts was significantly different from some bigger builders, and they may well find themselves going into financial difficulties as a consequence of court proceedings, which might take years to resolve, all the while the home owners are left with leaky homes.

Although this problem was not of the government's making, we took the view that we needed to step in and try to get the parties together to reach an agreement. We have an in-principle agreement on an industry response. One of the major builders is not part of that. To that extent, we need to still take action to protect those home owners who were with that builder so that everyone can get their homes fixed as quickly as possible and not take the path of lengthy proceedings in the court, which may end up with some small builders going under. That is some of the context.

The member also raised a question about the Australian Competition and Consumer Commission. We certainly did reach out to the ACCC, which took the view that this is a state matter and was not able to provide us with any assistance. Our focus has been on reaching a solution rather than trying to take a very narrow legal approach of being hands off: "this is not of the government's making; home owners, you are on your own." That is not the approach taken by government. It has come at a high price for Western Australian taxpayers because we are putting taxpayers' money into the solution. With those comments, and bearing in mind that we will have a clause 1 debate, I thank the opposition for its support of the bill. I commend the bill to the house.

Question put and passed.

Bill read a second time.

#### *Committee*

The Chair of Committees (Hon Martin Aldridge) in the chair; Hon Sue Ellery (Minister for Commerce) in charge of the bill.

#### **Clause 1: Short title —**

**Hon NEIL THOMSON:** I thank the minister for her response. There was some further information that was useful. As I said in my comments, I think it is good that the government is trying to take a resolution focus on this, but I think it maybe owes a bit more detail in relation to timing.

I will start from the top. The minister said that the Building and Energy division picked up reports on social media. When was the first report? Has the department kept any record of when the very first reports started to appear on social media? What date was that?

**Hon SUE ELLERY:** The social media commentary from home owners started late 2020, early 2021. There were no formal complaints. The Building and Energy division picked up on social media that there was a potential issue.

**Hon NEIL THOMSON:** I assume the Building and Energy division would have reached out to particular home owners on that social media feed. I assume that is what happened. There was some communication entered into by the regulator to specific home owners who might have been talking about this issue. How did it go from appearing on social media to an officer from the government appearing at someone's home to make an inspection? When did that occur?

#### *Sitting suspended from 6.00 to 7.00 pm*

**Hon SUE ELLERY:** Before the dinner break, I started to talk about the history of how we got to this point. As I said, in late 2020 or early 2021, the Building and Energy division identified reports on social media about plumbing failures within homes. Building and Energy conducted an initial plumbing inspection at the first house, which was reported in early 2021. Following that inspection, Building and Energy became aware of further reports of similar incidents to the initial home owner. A handful of additional plumbing inspections were then performed. Following those inspections, it was identified that there appeared to be a more persistent issue. Towards the end of 2021, Building and Energy commenced a full plumbing investigation. That investigation was focused purely on whether there were breaches of the plumbing legislation and whether this was the result of the workmanship of licensed plumbers. It is important to note that the investigation was not based on complaints. Building and Energy was trying to ascertain whether there was a need to take action against plumbers, such as through rectification notices that are available under the plumbing legislation. Building and Energy thereafter began a process of carrying out a sample test of homes and information was sought from the public to register issues with pipes so that Building and Energy could identify more instances and the extent of the problem. The process of identifying samples of the pipes took some time. A reasonable sample size is needed to do the kinds of tests that were required. It is not the case that there were multiple failures. Building and Energy had to wait until home owners reported a failure to their builder and their builder would notify Building and Energy of the matter. Following that notification, a Building and Energy plumbing inspector would attend the home and carry out a forensic investigation, including collecting samples of some of the piping. Ultimately, a sample size of approximately 50 houses was eventually investigated throughout 2022–23. The focus of the investigation was to determine whether the plumber had failed to meet the plumbing installation practices as prescribed by law. The role of Building and Energy under this legislation is not to determine fault or causation relating to a product.

In around August 2023, Building and Energy made a public announcement of its preliminary findings, which did not find any issue with the plumbing installation and plumbing work in the sample of 50 homes that it had inspected. Neither the plumbing legislation nor the building services legislation provide the powers to recall or deal with faulty

building products. Following the preliminary findings, Building and Energy approached the Australian Competition and Consumer Commission to determine whether that agency would assist. The ACCC ultimately decided to decline, referring it back to the state-based Australian Consumer Law regulator, which in WA is the Consumer Protection division of the Department of Mines, Industry Regulation and Safety. From that point, DMIRS began to evaluate the various legal pathways available to government to deal with the issue. Early on, it was clear that would take a significant amount of time through the courts. It is important to understand that from around mid-2023, the product manufacturer Iplex Australia had already started to make available an interim fund in the order of around \$15 million to assist builders carry out rectification works where leaks had occurred, and builders performed those rectification works accordingly. As such, Building and Energy did not receive any formal building service complaints under the act about those pipes until very late in 2023 or early 2024. It was at that point—in March, I think—that we decided the best way forward was to see whether we could get the parties to agree to participate in a mediated industry response. I reiterate that this issue with the piping came to the attention of Building and Energy through its own proactive monitoring.

**Hon NEIL THOMSON:** I thank the minister and appreciate the very comprehensive process. It sounds a bit like looking for a smoking gun but looking in the wrong direction, because the focus was on plumbing. The point that I am trying to get to is at what point there was awareness that this was actually a fault in the product. Was it when Iplex started the fund or did it come from the manufacturer?

**Hon SUE ELLERY:** There has been no formal determination that it is a faulty product. What happened was pipes were leaking. Building and Energy used its powers under the plumbing regulations and drew the quite reasonable conclusion that we should have a look at whether the problem of leaking pipes can be dealt with under the plumbing regulatory framework, and that is the path it went down. It found, in the preliminary investigation into those 50-odd homes, that it was not a problem of noncompliance with the plumbing regulations. The issue in trying to get an industry response is that to determine actual fault, someone would need to rely on consumer law and contemplate whether they could determine that the fault was with the product and therefore consider a product recall. That is a lengthy process. The scale of the use of this particular product is such that there has never been a product recall of that size in Western Australia. If I can be so bold, builders and manufacturers were pointing the finger at each other and threatening litigation, all of which would have resulted in lengthy arguments in the courts; meanwhile, the home owners would not be getting the problem fixed and the problem would potentially be growing.

**Hon NEIL THOMSON:** Am I hearing from the minister that there has been no categorical determination by any regulatory body that the fault is with the pipe material?

**Hon Sue Ellery:** That is correct.

**Hon NEIL THOMSON:** It is a little different from the impression one would get from the second reading speech, and even the bill, because it is all about this product. It is not about the installation. One can only assume that everyone agrees without making it formal that the fault is with the pipe. I quote from the minister's second reading speech. She said —

Once finalised, builders will be able to sign up and participate in the agreement to access funding to remedy the leaking Pro-fit (Typlex 1050) polybutylene pipes ...

For the discussion, it does not matter which way one carves it up. It would be a weird situation if this was not anything to do with the Pro-fit (Typlex 1050) polybutylene pipe being the cause of the problem and that is all we are focusing on in the bill and the second reading debate. Clearly, the department and the government thinks it is that. Please explain!

**Hon SUE ELLERY:** Honourable member, we had a range of small builders, a medium-sized builder, one very big builder and one very big manufacturer pointing the finger at each other. To resolve and settle the issue as to where the fault lies would have required a very lengthy process that most likely would have ended up in the courts and gone on for years and years. Instead of going down that path, the government said, "If we provide a mediator, can we try to see whether there is a way to get the parties to agree on a way forward to address the issue for home owners and not apportion or find fault one way or the other? Can we reach agreement on an industry response that is not about apportioning blame, but about fixing the problem going forward?" That was the whole point of the industry response. If we went down the path of seeking to take action under the levers available to the state as a regulator—whether that was a product recall, a building remedy order, a class action or one of the two big parties taking action against each other in some way—that process itself would take such a long time that the number of home owners being affected would continue to grow without there necessarily being a solution. The small to medium-sized builders would really suffer in that lengthy legal process because they do not have the kind of resources that the big builder or big manufacturer has. We wanted to find a solution that fixed the problem for home owners but did not require any builders going into liquidation because they cannot deal with the consequences of the legal action, or drag out the process for years on end. That is why we got the parties together and asked whether providing them with a mediator would help them reach an agreement on how to deal with this going forward without apportioning blame or making a determination on where blame or fault lay.

**Hon NEIL THOMSON:** I am new to this issue. I think the minister will have to excuse my astonishment at the answers we have had here. I have only recently taken on the role of reading the second reading speech, the explanatory memorandum and the bill, and had a relatively short briefing from the department. I cannot claim to have deep knowledge of this, but it is still quite astonishing that the government does not seem to have any pathway, even after this, to examine the actual cause of a problem. I think any reasonable person reading this second reading speech and the bill would make the assumption that it is all about the leaking Pro-fit (Typlex 1050) polybutylene pipes—they are faulty. That is the assumption that everyone is going to make, and what any reasonable person would make. To some extent, I understand the minister's logic.

[Interruption.]

**Hon NEIL THOMSON:** The assumption is made, yet there has to be a consequence of the approach taken. The minister said—I apologise for paraphrasing her—that the consequence will be that we save a lot of angst and make things easier for home owners by not having a standoff between the different parties. However, there have to be other consequences from taking this approach. One consequence that I can think of straight off the top of my head is that we are never going to know categorically what the cause was. How can we possibly come up with a solution if we have not diagnosed the actual problem? We are just making assumptions about the problem. That goes back to some of the comments I made during my contribution to the second reading debate. We do not have a detailed report. Comments have been made about the sequencing and the role of the Australian Competition and Consumer Commission, and the fact that it did not want to take this up. We were told that the plumbing legislation does not have recall powers. That is understood, but I assume that the state has recall powers. What would stop the state from issuing a recall or remedy order or engaging in some legal action? The ACCC comes under the federal government. Would there be anything to stop us from doing that if we thought that was the course of action to take?

**Hon SUE ELLERY:** I just make the point that I have so far entertained a pretty broad conversation on clause 1, but the things that we are talking about are actually not in the bill. I understand that the bill is part of the overall solution to the problem, which includes the industry response, so it makes sense to have a broader conversation. However, the things that we are talking about are not in the bill before us.

As I said, one regulatory lever that is available to the state government is a product recall under the state's consumer protection law. The Consumer Protection division is undertaking an investigation into that. Another option is a building remedy order under the building legislation. Both those remedies are what I would describe as fairly blunt instruments that, ultimately, could be contested in the courts. In contemplating what is available to the government to get these homes fixed that would not result in us arguing matters before the courts for the next five years, the decision we made was to see whether we could, by way of mediation, get the parties together to find out whether they could come up with a solution to fix the problem. The bill comes before us because one of the builders—the largest builder—has, to date, chosen not to be part of the industry response. From the government's point of view, a large number of home owners might be stuck going down that pathway in the courts rather than getting the benefit of the industry response that other builders have signed up to. That is why the bill is before us: to provide the same result for the customers of that builder as for the customers of those builders who have signed up to the industry response. That is an extension of the warranty period, if you like, of that one product, and one product only, and the power to make a policy on how a building remedy order would be applied, with the intention that all home owners impacted by these leaks will be treated the same.

The industry response is part of the government's response, as is the bill before us. The bill before us is about that quite narrow issue that I just touched on. The industry response is relevant to it, of course, and there is context but the actual bill before us is about amendments to the bill with respect to the warranty period and the capacity of the Building Commissioner to make the policy.

**Hon NEIL THOMSON:** Thank you. That helps explain a lot. Is the largest builder BGC? For *Hansard*, there was a nod in the affirmative.

The bill is not necessary for all those other builders. I understand from what the minister said that they have all agreed —

**Hon Sue Ellery:** There is agreement in principle, and the lawyers are working out the details now.

**Hon NEIL THOMSON:** Okay, so that agreement in principle to the industry response for all those other builders was to provide ongoing remedy for up to 15 years from the time of installation of the piping. All the non-BGC builders agreed to all the terms outlined in this bill for 15 years.

**Hon SUE ELLERY:** What I announced in August was in-principle agreement on an industry response—it is uncapped in money and untimed, in that it does not end—and that there would be an agreed hierarchy, if you like, of responses to fixing a problem. For example, let us say we all agreed on where faults lay, we had unlimited buckets of money and problems needed to be fixed at the same time. We do not have the workforce to fix all the problems at the same time.

The industry response sets out a hierarchy. When there is one leak, there is a certain response. Everyone gets a leak detector unit, whether they have a leak or not. If there is one leak, there is a response. If there are two leaks, there

is a response for that. There is a hierarchy of responses and an allocation of funds to pay for it. That is the industry response. At the same time I announced that, the builders agreed to an in-principle industry response. Because we still have a builder—the biggest builder—who has made the decision, to this point, not to join the industry response, the government wants to make sure that we take steps to protect those people so they do not have to rely on cases that might take years to resolve in the courts. The way to do that is by moving the amendments to the bill before us tonight.

**Hon NEIL THOMSON:** I will come back to the impact of how this bill affects the other builder. The fact that there is a hierarchy, does the minister have the detail of the industry response? Is that available to the community now?

**Hon SUE ELLERY:** Media statements et cetera are available on the government media page. I announced the hierarchy of responses when I made the public announcement, and that is publicly available. Everybody who was paying attention to what I said and what was reported at the time knows that. I am told it is also available on the department's website and has been for some time.

**Hon Neil Thomson:** The industry response, not the announcement?

**Hon SUE ELLERY:** The hierarchy.

**Hon Neil Thomson:** The hierarchy?

**Hon SUE ELLERY:** Yes.

**Hon Neil Thomson:** The detail?

**Hon SUE ELLERY:** Yes. I said it at the time: it is available on the government media website and it is available on the department's website. The program has the following stages. Installation of a leak detection unit in all homes with Tylex pipes, whether they have a leak or no leak. At the first leak, the leak and associated property damage will be repaired and a replacement of the pipe in the ceiling space will be offered. At the second leak, that leak and associated property damage will be repaired and a zone re-pipe will be offered around that leak. A zone is considered to be all pipes within the room or zone that leaked. At the third leak, that leak and associated property damage will be repaired, and home owners will be offered a choice of another zone re-pipe, or full home re-pipe. For subsequent leaks, if home owners have not had a full home re-pipe, the leak and associated property damage will be repaired until a full home re-pipe can be carried out, and the home owners will be provided with alternative accommodation.

I said all of that publicly, and it has been publicly available since I made the announcement.

**Hon NEIL THOMSON:** Is that program functioning now for the builders that are part of the response?

**Hon SUE ELLERY:** I announced an in-principle agreement to the industry response. Since then, and now, respective lawyers have been, and are, working out the detail of what the deeds to give effect to that in-principle agreement will look like. It is important to note that BGC has been repairing its own customers' leaks. It is also important to note that, as I said earlier, Fletcher Building has a \$15 million fund; I think it might have topped that up. That continues, and Fletcher Building is also doing repairs.

**Hon NEIL THOMSON:** Are the other non-BGC companies repairing at the moment?

**Hon Sue Ellery:** They are using Fletcher's fund.

**Hon NEIL THOMSON:** Is anybody not getting their repairs done by any of the builders?

**Hon SUE ELLERY:** Not that we know.

**Hon NEIL THOMSON:** Okay. I will come back to a couple of things that have come up in this discussion. The two parts of this bill are the extension of the warranty period to 15 years, which the minister mentioned, and the power to make a policy on a building remedy order, which the minister also mentioned. Is the power to make a policy on a building remedy order effectively a power for the Building Commissioner to direct BGC to be part of the industry response? Is that the intention? How does that work?

**Hon SUE ELLERY:** No, it cannot direct BGC to be part of the industry response, but it can apply the same remedy as would apply to its customers if it were part of the industry response.

**Hon NEIL THOMSON:** So it has the same effect as directing BGC. It is effectively making it compulsory, even though there are nuances in the language around how that is occurring. I assume we can expect to see a building remedy order. As part of this process, someone in the department is beavering away at, or has already done the work of, creating a building remedy order. This will be by regulation; is that correct?

**Hon SUE ELLERY:** Building remedy orders are issued in response to a complaint. If the industry response proceeds, if the bill before us proceeds, we can anticipate that for all of the complaints that have been received by customers of BGC, that builder will be issued with a BRO in the same terms as the industry response. The bill before us will create a head of power, if you like. Nothing would prevent the Building Commissioner from developing a policy now, but this will make it clear that there is the head of power to do that. That policy would set out how the Building Commissioner would respond to specific complaints.

**Hon NEIL THOMSON:** Will there be any material difference for a customer of BGC or another company either procedurally or in terms of the remedy? Once this bill is passed, will there be any material difference in the response both in terms of the process and the remedy for a home owner dealing with a company that is not BGC that is part of the industry response, and a home owner dealing with BGC?

**Hon SUE ELLERY:** Procedurally, there will be a difference, but for the outcome the intent will be no difference, with a caveat. The procedural difference will be that if a home owner is with one of the builders that has signed up to the final version of the industry response, they will just notify their builder and the builder will trigger the steps to access the funds from the industry response and do the work. Anyone else will need to make a complaint, and a number of people already have. The caveat I talked about before is that the Building Commissioner would need to examine the circumstances of the complaint and satisfy himself that he can use the policy that has been developed to deal with it and deal with it in that fashion and issue a BRO against the builder to do that work.

**Hon NEIL THOMSON:** I think that will be an important distinction. I assume some communication will be provided to home owners to define that process so that they understand the different procedures. I am just trying to put myself in the shoes of a BGC home owner. They might see this bill go through and think that if they have a fault—they will find out soon enough—they will automatically have access to the industry response but in fact they might be advised to make a complaint to the Building Commissioner. I will be interested in the minister's response.

**Hon SUE ELLERY:** The process is that, yes, we are already in communication with many, many home owners and my response to all of them is to please lodge a complaint. Initially, that was to preserve their spot, if you like, within the warranty period. If this bill is successful, the warranty period will be extended and will capture more people. Yes, there will be communication and education with a lot of information provided. The department has already streamlined the process for customers who have been experiencing these leaks to lodge their complaint, so it is easier for them to do that. That streamlined process is available to them on the website.

**Hon NEIL THOMSON:** Would the minister's advice still be to lodge a complaint?

**Hon Sue Ellery:** Yes.

**Hon NEIL THOMSON:** All right. Would it be for everybody or just those in BGC?

**Hon SUE ELLERY:** I am saying it to everybody to preserve their rights.

**Hon NEIL THOMSON:** That is clear. I guess to be fair to BGC, which is not here to respond, the minister did say earlier that it was not part of the industry response, but I think I recall her saying that it has been making repairs upon the request of home owners. For Hansard, by way of interjection or not, it was in the positive. If that is occurring, was there some dissatisfaction from the government? The government has obviously taken a step to bring in a bill. The minister said that BGC was actually addressing these issues. Where was the gap? Was it that BGC was not addressing it after the six years? Was that the issue? Why do we need this bill if BGC is really the only company—for want of a better word, and maybe it is the wrong word—that is effectively targeted by this bill?

The right way to say it is probably that it is the only company that this bill will address. However, BGC is already making those repairs. To give it the benefit of the doubt, given that its representatives are not in the room to respond, it seems to be making those repairs. What was the deficiency in its response that led to this bill being required?

**Hon SUE ELLERY:** That hierarchy of a full suite of repairs, including a zone and the whole home, if that is what is required, is not necessarily what BGC is doing. It is fixing leaks as they occur. It is the view of the Building Commissioner that the fullest suite of measures ought be applied, and this is a way to achieve that for home owners. I know we are just using shorthand language, but this is not about “targeting” BGC or focusing on BGC. It is about how to ensure that all home owners, whichever builder they are with, get the same and the best correction or remedy for the problem.

**Hon NEIL THOMSON:** I understand the response the minister has given and why she might frame it that way. But I think from the combination of responses I have received so far, it goes without saying that there was a perception of some deficiency, by elimination, in BGC in the lack of adherence to or formal adoption of the structured hierarchy in the industry response. That seems to be the only deduction I can make from everything we have heard in this conversation. On that point, and I am sure the answer will be yes, has the Building Commissioner endeavoured to have BGC adopt the industry response at this point? In addition to the simple answer, which I am sure will be affirmative, to what extent was the Building Commissioner's recommendation view—I assume it has come to the Building Commissioner—to require the development of a bill in order to effectively compel that to occur?

**Hon SUE ELLERY:** I have lost count of the number of times I have personally met with BGC. I will meet with it again whenever it wants to meet with me. I could not comment on the number of times that the Building Commissioner has had direct conversations and/or face-to-face meetings with BGC, and/or participated in the mediation, which BGC also participated in. My request to the Building Commissioner was to please provide me with advice on how we might fix the problem for the home owners. It was the Building Commissioner's advice to me that we consider mediation and that we consider, after we had been through all of that process and ended up in the position that we

ended up in, legislation to deal with the question of home owners who were slipping out of the six-year period and to put in place the head of power to enable the Building Commissioner to provide a policy to guide him in his decisions about dealing with complaints about leaky pipes as a result of Typlex 1050.

**Hon NEIL THOMSON:** I thank the minister on that particular path of questioning. I think I have probably come to a conclusion. We may touch on it again, but from a different angle.

My next line of questioning relates to the liabilities associated with this process. It was stated in the briefing that there was \$100 million placed by Fletcher Building. Could the minister please, for my and *Hansard's* sake, outline the financial aspects of how this works? I had only that Teams meeting and a briefing. Could the minister please explain the financial component of this?

**Hon SUE ELLERY:** It is important to note that in the discussions about the industry response, the initial allocation by Fletcher Building Ltd is some \$100 million. The government's contribution is capped at \$30 million. Fletcher's contribution is not capped. It is important to note that Fletcher Building Ltd has already advised its shareholders and made public disclosure to the stock exchange that, on the assumption that the industry response is finalised, it expects to record a pre-tax provision of \$A155 million in its 2025 financial year accounts. Once that initial allocation of \$130 million is reached, the cost going forward will be split, with 80 per cent paid by Fletcher and 20 per cent paid by the builders. I just want to reiterate this: the only bit of it that is capped is the state government's contribution of \$30 million.

**Hon NEIL THOMSON:** That is understood, and thanks for the clarification. I think I made the wrong statement in my contribution to the second reading debate when I said that it was 80 per cent by Fletcher and 20 per cent by the builders. For the sake of *Hansard*, that has been clarified, so that is good.

The question I had in the Teams meeting that no-one was able to answer was: has any modelling been done by the department on the scenario for future liabilities associated with this product and, if so, what likely future liability will accrue to Fletcher and/or the builders, noting the government's contribution is already defined at \$30 million?

**Hon SUE ELLERY:** Again, I make the point that I do not mind having this conversation, but the information we are talking about now is not in the bill. It has nothing to do with the bill.

It is important to note a couple of things. First, not every home with a Pro-fit (Typlex 1050) polybutylene pipe in it is going to experience a leak, and the rectification that is required will not be the same for each. What was clear was that both sides, if you like, have done some initial work on what they think the costing will be, but it cannot be precise. The way that we got to the numbers that I have already outlined—how it will be split going forward et cetera—is based on the conversations that happened in the mediation about what each side was saying they thought the modelling would show. But what is not agreed is one set of modelling that says that this is guaranteed, this is agreed, this is the number of homes that are going to experience the leak, this is the extent of the leaks that will be experienced et cetera. That is not settled. It is important to understand the point of an industry response was whether we could reach agreement on how we go forward. A key mechanism that government was looking for was that it was not capped by Fletcher and that it was not capped by time.

**Hon NEIL THOMSON:** The last comment the minister made was that it is not capped by time. It is capped by time, is it not, because it is capped by the warranty period? It was six years and now we are extending it. That is why I think this is relevant to the bill. We may disagree or we may talk about it, but we are going to 15 years.

This bill will make that finite period 15 years. I assume that after 15 years, there will be no liability by either Fletcher Building Group or the builder. Is that correct?

**Hon SUE ELLERY:** Again, we have to differentiate between what is in the bill and what is in the industry response. The industry response is uncapped. The bill will extend the time within which from the final point of construction a person can lodge a complaint proceeding. They will not miss out on access to a solution by virtue of there having been some point of time if they had lodged their complaint within the 15-year period. If they are under the industry response, it is to be uncapped in time.

**Hon NEIL THOMSON:** That is helpful as well. Could someone just contact their builder in 30 years, and this could still be dealt with? Is that correct?

**Hon Sue Ellery:** Yes, that is correct, honourable member.

**Hon NEIL THOMSON:** Assuming that the builder is still there, which I guess is a bit of an issue because builders come and go and not many of them last. I take that comment back —

**Hon Sue Ellery:** Lots of them do last 50 years.

**Hon NEIL THOMSON:** They do. I did not want that to be a reflection on the building industry.

**Hon Sue Ellery:** Most builders are doing the right thing by their customers.

**Hon NEIL THOMSON:** I have had some experience with an apartment development. The builder could not be found for repairs to pipes in that apartment development, but that is a whole other story. I will not complicate this story with that, because it happens from time to time that builders are no longer there.



To get back to the point, industry response people will continue to make claims. Fletcher will continue to pay out. The builder will continue to pay at the uncapped amount of 80 per cent, but customers of BGC will effectively have 15 years, unless BGC chooses at some time in the future to join the industry response. Is that a reasonable summary?

**Hon SUE ELLERY:** Correct.

**Hon NEIL THOMSON:** These things are important, because I did not know that, and I am sure most people in the community will not know that either. How many complaints have been received to date?

**Hon SUE ELLERY:** We have received 107 open complaints.

**Hon NEIL THOMSON:** Does the minister have any record of how many homes have had some form of repair undertaken? I assume it is a much higher number than the number of complaints received by the commission.

**Hon SUE ELLERY:** No, we do not have that information.

**Hon NEIL THOMSON:** What is the rate of complaint for this last financial year? I assume that most complaints have occurred more recently. Initially, there were no complaints and the government found out about them through social media. People were probably not even aware that they could complain. Most home owners just have the problem of leaky pipes and do not know what to do about it, but then talk about it on Facebook. It is great that they did that, because it helped the department track this all down. Just so I understand the rate of complaint, is that happening on a regular basis? How many complaints will the commission be getting on a weekly basis at the moment?

**Hon SUE ELLERY:** They are coming in at various intervals—I cannot tell the member how many a week or how many a month. As I said when we came back after the dinner break and I set the whole thing out for the member, complaints started to come in in late 2023 early 2024.

**Hon NEIL THOMSON:** The minister talked about the hierarchy of actions. Has there been any assessment of the value of works for each of those hierarchical responses? There must be some. The department would have a fairly good idea, given it is quite a prescriptive hierarchy. Obviously, the size of the homes and individual circumstances will vary but does the minister have any pricing assessment of the various steps of responses that are possible? I think there were three steps, or maybe four, from recollection.

**Hon SUE ELLERY:** These are estimates only, honourable member, of the cost of the remedial work. Removing and replacing pipes in the ceiling of a house ranges between \$4 000 and \$6 000. That excludes the builders' margins and overheads. Removing and replacing pipes in a bathroom and remedying surfaces ranges between \$15 000 and \$17 000. Removing and replacing pipes in an average three-by-two or four-by-two house ranges between \$75 000 and \$80 000.

**Hon NEIL THOMSON:** It is quite a lot, so it is really important that we address this. That is why we support this bill. I am just doing the calculation. That is 1 600 homes that can have their pipes redone with the money the government and Fletcher Building have put up for now. I note, of course, that we have an uncapped amount. It is good to know that it is 1 600 homes. About 12 000 are potentially affected. I assume there are quite a lot of those homes, as the minister said earlier on —

**Hon Sue Ellery:** Member, if you will take an interjection, where has the 1 600 come from?

**Hon NEIL THOMSON:** It is \$130 million divided by \$75 000. The minister said the cost to do a whole house was \$75 000 to \$80 000.

**Hon Sue Ellery:** But that assumes they will all need replacing.

**Hon NEIL THOMSON:** Yes, that is true. I asked for some understanding of that configuration. Surely there is some boffin in the department who has done all that and probably has a whole suite of assumptions around what percentage are going to be ceiling works, what percentage are going to be bathroom works and what percentage are going to be the whole house. I am sure someone in the department has done all that. I am not going to labour the point because we can all do our own assessments. I have just done a quick assessment using a calculator here, minister. I have come up with the number of 1 600 homes. We could say not all those homes are going to require replacing; maybe 5 000 have been accounted for. I have been around a bit. It is not my first rodeo for doing assessments, minister. Maybe this is an adequate number, if we assume about 30 per cent of homes are going to be affected. Who knows? We do not really know yet, do we? The community does not really know. All the homes involved might eventually have to have their piping redone, in which case that would be more like \$700 million to \$800 million. That might be the figure if they all had to be fully redone, assuming there are about 10 000 to 12 000 homes that end up having to be done.

I am not going to labour the point any longer, but I think it would be useful to get an idea of the total number and the potential scale of the problem. I am sure it will trail off, but to what extent have experts advised the government on the composition of the pipes? Have chemical engineers or whoever done any work on the deterioration of the pipes, and has that been made available? Has the minister or her department received any technical advice on that front?

**Hon SUE ELLERY:** I already answered this question earlier, honourable member. I said that we got to the point at which the plumbing investigation issued a preliminary finding that the number of home owners affected appeared to be growing. Government looked at the issue and sought advice on the options available to us, how long it would take us to progress those options and whether there was an alternative path that would see the parties reach some agreement between themselves. That is the path we went down. I cannot add anything to what I have already said, honourable member.

**The DEPUTY CHAIR (Hon Dr Brian Walker):** Hon Neil Thomson, before you proceed with a question, I would like very much for you to convince me about the relevance of the question to the bill we are discussing.

**Hon NEIL THOMSON:** Does the deputy chair want me to convince him personally or is he asking me to —

**The DEPUTY CHAIR:** I am close to declaring your questions irrelevant to the bill that we are examining just now, but I would like to understand why this line of questioning is proceeding as it is.

**Hon NEIL THOMSON:** I am not seeking to be disorderly, deputy chair. I just ask for clarification on whether the deputy chair is asking me to convince him or to continue my questioning.

**Hon Sue Ellery:** Read the room, honourable member.

**Hon NEIL THOMSON:** This is quite an unconventional approach.

**The DEPUTY CHAIR:** Might I point out that if you continue this questioning, you will be stretching the boundaries of the relevance issue. Please, do continue.

**Hon NEIL THOMSON:** I will continue in the vein that I feel is necessary for the public interest. I am not trying to be disorderly here. I will always be guided by the chair, but I will pursue the truth. I guess that is what we are trying to do. Hopefully, that will meet the requirement the deputy chair outlined.

We talked about a class action. Earlier in the piece, the product recall and remedy order were mentioned. I asked about the three points but the minister did not actually answer my question on a class action, so I am going to spend a bit of time on the issue. Is there currently a class action afoot on this matter?

**Hon SUE ELLERY:** I have made the point before, honourable member. I am going to answer this question and then I am going to take the deputy chair's advice and answer any question the honourable member wants to put to me about the bill in front of us. I think that is reasonable because we have spent an hour, or a bit more than an hour, understanding the relationship with the industry response. But a class action is not in the bill before us. I answered earlier that, yes, I understand there is a class action afoot, something has been filed, but the government is not a party to that action. One of the things that we considered when we looked at the options available to us—I reckon I have said this four or five times now—was how long a matter being dealt with in the courts would take and what would be the quickest way to get home owners' homes repaired without seeing builders go under. That is why we chose the path of pursuing the industry response that will provide equal protection to all consumers affected by this issue. That is what brought the bill that we are debating before us.

**Hon NEIL THOMSON:** That is fine. The relevance to the bill is absolutely pertinent. Will this bill have any impact on the capacity of those plaintiffs who pursue any other legal redress, including a class action that they might be undertaking presently?

**Hon SUE ELLERY:** A remedy provided in the bill before us or in the industry response will have no bearing on a class action. A person's participation in a class action will have no bearing on whether or not, while that class action is underway, they can get a response in either the bill before us or in the industry response.

**Hon NEIL THOMSON:** The key word used by the minister was "either". I would have thought it would be "inclusive of". Is somebody who seeks a remedy by way of the industry response likely to prejudice themselves in relation to any other remedy they may seek through a class action?

**Hon SUE ELLERY:** The point of the industry response, honourable member, is for those people who say, "I don't want to chance my arm on a matter in the courts that might take years; I'm going to seek a remedy through either the industry response or by making a complaint in the terms that we are discussing in the bill." It is up to the individual to choose how they want to proceed. We will not influence that choice; that is their choice to make. I sought advice—that is what brings this bill here and the industry response—on how we can get the homes remedied and give certainty to the home owners without having to spend years and years in a court matter. I sought advice on whether there was a way to do that. We got the parties together to determine whether we could reach agreement on an industry response. The bill before us was drafted so that we could provide a response in the same terms to home owners no matter which builder they choose.

**Hon NEIL THOMSON:** I understand the point of it; that has been absolutely clear from the outset. The point I am making is that we are legislators; we are making law here today. We are going to pass a bill, which the opposition supports. I asked the minister a very simple question, which she has not yet answered. Will the passage of this bill

prejudice any participant in a class action going forward? Will it prejudice the opportunity to undertake a more litigious approach? If a person chooses to go down the path of a class action, will anything in the bill somehow prejudice that class action?

**Hon SUE ELLERY:** The answer is no. I do not how to provide it in another way. That is the answer.

**Hon NEIL THOMSON:** Has the minister received any advice about someone who participates in the industry response or about a BGC client who participates in whatever building remediation order might be imposed as a result of this law? If they participate in those avenues, is there anything that would preclude them from participating in a class action?

**Hon Sue Ellery** interjected.

**Hon NEIL THOMSON:** It is a good question.

**Hon Sue Ellery:** It is not a good question.

**Hon NEIL THOMSON:** Well, I would have thought so. They might want to.

**Hon SUE ELLERY:** The class action has been filed by BGC. We say that this is an alternative for home owners who are looking for a solution that does not involve them in the courts. They can consider what is in their best interests.

**Hon NEIL THOMSON:** I think the minister is being less than frank with me about the class action. I have asked about the class action so why did she not tell me that beforehand? This is a BGC-led class action. Seriously, that is fundamental to this process. I assume that BGC is also appearing. I assume this class action is to Fletcher. I assume that is the process. Now we are intervening with a piece of legislation, which, despite some members in this chamber who fail to see the relevance to my questioning, is vital and central questioning on this matter. My point is: why did the minister not tell me that in the beginning? I want to know more detail about the class action and the effectiveness that the class action might have with respect to a longer and more durable outcome for those home owners.

**Hon SUE ELLERY:** There are two class actions. I make this point. I have avoided making it, but I have to make it. I am advised that the honourable member attended half of the briefing.

**Hon Neil Thomson:** That is not correct.

**Hon SUE ELLERY:** That is what my staff have told me.

**Hon Neil Thomson:** They did not answer anything at the briefing.

**The DEPUTY CHAIR:** Order!

**Hon SUE ELLERY:** I am on my feet. Thank you, deputy chair.

It is also the case, that with the greatest of respect, the honourable member comes to this debate—and I understand that he is representative —

**Hon Neil Thomson:** I am a member of Parliament doing my best. If the minister would just answer the questions.

**Hon SUE ELLERY:** Is the member on his feet or am I? I have the call. I think the member is underprepared for this debate.

**Hon Neil Thomson:** I do not want to be lectured by the minister. Just answer the questions.

**The DEPUTY CHAIR (Hon Dr Brian Walker):** The call is with the minister.

**Hon SUE ELLERY:** Thank you, deputy chair. I am trying to provide the member with the information but, to be frank, the member could have informed himself. If he had gone to the media coverage of the announcement I made on the day, we probably would have saved half an hour in questioning. He could even have read the media articles about the actions being taken in the court, because it is quite clear. If he had just read the clippings, he would have seen that. In any event, to assist the honourable member, bearing in mind that there is nothing in this bill about class actions, there are two actions that are being taken, one by BGC against Fletcher and one taken by a home owner in a representative class action against Iplex.

**Hon NEIL THOMSON:** I will not make comment about the lecture that I have been provided with about my level of preparedness on this matter. I think it is beneath Parliament, quite frankly. I have been asking a line of questioning that I was told was not relevant to the bill. We are about to pass a bill that could have some impact on two class actions. We have just found out that it is two class actions—one by a home owner and one by BGC. I have asked multiple times whether the bill that we are passing today will cause any impairment to or prejudice the two class actions. I asked whether this bill would impact on those class actions, and the minister said no.

**Hon Sue Ellery:** That is correct.

**Hon NEIL THOMSON:** My second question was: if someone avails themselves of the industry response, will they then be in any way impaired from continuing—the minister has not answered this question—as a participant in the class action?

**Hon SUE ELLERY:** No.

**Hon NEIL THOMSON:** There is the easy way and there is the hard way.

**Hon Sue Ellery:** Indeed there is.

**Hon NEIL THOMSON:** We make our choices.

**The DEPUTY CHAIR (Hon Dr Brian Walker):** Does the member on his feet have a question?

**Hon NEIL THOMSON:** Yes, I do. How will the proposed changes impact on small business and independent contractors in the building sector?

**Hon SUE ELLERY:** A number of the building companies that have signed up to the in-principle industry response would meet the classifications of being a small business. I again come back to the point I have made I do not know how many times now: we are looking to provide a remedy, protection and certainty for home owners and also ensure that those builders who do not have the financial resources to pursue a matter in the court for years on end do not go under as a consequence of the state using one of the blunt instruments available to it. We have tried to act in the interests of the home owners and the builders who do not necessarily have the financial wherewithal to end up in the courts.

**Hon NEIL THOMSON:** The minister said that the customer would have to lodge a complaint. What processes will involve the department, or will it be between just the builder and the contractor? How will the process be triggered for the practitioner who goes out and does the work?

**Hon SUE ELLERY:** A home owner will lodge a complaint and notify the builder. An investigation of the complaint will be undertaken. A preliminary building remedy order will be issued against the builder. The builder might contest that and argue about it. There might be some to-and-fro around that. However, if the Building Commissioner remains of the view that the issue is valid, a final building remedy order will be issued and the builder will need to comply with that.

**Hon NEIL THOMSON:** Given that the bill sets out remedy orders and will effectively change the time of warranty, what provisions will be enlivened for penalties or consequences for noncompliance by a builder?

**Hon SUE ELLERY:** There is nothing new about this process. If the builder fails to comply with the building remedy order, then it will be open to Building and Energy to issue a monetary order saying, “You will pay X amount”, and if the builder continues to not meet the terms of that order, it will be open to the home owner to pursue that financial amount through the court. It needs to be said that there is nothing new in this bill about that.

**Hon NEIL THOMSON:** In relation to any disputes that might arise, given that this bill will give effect to a facsimile—that is probably the best way to describe it—of the industry response to clients of BGC, is there any possibility of a lack of clarity around the hierarchy? Have there been any reports of dispute on that matter? What sort of avenue will the builder have to seek some sort of redress when there might be a dispute between the home owner and the builder?

**Hon SUE ELLERY:** It is important to note that what is being announced is the agreement in principle to the industry response. That hierarchy has not yet been implemented, so it is not possible to say to what extent it is being complied or not complied with. The normal process that is followed in BROs is if someone contests it—if the owner says “I have had two leaks” and the builder says that they have had only one—there would need to be an investigation into the facts to determine the case. But we are jumping ahead here because it has not happened yet.

**Hon NEIL THOMSON:** Has any thought been given to an assessment of this? Tonight, we will engage in this process and pass this bill. Has any consideration been given to looking at the success of this going forward, through either annual reports or other mechanisms? I think that as a member of Parliament, particularly as a member of the opposition at least until 8 March, we might be interested to know how this is going and what mechanisms will be available to both the Parliament and the community in relation to the effectiveness of this process going forward.

**Hon SUE ELLERY:** The agency publishes monthly reports on complaints that have been resolved, so once this process is in place, that data will be added to those reports.

**Hon NEIL THOMSON:** Monthly reports are fine. As far as I can tell, there is nothing in the bill about a sunset requirement for review—or at least a review period, not a sunset. Is it anticipated that some sort of strategic review might be provided once the passage of this bill is complete?

**Hon SUE ELLERY:** We are amending the parent act. The act itself has its own review clause, which provides for a statutory review of the act every so often. It is not anticipated that we will be doing anything of the kind that the member has just described.

**Hon NEIL THOMSON:** Tonight, as we pass this bill, and without going into clause 2, which is the commencement of the act and how it will be given effect to, can the minister outline the transitional steps in enabling this process and what that might mean going forward, particularly for a customer of BGC?

**Hon SUE ELLERY:** Once the bill passes, there may well be some home owners who will have fallen out of the existing warranty period. They will be captured by this warranty period. There will be a process of ensuring that there is education and communications with people about the changes being made to the legislation so that people can understand that a policy will be developed. I think those are the key elements.

**Hon NEIL THOMSON:** There are two questions from that. Has the minister been reliably informed that those who have fallen out of the six-year period and who are customers of BGC are no longer getting any support from BGC? Is that the advice the minister has received?

**Hon SUE ELLERY:** No. I indicated that BGC is doing repairs. If people want the full suite of measures, they will be captured in this.

**Hon NEIL THOMSON:** It was just a clarification; I understand what the minister explained. I did not know because there were some reports that those outside of the six years were getting no redress. The minister is saying that everyone is getting redress at the moment, but it is not in conformity with the industry response—that is effectively what the minister is saying—in its perfect exhibition as presented with the hierarchy.

**Hon SUE ELLERY:** No. For clarity's sake, right now, a fund is available from Fletcher Building that builders can access to do repairs. I am not sure whether they are all doing the full suite of measures. The full suite of measures is set out in the industry response, which we have in-principle agreement to. We are working on getting the deeds for final agreement. Once that happens and this bill is in place, everyone wanting to get repairs will be able to get the full suite of measures.

**Hon NEIL THOMSON:** What is the serious likelihood that all customers will be getting the full suite of measures? Has a date been set? When will people be able to avail themselves of that after the passage of this bill? The minister must have an idea.

**Hon SUE ELLERY:** The bill will come into effect on assent, which I imagine will happen within a number of weeks. Frankly, I am equally hopeful that we will have final agreement on the terms of the industry response very soon as well.

**Hon NEIL THOMSON:** I think I am probably done here. I am happy to call it a day.

**Clause put and passed.**

**Clauses 2 to 10 put and passed.**

**Title put and passed.**

#### *Report*

Bill reported, without amendment, and the report adopted.

#### *Third Reading*

**HON SUE ELLERY (South Metropolitan — Minister for Commerce) [8.31 pm]:** I move —

That the bill be now read a third time.

**HON NEIL THOMSON (Mining and Pastoral) [8.31 pm]:** I want to present a relatively brief contribution to the third reading debate on the Building Services (Complaint Resolution and Administration) Amendment Bill 2024. As I said at the outset, the opposition supports this bill because it attempts to provide a resolution. The minister outlined, in a certain level of detail, how that process was arrived at. Members of this chamber are responsible for scrutinising bills and we need to be very clear about why this bill is necessary. That is a perfectly legitimate thing to do, so it is good that we have a very strong opposition on this side to ask those questions about why this issue needed to be addressed, notwithstanding all the wonderful media statements that have been made and the information that has been put out there. The problem is that, outside this chamber, this government has quite a propensity to present a lot of what one might call propaganda about its approach to things. The beauty of this chamber and the wonderful thing about this Parliament is that there is an opportunity to ask questions and scrutinise the minister during Committee of the Whole, which I have done rather efficiently, I would say, on behalf of the community. We have learnt a few things through this process that were not necessarily presented in the media statements and a host of other things that the minister suggested I should have availed myself of. I do not follow the minister around and, to a large extent, I tend to ignore the media statements that come out of this government because they are usually of a general nature and not really worth the paper they are written on. That is my opinion. I am sure members opposite have a different opinion.

As part of this house of review and as part of the Westminster system, as members of His Majesty's opposition, we get a real opportunity to ask some very hard questions. For instance, we found out that there were three options, including product recalls and remedy orders, and two class actions are afoot at the moment. I do not recall that being presented in the minister's media releases. At the briefing I allegedly spent only half the time at, I asked questions, but with the evasive action of the officers in that briefing, never once did the officers even mention the term BGC; they refused to even mention it. We found out that BGC has taken a class action against Fletcher. From what I can tell, a single home owner is taking out a class action against the builder.

As we clarified in this place, a very important tradition of this chamber is for members to have the capacity to present on the public record the unadulterated truth that a minister may choose to answer. To some large extent, we got there. I commend the minister for the frank answers she gave me during my scrutiny of the bill. I appreciate

that because it was quite useful. We found, for example, that there is a slight disparity in relation to the rights that might be afforded. The rights of those builders who signed up to the industry response are unlimited as far as both the Fletcher contribution and that of the builder. As for the rights of those who have not signed up to the industry response—this was extremely relevant to discussion on this bill—they will be limited by the effect of this bill to 15 years.

Maybe people's perception of my questions and the reasons for my questions is just nuance. I will continue to ask questions in this place until I am stopped from asking questions. I will present my questions in a frank and fearless way on behalf of the community of Western Australia. Quite frankly, I do not care when I get lectured to by a minister about what I should and should not do. I am a member of Parliament. I am a member of His Majesty's opposition and I represent the opposition on behalf of the people of Western Australia. Quite frankly, I do not care. Put that on the record!

All I can say is that we learnt a lot today. I certainly learnt a lot. I hope that maybe those who are in the terrible situation of having broken pipes in their homes learnt something. Through the ongoing presentation of this government, I hope people in the community get very clear communications about their rights and obligations.

Due to my questioning in this chamber, we learnt that clients of BGC need to make a complaint in order to exercise those rights. In fact, we heard from the minister that she encourages everybody to make a complaint. If anyone is watching this debate right now, get your complaints in! I am supporting the minister. We are on a unity ticket today. We are all in this together. We are supporting the minister, we are supporting the government and we are doing our job as members of the Legislative Council.

**Hon Ayor Makur Chuot:** You are so loud! Why is this?

**Hon NEIL THOMSON:** I am speaking because I might be a little annoyed at the moment. In fact, I am; I will be frank. I am annoyed by the perception of those in this chamber who think my questions are not pertinent to the Building Services (Complaint Resolution and Administration) Amendment Bill 2024. I have been quite annoyed by that insinuation, but I will not point out who in this chamber might have drawn that conclusion. I appreciate the fact that I get an opportunity to present my questions in this place and get some answers—answers that have not yet been presented at this level of detail in the other place or even in the community.

I will leave my points there. I hope the communication is clear going forward. I hope people might have learnt something today. We have all learnt something; I have learnt something, and I am sure other members in this chamber have learnt something, too. Thank you very much.

Question put and passed.

Bill read a third time and passed.

## RETIREMENT VILLAGES AMENDMENT BILL 2024

### *Second Reading*

Resumed from 19 September.

**HON NEIL THOMSON (Mining and Pastoral)** [8.41 pm]: It is with great pleasure that I get to have another go; it is very good, especially in the last five minutes of time for debate tonight, unless there is a motion to extend. I would be very happy to go to two o'clock in the morning if members would like that because I am on a roll! I am representing the position of the Liberal Party. I think a clear distinction needs to be made here. Because the opposition alliance is a very open group, we have a point of difference today in relation to the Retirement Villages Amendment Bill 2024. When the bill was presented in the lower house, we saw that the Nationals WA supported it, whereas the Liberal Party did not oppose it. That is something of a nuanced position one might say. There are some very good reasons for that, and we will outline our differences in relation to this legislation. I do not know whether that means the clock will change; I am the lead speaker for the opposition in the upper house, so that might be a nuance the clerks will want to consider how to deal with. But I am here today representing the position of the Liberal Party in presenting my views on this bill.

The question is: why is the Liberal Party not opposing the bill rather than supporting it? We will get into much greater detail when the bill is brought on again for debate at the next sitting, but in a nutshell, it is because there is a level of intervention here. The government has not properly outlined how that intervention will impact on the aged-care and retirement village market in our community in the long term. Although the intention is right, many bills have come through this place with good intentions—for example, the Aboriginal Cultural Heritage Bill, which was a bill of great intentions.

**Hon Jackie Jarvis:** The agricultural heritage act?

**Hon NEIL THOMSON:** The Aboriginal Cultural Heritage Bill; I thought I had said that. If I said anything different, I apologise. My mouth is a little dry after the rather annoying communication on the last bill. But I will make the point clear that, as they say, the road to hell is paved with good intentions. I think that might affect this bill. We know

that we are in a marketplace and at the end of the day, any restrictions that are placed on a market will inevitably impact on players in that market—in this case, the consumers of aged-care and retirement homes. That could potentially add considerable costs and instability to that market. I think this is a very good case of that, and one that raises considerable concerns that are worthy of being ventilated in this place.

Debate adjourned, pursuant to standing orders.

### **PHELAN–McDERMID SYNDROME AWARENESS DAY**

#### *Statement*

**HON STEVE MARTIN (Agricultural)** [8.44 pm]: I rise tonight to bring to the Council's attention that today, 22 October, is Phelan–McDermid Syndrome Awareness Day. I would not blame anyone for not being aware of this very, very rare genetic disorder. In raising awareness of the condition, Council House is lit up green this evening. A family that my family has got to know is gathered down there with a few other Western Australian families, so a very large shout-out to Brigita, Andy and their young son, Marcus.

For a bit of information, this syndrome is a rare genetic disorder that may cause a range of medical, intellectual and behavioural concerns. These concerns may include feeding difficulties, muscle weakness, speech and developmental delays, autism spectrum disorder and epilepsy. For many families it is a very difficult journey of diagnosis. This condition was only discovered some 35 years ago, and the syndrome was named after Dr Katy Phelan and Dr Heather McDermid. I think we can gather by these two names that that is where the colour green comes from. Those two researchers played a key role in identifying this. The first report was made in 1998 and further discoveries were made about the condition in the following years.

It is a tough time for many of the families involved. Depending on the reports, as few as 2 500 people worldwide have been diagnosed with this condition, and I am thinking of them this evening.

*House adjourned at 8.47 pm*

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### QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

#### BANKSIA HILL DETENTION CENTRE — INFRASTRUCTURE DAMAGE

**2167. Hon Dr Steve Thomas to the minister representing the Minister for Corrective Services:**

I refer to the consistent damage and destruction done by detainees to the Banksia Hill Detention Centre, including the riot of May 2023 that lasted more than 12 hours and included more than 45 of the 90 detainees, and I ask:

- (a) has all the damage done in the 2023 riot now been repaired;
- (b) what is the latest total cost of the damage done in the May 2023 riot;
- (c) what is the total cost of damage done by detainees to Banksia Hill Detention Centre since March 2017;
- (d) what was the total number of charges laid in relation to the damage; and
- (e) what was the total number of convictions in relation to the damage?

**Hon Stephen Dawson replied:**

The Department of Justice advise:

- (a) No.
- (b) \$21,286,605
- (c) \$25,131,780
- (d)–(e) In relation to the major disturbance on 9 May 2023:

Total charges laid	26
Total convictions	24
Total convictions — sentenced	122 (months)

#### YOUTH DETENTION — UNIT 18, CASUARINA PRISON

**2169. Hon Dr Steve Thomas to the minister representing the Minister for Corrective Services:**

I refer to the detainees of youth detention Unit 18 within Casuarina Prison, and I ask:

- (a) what is the total number of convictions of the youths currently detained in Unit 18 for the following:
  - (i) assault;
  - (ii) sexual assault;
  - (iii) robbery;
  - (iv) stealing of a motor vehicle;
  - (v) dwelling burglary; and
  - (vi) stealing;
- (b) on how many occasions have Unit 18 custodial staff been assaulted by detainees in the following years:
  - (i) 2023; and
  - (ii) 2024 to date;
- (c) on how many occasions have Unit 18 custodial staff been threatened with assault by detainees in the following years:
  - (i) 2023; and
  - (ii) 2024 to date;
- (d) how many custodial staff have required medical attention, been hospitalised, or required to take time off from work duties following assaults, or threats of assaults, in the following years:
  - (i) 2023; and
  - (ii) 2024 to date; and
- (e) how many charges have been laid against detainees in relation to (b)–(d)?

**Hon Stephen Dawson replied:**

- (a) (i)–(vi) As of midnight 10 September 2024, there were five young people in detention at Unit 18. Of these, two were sentenced.



Table 1: For the Five Detainees at Unit 18 as of Midnight 10 September 2024, all charges for which they were sentenced, by ANZSOC Sub-Division

ANZSOC Sub-Division of Offence	Young Person 1	Young Person 2	Young Person 3	Young Person 4	Young Person 5	All
Assault	1	0	2	10	1	14
Other acts intended to cause injury	0	0	0	4	0	4
Dangerous or negligent operation of a vehicle	2	0	0	0	0	2
Other dangerous or negligent acts endangering persons	3	0	1	0	3	7
Harassment and threatening behaviour	0	0	1	0	1	2
Robbery	6	0	1	4	4	15
Unlawful entry with intent/burglary, break and enter	2	6	41	9	0	58
Motor vehicle theft and related offences	0	6	5	2	0	13
Theft (except motor vehicles)	0	1	1	4	0	6
Property damage	0	3	0	7	0	10
<b>All</b>	<b>14</b>	<b>16</b>	<b>52</b>	<b>40</b>	<b>9</b>	<b>131</b>

- (b) (i)–(ii) Table 2: Staff Assaults at Unit 18 between 1 January 2023 and 10 September 2024, by Type and Calendar Year.

Calendar Year	Serious Assault	Assault	Other Assault
2023	5	77	195
2024	3	25	104

- (c)–(e) The Department does not record this information in a manner that can be retrieved electronically and would require cross agency involvement. This would include the Department of Justice; Western Australia Police Force; and the Courts to manually review every individual file and court transcript.

#### FINANCE — RESIDENTIAL PROPERTY TRANSACTIONS — STAMP DUTY

##### 2175. Hon Steve Martin to the Minister for Finance:

I refer to stamp duty from residential property transactions, and I ask:

- (a) how many residential property transactions involving first home buyers occurred in the 2023–24 financial year, per each of the following property price levels:
- (i) under \$450,000;
  - (ii) \$450,000 to \$499,999;
  - (iii) \$500,000 to \$549,999;
  - (iv) \$550,000 to \$599,999;
  - (v) \$600,000 to \$649,999;
  - (vi) \$650,000 to \$699,999;
  - (vii) \$700,000 to \$749,000;
  - (viii) \$750,000 to \$799,999;
  - (ix) \$800,000 to \$849,999;
  - (x) \$850,000 to \$899,999;
  - (xi) \$900,000 to \$949,999;
  - (xii) \$950,000 to \$999,999; and
  - (xiii) \$1,000,000 and over;

- (b) for each of the figures in (a), what was the total revenue generated;
- (c) what was the total revenue generated from transfer duty paid by first home buyers in the following years:
  - (i) 2023–24;
  - (ii) 2022–23; and
  - (iii) 2021–22; and
- (d) what are the projected numbers of future first home buyer transactions used to calculate the cost of the first homeowner concession in the outyears?

**Hon Sue Ellery replied:**

- (a)–(c) Please refer to Legislative Council Question Without Notice 1107.
- (d) This question should be directed to the Treasurer for consideration.

FIRE AND EMERGENCY SERVICES — STAFF

**2183. Hon Martin Aldridge to the Minister for Emergency Services:**

- (1) I refer to staff vacancies within the Department of Fire and Emergency Services as we approach the high threat period, and I ask, how many positions are currently vacant?
- (2) for each position identified in (1), I ask:
  - (a) how long has the position been vacant for;
  - (b) what is the title of the position;
  - (c) what is the salary range for the position;
  - (d) how many applications have been received; and
  - (e) is there an attraction and retention incentive for the role:
    - (i) if yes to (e), what is the value of the payment and when does it expire?

**Hon Stephen Dawson replied:**

The Department of Fire and Emergency Services (DFES) advises:

- (1) As of 21 October 2024, there are 21 positions that DFES is actively recruiting for.
- (2) (a)–(d) [See tabled paper no [3729](#).]
- (e) No.

NURSES AND MIDWIVES — HIGHER EDUCATION LOAN PROGRAM — REGIONS

**2184. Hon Martin Aldridge to the Parliamentary Secretary to the Minister for Health:**

I refer to the State Government’s Higher Education Contribution Scheme (HECS) incentive to attract regional nurses and midwives, and I ask:

- (a) for the year 2023–24, how many applications for HECS assistance were received; and
- (b) please provide a breakdown of applications by Western Australian Country Health Service region?

**Hon Pierre Yang replied:**

- (a) The HECS regional incentive payment was initiated on 1 July 2023 with the first instalment subject to 12 months of continuous employment from the individual’s commencement date of employment. As such, payment became available in August 2024.
- (b) To date, there have been 14 payments made in the following regions.

Region	Number and designation
Kimberley Region	6 Newly qualified nurses
Great Southern Region	4 Newly qualified nurses
	1 Newly qualified midwife
Midwest Region	2 Newly qualified nurses
Goldfields Region	1 Newly qualified nurse
<b>TOTAL</b>	<b>14</b>

## REGIONAL DEVELOPMENT COMMISSIONS — STAFF

**2185. Hon Martin Aldridge to the Parliamentary Secretary to the Minister for Regional Development:**

I refer to each of the State's Regional Development Commissions, and I ask:

- (a) how many employees, by headcount and full-time equivalent, are employed by, or appointed for, the service of each commission;
- (b) of those identified in (a), how many are:
- (i) permanent employees;
  - (ii) casual employees; and
  - (iii) employees of another type or category (please detail); and
- (c) of those identified in (a), how many permanently reside in:
- (i) regional Western Australia; and
  - (ii) the Perth metropolitan region?

**Hon Kyle McGinn replied:**

The following data is correct as at 9 October 2024

(a)

Regional Development Commission	Full-Time Equivalent	Headcount
Gascoyne	13.25	14
Goldfields–Esperance	8.60	9
Great Southern	11.58	14
Kimberley	12.45	13
Mid West	11.00	11
Peel	13.33	15
Pilbara	15.50	16
South West	26.10	28
Wheatbelt	12.30	15
<b>Total</b>	<b>124.11</b>	<b>135</b>

(b) (i)–(iii)

Regional Development Commission	Permanent	Fixed Term	Seconded in from another agency	Headcount
Gascoyne	11	3	0	14
Goldfields–Esperance	7	2	0	9
Great Southern	9	4	1	14
Kimberley	9	3	1	13
Mid West	9	2	0	11
Peel	9	5	1	15
Pilbara	10	6	0	16
South West	15	12	1	28
Wheatbelt	13	2	0	15
<b>Total</b>	<b>92</b>	<b>39</b>	<b>4</b>	<b>135</b>

(c)

	Headcount
(i) Regional WA	129
(ii) Metropolitan	6
<b>Total</b>	<b>135</b>

## WA COUNTRY HEALTH SERVICE — RENAL DIALYSIS

**2186. Hon Martin Aldridge to the Parliamentary Secretary to the Minister for Health:**

I refer to renal dialysis services provided by Western Australian Country Health Service (WACHS), and I ask:

- (a) by facility, how many dialysis chairs were available in 2023–24;
- (b) does WACHS currently have any plans to expand access to community supported home dialysis rooms;
- (c) if yes to (b), please provide detail;
- (d) what was the number of persons waiting for renal dialysis, broken down by facility, as at the following dates:
  - (i) 1 January 2024; and
  - (ii) 1 July 2024; and
- (e) for each of the dates in (d), by facility, what was the average time people waited to access renal dialysis?

**Hon Pierre Yang replied:**

(a)

Facility	Number of Chairs
Albany Health Campus	6
Broome Renal Health Centre	10
St John of God Bunbury Hospital	11
Busselton Health Campus	6
Carnarvon Health Campus	4
Derby Renal Health Centre	13
Fitzroy Crossing Renal Health Centre	4
Geraldton Health Campus	9
Kalgoorlie Health Campus	12
Kununurra Renal Health Centre	9
Northam Health Service	4
Hedland Health Campus	12

In addition, WACHS supports specialist nephrologist services to dialysis units operated by Purple House in Newman, Kiwirrkurra and Warburton.

- (b)–(c) Community Supported Home Dialysis is available in Bidadanga, Fitzroy Crossing, Halls Creek, Wyndham, Wiluna, Onslow, Roebourne and Boddington.

Any uplift in community supported home dialysis is contingent on demand for the service.

- (d)–(e) There is no wait list for those requiring dialysis. Patients may nominate a preferred location for treatment. Where a patient's preference cannot be accommodated immediately, patients will continue to receive treatment at an alternate site until their preference can be met.

## WA COUNTRY HEALTH SERVICE — HOUSING STOCK

**2187. Hon Martin Aldridge to the Parliamentary Secretary to the Minister for Health:**

I refer to the Western Australian Country Health Service (WACHS) housing stock, and I ask:

- (a) for the 2023–24 year, what was the WACHS housing stock available;
- (b) please provide a breakdown of the current level of WACHS housing stock by WACHS region;
- (c) of the available WACHS stock, what number is presently occupied;
- (d) is WACHS currently utilising any other arrangements to house staff, including hotels, motels and short-stay accommodation, or other alternative accommodation types;
- (e) in relation to (d):
  - (i) please identify the total number of staff presently housed in other arrangements; and
  - (ii) will the Minister please provide a breakdown of staff housed in other arrangements by WACHS region;

- (f) for each of the following months, what has been the cost to house staff in hotels, motels, short-stay accommodation, and alternative accommodation types:
- (i) October 2023;
  - (ii) November 2023;
  - (iii) December 2023;
  - (iv) January 2024;
  - (v) February 2024;
  - (vi) March 2024;
  - (vii) April 2024;
  - (viii) May 2024; and
  - (ix) June 2024;
- (g) what strategies does WACHS have in place to meet current and future demand for staff accommodation; and
- (h) how many houses are currently being built by WACHS for the purpose of being occupied by health staff?

**Hon Pierre Yang replied:**

- (a) 2080.
- (b)

Kimberley	Pilbara	Midwest	Goldfields	Wheatbelt	South West	Great Southern
494	532	349	300	183	117	118

- (c) 2010.
- (d) Yes
- (e) in relation to (d)
- (i) 115
  - (ii)

Kimberley	Pilbara	Midwest	Goldfields	Wheatbelt	South West	Great Southern
20	11	25	11	28	17	3

- (f)
- (i) October 2023; \$229,161.03
  - (ii) November 2023; \$303,567.33
  - (iii) December 2023; \$225,698.69
  - (iv) January 2024; \$302,087.49
  - (v) February 2024; \$333,750.30
  - (vi) March 2024; \$245,795.65
  - (vii) April 2024; \$343,467.09
  - (viii) May 2024; \$397,850.03
  - (ix) June 2024 \$370,267.29
- (g) WA Country Health Service (WACHS) are actively exploring solutions towards the provision of additional housing to meet the additional demand. In 2022, WACHS launched a formal marketing campaign for the 'Country Health Housing' Investor Partnership Scheme.
- (h) Eight modular dwellings were completed last financial year with a further eleven planned for delivery.

**PUBLIC HOUSING — STOCK — BUSSELTON—DUNSBOROUGH****2188. Hon Steve Martin to the minister representing the Minister for Housing:**

I refer to the public housing stock in the Busselton/Dunsborough region, and I ask:

- (a) how many properties are there in total stock for the region as of latest available data;
- (b) how many properties in the region are currently vacant; and
- (c) what is the average time the properties in (b) have remained vacant?

**Hon Jackie Jarvis replied:**

- (a) As at 31 August 2024, there were 602 Public Housing properties in the LGA City of Busselton.
- (b) Of the 602 properties, 17 were vacant.
- (c) It is impossible to provide an average vacant time for properties that may have recently become vacant and are yet to undergo assessment for refurbishment or remediation.

## HOUSING — TENANCY TERMINATIONS

**2189. Hon Dr Brad Pettitt to the minister representing the Minister for Housing:**

I refer to today's *ABC* article, 'Calls for government departments to work with families after suicide linked to public housing rejection', and I ask:

- (a) how many tenancies were terminated in the last five years at the end of a fixed term; and
- (b) how many public housing tenancies were terminated in the last five years without proceeding to trial?

**Hon Jackie Jarvis replied:**

- (a) The Department of Communities reports terminated tenancy data by four categories: Illegal Use of Premises, Disruptive Behaviour, Arrears and Other.

Tenancies terminated due to reasons which do not include illegal use, disruptive behaviour, and or arrears, will be captured in the 'Other' category. 'Other' includes, but is not limited to, fixed term tenancies (non-renewal), abandoned property, and may also include termination due to property standards that make the premises unsafe to live in.

The Department of Communities data reporting does not separate fixed term tenancies out from the 'Other' category. Providing this data would require a manual review of individual case files and is not considered a reasonable use of government resources.

Public Housing Tenancies Terminated State-wide for 'Other' Category by Financial Year

Financial Year	'Other' Category
2019–20	209
2020–21	42
2021–22	111
2022–23	92
2023–24	108
2024–25 YTD (as at 31 August 2024)	9

- (b) Communities works with tenants to ensure they are given every opportunity to rectify the issues impacting on their tenancy. This includes making appropriate referrals to supports and programs such as Thrive, which provides support to public housing clients.

Where a tenant is at risk of eviction, Communities will increase their contact with the client and link them with relevant support services to help address the issues impacting their tenancy. In most cases, where engagement occurs, clients can remedy the issues impacting their tenancy. Termination proceedings are only initiated when tenants repeatedly or egregiously fail to utilise all the opportunities provided to them to resolve tenancy concerns. Eviction is the last resort for Communities and is often taken to ensure the safety of the community.

Tenants voluntarily vacating following termination notices are not evictions. When given a termination notice tenants still have the opportunity to remediate their tenancy and engage with communities to sustain their tenancies.

It should be noted that these figures may include voluntary vacates where tenants have abandoned property or due to property standards that make the premises unsafe to live in.

Court status for tenancies ended is not captured in a reportable data table and would require a manual review of individual case files. Therefore, the data provided may include tenancies that have proceeded to court.

Public Housing Tenancies Voluntarily Vacated State-wide by Financial Year

Financial Year	Total Voluntary Vacates
2019–20	378
2020–21	85
2021–22	213

2022–23	170
2023–24	214
2024–25 YTD (as at 31 August 2024)	36

## HEALTH — COMMUNITY ALCOHOL AND DRUG SERVICE CLINICS — KIMBERLEY

**2190. Hon Wilson Tucker to the Parliamentary Secretary to the Minister for Health:**

For each year over the last five years to date, can the Minister please provide the full-time equivalent staff allocation, and actual head count figures, for each of the following Kimberley Community Alcohol and Drug Service clinics:

- (a) Broome;
- (b) Derby;
- (c) Fitzroy Crossing;
- (d) Halls Creek;
- (e) Kununurra; and
- (f) visiting services available across the region?

**Hon Pierre Yang replied:**

- (a) Broome

Year	FTE	Headcount
19/20	9.9	10
20/21	9.1	10
21/22	9.5	12
22/23	9.1	11
23/24	9.6	11

- (b) Derby

Year	FTE	Headcount
19/20	3	3
20/21	3	3
21/22	4	4
22/23	4	4
23/24	4	4

- (c) Fitzroy Crossing

Year	FTE	Headcount
19/20	1	1
20/21	1	1
21/22	1	1
22/23	1	1
23/24	1	1

- (d)–(e) Halls Creek and Kununurra – Note: Kununurra staff provide services to Halls Creek

Year	FTE	Headcount
19/20	6	6
20/21	6	6
21/22	7	7
22/23	7	8
23/24	6	7

- (f) Visiting services are provided across the region by the staff in the town-based sites.

## COMMUNITIES — HOUSING

**2191. Hon Wilson Tucker to the minister representing the Minister for Housing:**

I thank the Minister for the response to my previous question without notice C1040, regarding state-managed residential dwellings in the Goldfields region, and I ask:

- (a) can the Minister provide a further breakdown of the 1977 state-managed residential dwellings, referred to in the answer to question without notice C1040, by town or city location?

**Hon Jackie Jarvis replied:**

- (a) As at 31 July 2024, in the Goldfields Region, there were:
- 997 Public Housing properties
  - 152 Community Housing properties
  - 828 Government Regional Officer Housing properties.

Communities reports public housing data by Local Government Area (LGA).

<b>Public Housing State-wide Stock in the Goldfields Region as at 31 July 2024</b>	
<b>Local Government Area (LGA)</b>	<b>Total</b>
Shire of Coolgardie	21
Shire of Dundas	7
Shire of Esperance	234
City of Kalgoorlie–Boulder	652
Shire of Laverton	25
Shire of Leonora	45
Shire of Ravensthorpe	13
<b>Total</b>	<b>997</b>

<b>Community Housing Properties in the Goldfields Region as at 31 July 2024</b>	
<b>Local Government Area (LGA)</b>	<b>Total</b>
Shire of Ravensthorpe	13
Shire of Coolgardie	6
Shire of Esperance	31
Shire of Kalgoorlie–Boulder	102
<b>Total</b>	<b>152</b>

<b>Government Regional Officer Housing (GROH) properties in the Goldfields Region as at 31 July 2024</b>	
<b>Local Government Area (LGA)</b>	<b>Total</b>
Shire of Coolgardie	31
Shire of Dundas	27
Shire of East Pilbara	3*
Shire of Esperance	102
City of Kalgoorlie Boulder	515
Shire of Laverton	31
Shire of Leonora	36
Shire of Menzies	5
Shire of Ngaanyatjarraku	51
Shire of Ravensthorpe	27
<b>Total</b>	<b>828</b>

\*Three Government Regional Officers' Housing properties in the Shire of East Pilbara are administered from the Goldfields Region as it is logistically easier due to their remoteness.



## MENTAL HEALTH — KIMBERLEY COMMUNITY ALCOHOL AND DRUG SERVICES

**2193. Hon Wilson Tucker to the Parliamentary Secretary to the Minister for Mental Health:**

I refer to the Kimberley Community Alcohol and Drug Services, and I ask:

- (a) can the Minister provide the monthly number of new clients accessing outreach services in communities across the Kimberley region over the past 12 months?

**Hon Pierre Yang replied:**

Rurally located clients may also choose to travel to regional centres and attend a clinic in person, or utilise telehealth to access services.

The below information only includes people who have never previously accessed the service.

Month	Outreach
July 2023	<5
August 2023	<5
September 2023	<5
October 2023	<5
November 2023	<5
December 2023	0
January 2024	0
February 2024	<5
March 2024	<5
April 2024	<5
May 2024	<5
June 2024	<5

## MENTAL HEALTH — BROOME COMMUNITY RECOVERY CENTRE

**2194. Hon Wilson Tucker to the Parliamentary Secretary to the Minister for Mental Health:**

I refer to the Broome Community Recovery Centre, and I ask, for the calendar years 2023 and 2024, broken down by month, can the Minister please provide the following:

- (a) the number of new referrals;  
 (b) the number of new patients admitted; and  
 (c) the average wait times for admission each year?

**Hon Pierre Yang replied:**

- (a)–(c) The WA Country Health Service Broome Community Recovery Centre provides a place for courses, groups and events that support recovery and wellbeing in a safe and culturally sensitive environment for individuals and the Broome community.

It is not an admitting service, nor does it take clinical referrals. However, since 2023 to October 2024, over 1,750 people have attended the Broome Community Recovery Centre.

## METRONET — THORNIE–COCKBURN LINK

**2195. Hon Nick Goiran to the minister representing the Minister for Transport:**

I refer to the *Thornlie–Cockburn Link Project Definition Plan* from June 2018, which states, ‘Procurement for the Thornlie–Cockburn Link is expected to take up to 12 months, with construction beginning in 2019. During the procurement and detailed design stage, the contractor will be requested to optimise their construction methods and strive to achieve the Government’s target completion date in 2021’, and I ask:

- (a) given that we are nearing the end of 2024, what is the current projected completion date for the METRONET station;  
 (b) what is the projected date this line will be operational;  
 (c) how is the government engaging with local communities impacted by METRONET construction;  
 (d) what feedback mechanisms are in place for residents and business owners to voice concerns about the disruptions caused by Thornlie–Cockburn Link, specifically the Ranford Road station; and  
 (e) how many complaints have been received?

**Hon Stephen Dawson replied:**

- (a)–(e) The METRONET Thornlie–Cockburn Link is on track for completion in mid-2025. The original opening date was affected by COVID-19, and the broader package of works as part of the Armadale Line Transformation.

METRONET engages with the local community on the Thornlie–Cockburn Link project through a number of means, including through Community Reference Groups established for the project, a project Facebook group, and regular mailouts.

If residents or business owners wish to enquire about works and disruptions, they can contact the METRONET office by email at [info@metronet.wa.gov.au](mailto:info@metronet.wa.gov.au) or by calling 9326 3666.

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