



# Parliamentary Debates

(HANSARD)

FORTY-FIRST PARLIAMENT  
FIRST SESSION  
2023

LEGISLATIVE ASSEMBLY

Thursday, 17 August 2023



# Legislative Assembly

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**THE SPEAKER (Mrs M.H. Roberts)** took the chair at 9.00 am, acknowledged country and read prayers.

## PAPER TABLED

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

## AVON DESCENT

*Statement by Minister for Sport and Recreation*

**MR D.A. TEMPLEMAN (Mandurah — Minister for Sport and Recreation)** [9.01 am]: Before I begin, I acknowledge the tremendous effort of our wonderful Matildas last night.

I take a moment to celebrate the recent fiftieth anniversary of the Avon Descent, one of Western Australia's most iconic sporting events. The race has a long and rich history. The first event was held in 1973 and consisted of only 49 competitors with a few spectators watching on. Over the 50 years, this great community event has gone from strength to strength attracting more than 35 000 competitors with thousands more watching on, and has become a permanent fixture on WA's sporting calendar. It has become a unique adventure racing event of a world standard. It is a drawcard for tourism not only in Western Australia, but it is also in the top 10 of classic canoeing events in the world drawing international competitors.

To mark this special anniversary, last weekend more than 600 competitors took part in the Avon Descent, with more than 20 000 spectators lining the river to cheer them on, myself included. Weather conditions and water levels were perfect making for a fast event down the Avon River. Participants described the conditions as the best seen in decades.

A broad range of vessels took part in the gruelling 124-kilometre race as a single, double or relay team, including powerboats, kayaks, skis and stand-up paddleboards. Competitors set off from the Avon Valley in Northam—my home town—for a two-day race over white-water obstacles and challenges, passing through Cobbler Pool, Emu Falls, Championship Rapids and Bell Rapids, and finishing in Bayswater.

It is important to note the long and sustained success of the Avon Descent is thanks to the thousands of volunteers and hundreds of different volunteer groups who have dedicated their time and efforts over the years. This year's event was supported by more than 200 volunteers, ably led by Greg Kaeding, chair of the Northam Avon Descent Association. I recognise them all for their contribution. I also congratulate 83-year-old Charlie Elliott, whom I met. He crossed the line for the thirty-sixth time this year, which is a truly incredible achievement. Charlie competed in the first Avon Descent in 1973, and won in 1983. He completed this year's race with his son and daughter-in-law on a three-person ski he designed himself. I congratulate Charlie and his family for their contribution over the years.

I also acknowledge the Shires of Northam and Toodyay, the Cities of Swan, Belmont and Bayswater, and the Eastern Metropolitan Region Council for supporting another great event. Kudos to everyone who took part in this year's race as a competitor, spectator or tireless volunteer. We look forward to seeing this great tradition continue for many decades to come.

## ART GALLERY — VISITATIONS

*Statement by Minister for Culture and the Arts*

**MR D.A. TEMPLEMAN (Mandurah — Minister for Culture and the Arts)** [9.04 am]: I am really delighted to report to the house that the Art Gallery of Western Australia has seen a record 437 985 visitors through its doors during 2022–23. This is a remarkable 60 per cent above pre-COVID attendance. Interstate and international tourism rose from 117 060 visitors pre-COVID to 214 612 visitors, an 83 per cent increase driven by major exhibitions from artists across Asia. While art museums in other states have struggled post COVID, our community and visitors to Western Australia cannot get enough of the work our state gallery is presenting.

The changes AGWA has implemented over the past three years have set new benchmarks and expectations for the highest levels of art to be delivered in the state. AGWA is appealing to the whole community by showcasing the best of our state art collection alongside the very best artists in the world; expanding opportunities for our Western Australian artists; bringing in the newest stars from across Asia, with new events, publications, installations, talks and acquisitions to ensure our local young talent is given the largest platform possible; and introducing the best in local, national and international design through its award-winning AGWA Design Store. AGWA is appealing to the entire community.

The fabulous AGWA Rooftop Bar has opened a raft of new art and performance experiences. AGWA's approach to fashion, craft and design has launched new Western Australian brands, giving students their first retail experience, and enabled new collaborative merchandising with our artists here and from Asia. In every way, AGWA has expanded what can be expected from, and experienced in, an art museum.

Many more hundreds of thousands of people can access great art, with the development of the AGWA car park beginning this year. It will provide access to an outdoor gallery in a park setting, with sculpture events, installations and performances; the release of more galleries from storage; expanded programs to the regions; full digital access to the state art collection; more and better publications; a full calendar of events and live access to the best artists on the planet.

The state government has been delighted to support AGWA through its new development phase, and it is fantastic to see that faith rewarded so spectacularly.

### **OPEN BORDERS EXHIBITION — JOHN CURTIN GALLERY**

*Statement by Minister for Culture and the Arts*

**MR D.A. TEMPLEMAN (Mandurah — Minister for Culture and the Arts)** [9.07 am]: I am pleased to inform the house that the 2023 *Open Borders* exhibition is now on show at John Curtin Gallery, and that the accompanying 2023 Regional Visual Arts Summit WA Perth held last week was a resounding success.

The *Open Borders* exhibition is a survey of contemporary visual art practice, and a reflection on pandemic and post-pandemic times, featuring 40 artists from 12 regional Western Australian towns. This is the second statewide visual arts collaboration presented by the gallery. The first was the *Alternative Archive* that was presented in 2021. *Open Borders* showcases the incredible quality and diversity of regional arts practice. *Open Borders* was co-curated by Annette Davis, an independent curator from Albany, with John Curtin Gallery deputy director, Jane King, and collections manager, Lia McKnight. It is the result of a three-year project that included 12 exhibitions in regional galleries, featuring 122 artists and 30 curators and producers. These local exhibitions provided employment opportunities in regional WA communities, including Geraldton, Broome, Dwellingup, Denmark, Esperance, Carnamah, Kununurra, Port Hedland, Ravensthorpe, Kalgoorlie, Northcliffe, Narrogin, Margaret River and the Gascoyne.

This project was led by Fiona Sinclair at Southern Forest Arts in Northcliffe—congratulations to Fiona—Dr Theo Costatino from Art on the Move and Jane King at John Curtin Art Gallery. I congratulate these three leaders for their tireless work for the regional arts sector supported by funding from the Cook government's investment in the arts and culture sector through the Regional Exhibition Touring Boost. The exhibition has been accompanied by the Open Borders 2023 Regional Visual Arts Summit, with more than 100 artists, curators and arts workers from regional WA gathering for workshops and professional development sessions in Perth last week. The success of this project gives me great pride in the talent and collegiate nature of the visual arts sector here in Western Australia.

### **VIETNAM VETERANS' DAY**

*Statement by Minister for Veterans Issues*

**MR P. PAPALIA (Warnbro — Minister for Veterans Issues)** [9.10 am]: I rise to inform the house that tomorrow, the anniversary of the Battle of Long Tan in 1966, we will commemorate Vietnam Veterans' Day. This year's memorial will be especially significant, coming 50 years after Australia ended its involvement in the Vietnam War and withdrew the last of its forces. Every year on 18 August, we honour and remember the service of some 60 000 Australian men and women who served in Vietnam. Tragically, 523 Australians lost their lives in the war and almost 2 400 were wounded. By acknowledging the service and sacrifice of veterans, we keep their legacy alive, ensuring that the spirit of service and sacrifice remains an integral part of the Australian narrative. Tomorrow services will be conducted across the country, with a national memorial service held in Canberra to recognise those who served in Vietnam.

On Sunday, 13 August, along with His Excellency the Governor and other distinguished guests, I was honoured to mark the anniversary by attending a commemorative service at Kings Park's Vietnam Memorial Pavilion, organised by the Vietnam Veterans Association of Australia. During that service we heard of the bravery, teamwork and endurance of the veterans involved in that war, including the moving story of Gunner Phillip Norris, who served in the 1<sup>st</sup> Field Regiment, Royal Australian Artillery.

Australia's involvement in Vietnam began with the Australian Army Training Team Vietnam touching down in South Vietnam in 1962. It expanded to include a battalion in 1965 and then a task force in 1966. The Royal Australian Air Force and the Royal Australian Navy also made significant contributions. Australia's formal withdrawal occurred in January 1973 and the final combat troops were withdrawn from Saigon in June.

That war was sometimes contentious at home, and on their return home many veterans felt isolated and that their service was not appropriately recognised. Yet it was these same veterans who leveraged their experiences to establish and enhance the services and care provided to those in the ex-service community—services like Open Arms, a veterans' and families counselling service that is a leading provider of mental health assessment and clinical counselling services for Australian veterans and their families.

On the eve of Vietnam Veterans' Day, I say to each and every one of our Vietnam veterans: you served with honour and have made the nation a better place for all veterans. Thank you.

**EDUCATION — MINISTER'S INNOVATION CHALLENGE 2023***Statement by Minister for Education*

**DR A.D. BUTI (Armadale — Minister for Education)** [9.12 am]: On 3 August 2023 I announced that expressions of interest for the Minister's Innovation Challenge 2023 were open. The challenge will commence in term 4 and is designed to allow public school students to hone their leadership, design and critical thinking skills.

In 2022, 20 teams took part in the inaugural four-week challenge. Following widespread interest last year, in 2023 up to 30 teams of year 8 students will be selected to participate in the challenge, which will run over a five-week period. The cash prize pool for the three top-ranked teams has also increased from \$6 000 to \$10 000. School staff can nominate a team of six to eight year 8 students to participate in the challenge, which will be facilitated by the Bloom Centre for Youth Innovation. Each team will develop innovative solutions to local problems and will be supported by their school and an industry mentor. Their final pitch will be showcased during an online exhibition, and the three top-ranked school teams will each receive a cash prize for their school.

Christmas Island District High School took out the top prize last year. Its students identified the problem of people using white light when observing sea turtles at night. When nesting, sea turtles are easily disturbed by light, which can affect their egg-laying. The Christmas Island team came up with the innovative solution of a mobile phone red light filter to help observers see turtles at night without harming them. Second-placed Hammond Park Secondary College designed a student-led wellbeing committee to support fellow students with their wellness, after identifying that there was a need to improve mental health and wellbeing for students at school so that they feel less stressed and anxious. Third-placed Exmouth District High School was concerned about the influx of visitors to their town for the total eclipse in April 2023. They designed an app that delivered relevant information to tourists to ensure they had an enjoyable experience whilst, importantly, preserving the natural environment.

I look forward to seeing more schools engage in entrepreneurial learning by participating in this year's challenge. Schools can register teams for the challenge until 21 August 2023.

**WANNEROO SECONDARY COLLEGE — PERFORMING ARTS CENTRE***Statement by Minister for Education*

**DR A.D. BUTI (Armadale — Minister for Education)** [9.15 am]: On 3 August 2023, the Premier and I opened a new high-tech performing arts centre at Wanneroo Secondary College. The \$6.4 million centre includes a dance studio, a green room, a dedicated audio/video control section, a collegiate room to accommodate staff and guests, a classroom, restroom facilities and a kitchen. Wanneroo Secondary College offers a specialist performing arts program for students to develop their skills and creativity in dance, drama and music. Now, with these latest cutting-edge facilities, students will have exciting opportunities to hone and develop the necessary expertise to move into employment in the performing arts industry.

The new centre will provide students with opportunities to learn a range of skills related to all aspects of performance, including those required front of house and backstage, in a professional and industry-standard environment. The dance, drama and music students cannot help but perform to the very best of their ability when surrounded by the kinds of facilities they would see in a professional performing arts environment. Today, Wanneroo—tomorrow, the world!

The beauty of this facility is that it will not only benefit performing arts students in Wanneroo Secondary College's extraordinary performing arts program, but also be a space where students and staff can gather for school events, year group presentations and staff training. The school community includes the 1 300-plus student cohort and their families, and anyone who comes along for a performance or other event at this brilliant new venue.

I know that the member for Wanneroo, who is a former student of Wanneroo Secondary College, is rapt to see this state-of-the-art facility officially open for use. It was also the place where she had her first kiss! She and I are both proud to be members of the Cook government, which is delivering infrastructure projects at schools across the state. This is one of 33 education infrastructure build and upgrade projects that have been completed in 2022–23, with a further 13 projects expected to be completed before the end of 2023.

**OFF-ROAD VEHICLES — ADVISORY COMMITTEE***Statement by Minister for Local Government*

**MR D.R. MICHAEL (Balcatta — Minister for Local Government)** [9.17 am]: I rise to update the house on recent appointments to the Control of Vehicles (Off-road Areas) Act Advisory Committee, or the ORV committee as it is more commonly known. The ORV committee provides advice to the government about future planning, investment and maintenance of facilities for off-road vehicle riding. ORVs include dirt bikes, trail bikes and quad bikes. There is no doubt that ORV riding is a popular sport, and I am very keen to do what I can to support safe and responsible ORV riding, including through working with local governments to manage and improve dedicated ORV areas.

The ORV committee is established under the Control of Vehicles (Off-road Areas) Act 1978. It is the committee's role to consider submissions from local governments, public authorities or members of the public and provide advice to me, as Minister for Local Government, regarding the use of off-road vehicles under the act. Although the planning and identification of potential new areas for ORV users is important, we also need to make sure that we look after and maintain our existing ORV sites.

I am advised that since the 2020–21 financial year, \$336 245 from the ORV special purpose account has been released, including funding for maintenance and upgrades across the local government areas of the Shire of Gingin, the Shire of York and the City of Wanneroo. The new committee comprises a cross-section of government, industry and consumers. Each of the members bring valuable experience and expertise to their role. Members include Mr Tim Fraser as chair, Mr Aaron Cook, Cr Michelle Rich, Mr Rick Gill, Ms Jan Court, Mr Graham Cawley and Ms Kerstin Stender. A number of deputy members will support the work of the committee.

This newly re-established committee met for the first time last week and began identifying priority areas. It will continue to meet monthly to address those areas. I have also asked the committee for a clear work plan over the course of its membership, and I will share that with relevant stakeholders at the earliest opportunity. I am confident that the committee can achieve significant outcomes for the benefit of ORV users and the general public across Western Australia, and I look forward to working with it in this role.

### **DOG AMENDMENT (STOP PUPPY FARMING) ACT — IMPLEMENTATION**

*Statement by Minister for Local Government*

**MR D.R. MICHAEL (Balcatta — Minister for Local Government)** [9.19 am]: I rise to provide an update on an important election commitment. This government remains committed to ending puppy farming in Western Australia once and for all. We know that the overwhelming majority of the community is behind us and wants to stop this cruel practice. Since passing the landmark Dog Amendment (Stop Puppy Farming) Act in December 2021, we have been getting on with the job to ensure that robust planning and proper consultation takes place in order to implement key new reforms. I acknowledge former Ministers for Local Government for their work on that legislation.

That work includes developing new regulations, as well as the specifications and functions of a new centralised registration system that will bring all local government pet registration data together for the first time. When up and running, the new centralised registration system, or CRS, will improve the transparency of information on the supply of dogs in Western Australia, as well as provide a modern and convenient online system for pet owners and local governments across the state. It is crucial that the new system works well for local governments, vet services, industry groups, rescue organisations and, of course, pet owners. Today, the Department of Local Government, Sport and Cultural Industries has launched a three-month public consultation to seek the views of local governments, key stakeholders and the community to help shape the next phase of this implementation.

A consultation paper with a series of questions on key themes has been developed to guide feedback on topics, including the sterilisation of dogs, the supply of dogs by refuges or dog management facilities to approved pet shops, approval to breed, microchipping, and dog and cat registrations. Respondents can visit the DLGSC website from today and provide feedback on the consultation webpage through a series of online surveys. Dogs and cats are beloved family members. That is why we are working hard to protect their welfare. Today marks an important milestone in this government's ongoing commitment to work with the WA community on this issue.

I take this opportunity to thank the member for Maylands for her ongoing advocacy on this matter and for her work on the Dog Amendment (Stop Puppy Farming) Bill 2021. I encourage all local governments and other key stakeholders, including animal welfare groups and pet owners, to make their voices heard and provide meaningful feedback during the consultation period. I would like to table a copy of the *Stop puppy farming consultation paper: Development of dog and cat regulations*.

[See paper [2185](#).]

### **CHILD PROTECTION — FOSTER CARE**

*Statement by Minister for Child Protection*

**MS S.E. WINTON (Wanneroo — Minister for Child Protection)** [9.22 am]: It was recently WA Foster Carers Week, and I would like to share with members some of the ways we recognised, supported and celebrated the invaluable contributions of Western Australian foster and family carers. Foster carers are ordinary people who do an extraordinary thing when they choose to care for Western Australian children and young people when they need it most. Being a foster carer is an incredible act of compassion, patience and generosity. During Foster Carers Week, I had opportunities to meet with foster and family carers from across the state at events in Perth, Midland, Peel, the south west and Kalgoorlie, where I was joined by the members for Midland, Bunbury, Collie–Preston and Kalgoorlie respectively.

I also had the great pleasure of attending the Foster Care Association of WA's brunch, where many carers and agency partners came together and where I launched *Who can say OK in WA?*, a resource for foster carers. It was

amazing to speak with foster and family carers from all walks of life about their foster caring journey. Their journeys are very different but have one thing in common—a commitment to providing a safe and nurturing environment for the children in their care.

There are over 2 000 foster carer households throughout WA that play an important role in supporting children, but more are needed. That is why the Cook Labor government last week launched the “Become a Foster Carer—Make a difference to a child’s life” campaign. That campaign highlights the important role of foster and family carers, and aims to encourage more of us to become foster carers. The campaign highlights the different types of foster caring and how foster caring can suit a wide variety of people and lifestyles. Foster caring can be long-term or provided for shorter periods for emergency, temporary or respite care. Foster carers come from all walks of life. They can be single, partnered or married; with or without children of their own; and may work part time, full time or not at all. The state government values foster and family carers and supports them with ongoing training, free counselling, and opportunities to network with other foster carers. On behalf of all members, I thank foster and family carers for opening their hearts and homes to children when they need it most.

### CARERS ADVISORY COUNCIL

*Statement by Minister for Community Services*

**MS S.E. WINTON (Wanneroo — Minister for Community Services)** [9.24 am]: I rise today to inform the house of an opportunity to make a difference for Western Australia’s hundreds of thousands of carers. Expressions of interest for the WA Carers Advisory Council have opened and will soon close. As defined by the Carers Recognition Act 2004, a carer is a person who provides ongoing support and assistance to a person with disability, a chronic illness—which includes mental illness—or who is frail, without receiving a salary or wage for the care they provide. Carers Advisory Council members are appointed under that act and provide advice to the Minister for Community Services on the needs of carers, and promote recognition of the invaluable contribution they make to our community.

The importance of hearing directly from people with caring experience cannot be understated. An estimated 320 000 people in WA provide unpaid personal care for family and friends. It is estimated that approximately 70 per cent of them are women. The invaluable social and economic contribution they make is astounding. The care they provide is critical to easing demand on the health and community services sector. The estimated annual value of carers to the Australian economy is \$77.9 billion. Therefore, it is vital that the government listens to the experiences of carers and works to provide them with the support they need to continue the selfless work that they do.

WA residents with experience as a carer are strongly encouraged to apply. We want the council to be as diverse as the people it represents. People from Aboriginal or culturally diverse backgrounds, and young carers aged up to 25 years old, are strongly encouraged to apply. Expressions of interest are open until 4.00 pm on Friday, 1 September 2023, and more information can be found by searching for the WA Carers Advisory Council. I am thoroughly enjoying working with the Carers Advisory Council and look forward to updating the house on our work in the lead up to National Carers Week in October.

### PERTH CHILDREN’S HOSPITAL — VIDEO ELECTROENCEPHALOGRAM MONITORING

*Grievance*

**MS L. METTAM (Vasse — Leader of the Liberal Party)** [9.27 am]: My grievance is to the Minister for Health. I thank the minister for taking this grievance about the lack of capacity at Perth Children’s Hospital to provide critical video monitoring for children who require this support. I raise this issue on behalf of the Kovacevic family and their daughter Katalina, who is five years old. The Kovacevic family is a great advocate for other families in Western Australia who are experiencing the same distress in accessing this monitoring service for their children.

Katalina Kovacevic was diagnosed at birth with a rare genetic condition called tuberous sclerosis complex. The condition affects the heart, skin, brain, kidneys, lungs and eyes, but the largest challenge with this condition is generally the brain. Katalina has a number of tumours on her brain that cause seizures. The consequences of continuous seizure activity are nerve cell injury and brain damage. An electroencephalogram monitors brain activity and seizures, and seizure control is imperative for a child’s overall long-term development. Katalina’s seizures are often not noticeable. They are not convulsive, so it can be hard to pick when she is having a seizure. In February last year, Katalina’s father, Boris, emailed the minister’s office. Katalina required critical epilepsy brain surgery to remove the tumours causing her epilepsy, and, despite having to wait several months for this surgery, the scheduled January date was then cancelled. The reason the family was given was the lack of specialist equipment required for surgery. No rescheduled date was provided for this surgery until later in the year. The Perth neurology team suggested the family go to Brisbane to have a video electroencephalogram, as there was no availability to do an overnight EEG in Perth.

Katalina has developed infantile spasms on top of her refractory epilepsy and the many other issues she has had to endure. Infantile spasms are considered a medical emergency, and the family were deeply distressed that there had been no sense of urgency provided to assist her. Katalina was experiencing up to five spasms daily, in addition to seizures, that, left untreated, were detrimental to her development.

Perth Children's Hospital eventually offered a surgery date, but the family decided to travel interstate to obtain the vital surgery for their daughter given the uncertainty that they had experienced previously. The family were losing hope for their daughter being able to live a normal life and felt utterly let down. Katalina had epilepsy surgery in May 2023 at the Royal Children's Hospital in Melbourne. Once again, the Kovacevic family feel that they have been let down by the WA health system, which failed to obtain critical treatment for their daughter.

In November last year, Katalina's mother, Kirsten, wrote to the then leader of Perth Children's Hospital regarding the inability of Perth Children's Hospital to perform a 24-hour EEG for neurology patients. To be clear, appointments for 30-minute EEGs have been offered, but this time span is not sufficient for neurologists to adequately monitor Katalina's debilitating seizures. At the time, the family were living in Karratha and in order to have this critical service for Katalina's ongoing health monitoring, Katalina and Kirsten had to travel to Brisbane. This was not the first time they had travelled interstate to get answers via 24-hour EEGs.

In 2018, Kirsten voiced her deep concern to the then Minister for Health, Roger Cook, highlighting this very concerning and exasperating issue. Kirsten asked that Perth Children's Hospital investigate this critical issue and address the shortfall for not only their family but also other families in WA. In December, Kirsten was advised by Perth Children's Hospital that initial inquiries had resulted in advice that several complex factors were impacting accessibility, including a specialist workforce, technology and facilities, and that more time was needed to explore these factors. The Kovacevic family have again had to wait on tenterhooks whilst a failure to provide this critical video monitoring service was investigated. They struggled to understand why this was not common practice at Perth Children's Hospital in Western Australia, and with no alternative and at their own expense they again travelled to Melbourne for Katalina to have an overnight EEG and to receive surgery.

Perth Children's Hospital advised in May that services had resumed and that the clinical team at PCH would liaise with the clinical team in Melbourne to facilitate the smooth transfer of Katalina's care back to PCH. However, no transition eventuated, and the family have to return to Melbourne in October for another 24-hour EEG and magnetic resonance imaging. PCH is unable to offer a 24-hour EEG for Katalina post her surgery.

The Kovacevic and other families were advised through a letter that PCH has regressed to the simply unacceptable position of a suspension of all video EEG services. The advice from PCH was that this was due to a shortage of highly skilled staff. This is a frustrating situation that causes a huge upheaval to the lives of both patients and their families. How can this critical 24-hour video EEG service be available at one time and then be withdrawn from the state-of-the-art Perth Children's Hospital when in other states, including Victoria, Queensland and New South Wales, it is a matter of course? If the WA health system is not able to provide an ongoing, regular 24-hour video EEG service, would it not be reasonable to provide reimbursements to families who have no option but to travel interstate to access this critical service for their children?

Again, I thank the minister for taking my grievance.

**MS A. SANDERSON (Morley — Minister for Health)** [9.33 am]: Long-term video electroencephalogram monitoring is a specialised form of EEG test, in which in addition to measuring electrical activity in the brain, the patient is monitored over video. It is most commonly used at PCH to investigate children with complex epilepsy to determine whether they are suitable for epilepsy surgery and to review patients post epilepsy surgery. Although a routine EEG lasts up to only one hour, a VEEG is a longer and more complex test that requires a patient to be admitted for anywhere between one to five days.

The inpatient elective VEEG monitoring service at PCH has been temporarily suspended from 6 June for a period of approximately six to 12 months due to a critical shortage of trained neurophysiology scientists to safely undertake the VEEG monitoring. However, in the event of a child having complex epilepsy and a need for urgent consideration of epilepsy surgery, a VEEG can still be provided at PCH. There is a shortage of neurophysiology scientists across Australia, particularly paediatric neurophysiology scientists. Neurophysiology scientists have been recognised as a critical niche workforce. PCH has commenced new initiatives to increase staff retention and succession planning such as offering support to complete a postgraduate qualification for current staff. PCH is also actively recruiting, both in Australia and internationally, to ensure VEEG services can be re-established.

There are currently 35 children on the Perth Children's Hospital waitlist for VEEG monitoring. I acknowledge and understand that this is and will be a stressful time for families awaiting VEEG. Timely access to the service for children remains the priority for Perth Children's Hospital. Options for prolonged video monitoring are discussed at the patient's scheduled PCH neurology outpatient appointment with the treating neurologist. The team at Perth Children's Hospital are doing everything they can to assist patients and families impacted by this change. Each child on the waitlist is assessed, and where clinically indicated, alternative arrangements are made to access safe and appropriate VEEG. Alternative solutions include inpatient VEEG monitoring services at other paediatric hospitals, such as Royal Children's Hospital in Melbourne, Westmead Hospital in Sydney and Queensland Children's Hospital. This is clinically prioritised for high-risk patients.

For these patients, applications are made to the department's interstate patient travel scheme to support application for eligible travel costs to access these services interstate. For some other children, adult neurophysiology services



at WA tertiary hospitals may be suitable. Privately provided in-home VEEGs are not clinically suitable for all patients. Options for contract are currently being established with Child and Adolescent Health Service procurement for clinically urgent patients. Safely remaining on the PCH waitlist until the service resumes may be the most appropriate option for some patients.

I acknowledge that this is incredibly challenging. I am not authorised to talk about individual cases for the purposes of privacy. I do not have permission from the family to talk about their particular circumstances, so I will not be talking about them in Parliament. I will say that I understand that this is incredibly challenging. It is a very highly specialised niche workforce, and PCH is working very hard to fill recruitment targets. I am aware of the circumstances and I understand that my office has been working with the family over a number of months and, in some instances, provided support for travel. I know that Perth Children's Hospital and its staff work very closely with all those families with very debilitating circumstances. If they are not able to access treatment in WA, they are supported to access treatment elsewhere.

## HOUSING — SCARBOROUGH

### *Grievance*

**MR S.N. AUBREY (Scarborough)** [9.37 am]: My grievance today is to the Minister for Planning. I want to thank the minister for taking my grievance today and for his hard work to deliver more housing for Western Australians, especially vulnerable Western Australians.

I bring forth this grievance as one of the youngest members in this house and as a proud Scarborough local. I know firsthand the challenges experienced by renters in this state. I am a renter, and although I acknowledge others in my community are doing it tough, I understand the daily challenges that people face when renting. I also know the challenges of millennials like me who are looking to buy and set down roots in communities they have chosen to live or grown up in. To do this, we need more housing diversity, including housing in well-connected locations, close to amenity and transport.

An article published in the *Sydney Morning Herald* reads —

Almost three-quarters of young Australians believe they will never be able to buy a home, as confidence in the housing market has flatlined ...

Further, an exclusive survey showed that a majority of people believe that the Australian dream is unreachable for the young and that state and federal governments need to launch radical interventions in the housing market to make home ownership affordable again. When respondents were asked why they were renting a house, 49 per cent of them said that they had been priced out of the market. I want to congratulate the minister on the recent announcement that interest rates in the Keystart home loans program would be lowered. The reduction will assist many young Western Australians like me to get into their first home, and it will also assist the cost-of-living challenges of those who already have a Keystart home loan.

As an electrician who has worked in the construction industry, I understand how the challenges in that industry are constraining the delivery of much-needed housing in Western Australia, and how this is a highly complex issue that the state government cannot address alone.

Despite the difficulties, the fact that in this term of government almost 1 500 public houses have been delivered, with around 1 000 more under contract or construction, shows the minister's commitment to delivering on the \$2.6 billion investment into Western Australia's public housing pipeline, and gives hope to the many people on the public housing waiting list.

As a Scarborough local, I have been disheartened to see many in the Scarborough community leave it due to an inability to access housing. Scarborough is Perth's premier beachside destination. It is a vibrant and active community, one that many people want to live in. Although many communities are bogged down and divided over their path forward, Scarborough is surging forward and is united in its drive to do things right. We aim to be a beachside community that can grow to meet its potential as a tourism, arts and culture, sport and recreation and entertainment precinct that puts Perth's best foot forward.

Scarborough put this state's best foot forward to the world when it hosted the FIFA Women's World Cup Unity Pitch for a week in the Scarborough Amphitheatre earlier this year. I take this moment to quickly acknowledge and congratulate the Matildas on their efforts this year. They have made our nation proud despite the result.

We have also hosted significant events such as the Australian Surf Life Saving Championships, or the Aussies; the Olympic boxing trials, which were held last weekend at the Rendezvous Hotel; and the Scarborough Sunset Markets, which are referred to by the Perth is OK! website as a "Perth institution".

We are frequently compared with other beachside precincts around the country in where we could go wrong, but I reject these comparisons and assertions because we are unique. We are a community that is as fiercely proud as we are parochial. Although we have a world-class beach precinct, the best part of Scarborough is its community. The community extends from the Scarborough suburb into neighbouring suburbs such as Trigg, Karrinyup,

Doubleview and Innaloo. Each unique suburb has its own story to tell, which is deeply intertwined with Scarborough. We understand the need to move forward and meet our potential. This can and will be done without losing who we are. We are incredible, and our people are incredible.

We have people like Oska Tallis, owner of Livid Skate Cafe, who, off his own bat, frequently activates a small adjacent laneway with live music, bringing an increased vibrancy to our community; Marcus Sarich, owner of the “Indi” or Indian Ocean Hotel, also owner of Red Hill Auditorium in Swan Hills electorate. The Indi is a name well recognised in live music circles, and for many in the Scarborough community, including myself, open mic night on Thursday is a rite of passage. There is Ben Randall, the owner of The Sandbar Scarborough Beach, which is an iconic Scarborough business that is a huge supporter of local sporting clubs, mental health charities and our local town team, the Scarborough Beach Association. Then there is the Scarborough Beach Association’s president, Wayne Bowen, who is the owner of Cordingley’s Surf Store. His efforts as a local business owner and as part of the Scarborough Beach Association have delivered some incredible events like the Groundswell Festival and the Scarborough Beach Christmas carols, the Scarborough Sunset Markets and much more. These Scarborough locals, and so many more like them, and their businesses, are big a chunk of Scarborough’s soul. If we lose them, we will lose part of who we are. We must move forward to not only meet our potential, but also ensure Scarborough’s soul is protected.

We know that density is essential in tackling Western Australia’s need for housing. Scarborough has a role to play in supporting increased housing and welcoming new members to our community to increase vibrancy and activate our beloved beachside precinct. But I am concerned that without sensible density planning and development, which is connected to transport and activity, we will risk outcomes that will not protect the identity of our iconic suburbs or deliver the future diverse housing that we need in our area. We cannot continue to let the city sprawl. Perth recently claimed the infamous title as one of the longest major cities in the world. To ensure our city continues to grow, we need to create well-connected, well-located and high-amenity areas. We know that when creating communities like this, we need collaboration between the state and local government, whilst streamlining processes to ensure we can continue to deliver much-needed housing for the community. Well-planned and well-executed density can support greater housing, whilst enhancing and creating strong communities.

To finish off, I want to make this clear, as a leader of my community, to developers who seek to develop in Scarborough. We are proud of our community. It is the best part of us, and we will fiercely defend it. If developers collaboratively engage with the Scarborough community, honestly and transparently, they will find the majority of us are reasonable. We want developers to respect our community, protect our businesses and people, help us reach our full potential and become part of our community by developing in a way that strengthens the soul of Scarborough, Perth’s premier beachside destination.

With that said, can the minister please explain to me and the Scarborough community how the Cook Labor government is working to deliver much-needed housing options in Western Australia, especially for young Western Australians like me? What is the importance of effective, sensible and collaborative density planning to protect and enhance our existing communities?

**MR J.N. CAREY (Perth — Minister for Planning)** [9.44 am]: I thank the member for Scarborough for his grievance. I acknowledge that, this week, I was with the member in the heart of Scarborough on the foreshore as we handed back the redevelopment area of Scarborough to the City of Stirling. I have to say that I have full confidence in the City of Stirling, given that it is a local government that is really trying to not only facilitate much-needed density, but also ensure certainty in planning. When it can, it is streamlining planning, given the current constraints that we face. I also acknowledge the work of the local member in having ongoing engagement with his community regarding the future planning of Scarborough, which includes density.

It is always difficult as a local member because the planning system is never black and white; there is a level of discretion. I also learnt during my time as a mayor, and I think everyone knows this, that on any planning matter, there are always people for and against.

I certainly endorse and embrace the type of approach that the member for Scarborough does, which is not to shy away from these issues, but to engage with his local community and residents—to sit down at coffee meetings or whatever—and talk to people about the need for housing and density, and ensure that that process is clear and transparent to all.

I embrace the call by the local member regarding developers engaging early and being up-front. It is really critical. I always say that the best way to be is up-front and early in one’s engagement. It always works better, and that is critical because we need developers to play their part to boost housing supply in Western Australia.

The national cabinet meeting on housing occurred yesterday. It is very clear that every state in the country faces the same conditions and the need for housing. I want to assure the member, and particularly the young people he identified, that we are doing everything we can to accelerate the delivery of housing in Western Australia. It is my number one focus. I am resolute that we have to use every policy we can, and that includes planning. That was also the resolution of national cabinet, which said that all states will work towards more planning reform to deliver that housing.

As the member for Scarborough said, young people want to live where they grew up, but if we do not have infill or density, particularly around transport nodes like Scarborough, young people will never be able to live where they grew up because they will simply not be able to afford to do so. Therefore, this is the critical part of the equation of encouraging density and infill in town centres, on main streets, in corridors and in the city, because it will enable housing choices for young people. Certainly, our government is also looking at our landholdings through the housing diversity pipeline—to look at how we can release land to, say, community housing providers that provide not only social housing, but also affordable rentals. We know that the critical part—it is obvious, but I will come to why not everyone gets it—is boosting housing supply and providing that choice to everyone, including young people. I want to see great high-density developments all through our town centres and corridors. I recognise what the member talked about with the benefits that brings. The member went through a list of people and their contributions to the area. But if we want those small businesses to grow, activity on the street and amazing life and vibrancy, we need infill and density. We critically need it. It supports those economies and town centres like Scarborough.

I know it is disappointing to see—this is relevant—that the Greens federally, yesterday, came out again to attack the package proposed by the federal government. It was really sad because of the language used by the Greens. I will refer to. They said things like “spat in the face of renters” and “polishing a turd”. Can I be frank? Our government and our state take housing supply and the tight rental market very seriously. We are using every lever we can, but we are seeing the Greens disrespect everyone who is working their guts out to address this issue. Also, the approach is simply black and white. The Greens are taking very populist lines but when we scratch the surface, what they are proposing, like a rental cap, will drive rental properties out of the market.

We understand that we need housing supply to help the rental market. That is the critical issue. I urge the Greens to get behind the \$10 billion Housing Australia Future Fund that the community housing sector, industry and the state government supports, because we know that it will help housing supply, including for young people in Western Australia.

## SOCIAL AND COMMUNITY HOUSING

### *Grievance*

**DR K. STRATTON (Nedlands)** [9.51 am]: My grievance is to the Minister for Housing. I thank the minister for taking my grievance about an issue I know that we both share an interest in, that of social and community housing. I appreciate the minister’s innovative and responsive approach to addressing of building the number and capacity of social housing options since taking the portfolios of housing and homelessness.

As the minister is aware, I have worked in community services for over two decades. I have seen the impact that social and community housing can have for people in providing stability, safety and security. Social housing can provide people a platform to engage in education, training, employment, treatment services, and build community. It is a basis for health, wellbeing, social inclusion and connection. More fundamentally, it is a human right that affords people dignity and affords them an adequate standard of living.

I will provide just one example of what social housing can do for someone’s life, a story shared with permission. A friend and colleague of mine was in a violent relationship for many years, with the instability and lack of safety that brings to all aspects of a life. When her partner passed away, her housing needs changed as she was now a single mother to school-age children. Since securing community housing, her children all successfully engaged in and completed schooling, with the youngest to graduate from their now local high school in a few years. She has gone on to attend university. A single parent, in her 40s, who had not completed high school, will graduate with honours early next year. She attributes much of this to the stability and security of her community housing. It has removed a significant source of worry and concern and allowed her to put down roots and build a community.

From this basis of security and safety, she has engaged in an education that will change her life and given that she has chosen to study in the helping professions, will also change the lives of others. This education will allow her access to greater employment in a stable profession where there are multiple opportunities. It will improve her income and later her superannuation. Not only this, but it will also provide her the rewards of her own commitment, resilience and dedication—a sense of pride, identity and contribution. I know she is watching so I will take this opportunity to say how proud I am to call her my friend. These are the kinds of people who live in social housing and these are the kinds of benefits that social housing provides for individuals, families and communities that social housing provides.

I note the Cook Labor governments investment of \$2.6 billion in social housing and homelessness measures over four years. Thirteen hundred social homes have been added to support Western Australians with a further 1 100 social homes currently under contract or construction. Social housing makes up less than four per cent of homes in WA, and of this approximately 83 per cent is managed by the state government, and 17 per cent by community housing providers. Community housing is owned by, or under the legal control of, a community housing organisation, usually non-profits, that is highly skilled in matching people’s needs to accommodation and supporting them to maintain that housing. Social housing works across a range of needs, including crisis, transitional and long-term housing.

I commend the minister's announcement last week that, under new planning reforms new social housing projects will be able to bypass local government to reduce barriers to entry. Community housing providers will be able to go directly to the development assessment panel, noting that local governments need to step up and play a role in cutting red tape to boost housing supply across the state. Unfortunately, the announcements have attracted criticism from some local governments, including mine. However, disturbingly, the criticisms have not been about the policy itself but rather judgement and stereotyping of the types of people who live in social housing. According to one City of Perth councillor, the reason councils say no to social housing is that people are scared of the tenants. They later doubled down on these comments, on this stereotyping and fearmongering, by writing to a local paper to say that social housing brings noise complaints, litter and, apparently, even declining property values.

Let us consider however the range of social housing provided to people in our community. They are people living with a disability. They are carers. They are single parents who are provided the opportunity to have their children complete their schooling in a local community. They are our seniors and elderly community members. They are young care leavers who are given service support to access accommodation and build their independent living skills. They are people on low incomes who cannot access the rental market or purchase a property. They are people worthy of our compassion and understanding. They are people worthy to be our neighbours. They are people worthy of being members of our community. Everybody has the right to housing.

As this councillor represents part of my electorate, it is deeply disappointing, and personally upsetting to see my community and its residents, including me and my family, portrayed as a community who are not empathetic or inclusive, yet my electorate is home to many highly reputable and engaged community housing services including Ruah, Foundation Housing, and the Third Place. In fact, the Third Place recently held a highly successful fundraising event, with many local Subiaco businesses donating to support the event. Demonstrating how local governments can be inclusive and engaging in its role in community housing, the City of Subiaco recently signed a partnership agreement with the Wandana Community Association to provide a community garden, a fortnightly morning tea for residents, and a native garden project. The Mayor of Subiaco noted in his speech the importance of such partnerships like that with Wandana to the diverse communities that make up the fabric of Subiaco, and facilitate spaces to learn, connect and flourish.

I seek therefore from the minister today: an acknowledgement that social and community housing are a priority of the WA government; a recognition that our government's social housing policies will continue to be inclusive and consider how we can best develop capacity and volume in housing opportunities; an understanding of the positive ways local government can contribute to successful social housing outcomes. Finally, I extend an invitation to the minister to visit my electorate and meet with key community housing stakeholders to witness the excellent and compassionate work that is happening in this space in my community.

**MR J.N. CAREY (Perth — Minister for Housing)** [9.58 am]: I thank the member for Nedlands for her commitment to providing housing for the most vulnerable in Western Australia. I know that the member for Nedlands reflects her community. Although I may not always agree with some members of her community on all aspects—for example, regarding density—I think it is fair to say from my experience that the Nedlands community, in the way that it engages with social and community housing in the electorate, shows a genuine understanding and empathy for ensuring that we have housing for all. As the member said, we are making huge investments worth \$2.6 billion over four years with a target of delivering 4 000 homes, of which we have delivered nearly 1 500 to date, to integrate social housing across Western Australia. As I said in the last grievance, national cabinet this week endorsed a framework and principles to drive more housing via planning reform. That included encouraging and facilitating reforms to support the rapid delivery of social and affordable housing, and to promote medium and high-density housing in well-located areas close to existing public transport connections, amenity and employment. It will also undertake planning, zoning, land release and other reforms such as increased density to meet the share of housing supply targets. There is a huge push in every state to drive planning reform to accelerate the delivery of all housing, but in particular social and community housing.

I am deeply proud that I am building on the planning reforms. We also announced a streamlined approvals process for community housing that the member referred to. The idea is simple. It is a measure for cutting red tape so that regardless of the size or value of the project, community housing providers can opt to go through the development assessment panels system. There is a choice. Community providers can still choose to go to a council, and although the project might be for just four or five dwellings, which does not reach the threshold of the DAP system as it is currently set, the provider can opt to go to the DAP system. This is just another way to provide a streamlined approach and I note that it has been welcomed by the community housing sector.

I think the member referred to some comments in response to that by one councillor in particular. I will name him. It was councillor Brent Fleeton. In summary, he said that, in effect, social housing gets knocked back because people fear the residents. That was disappointing and sad because, ultimately, we need to show compassion and empathy for people who are doing it tough. I have always said that anyone can experience homelessness because of the loss of a job or falling behind in mortgage repayments. It could be for many different circumstances in a person's life that they never imagined they would experience. Social housing and community housing tenants are real people.

They are not to be mocked or to be simply put down. I think it is really easy to get on Twitter or social media and make glib remarks that perpetuate stigma about social and community housing. Unfortunately, I note that this is not the first time Councillor Fleeton has done this. He has now deleted it, but he actually posted a picture of a homeless person sleeping in Sydney at 10.30 pm on Sydney's busiest CBD street. I assume he posted it to make some sort of a political or comparative point. Again, I find it very sad that a local councillor would feel compelled to take a photo of someone doing it really tough on a street, regardless of what point he was trying to make, and put that on Twitter. What was the point of it? Ultimately, what was he trying to do? I think we are all better than that. Whatever side of politics we are on, we are better than stigmatising, mocking or whatever else, people who are doing it rough.

I understand that there are complexities with the management of social housing. I have never shied away from that. That is why we are working to integrate social housing across communities. Certainly, as the Minister for Housing, I want to be very clear that we will always champion social housing and public housing. It provides a critical safety net for people in Western Australia and we need to integrate it across all communities. The community in Nedlands has already demonstrated that, contrary to some opinions, community and social housing tenants are embraced by and are part of our community.

### DISASTER RECOVERY FUNDING — SHIRE OF VICTORIA PLAINS

#### *Grievance*

**MR R.S. LOVE (Moore — Leader of the Opposition)** [10.05 am]: My grievance today is to the parliamentary secretary representing the Minister for Emergency Services. I grieve on behalf of the Shire of Victoria Plains regarding a claim for disaster recovery funding. I thank the parliamentary secretary for taking the grievance. The shire is located 140 kilometres north east of Perth. It is highly productive farming country that produces grain, export hay and livestock. In farming terms, the local area is referred to as the golden triangle, given that it consistently produces high-yielding grain crops. The average annual grain production in the shire is in excess of 313 000 tonnes. The shire spans 2 563 square kilometres and is crisscrossed by 850 kilometres of roads, 70 per cent of which are unsealed.

Early in March 2021, the district experienced heavy rain and flooding when a trough near the west coast combined with a moist air mass flowing from the north. The rain event between 1 and 5 March 2021 dumped 111 millimetres of rain on the district, with 31 millimetres falling on 3 March and 63 millimetres falling on 4 March. About 25 per cent of the district's annual average rainfall fell over those two days. The heavy rain sheeted off surrounding paddocks, accumulating across roads and filling table drains and culverts, which proved too much for the road drainage system. Disaster recovery funding arrangements Western Australia—DRFAWA—is administered by the Department of Fire and Emergency Services and replaced the Western Australian natural disaster relief and recovery arrangements—WANDRRAs—on 1 November 2018. Formerly, Main Roads Western Australia processed claims for road repairs and reimbursed the local government.

Under the DRFAWA arrangements, DFES coordinates all communication with the commonwealth and confirms whether an event is deemed eligible. Once an event is deemed eligible, the commonwealth issues a unique Australian government reference number. In this case, the reference number is AGRN962. The event was proclaimed an eligible disaster on 30 March 2021. DRFAWA referred to this event as “Storm heavy rain and associated flooding in the midwest and south west land division (1 and 5 March 2021)”. The Shire of Victoria Plains was one of nine local governments included in this proclamation.

The proclamation notice for local governments and state government agencies states that assistance may be available for the following measures typically covered by the arrangements —

Clean-up costs and the restoration or replacement (to pre-disaster function) of *essential public assets* including local road damage. State road restoration is through Main Roads Western Australia. Only costs incurred that are ‘additional’ costs, and are directly related to the event, will be eligible for reimbursement.

Following the event, the Shire of Victoria Plains immediately engaged consultants Core Business Australia, which is a member of the Western Australian Local Government Association's preferred supplier panel for these types of services, and carried out a detailed assessment of the damage. Core Business Australia prepared and submitted a damage assessment report, scope of works and cost estimate. The Department of Fire and Emergency Services received the damage assessment on 11 October 2021.

Some 32 gravel roads in the Shire of Victoria Plains with a total length of 125 kilometres were damaged by the rain event, amounting to 25 per cent of the unsealed road network needing repair. The scope of works detailed in the application was vast and included the flushing of culverts, removal of silt, re-sheeting of gravel roads, reinstating of drains and reconstruction of pavement, with an estimated cost of \$4.2 million. Life goes on in the farming calendar—crop inputs are delivered to farms, livestock is sent to market, hay is transported and grain is harvested. The shire had to make the roads safe and passable while waiting for the application to be assessed. The CEO of the Shire of Victoria Plains for the past 14 months, Sean Fletcher, said that the shire had to carry out bandaid work to allow local traffic and farm equipment through, but key maintenance works have been stalled while the funding

process is assessed. Since the event, the shire and DFES have gone backwards and forwards. Mr Fletcher claims that the process is a nonsense. He is dumbfounded and beyond frustrated that there has been no progress on the \$4.2 million claim and that a deadlock remains between the shire and DFES.

DFES staff have never travelled to the Shire of Victoria Plains to visit the damaged roads but maintain that the shire's evidence was not sufficient. The shire claims that it supplied evidence in excess of what was required. Core Business Australia, which has vast experience in this field, submitted geolocated photos of the damaged roads, meeting the stated criteria as detailed in the damage assessment of an essential public asset. Its report stated that the damage was a result of the activated event. The shire believes that the goalposts have moved, with current arrangements under the Western Australian disaster recovery funding arrangements now being applied retrospectively. Although the shire met the requirements of its AGRN962 claim, it did not meet the current commonwealth audit requirements. Mr Fletcher has worked in local government for 21 years and has had plenty of dealings with the Western Australian natural disaster relief and recovery arrangements, under which he dealt directly with Main Roads Western Australia. He said that he has never before had an experience such as this in the disaster recovery space and added that Main Roads would have signed off on this application. He said it was unusual for a WANDRRA claim to take as long as six months.

To give the outstanding claim some context, the Shire of Victoria Plains' annual rate revenue is \$3.5 million. Its year in, year out roads budget for capital works is \$7 million, which means that this \$4.2 million claim is significant to the shire and not an amount that it can write off. Local government plays a significant role in emergency management. In the wake of a disaster, the preoccupation of local governments is safety, not running through claims processes. Mr Fletcher said that the guidelines are vague and the Shire of Victoria Plains' claim has been denied due to inflexible and bureaucratic evidentiary requirements. Greater assistance needs to be available to help local governments navigate these claims. The Shire of Victoria Plains needs this funding to make good the 125 kilometres of road that was damaged in this disaster two and a half years ago.

**MS J.L. HANNS (Collie–Preston — Parliamentary Secretary)** [10.12 am]: I thank the Leader of the Opposition for his grievance this morning. Obviously, I represent the Minister for Emergency Services in this role. I first note that I received late notification of the member's grievance, so I will do my best to provide an adequate response to him. If there is anything else that needs to be followed up, I will ensure that the minister receives the member's grievance and the information that he has raised today.

I begin by noting that the Fire and Emergency Services Commissioner, Commissioner Klemm, proclaimed the event that occurred between 1 and 5 March 2021. Obviously, the Shire of Victoria Plains fell under that proclaimed event. There are currently 31 active disaster events in Western Australia affecting 74 shires and local governments. The federal Leader of the National Party, David Littleproud, was the commonwealth minister for emergency management at the time this disaster was proclaimed. Since being elected, the Albanese Labor government, under the federal Minister for Emergency Management, Senator Murray Watt, has launched a review of the funding arrangements. That will address the issue the member raised. The strict rules around the disaster funding recovery arrangements are set by the commonwealth and came into effect under the former Turnbull and Morrison governments. It is for this reason and the reasons the member has outlined today that the Albanese Labor government is reviewing those arrangements.

In relation to the grievance, I have asked the minister whether the member has communicated this issue to him. I am of the understanding that the member has not raised this issue directly with the minister's office, but I am happy to be corrected about that. I note that during this period, both the Leader of the Opposition and the shadow Minister for Emergency Services have written about DRFA matters affecting the Shire of Victoria Plains but they have not written about this particular issue. Minister Dawson has been a key advocate nationally for a review of the DRFA and welcomed the announcement earlier this year of the review by the commonwealth. I also note that Minister Dawson has met with shires from Kununurra to Denmark around the DRFA and is well aware of some of the challenges that shires face in the delivery of this funding. I also point out that on 30 June 2023, Minister Dawson released a press release around the bringing forward of more DRFA payments—in fact, advance payments for disaster-hit areas within regional Western Australia. I would certainly be happy to provide a copy of that media release to the member. The commonwealth government announced \$93 million in advance payments to the state government to better support disaster-impacted local governments. That is the area that I highlight particularly for the member today.

My understanding is that the Department of Fire and Emergency Services is having ongoing conversations with the Shire of Victoria Plains on this issue. Formal emails from the department to the shire in July 2023 requested an update on the evidence around this issue in order to support the payment of claims, but I understand that it has not had a reply from the shire. The government and DFES are very happy to work and support the shire in its claim. I encourage the member to raise the issue directly with the minister. The Shire of Victoria Plains obviously can also raise this issue directly with the minister, which I encourage it to do. I thank the member for the grievance. I will obviously pass on the member's concerns to the minister and I am sure that the minister will be in touch with him. We look forward to working towards a resolution on this issue.

## ECONOMICS AND INDUSTRY STANDING COMMITTEE

*Fifth Report — A long-term partnership: Developing stronger ties with Indonesia—Western Australia's bilateral trade and investment relationship with the Republic of Indonesia — Tabling*

**MR P.C. TINLEY (Willagee)** [10.17 am]: I thank the house for the opportunity to table this report. I present for tabling the fifth report of the Economics and Industry Standing Committee titled *A long-term partnership: Developing stronger ties with Indonesia—Western Australia's bilateral trade and investment relationship with the Republic of Indonesia*.

[See papers [2186](#) and [2187](#).]

**Mr P.C. TINLEY:** As I always do when tabling reports, I begin by acknowledging the work done by not only the committee but also the very hardworking staff. We were a bit challenged in so much as two things happened. The first was that we had a very hardworking research officer, Dr Alessandro Silvestri, until June. He was on only a short-term contract and unfortunately his contract finished. His tasks were ably taken up by Ms Franchesca Walker. I thank them both for the work that they did. It was particularly difficult for Alessandro to leave the job before it was done and for Franchesca to pick up where he had left off. This was all done under the leadership of our principal research officer, Vanessa Beckingham. I thank Vanessa for her leadership. The second contributing issue—this is a tip for young players with committee work—was that we started an inquiry before we had finished the other. When committees do that, they can expect the staff to be extra taxed in terms of effort and output. The committee started the gas inquiry before it completely wound up its work on the report before the house, but it got there through the hard work of not only the committee staff, but also members of the committee. I would like to thank my fellow committee members: the deputy chair, the member for North West Central, Merome Beard; a former member, Mr Vince Catania, who, although he left on 8 August last year, had input into this report; the member for Cockburn, David Scaife; the member for Joondalup, Emily Hamilton; the member for Kalgoorlie, Ali Kent; and the member for Riverton, Dr Jags Krishnan, before he was elevated to the executive government in February this year. As members can see, a few members came off the pine and onto the playing field, starring when they had the chance. The member for North West Central was elected to Parliament and then came straight into committee work that can be quite complex at times and confusing if people are not familiar with it. I also acknowledge the member for Kalgoorlie for her work on her first committee, and the first report she was involved in, being appointed to the committee in February this year. It was good to work with everyone and identify opportunities.

In many ways, this report could have written itself insofar as any observation of the relationship between Western Australia and Indonesia will always have a fond history but a better future. It has always been characterised as having great potential. In large part, the committee found that the potential is yet to be realised in its full form. It is not without any sense of irony, but we are tabling this report on the seventeenth of this month, which is Indonesia's Independence Day, commemorating its independence in 1945. Post the Second World War, it was decided that colonialism was falling away in countries across the world and Indonesia was no exception. Since that time, we have seen a growth trajectory in its society and democracy that allows it to achieve its full potential. We have witnessed a growth story ever since.

We often hear—it is almost a cliché—that Indonesia will be the fifth-largest economy in the world by 2030. That is an important point because it sets the tone by which we can characterise the potential relationship between Australia, with Western Australia leading that charge, and Indonesia, our closest neighbour. We often talk about Perth being the most isolated city in the world, but it is not; that is only in relation to its capital. Perth is closer to Jakarta than Canberra. As the sole representative of the commonwealth of Australia in the Indian Ocean, we should take more seriously our responsibility to engage with Indonesia and be an expert in the commonwealth about relationships with Indonesia at a societal level, at an enterprise level and at a government level.

This inquiry has a long history. This report identifies that. It is a good story that is starting to gain a lot more momentum. The Indonesia–Australia Comprehensive Economic Partnership Agreement, the free trade agreement with Indonesia, is a good example of that as an inflection point by which we might observe future opportunities. The committee found that it has taken time for IA-CEPA and the regulations around it to seep through all layers of the bureaucracy, both here in Australia and of course in Indonesia, to ensure that we see the free flow of goods and services identified in that free trade agreement between us.

We heard some stories from the trenches, if you like, of different enterprises experiencing difficulties doing business in Indonesia. Similarly, we identified that the inbound investment opportunities from Indonesia as a genuine foreign direct investor in our resource sector alone, let alone other sectors such as agriculture, is underdone simply because we do not quite understand each other well enough. A load of work is being done between the various organisations, including the Chamber of Commerce and Industry WA, with the Australia Indonesia Business Council being the principal lead, and the Consulate General of the Republic of Indonesia in Western Australia being an outstanding advocate for relations in Indonesia.

As the committee found, we need to understand where Indonesia sits. The Indo-Pacific region has never been more important since the Second World War. Talking about the Indo-Pacific pivot, if you like, during the Obama years

and in consequential administrations, the United States identified that this region has been essential to it re-engaging, as it has been singularly drawn to west Asia. It is time for us to ensure that we find the opportunities through schemes such as AUKUS with the United States to participate more in the region, not just in a military context. The United States and the Australian government are well aware of the geopolitical dynamic. Stronger relations between Indonesia and Australia on any level will always create the goodwill required to ensure that the security of the region is maintained and enhanced.

We observed that the rise of China, like everywhere else in our society and our economy, is a fundamental factor of Western Australia's economic benefit and future. Much of what we are seeing in our region is the accommodation of the rise of a superpower. That is not always smooth and it will not always be met by like minds. As we saw with the previous federal government, it can sometimes find a rocky shoal by which it might rest for a long time. The Albanese government is taking great strides in repairing that relationship and putting it back into a position in which we can benefit each other. Certainly for the Western Australian economy, as we all know, the rise of China has created the opportunity for so many Western Australians to gain meaningful employment.

I will not go through much of the report other than to say that in general terms the committee found a question of priorities for Western Australia. We have a finite number of resources to undertake trade and investment and relationship opportunities with Indonesia. It has to be prioritised relative to the rest of the regions, as I just mentioned, which is a dynamic place. The terms ASEAN—the Association of Southeast Asian Nations—and Asia are unhelpful. Indonesia and Vietnam have quite different societies and are quite different countries. They have quite different economies, but are equally deserving of Western Australia making an effort to ensure that our business and our community, and the diaspora that is here as well, finds the right sort of connection with those countries.

The general view of the committee was that we were torn between two general points: that is, either a narrowcast approach from a state into Indonesia and really work hard on that diversified economy model, which found a lot of voice through the sister-state relationship with East Java; or do we go for the broad view that is held right across the country but typically finds a nest in the sectoral areas such as agriculture, mining services et cetera? As members might have guessed, the committee ended with the general view that we can do both but we need to do more than what we are doing at the moment. The committee was of the view that the ASEAN hub-and-spoke model around centralising trade commissioners and then spread through the region had limited effect, although it is a bit early to see how that has gone. The COVID-19 pandemic interrupted the deployment of the Indonesian trade commissioner, in particular. We also felt that if we took Indonesia seriously in a priority sense as the near target, the near opportunity, we would double down on our commitment and concentration of total government commitment to East Java, the sister-state relationship, and potentially put another trade commissioner in the hub of East Java, which is Surabaya, one of the richest parts of Indonesia for the purposes of its economic growth.

There are many challenges, but I suppose it is, in general terms, “steady as she goes.” There is always an opportunity for improvement. As I said, the report highlights the idea of a more cogent, specific and detailed deep strategy to exploit opportunities with Indonesia and help Indonesians to understand the opportunities here in Western Australia. The report is shining a light rather than uncovering a disaster or any other sort of negative commentary. It was very much framed around the idea of how we can see this as an opportunity and not a risk. I commend the report to all members.

**MS E.L. HAMILTON (Joondalup)** [10.29 am]: I rise to make some comments on the Economics and Industry Standing Committee's report titled *A long-term partnership: Developing stronger ties with Indonesia—Western Australia's bilateral trade and investment relationship with the Republic of Indonesia*. Before I do so, I take a moment to acknowledge that today, 17 August, is Indonesian Independence Day. I wish all members of our Indonesian community here and abroad a very happy Indonesian Independence Day.

Our previous inquiry looked into the intergenerational challenges and opportunities for the Western Australian economy to 2041. It provided a snapshot of WA's economy as it stands today and a broad focus on what is needed to ensure that we continue to have a strong economy into the future. During that inquiry, it became clear that we need to ensure that WA is working towards diversifying our economy and is mindful and proactive in acknowledging that we cannot simply continue to rely on our resources sector and particularly on iron ore. Findings from that report concluded that WA is very well positioned both geographically and strategically to provide opportunities to nurture relationships and trade relationships with other countries in our region.

The most recent inquiry builds on that previous inquiry and is narrowly focused on Indonesia and the immense opportunity to positively impact our WA economy. What became abundantly clear through the course of this inquiry was the importance that Indonesia places on relationships—government to government, business to business and people to people. Those relationships really affect every aspect of Indonesian life, trade and investment and are at the core of Indonesian culture. It is important to acknowledge that it seeks not just a transactional relationship, but rather a meaningful and nurtured relationship that is built over time.

Indonesia is one of WA's closest international neighbours and it makes sense that we should be investing in building a relationship with one of Australia's most important regional partners. We know that Indonesia is on track to become the fourth-largest economy by 2050 and is a real global economic powerhouse. It has long been



a significant market for WA and there continues to be immense opportunity and potential. Throughout the inquiry, it became clear that it is not simply a trade relationship; it is about an investment ecosystem, shared educational opportunities, tourism, and the development of a bespoke, proactive and long-term engagement strategy with Indonesia. The inquiry was held in 2020, when the Indonesia–Australia Comprehensive Economic Partnership Agreement—otherwise known as the IA-CEPA, the free trade agreement with Indonesia—came into force after 15 years of negotiation. That agreement created an economic partnership framework under which that relationship could really achieve its true potential. It is still in its infancy but has the potential to strengthen cooperation to grow education and training, the digital economy, battery and electric vehicle supply chains and the mining equipment, technology and services sector, for example.

Relationships continue to change over time, and that happens for a number of reasons, but we heard during the inquiry that this has been felt from both sides. There have been issues of misunderstanding and a lack of trust resulting from cultural differences, and what could be considered to be challenges around competitiveness, with similarities in export and trade. From a WA perspective, it is clear that we need to continue to build a meaningful relationship in order to work together in a collaborative way to increase the opportunities for WA and our local businesses. This sentiment is shared by our Indonesian friends. Excitingly, there is a keen interest for a collaborative approach, which will provide real opportunities for WA.

This report contains 81 findings and 15 recommendations, which all focus on the fact that the time is now for WA to take seriously the benefit of investing in and developing these stronger relationships and ties with our closest international neighbour. The recommendations that I want to address today in my contribution are around the digital transformation, the importance of increasing language and cultural understandings here in WA, and the need to ensure that we are focusing on building a strong team WA brand that really cuts through in Indonesia.

We know that globally, we are going through a period of digital transformation with different countries being at different places in their journey. We also know that Indonesia is currently right in the thick of it. There is a significant digital transformation taking place. Indonesia is a market with almost 12 million households, and this number is expected to grow to 46 million households by 2040. There is a rapidly growing middle class and younger generations who are becoming extremely tech savvy. Internet and mobile use is growing significantly. The report highlighted that Indonesia's accelerating 5G rollout is looking to leapfrog 3G and 4G infrastructure and technology, and the associated economic opportunities are growing and shifting at a very rapid pace. It is interesting to see on the ground how the digital ecosystems are growing. Like most other areas across the world, by necessity if nothing else, the transformation accelerated during COVID-19 and is really on an upwards trajectory. It is leading to growth in e-commerce, economic and training opportunities and is setting the right climate for strong partnerships.

The report also focuses on the importance of increasing language and cultural understandings. At the core, any genuine interpersonal relationship requires an inherent understanding of language and culture. It has become clear that there is definitely a lot more work that can be done, and this report has highlighted steps that could be implemented to start to make positive changes in this area, particularly with language. There are some very practical steps that can be taken to increase our ability, starting with the way we teach our children the Indonesian language—a skill that this report found would be hugely beneficial. At present, there is something of an ad hoc approach to the teaching of Indonesian language in schools in WA. This is of particular interest to me. My daughter was fortunate enough to study Indonesian at a local primary school through years 3 to 6; she went to a high school that offered Indonesian language studies along with Japanese, and she continued that study right the way through. On the other hand, my son went to a primary school that did not offer any language and a high school that offered Japanese and French. There is a difference in the offerings between not only primary schools—that is just a snapshot, but we see that across communities—but also high schools. We also need to improve the pathway for students to continue through with a language, with some limitation in the course offerings at a tertiary level. By taking these small steps and focusing on this area, we could really start to increase the language and cultural literacy in our broader community.

The committee recommended that the state government provide greater support for language programs and studies in schools, as I have mentioned, and universities. The recommendations include a long-term strategy that particularly looks at the number of teachers of Indonesian language and culture in WA schools and whether scholarships and student exchanges could benefit these relationship-building opportunities.

The other area I want to touch on is the importance of embracing and creating a strong team WA presence in Indonesia. We heard evidence that we are definitely well on the path of growing team WA, but what has become evident is the benefit that could come from working to create an even bigger impact. WA is in a unique position and has an advantage over other parts of the country, and working on that team WA presence in Indonesia will be really important. There were recommendations made along those lines, as well.

Another recommendation I focus on relates to Surabaya in East Java, which is four hours from Perth and has a population of more than 12 million people, yet very few Australians and particularly Western Australians have heard of this large and vibrant city. A sister-state relationship between WA and East Java came into place in the 1990s. This committee report referred to the real opportunities to continue and strengthen those relationships.

I take the opportunity to thank the chair and other committee members who contributed to this report, and also all the people who participated in the inquiry, made submissions and attended public hearings. I also give a huge wonderful thanks to our committee staff, Vanessa Beckingham, Dr Alessandro Silvestri and Franchesca Walker, who joined us towards the end of the report.

**MS A.E. KENT (Kalgoorlie)** [10.38 am]: I rise today to make a very brief contribution to the debate on this report, *A long-term partnership: Developing stronger ties with Indonesia—Western Australia’s bilateral trade and investment relationship with the Republic of Indonesia*. I was a very recent addition to this committee. I was very grateful to be selected to be on it, given the synergies with the economy and industry and the electorate of Kalgoorlie. One thing I learnt in my short time was how important it is to build strong bilateral trade and investment relationships. Developing those relationships starts with people-to-people connections, and it is vital to increase trade and investment flows with Indonesia. Furthermore, the relationship must go beyond trade and investment to ensure value creation, collaboration and the development of human capital.

I was lucky enough to visit Indonesia as part of the inquiry. Businesses were particularly interested to know where I had come from and where Kalgoorlie is. Most people we met had heard of Kalgoorlie for the main reason of Kalgoorlie’s industries, specifically the critical minerals industry. As members will be able to see in the report, work has been bolstered in the critical minerals industry by a memorandum of understanding that was signed between KADIN and the state government. The state government sees the MOU as providing a framework for constructing and securing critical minerals supply chains, and promoting investment and collaboration in the development of value-adding critical minerals and battery industries. KADIN and WA Premier Roger Cook recently signed an action plan in support of the MOU, and the plan identified three pillars of cooperation: developing resilience and sustainable supply chains, supporting strong environmental and social government outcomes, and growing a skilled workforce. Both parties to the plan hope to hold high-level meetings and business forums to better understand where the greatest opportunities for WA and Indonesia lie. A strategic analysis will also be commissioned to map future collaboration opportunities for Western Australia and Indonesia under the three pillars of cooperation.

I am pleased to acknowledge the findings in the report, and I want to highlight the following —

**Finding 75**

The critical minerals sector offers Western Australia and Indonesia opportunities to increase their mutually beneficial collaboration, particularly in relation to the manufacturing of batteries and electric vehicles.

**Finding 76**

Western Australia is well-placed to assist Indonesia in its transition to net zero. The state supplies over half of the world’s lithium, a critical mineral required for lithium-ion battery production and one that Indonesia, due to a lack of reserves, will need to import if it is to realise its goal of increasing its battery and electric vehicle manufacturing capabilities.

**Finding 77**

There are early positive signs of cooperation between Indonesia and Western Australia on building and securing critical mineral supply chains and promoting investment and collaboration in the development of value-adding critical minerals and battery industries.

Recommendation 14 of the report says —

As part of the development of Western Australia’s Indonesia engagement strategy emphasis should be placed on critical minerals and battery supply chain collaboration opportunities. Early successful negotiation of the MoU with KADIN should not lose momentum: the state government should maintain its focus on this important strategic partnership.

This is a very important recommendation for my electorate. Critical minerals in the goldfields have momentum. We recently had Diggers and Dealers, and the number one topic of conversation was critical minerals, not gold or nickel as it has been in the past.

Finally, I would like to thank the chair and other members of the committee, and show my appreciation and thanks to the committee staff, led by Vanessa Beckingham. With that, I commend the report to the house.

**MS M. BEARD (North West Central)** [10.43 am]: I rise to make a brief contribution in support of the contributions that have already been made by my fellow parliamentarians. The chair very aptly touched on this: it has been a fast journey for some of us on the committee, especially Ali Kent and me, who are new members. I will not speak for her, but personally, as a new parliamentarian, the value of the committee process has been clearly showcased to me through this inquiry.

I really need to thank the very patient staff who have helped the committee and me along the way. Vanessa Beckingham, Franchesca Walker and Dr Alessandro Silvestri were an incredible support for me. Thank you. It is a new process. Another person I would like to thank is Dr Isla MacPhail, who helped me in the very early stages

of my introduction to the committee and was very patient. I thank everyone who has helped along the way. I thank the chair and the committee members who have also been instrumental in seeing this report through the process and into fruition.

The relationship between Western Australia and Indonesia is critical, and as we went through this process, the future opportunities were highlighted to me as being immense. I think we need to heed the advice of having a tailored engagement strategy that meets the characteristics of the Indonesian market. A lot of these were very close to my electorate, and we have a large horticultural industry and a large pastoral industry. Food is important in my electorate, and tourism is important in the regional centres. Tourism is also important to the whole state. That was definitely a highlight for me in understanding what the opportunities might look like. The services coming from WA will help drive economic development in Indonesia, and the benefits to be gained for Indonesia and WA are immense. Previous speakers have highlighted many of those points.

How do we do this? Increasingly, the number of Indonesian language teachers is being touched on. This was really apparent when we were travelling through Indonesia recently. That definitely highlighted that language and culture is particularly important to Western Australia's relationship with Indonesia. Increasing that area of focus is paramount to success. When we were on the trip, I found that the people we met were very similar to us; there is no difference really. Language is the barrier. I very much found that a people-to-people connection is incredibly important to the Indonesian community. For me, teaching language and culture in WA schools is paramount.

Leading on from that, there are opportunities in the arts, language, culture, education and sport. There are definite synergies for consideration for a soft diplomacy approach; this was something people talked about throughout our visit, which was very interesting for me. From that idea is Perth as a study destination for Indonesians, and we need to open up those channels and allow them to understand what we have on offer.

I mentioned the targeted tourism strategy, and there was a focus on East Java. Many of the people we spoke to were excited about those opportunities, particularly for Western Australia, given we are very close in proximity. There are many opportunities, as is the case for critical minerals and the battery supply-chain collaboration, which were highlighted.

The other thing I noticed on the trip with my colleagues was that comments were often made about the scale and size of Western Australia. Although people who had travelled here understood, other people had very little understanding of how incredibly difficult it is to get around Western Australia, compared with our east-coast counterparts. Indonesians find the distances a very big challenge, particularly for tourism. That was one of the challenges that came up time and again. I think we have a cohort of people in Indonesia who are very happy and very willing to visit our state, but we need to overcome some challenges.

The other point that was raised was a skills exchange program, and that came up several times throughout our journey on this investigation. Things that definitely came up for me in that process were international education, increasing the people-to-people connection and the skills exchange program; these are very relevant in regional and metropolitan areas for people wanting to learn new skills, come across to Western Australia, and understand and work in different industries. Indonesia's growing digital economy is another aspect that I think is very positive and we definitely need to build on. That issue came up time and again in terms of the synergies that we can improve on.

Underpinning all of this is the idea that creating a different space for us from our counterparts on the east coast is important. If we take heed of some of the points that we have included in the report, it will definitely strengthen the relationships with our neighbours. All this feeds into helping to further grow and develop brand WA, as it helps to differentiate us from the other Australian states and territories, which I think is important. Many of the people in Indonesia we spoke to saw Australia as the east coast, so that was something that I noted.

It has been a long inquiry and it has been a large body of work. We need to be sure that this report provides guidance and direction, and helps to build on previous efforts in this space. I am optimistic that the future with our friends in Indonesia will be strong. I look forward to doing my bit to foster this ever-expanding relationship.

I would also like to recognise this auspicious day for Indonesia, with 17 August being Indonesia's Independence Day. I note that it is a very special day that is commemorated in Indonesia and I wish them all the best for a special day.

## **ABORTION LEGISLATION REFORM BILL 2023**

### *Consideration in Detail*

Resumed from 16 August.

#### **Clause 25: Act amended —**

Debate was adjourned after the clause had been partly considered.

#### **Clause put and passed.**

#### **Clauses 26 to 41 put and passed.**

**Clause 42: Section 110U replaced —**

**Ms L. METTAM:** I have only a couple of questions left. New subdivision 3, “Performance of abortion”, provides that the performance of an abortion without an advance health directive or State Administrative Tribunal consent is an offence. It is in proposed section 110ZLB. I wonder whether the minister can explain the purpose of the inclusion of this proposed section.

**The DEPUTY SPEAKER:** Sorry, member, are you after proposed section 110ZLB?

**Ms L. METTAM:** I thought it was in clause 50—sorry.

**The DEPUTY SPEAKER:** Proposed section 110ZLB is in clause 50.

**Ms L. METTAM:** Sorry; I have the explanatory memorandum open as well. It is proposed section 110U, “Priority of treatment decision in advance health directive”, in clause 42 on page 39 of the bill. Could the minister explain the purpose of the inclusion of this proposed section?

**Ms A. SANDERSON:** The clause is essentially confirming that if someone is unable to give consent at the time and they have explicitly stated in an advance health directive that if they require an abortion, they are to receive an abortion, that needs to be followed by medical practitioners.

**Ms L. METTAM:** The reason I ask is that in terms of an advance health directive, this would be extremely rare, would it not?

**Ms A. SANDERSON:** I think it would be extremely unlikely. Given that advance health directives are in place for people with terminal illness, this is a closing off of that, if you like, in case that circumstance were to arise. This will give primacy to the individual’s wishes as stated in the advance health directive.

**Clause put and passed.**

**Clauses 43 to 52 put and passed.**

**Clause 53: Part 9D Division 3 Subdivision 2 inserted —**

**Ms L. METTAM:** I refer specifically to proposed section 110ZND, which deals with the State Administrative Tribunal’s consent for the performance of an abortion. I just want some clarity on the proposed section. I understand that it is in relation to the determination of an abortion by SAT. Can the minister explain the reason for the inclusion of this proposed section?

**Ms A. SANDERSON:** Under the current legislation, which is being repealed, there is no capacity at all for people without decision-making capacity to access an abortion, whether it is via a guardian or so forth. Proposed subsection (1) provides that SAT may consent to the performance of an abortion by order in writing if it is satisfied that the person has reached 18 years of age, is unable to make reasonable judgements about whether the abortion should be performed on them and has not made an advance health directive containing a treatment decision that is inconsistent with the performance of the abortion on the person. The performance of the abortion on the person must be in the best interests of the person. Proposed subsection (2) makes it clear that in deciding whether the performance of the abortion is in the best interests of the person, the tribunal must take into account whether the person is likely within the foreseeable future to regain the ability to make reasonable judgements about whether the abortion should be performed on them, as well as any wishes of the person so far as they can be ascertained. Proposed subsection (3) provides that the consent of SAT may be given subject to compliance with any conditions that the tribunal considers appropriate.

**Ms L. METTAM:** Will this clause create any tangible difference to the right to and accessibility of abortion or is it just the way the legislation has been written to create some consistency? Is it a tangible change or an administrative change to the legislation?

**Ms A. SANDERSON:** This is a tangible change to the current circumstances and the current legislation. Currently, the only way that someone who is unable to give informed consent can access abortion is if there are tangible, serious dangers to their physical and mental health—essentially, if it is a life or death situation. Under the current legislation, even if a guardian discovers that their charge is pregnant and that abortion is the best course of action, they are not able to make that determination. That will no longer be the case. This clause will provide an avenue for access, and it is an extra layer of protection, if you like. Rather than a guardian being the person who provides informed consent, it goes to the State Administrative Tribunal. The SAT is able to convene very quickly in these sorts of circumstances, and that is consistent with the situation in other jurisdictions. That will add another layer of protection but will, of course, take into consideration the guardian’s view.

**Ms L. METTAM:** The minister has answered my question in part, but just to confirm: do all other jurisdictions have this provision, or something similar?

**Ms A. SANDERSON:** In all other states and territories there is provision, within their legislative equivalents of Western Australia’s Guardianship and Administration Act, for their administrative tribunals to consent to abortion

for a person without decision-making capacity. In all states and territories except the ACT, this is not limited to persons on a guardianship order, but rather is extended to all people who lack the capacity to make a decision about whether they should have an abortion.

**Clause put and passed.**

**Clauses 54 to 59 put and passed.**

**Title put and passed.**

[Leave granted to proceed forthwith to third reading.]

*Third Reading*

**MS A. SANDERSON (Morley — Minister for Health)** [11.03 am]: I move —

That the bill be now read a third time.

**MS L. METTAM (Vasse — Leader of the Liberal Party)** [11.03 am]: I will start by thanking the minister and her advisers and all the individuals and agencies who have put forward advice and information on the Abortion Legislation Reform Bill 2023. I appreciate that for some—actually, for many—people, this is an emotive topic, but I think the way in which the debate has been conducted between members with a range of views has so far been commendable. Again, I would like to thank those who have provided feedback to me, particularly Professor Jan Dickinson. She provided feedback not only as an expert in maternal and fetal medicine, but also on behalf of her colleagues in her area of clinical expertise. As she has stated, she does not believe that the amendments proposed in this legislation will necessarily lead to an increased number of abortions in this state, but rather would remove some of the unnecessary challenges for women who face a very challenging prospect.

The decision to pursue an abortion in the situation of a severe maternal or fetal medical condition for which other reasonable healthcare options are not available can be very distressing for individuals. We know that decisions in relation to abortion impact most significantly on women who are socially or physically disadvantaged. It is a significant challenge for people in regional areas as opposed to metropolitan areas. We need greater support for women in regional and rural areas who need to access healthcare and support options, as well as for women for whom English is a second language or who are experiencing the threat of domestic violence, which continues to be a very real concern.

It is vitally important to ensure that women have supports in place and the best possible information regarding their own health care, and that there are options and education available for women right across the state. Training and support for healthcare professionals in the performance of abortions, as well as parenting support for those who are particularly challenged by that prospect, are vitally important. That issue has certainly been raised by both individuals and clinicians.

The opposition supports the provision for medical practitioners to make a conscientious objection. We also support information being provided to patients to ensure they can access an abortion from practitioners who do not have such conscientious objections. The decriminalisation of abortion in Western Australia will bring the practice in line with other states; WA currently remains the only state in which abortion is part of the Criminal Code. The feedback from clinicians with regard to the ministerial termination panel was consistent in that it was seen as being, in the words of one clinician, an archaic concept, and that it does not take into account women's individual circumstances or allow them to deal with their own medical practitioners in making a very difficult decision involving, in the overwhelming majority of cases, a fetus with an abnormality.

The mandatory notification of abortion is vitally important. I look forward to seeing what information will be made available about that. Statistics indicate that abortion rates in Western Australia are trending downwards, but information is important for accessing trends in health care, and it is important that it is subject to mandatory notification through the Western Australian midwives notification system as well as the Department of Health.

I will conclude my comments there. I thank the minister again and thank her advisers for providing information and support throughout the consideration in detail process as well as advice to members of the opposition.

**MRS M. MARSHALL (Rockingham)** [11.10 am]: I rise today to support the Abortion Legislation Reform Bill 2023. I have not prepared a long speech but I want to put on the record that I am pro-choice and believe that women must have control over their own bodies. I strongly believe that abortion is health care and that every person should have access to free and safe abortion services when needed. I thank Minister Sanderson for her strong leadership in bringing this important legislation to this place and for the thorough consultative process that her office and the Department of Health facilitated with members in this place and stakeholders across the state.

I acknowledge and thank former member Cheryl Davenport for her work in this place in 1998 to decriminalise abortion. Western Australia was the first state in Australia to decriminalise abortion and I thank Cheryl and the people she worked with for their courage at that time. However, those abortion laws have remained unchanged for more than 25 years and the reform of abortion laws in Western Australia is long overdue.

Although I have never been in the position to require an abortion, there are people whom I know and love who have had to make this challenging personal choice. As someone who very much wants to have a family and become a mother, I cannot imagine myself in the position of requiring an abortion. However, if I required an abortion due to concerns for my or the baby's health, I would want to be able to access health care with dignity and in my home state of Western Australia. The current legislation places unnecessary trauma, shame and grief on women in what is already a tough time. Accessibility remains an issue, with some women needing to travel interstate for the treatment required. Abortion in this state is still regulated by the Criminal Code. History shows that banning abortions only bans safe abortions.

I commend this government and the Minister for Health for taking steps to improve access and fully decriminalise abortion in Western Australia, especially given women's rights are going backwards in other parts of the world.

**The ACTING SPEAKER (Mrs L.A. Munday):** Excuse me, member for Rockingham. Sorry, ministers, I am struggling to hear the member. Can we please either move it outside or dial it down a little? Thank you.

**Mrs M. MARSHALL:** Like most in my community, I was distressed by the Roe v Wade decision in the United States last year, and I am proud that this government is taking action to strengthen women's rights in Western Australia. This legislation will bring choice and safety for women by removing barriers to improve access and to protect the privacy of those accessing abortion services. I stand here proudly to support the reforms contained in this bill in their entirety. I commend this bill to the house.

**MS A. SANDERSON (Morley — Minister for Health) [11.13 am] — in reply:** The Abortion Legislation Reform Bill 2023 builds on the work begun by Hon Cheryl Davenport and Diana Warnock, who spearheaded abortion care reform in 1998 from opposition. The Acts Amendment (Abortion) Bill 1998 was groundbreaking at that time. But, as several members noted in their contributions, concessions were made at that time which, importantly, ensured the legislation's passage but now mean Western Australia is out of step with other Australian jurisdictions regarding abortion care.

The public as well as health professionals provided clear feedback that our abortion laws are restrictive in the national context and prohibitive to the provision of the best healthcare service in Western Australia. Consequently, there have been cases in which patients have chosen to travel interstate to access care that is either not lawful in WA or is immensely challenging to access locally. The bill seeks to remedy many of those issues. This is something that I am extremely proud of, and that this government should be exceptionally proud of. It is my view that this bill reflects something that the majority of our community has wanted for a very long time. The bill introduces a framework relating to abortion under the Public Health Act 2016 and repeals all provisions related to abortion within the Health (Miscellaneous Provisions) Act 1911. This is to better reflect that abortion is a public health matter, and because the Health (Miscellaneous Provisions) Act 1911 is essentially a repository of residual provisions.

The new framework will better align with clinical practice and contemporise the practice of abortion care by practitioners through aligning disciplinary action to conduct requirements set out in their national registration. The bill directly addresses clinical barriers to abortion, including the time frames for patients accessing abortion, the use of multiple medical practitioners and a ministerial panel for late-term abortions, and mandatory counselling requirements. The bill will remove the requirement for a referral for most abortions, increase the gestational limit at which additional requirements apply from 20 to 23 weeks, provide a clear framework outlining the rights and obligations of health practitioners who are unable to assist in abortion care, and abolish the ministerial panel process, instead providing for two medical practitioners to determine whether an abortion after 23 weeks is appropriate.

The new framework takes into consideration the model of care for adults and minors without capacity to provide informed consent, including a substitute decision-making process. The new framework will improve the information collection and management model for abortion by affording more protection to the patient and registered health practitioner while still allowing the Chief Health Officer to collect information that will enable the provision, monitoring, planning and evaluation of health services amongst other matters. Amendments will also be made to the Freedom of Information Act to protect the privacy of individuals and health practitioners accessing and providing abortion services.

The bill will repeal the current offence in the Criminal Code, leaving an offence for when an unqualified person performs an abortion in the Public Health Act only. This will complete the decriminalisation of abortion in WA while ensuring that dangerous backyard abortions remain illegal. The new framework recognises that the care and wellbeing of the patient should be placed first and foremost in the abortion process. Mandatory reporting to the coroner of live births following an abortion will be removed, as it obliges the coroner to investigate, including contacting the patient who underwent a lawful medical procedure. This can be unsettling and traumatic for the patients and their family. Clinicians involved in this process similarly report that the experience is distressing and unnecessary.

I want to thank members again for their respectful and professional contributions to the bill. I note many contributions shared deeply personal stories from members or their constituents. I thank them for their courage in doing so. It is important to share these experiences. Women now make up over 50 per cent of this chamber, and this debate reminds us that our experiences of reproductive care and abortion care are far from unique; they are universal and

deserve to be treated as what they are—health care. I am genuinely touched by the overwhelming support we have had in this chamber. I thank the public servants who worked incredibly hard to develop this bill. I extend particular thanks to officers, almost all of whom are women, at the Department of Health, Department of Justice, Parliamentary Counsel’s Office and the State Solicitor’s Office. The bill addresses a genuine and often incredibly difficult and personal choice. I hope consideration of this bill remains respectful and based in fact in the other place. I commend the bill to the house.

Question put and passed.

Bill read a third time and transmitted to the Council.

### **CORRUPTION, CRIME AND MISCONDUCT AMENDMENT BILL 2023**

#### *Second Reading*

Resumed from 18 May.

**MR C.J. TALLENTIRE (Thornlie)** [11.19 am]: Before I begin my remarks on the Corruption, Crime and Misconduct Amendment Bill 2023, I acknowledge the wonderful performance of the Matildas in the FIFA Women’s World Cup and congratulate the team on what it has achieved. I also express some disappointment at the loss last night. On Sunday, it will be a case of arriba España. We can look forward to that game and the playoff for the third position.

I rise to speak to the Corruption, Crime and Misconduct Amendment Bill 2023 and note that an anti-corruption commission has become an important feature of the integrity framework in Australia at the state, territory and commonwealth levels. Its purpose is to investigate and report on allegations of corruption by public sector employees, public office holders and individuals and entities performing public functions, and people responsible for managing and spending public funds. That is something the community expects us to have and we must ensure that the legislative framework around meeting that expectation is as strong and reliable as possible. Corruption commissions also perform an important role in preventing corruption by exposing systemic risks and bringing them to the attention of government entities and the public.

Our Corruption and Crime Commission was established in 2004 and was created under the current Corruption and Crime Commission Act. When Attorney General Hon Jim McGinty introduced the legislation into Parliament, he said —

Western Australians deserve a Police Service and a public sector that are free from the scourge of corruption.

He described the proposed commission as one of the most powerful crime and corruption-fighting bodies in Australia that would be able to investigate Western Australian judges, ministers, members of Parliament, police and other public officers. The range of areas and positions that the Corruption and Crime Commission has the capacity to investigate is very important. I will go into that in some detail.

I want to say a little about the sorts of crimes that exist in our society and in the world today that are often committed in broad daylight. Think of the 2016 Trump election campaign and the 2016 Brexit campaign. Misinformation is put out there that can lead to terrible consequences. The capacity for bodies like corruption and crime commissions to delve into those seem beyond the reach of such organisations at the moment. There is a problem with mechanisms that have the ability to influence people’s thinking in a malevolent way. That is often done in coordination with media outlets. Think of Fox News, *The Sun*, the *Daily Mail*, the *Express* and the *Daily Telegraph*. Think of the deceit, lies and misinformation by organisations that manipulate Facebook, such as Cambridge Analytica, and the capacity of Russian bot farms to influence views. I fear that we have seen some of this type of thing in the current no campaign being waged in the discussions leading up to the referendum around the Voice. There is the issue of the behaviour of some of the big four consultancies and their ability to determine policy while garnering massive contracts. Think also of the work of some public relations consultancies. I noticed even yesterday that there was clearly a pile on—I suggest it is orchestrated—over the urgent need to release more land for property developers. I am well aware that in my electorate there is not an abundance but certainly a significant availability of land not more than 20 kilometres from the Perth CBD. That land is ready for development yet the property development industry, through its public relations work, is on the radio saying, “Hang on, we’ve got to release more land.” That is because the industry has a cookie-cutter model of developing and providing housing. Of course there is a housing crisis. That is a separate issue and we must respond to it, but this orchestrated campaign is arguing for the release of land well away from where people work in many cases. Property developers want to be able to deliver a cookie-cutter model of having vast areas of very flat land that they can build houses on as cheaply as possible. That model leads to all kinds of problems and it ignores the fact that we have land available in areas like my electorate. These are perhaps issues that are beyond the Corruption and Crime Commission, but I believe they are a corruption of our processes as they stand at the moment. As I said before, I have seen the arguments around the presentation of the no case in the lead-up to the referendum, and I think there is some corruption of the facts, at the very least. I note the comments this morning from Professor Megan Davis, the co-chair of the Uluru dialogue, who said that even in our mainstream media we see an almost respectful presentation of the no case when many falsehoods are being delivered. That is clearly very damaging.

Most people, though, when they think of our Western Australian Corruption and Crime Commission, would think of the reports that come out and terrible things like the Paul Whyte scandal and the recent report into Goldmaster Enterprises that found there was a loss of about \$20 million to the state. Again, they were property development matters. It is interesting to note some of the other popular areas of reporting that the Corruption and Crime Commission has delved into. I refer to matters relating to public integrity and problems at the universities. Universities have been investigated on a number of occasions. Of course, relevant to this place is the misconduct of former member of the other place, the upper house, Phillip Edman and the misuse of the member's allowances. They are the sorts of very important things that the Corruption and Crime Commission has very successfully delved into. That is something that our society needs. We need that level of investigative capacity.

The current and previous commissioners have one attribute in common, and that is the exercise of a fearless independence in wielding the commission's considerable powers. People sometimes say to me that if they use Signal or Proton Mail, no-one will get their communications. Should the Corruption and Crime Commission desire to see someone's emails on Proton Mail or their Signal conversations, it would simply be a matter of issuing a summons. I would not be surprised if the CCC also has access to technology that can get around whatever encryption methods may be deployed by those supposedly more secret and secure electronic platforms.

If the commission determines that a matter should be investigated, it can execute search warrants, apply for telecommunications service warrants and surveillance device warrants, conduct controlled operations and compel persons to produce documents and other things. The commission may conduct an examination for the purposes of an investigation. Such examinations are inquisitorial; that is, they are inquiries conducted by the commission to ascertain facts. Such examinations are not adversarial contests between parties trying to prove or disprove a case. This is a different approach to police investigations that have as their purpose obtaining evidence about an alleged offence. The commission's investigatory purposes are much broader. In a misconduct investigation, for example, the commission must also seek to ascertain how the misconduct came about, why it was not prevented or detected, whether it extends beyond an individual agency, whether it is the result of systemic shortcomings, and what organisational or policy or procedural changes are necessary to prevent or deal with such conduct in the future.

The bill will amend the Corruption, Crime and Misconduct Act 2003 to deliver two key reforms to provide for timely and effective appointment processes for commissioners and acting commissioners, and the new position of deputy commissioner. As mentioned, the Corruption, Crime and Misconduct Act provided for the establishment of the Corruption and Crime Commission as Western Australia's pre-eminent independent anti-corruption body with functions in relation to serious misconduct by public officers, the confiscation of unexplained wealth and criminal benefits, and the investigation of organised crime. As the Leader of the House stated when providing the second reading speech on behalf of the Attorney General, this bill represents the first tranche of a much larger body of work to carefully modernise the CCM act and will address the appointment process to ensure stability and accountability in the leadership and management of the CCC.

It should be noted that the Corruption and Crime Commission Amendment Bill 2012, in the time of the Barnett government, provided for the creation of the position of assistant commissioner, but that bill lapsed on the prorogation of Parliament on 14 December 2012 and was not resurrected by the Barnett government following the 2013 general election. The need for a deputy commissioner has been identified in a number of reports, going back to the 2008 Archer report. A more recent report that identified this need was the thirty-first report of the Joint Standing Committee on the Corruption and Crime Commission of the thirty-ninth Parliament, titled *The efficiency and timeliness of the current appointment process for commissioners and parliamentary inspectors of the CCC*, which was published in November 2016. That need was reiterated in the seventeenth report of the Joint Standing Committee on the Corruption and Crime Commission, *Meaningful reform overdue: The Corruption, Crime and Misconduct Act 2003*, published in November 2020. Recommendation 1 of the thirty-first report of the JSCCCC of the thirty-ninth Parliament states —

The Attorney General prepare an amendment to the *Corruption, Crime and Misconduct Act 2003* to allow for the appointment of a Deputy or Assistant Commissioner to assist the Commissioner in the day to day work of the Corruption and Crime Commission.

I note that even earlier than that, Hon Michael Mischin, in his capacity as Attorney General, lent his support to the creation of the position of deputy commissioner in his response to the twenty-sixth report of the Joint Standing Committee on the Corruption and Crime Commission of the thirty-ninth Parliament. In fact, Hon Michael Mischin said that the government was supportive of the joint standing committee's recommendation to amend the Corruption and Crime Commission act to allow for the appointment of a deputy or assistant commissioner. In various public hearings of the JSCCCC of the fortieth and forty-first Parliament, the Corruption and Crime Commissioner reaffirmed the advice that he had provided to the committee of the thirty-ninth Parliament that the act should be amended to provide for a deputy commissioner who may act as the commissioner during any period of incapacity or vacancy and perform functions under the CCM act as directed by the commissioner. I am pleased that the government has taken steps to introduce a bill to amend the act for this purpose. There should be bipartisan approval for the establishment of this new position on the basis of a previous recommendation of the JSCCCC of the thirty-ninth Parliament and the intention of the Barnett government to create a similar position.



I turn to the proposed amendment in this bill regarding the appointment and reappointment process. The process for the appointment of integrity commissioners affects the public perception of an anti-corruption commission's independence. It is a best-practice principle that the appointment of commissioners should be made on the basis of merit following an open and transparent appointment process. Selection should be measured against publicly available criteria, with an independent panel putting forward a shortlist of suitable applicants to the relevant minister for appointment. Merit should be the dominant consideration in selection.

It was very unfortunate for the public of Western Australia that the reappointment of our outstanding Corruption and Crime Commissioner was rejected by the JSCCCC of the fortieth Parliament on the vote of a single member, for reasons that were never made clear by the committee and, consequently, were open to wild and unsubstantiated speculation in parts of the media and, particularly, inflammatory contributions made on this topic in the Legislative Council by members of the opposition. The events that took place in 2020 revealed a substantial flaw in the appointment and reappointment process for the position of commissioner—that is, it was susceptible to inappropriate and cynical manipulation by a single member of the standing committee who was immune from any accountability. Here are the facts. Mr McKechnie's term as the head of the Corruption and Crime Commission expired on 8 April 2020. Mr McKechnie was the only commissioner to have served a full five-year term and the first to seek reappointment. Mr McKechnie was the outstanding candidate of the three eligible nominees identified by the nominating committee, which was chaired by the Chief Justice of Western Australia, Hon Peter Quinlan, SC, and which recommended Mr McKechnie's appointment for a further period of five years, as permitted by the act. However, the parliamentary Joint Standing Committee on the Corruption and Crime Commission did not give majority and bipartisan support for his reappointment.

[Member's time extended.]

**Mr C.J. TALLENTIRE:** There was no requirement for the JSCCCC to provide clear and documented justification for that dissent, although a cryptic media statement was issued by the committee, leaving the public to speculate wildly on the reasons. The public was both confused and dismayed by the fact that Hon John McKechnie, the state's most successful commissioner who at the time of his proposed reappointment had exposed staggering corruption in the public service, was not reappointed given that a commissioner is eligible to hold office for a period of five years and to be reappointed for a further five years. No substantial grounds were provided for the reappointment not to occur. Following the March 2021 general election, the government introduced a bill on 16 June 2021 to provide for the reappointment of Hon John McKechnie as commissioner of the Corruption and Crime Commission. That bill was declared an urgent bill. This was an extraordinary but necessary move because of the opposition's continuing intransigence and refusal to correct what it knew to be an infamous wrong perpetrated in the fortieth Parliament; it lacked the spine to undo the wrong.

The standing committee comprises four members, each with a single deliberative vote. Under the existing requirements of the act, the proposed appointment and reappointment of a commissioner requires both majority and bipartisan approval. In the fortieth Parliament, the JSCCCC comprised two government members, one opposition member and one member from the crossbench—a member of the Greens party. This composition meant that both majority and bipartisan support rested on the concurrence of a sole member of the opposition serving on the committee. The amendment proposed in this bill will reverse the requirement for bipartisan and majority support for the recommendation to appoint the nominee recommended by the nominating committee and will provide for a veto of the recommendation. This change will require the majority of the committee to reject the recommendation. I note, however, that the amendment will not require or mandate the joint standing committee to provide written reasons to the Premier for vetoing a nomination. Perhaps the Attorney General could provide the reason that this requirement was not considered as part of the amendment bill.

The method of appointment of integrity commissioners, including the procedure for the confirmation of the appointment of the person nominated, varies across the states. An examination of the six state jurisdictions and the commonwealth shows that the exercise of a veto or similar by a parliamentary oversight committee is more common than the use of a mechanism requiring bipartisan and majority support for an appointment. In New South Wales, the Independent Commission Against Corruption Act 1988 makes provision for the appointment by the Governor of a chief commissioner and two other commissioners as a result of changes enacted in 2016. The move to a three-commissioner structure was one of a series of recommendations made by the NSW parliamentary oversight committee in an October 2016 report. It appears that the appointment of the chief commissioner and commissioners is made by the Premier, with the concurrence of the NSW joint parliamentary oversight committee, which has the right of veto over the appointment of commissioners.

In Victoria, the parliamentary Integrity and Oversight Committee has the power of veto over agencies such as the Independent Broad-based Anti-corruption Commission. This is an 11-member committee, with three members from the Legislative Council and eight from the Legislative Assembly.

In South Australia, the appointment of a commissioner may only proceed if it is referred by the Attorney-General to the Statutory Officers Committee and either the committee approves the proposal or does not respond in a specified period of time.

Since the completion of the Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct—the Fitzgerald inquiry—in 1989, Queensland has possessed a body focused on investigating police and public sector misconduct and cooperating with the police to investigate organised and major crime. In Queensland, the Corruption and Crime Commission is subject to the scrutiny of the Parliamentary Crime and Corruption Committee. The Queensland Crime and Corruption Act 2001 establishes a five-member commission to head the Queensland Corruption and Crime Commission, including a full-time commissioner, who chairs the commission. The commissioners and the CEO of the commission may only be recommended for appointment by the minister if the minister has consulted with the parliamentary oversight committee and the chairperson for appointments other than the chairperson, and the nomination is made with the bipartisan support of the committee. This is similar to the existing WA provision. The major difference is that the Queensland Parliamentary Crime and Corruption Committee has seven members—four nominated by the Leader of the House and three by the Leader of the Opposition.

Tasmania has dealt with the establishment of a crime and corruption body in a peculiarly unique way, the governance of which differs substantially from that of other state integrity commissions.

Under section 178 of the National Anti-Corruption Commission Act 2022, the Parliamentary Joint Committee on the National Anti-Corruption Commission must approve or reject the minister's proposed recommendations for the appointment of the commissioner, a deputy commissioner or the inspector. The committee does not make the appointments. If the committee approves a proposed recommendation, the minister may make that recommendation to the Governor General under sections 241, 242 and 185 of the act. The committee is required to report its decisions about appointments to both houses of Parliament.

The commonwealth legislation is the most recent dealing with the appointment of commissioners and parliamentary inspectors, and in its drafting has benefited from an examination of the appointment processes adopted by existing state commissions. The commonwealth has adopted the ability of the commonwealth joint standing committee to veto recommended appointments, with the requirement to report its decision to the Parliament.

One of the current features of the appointment of the commissioner of the current WA Corruption and Crime Commission is unique to WA—that is, the utilisation of a nominating committee. The WA act specifies that the commissioner is to be appointed by the Governor on the recommendation of the Premier. However, the Premier may only recommend the appointment of a person whose name is on a list of three eligible persons provided to the Premier by an independent nominating committee comprising the Chief Justice, the Chief Judge of the District Court and a nominee of the Governor to represent the interests of the community. A critique of this nomination process has been included in the JSCCCC's thirty-first report of the thirty-ninth Parliament, which recommended that sections 9(3a)(a) and 9(3b) of the Corruption, Crime and Misconduct Act be amended to remove the role of the nominating committee in the appointment process for commissioners and parliamentary inspectors; and in lieu thereof, mandate the Premier propose one name from a list of three people to the committee for its bipartisan and majority support, effectively abolishing the independent nominating committee. The observation made by Hon Wayne Martin, the then Chief Justice, in support of removing the nominating committee as it is currently constituted, raised, in his view —

- (a) the constitutional prohibition upon the engagement of judges in non-judicial work that is inconsistent with their judicial office;
- (b) the undesirability of involving judges in executive functions that are unrelated to the work of the courts; and
- (c) the practical consequences of requiring heads of jurisdiction to perform other roles.

I understand that at times it has been difficult for the nominating committee to provide a list of three eligible nominees, with the committee having to seek out candidates who would have the right qualifications to hold the position but who were, in effect, invited to be included on the list, albeit they understood they would not be recommended for appointment. This is a little ludicrous, to say the least, but necessary to comply with the requirements of the act. Previous recommendations have included amending the wording to provide the Premier with a list of up to three names rather than the Premier having to recommend an appointment from a list of three eligible candidates. It is both nonsensical and offensive that in practice a single member of the committee should be capable of negating a recommendation of the Premier of Western Australia on a whim following the advice provided by the independent nominating committee, but that is what happened.

In summary, clause 6 of the Corruption, Crime and Misconduct Amendment Bill 2023 seeks to insert a new section 9C in the Corruption, Crime and Misconduct Act to confer on the joint standing committee a power to veto. The key benefit of the new section is that it will address the demonstrated problem in the existing appointment process that emerged in the fortieth Parliament while absolutely supporting the Parliament's joint standing committee's considered and important function to scrutinise the recommended appointment and to uphold the ability to prevent the appointment of an unsuitable person as commissioner when the majority of the standing committee believes this appropriate. As mentioned by the Leader of the House when introducing the bill, on behalf of the Attorney General, as I mentioned earlier in my remarks, the new section proposed in the bill aligns with the processes in New South Wales, Victoria and the commonwealth for the appointment of the equivalent anti-corruption bodies.

This bill really improves our current legislation for the effective appointment of a commissioner to do this very important work. The work of the commissioner is vital to Western Australians having confidence in the work of many of our public officers. The work of the commissioner includes investigating matters of organised crime and all manner of referrals, including those that are sometimes unexpected. It is very interesting to look back at some of the reports. A recent report related to a matter of poor governance at Murdoch University that involved the falsification of the registration of cattle at Murdoch because the person who had responsibility for the farm was seeking to further his own status in the breeding of cattle and exhibiting them at the Royal Show. This deceitful behaviour was able to carry on because there was not the necessary governance and oversight. Another incident at the same university found that a former vice chancellor was viewing pornographic materials on his work computer.

I commend this bill to the house.

**MR R.S. LOVE (Moore — Leader of the Opposition)** [11.49 am]: I rise to make a contribution to this debate on this very important matter, the Corruption, Crime and Misconduct Amendment Bill 2023. I strongly support elements of the bill, and I have great issue with other elements. I will spend a bit of time talking about those, and about some comments made in this place on the history of the situation and the committee's practice of consideration of five-year appointments to the role of Corruption and Crime Commissioner.

Firstly, we know from the second reading speech and the explanatory memorandum that this bill basically sets out to do two things. According to the explanatory memorandum, the bill sets out to amend the Corruption, Crime and Misconduct Act to reform the process for the appointment of the Corruption and Crime Commissioner and to establish a new position of Deputy Commissioner of the Corruption and Crime Commission.

With regard to the requirement for there to be a deputy commissioner, right back at the beginning of the journey of the development of the Corruption and Crime Commission in 2003, legislation for the establishment of that body went from this place to the other place. The Legislative Council sent it to the Standing Committee on Legislation, which produced a report in 2003 on the act as it was. This eventually led to the Legislative Council splitting the bill into two sections to enable the carrying on of the CCC while looking at certain matters in greater detail. Reading *Hansard* of that period indicates great umbrage seemed to have been taken when the bill returned to this house, with discussions about the Legislative Council introducing bills that appeared to involve the expenditure of money. That seemed to be the major topic at that stage in this chamber with outrage about what had happened.

I have extracts with me from the *Report of the Standing Committee on Legislation in relation to the Corruption and Crime Commission Act 2003 and the Corruption and Crime Commission Amendment Bill 2003*. The executive summary states —

- The amendments to involve the parliamentary committee with oversight of the new agency in the appointment process for the Commissioner of the CCC and the Parliamentary Inspector. These amendments make both these roles accountable to the Parliament and the people of Western Australia through a parliamentary joint committee.

Prior to that, the committee was not involved in the appointment of the commissioner. It was a matter of the Premier consulting the Leader of the Opposition, and I think there was a reference to other parties, but I may be mistaken on that; my memory could be failing me there. However, there was no formal definition of how that consultation should take place. The committee felt that a bipartisan approach to the appointment of the commissioner should be entrenched, because the role of the commissioner is extraordinarily powerful; it is probably the most empowered single standing position in the state, as the commissioner holds powers to launch investigations, gain entry and compel evidence. All the powers held by that position mean that it is essential that it not be seen as a political appointment; it must be seen as a bipartisan appointment. Therefore, the committee formed the view back in 2003 that the appointment of the commissioner should take place in a way that ensured bipartisan support, and we came to the situation whereby bipartisan and majority support is needed for the appointment of the commissioner.

That process worked seamlessly from 2003 until an impasse occurred between the committee and the reappointment of a commissioner; he had become the former commissioner because his term had lapsed. That led in 2020 to an attempt in Parliament to directly appoint the commissioner. That did not succeed. Another bill was passed in 2021 that directly appointed the commissioner to the role.

At no time in the 18-year period from 2003 until then had such action been needed. I think the seeds of the issue were sown by the government in 2017, as I discussed in this place at that time, when it appointed two Labor lower house members to the committee, leaving two upper house members from diverse parties —

**Mr P. Papalia:** Were you actually there?

**Mr R.S. LOVE:** I was there.

**Mr P. Papalia** interjected.

**The ACTING SPEAKER:** Minister!

**Mr R.S. LOVE:** Give it a second; the minister will get a go.

Two upper house members from diverse parties had to nominate the position. To gain bipartisan support, the decision needed the support of the upper house members. I pointed out in this place that, as a member of the Nationals WA, I did not think that I would ever be on that committee, as I did not think a member of the Greens (WA) would ever be on that committee, because if the government was hoping to achieve bipartisan support, it would make no sense for it to support someone other than a member of the formal opposition being on that committee. I made that point in 2017 and I was astounded by what happened. The government put two lower house Labor members on that committee and then left it to the other place to determine what should happen. Of course, that created a much finer balance; that caused a person from the formal opposition to be in that position rather than two opposition members.

I note that the Attorney General's second reading speech put forward the proposition that only one member of the 2017–2021 committee of the fortieth Parliament was responsible for rejecting the appointment of the commissioner. We know that that is not the case, because we know that the committee chair at the time, who was then the member for Girrawheen, now Landsdale, put out a media release on 23 April 2020, titled "Reappointment of the Corruption and Crime Commissioner, John McKechnie QC". The media release states —

The committee met on 22 April 2020.

It took into account the matters which were recently brought to the Committee's attention by the Premier.

We do not know what those matters were. The media release continues —

Again, it was unable to reach either a bipartisan or a majority decision in support of the recommendation to reappoint the current incumbent.

We know that there was not only no support from the member of the opposition—that is evident, because there was no bipartisan decision—but also no majority support for that appointment. It was never the case that there was only one person —

**Mr J.R. Quigley:** Because the Greens didn't support it, either.

**Mr R.S. LOVE:** We do not know who else did not support it, but we know from discussion here that there was not majority support for that decision, so the proposition that has been put—I heard it again from the member for Thornlie—that it involved a single person is quite wrong. Two people failed to support it, so it did not achieve a majority. It says "to reach either a bipartisan" —

Several members interjected.

**Mr R.S. LOVE:** There is further evidence of this. I will get to it in a minute if members will allow me. The Attorney General and Minister for Police will have plenty of time to talk. They will have an unlimited amount of time, virtually.

**Mr P. Papalia:** No, I will not. I have 20 minutes, I think.

**Mr R.S. LOVE:** Between the two of you, I am sure you will make a very lengthy contribution.

We know that meant there was, in fact, a lack of not only bipartisan support but also majority support. If we think back to the time, we know that what actually happened was that the Corruption and Crime Commission was in an argument with the other place. We have to remember that this was not a time when everybody was getting on. Around that time, an argument was going on between the Legislative Council and the CCC. It does not take a rocket scientist to think that members of the Legislative Council might not be that supportive of the reappointment. In fact, that was pretty well demonstrated because we know that the former President of the Legislative Council in mid-May 2021, on the final or second-last day of her role as President and chair of its equivalent of the privileges committee, released a report that outlined a whole series of problems between the two bodies. Is it any wonder that members of the Legislative Council were reluctant to make that reappointment? Was it to do with some sort of a political thing, or was it actually to do with all members of the Legislative Council being a bit grumpy with the CCC? We know that the Labor member who was the President was also leading the charge against the CCC. We know that the members of its privileges committee were not happy. The situation had become an impasse between the CCC and the Legislative Council. In my view, to dress it up as some sort of political measure by one person is, in fact, quite wrong. Looking at the situation at the time, a big stoush was going on. The Attorney General surely remembers.

**Mr J.R. Quigley:** I do!

**Mr R.S. LOVE:** He does remember, but he dresses it up as though it is some sort of unsupportable decision by those members. I put it to the Attorney General that if he were a member of the Legislative Council, he would have had a lot of reason to be concerned about reappointing the Corruption and Crime Commissioner at that stage. He was locked in court action—backwards and forwards between them. I think it was one of the more difficult periods for our Parliament. Somehow, this had reached an impasse. It was not, as the Attorney General has dressed it up, one member holding up the appointment of the commissioner. As we have seen here, it was at least two members because there was not majority support, as noted in this media release from one of the government members. We know that at least two members were opposed to this.

**Mr J.R. Quigley:** Yes, the two Council members.

**Mr R.S. LOVE:** Yes. Exactly.

**Mr J.R. Quigley:** Jim Chown and the Greens, and Chown was under investigation.

**Mr R.S. LOVE:** How do we know who exactly it was? We do not. We got a bit of instruction in this place, as I recall, from the discussions that took place here when the member for Kalamunda was at one point speaking about this appointment in this Parliament. I am just looking for the quote. Basically, he pointed out that it was the Greens member who had voted that way. Of course, we know that there was a considerable amount of discussion about the appropriateness of that revelation at the time. Nonetheless, it is in *Hansard*. It is there. Yes, the Attorney General is right. We know that both of the Legislative Council members voted against it, not one person.

The Attorney General in his second reading speech made the assertions that there was a person on the standing committee—I have the second reading speech here. The Attorney General knows this; he just said it. The Attorney General's speech says —

When there is only one standing committee member from the opposition, for instance, that single member's refusal to support an appointment would result in an indefinite impasse ...

The Attorney General knows that, in this case, it was not a single member.

**Mr J.R. Quigley:** It was!

**Mr R.S. LOVE:** It was not a single member. We know because both of the Labor members in this place revealed the information that more than one person voted against it. We do not know whether it was just one other person or if there were two other people. I do not know. I do not know whether there were two or three of the buggers. Who knows? But the Attorney General dresses it up as if it were one person. It was not. It was not one person; it was two people. It was two people at least and perhaps even three. I do not know. I do not know how many people; I was not there.

**Mr J.R. Quigley:** You could work it out logically.

**Mr R.S. LOVE:** I was not there at that time.

**Mr J.R. Quigley:** You were here when speeches were given. You were here!

**Mr R.S. LOVE:** I was not in the committee at that time when that discussion was made.

**Mr J.R. Quigley:** Two of the committee spoke here and blew the cover.

**Mr R.S. LOVE:** That is exactly what happened to an extent, and I have alluded to that. It was not one person who voted against it, as the Attorney General has said. Regardless of that, we know that at that stage there was concern from the Legislative Council about its relationship with the CCC. It is quite evident. I do not see why the Attorney General would suggest that that is any reason to take away the situation in which there needs to be bipartisan support for the appointment of the commissioner, because that was the situation at that point.

**Mr J.R. Quigley:** Because you locked the commissioner out for over a year, so we could not investigate concerns.

**Mr R.S. LOVE:** In the other place, there was bipartisan support for not appointing the commissioner. In the other place, it was pretty clear that the then President, a Labor member of Parliament, was very concerned about the situation between the CCC and the Legislative Council. It was pretty clear that the Greens person and the Liberal person were concerned. That looks to be bipartisan support—not! That is actually bipartisan opposition to the appointment. Just because it is not what the Attorney General wanted at that stage does not mean necessarily that the law is wrong. Perhaps the Attorney General's approach to this was wrong. Perhaps the Attorney General exerting a bit of influence to help undo that deadlock might have helped. Perhaps if the Attorney General had actually been constructive in his discussions, that might have helped, but he was not. He inflamed the situation. He made it worse. Instead of coming to a resolution through respectful discussion, it led to people retreating to their camps and throwing rocks at each other, and that is how we got an impasse. It is not because the system is fatally flawed. It is not fatally flawed. It actually could have been worked through then, and it could have been worked through in the following Parliament. Instead of that, we had a take-no-prisoners approach, and now the Attorney General wants to strip away bipartisan support for what is the most fundamentally important appointment of an officer that this Parliament makes. That position should be above politics. It is a position that everybody would acknowledge needs to be above politics, but the Attorney General is making it political by his actions. He is turning it from being a bipartisan approach to an appointment by government.

**Mr J.R. Quigley:** A corrupt politician blocked the appointment. A corrupt Liberal politician blocked the reappointment of the commissioner.

**The DEPUTY SPEAKER:** Attorney General, you will get your opportunity to respond.

**Mr R.S. LOVE:** Thank you for your helpful interjections, Attorney General! I do not want to go further down the path of denigrating people, so I will not respond to that.

In fact, there were two occasions in two separate Parliaments when that committee did not support the reappointment. But, as I say, that does not mean the matter could not have been resolved with some respectful discussion instead of the approach that was taken.

We note that back in 2003, the committee identified the need for bipartisan support. There have been no measures, and no committee report that has come forward since has mentioned the need, to remove that appointment process. There has been some discussion about the removal of the nominating committee, because I understand that the judges involved do not really want to be involved; they would prefer that there was another way that the name could be advanced to the standing committee. That has certainly been supported in a number of reports, but it seems to have been neglected in favour of what has been put forward by the Attorney General, which is the removal of the need for bipartisan support—a system that has worked well for 18 years, until there was a deadlock between the Legislative Council and the Corruption and Crime Commissioner. I am not blaming anyone, but it needed to be resolved and, with the bluster of some of the discussions that took place, including in this chamber, it probably was not advanced productively. I think there could have been a better way than it ending up in a court case and all sorts of other unseemly situations between those two august bodies. I think that was a bad outcome.

To reinforce the point, I draw members' attention to the article in *The West Australian* of 13 May 2021 written by Peter Law titled "Labor MP Kate Doust files explosive report accusing Attorney-General John Quigley of CCC 'intervention'". It states that she had accused John Quigley of direct intervention in a Corruption and Crime Commission investigation. Here we have some pretty serious matters being laid out by a Labor member in an article in the state's major newspaper of record and in the report that was brought down in May 2021, just before she retired from the office of President in the following Parliament, because we know that the upper house changes a few weeks after the Legislative Assembly. The article goes on to outline some of the toing and froing with the Council's Standing Committee on Procedure and Privileges and indicates that the report summarised the facts and relevant material arising from the interaction between the committee and the CCC over two years.

Regardless of the reason behind the investigation—nobody supports the type of behaviour that was outlined—this was about some other important matters of parliamentary privilege et cetera. Instead of encouraging a respectful outcome, as I think we had achieved in this place—we had an understanding of how we could go forward with the CCC—the approach that was taken led to division and a situation in which positions became entrenched. I think that was a low point in the Attorney General's contribution. I have gone through a lot of legislation with the Attorney General in the last couple of years, and have quite often had some quite interesting discussions and enjoyed the interaction, but I do not think his approach on this particular matter is a good one. We are again seeing a winner-takes-all approach. That is not appropriate in a Parliament that is seeking to ensure that this officer is appointed in a bipartisan way.

I do not think it is a good thing for a commissioner to feel that they owe the government for their position. They owe the Parliament and the people of Western Australia for their position, not the government. I note the newspaper article in *WAtoday*—I do not know whether it can be called a newspaper article, but it is an online article—in March this year featuring Mr McKechnie titled "What keeps WA's top corruption fighter up at night?" It outlines his program and some of the background to what has been occurring. In it, he, thankfully, expresses the view that he does not feel beholden to Labor or Liberal, as he has been appointed to positions by both parties. Hopefully—I am sure he does not—he does not feel that he owes anybody anything. That is good to know, but it does not mean to say that a lesser person may not feel that pressure, especially when there is a reappointment situation. Mr McKechnie is in his second term and I assume that the government is not going to bring in another piece of legislation to give him a third term, because I understand that two terms of five years is the limit; is that right, Attorney General? At the end of this term, there will not be a reappointment. Obviously, he does not feel the need to please the government. I understand that he is doing some inquiries into some issues around the Labor Party. That is interesting and we will see what happens out of that. Maybe the Attorney General will feel a bit of remorse at that point. I will not make further comment on ongoing inquiries, but it was mentioned in this article. Maybe I will read out that section just for the benefit of the house. It states —

The Labor government could also be on the receiving end of McKechnie's wrath.

*WAtoday* has previously reported the CCC was looking into Labor's use of electorate office staffing and resources in its election campaigns in a similar vein to the "red shirts" scandal that engulfed the Andrews government in Victoria.

That is interesting. I have not read that report yet, but I look forward to it—if it sees the light of day. The article goes on to refer to the situation with the now Premier's former electorate officer. There are a couple of bits in the article that certainly demonstrate that there is an even-handed approach by Mr McKechnie, and I congratulate him on that even-handed approach. I have never held anything against him personally in any discussion. The approach of the government in its treatment of the members of the committee has been shameful and, I would say, having been somewhat on the receiving end of that myself, unjustified. Without revealing committee deliberations, some further negotiation, discussion or consideration may have led to different outcomes and not necessarily required the actions taken by the government. I do not think the Attorney General really needed to go the way he has.

Certainly, as we come to the end of this discussion, I indicate that I will be moving amendments to ensure that a bipartisan approach will still be taken. I hope the government will listen to me and agree with that approach. I put to the Attorney General that there are other ways that he could achieve what he wants to achieve. The member

for Thornlie said that the Queensland committee has an odd number of people, so a majority can more easily be achieved. It has a larger group and, in fact, I highlighted back in 2017 that the standing order and the structure of the committee in the legislation means that to have non-opposition party members on a committee is problematic because it makes it more difficult to achieve bipartisan support. If we do not appoint two opposition members but instead appoint a member from another party, it leaves the committee with one opposition person. I pointed out at the time that that was a bit of a risk; I did not think the government would be so silly as to support someone other than a member of His Majesty's official opposition on the committee, but nonetheless, that is what happened. We could also simply expand the numbers on the committee, maybe even by only one, which would then provide a situation in which there would be a more easily achieved majority. But if we were to expand it as in the Queensland example, finding bipartisan support will also be easier; we would not need to find a majority of other members, just a member who voted that way.

It is interesting to see the different perceptions on either side of politics about how committees operate. Having listened to the Attorney General in previous debates, it seems quite clear that he feels that the vote of a committee member is a party vote, whereas on this side we tend to believe that committee members have their own vote. Although they are a member of a particular party, they are not necessarily bound to a party direction on how they vote. In fact, members from our side would never discuss in the party room the situation in a committee or any of a committee's goings-on; that is just something we never do. That is perhaps part of the different cultures of our parties and, again, part of the misunderstandings and positional difficulties that the Attorney General has got himself into over the years in respect of this situation. It is generally not that hard to deal with people, and I think understandings could have been reached in this new Parliament. Members should remember that when the current committee considered the reappointment of John McKechnie, this matter was still in the news. Trying to understand what it all meant took a bit of time, and if members have the time, it is something that they can do.

I refer back to a 2020 media release from Hon Margaret Quirk in which she gives the reasons for the committee's decision and the way in which it went about its deliberations. It was revealed in this media release that more than one person had voted in a particular way; there were two people at least, possibly three.

**Mr J.R. Quigley:** But under the act it was only relevant for one.

**Mr R.S. LOVE:** Under the act, yes, but it was not just one. The proposition that only one person was standing in the way is not valid. The media release states —

As has been the previous practice, the Committee interviewed all persons on the list considered by the nominating committee.

That is, the Joint Standing Committee on the Corruption and Crime Commission actually interviewed all the persons on the nominated list—the three people who would have been on that list from the nominating committee. The release continues —

We note in the report of the nominating committee that, although the incumbent is described as outstanding, the observation is also made that *“each of the nominees is qualified for appointment to the position of Commissioner.”*

There was a process in that standing committee, under that chair, by which the committee was allowed to discuss or interview the nominees.

Getting back to what we are discussing, the Attorney General has provided quite a binary choice: either the committee has no bipartisan element or it does. The other options I have proposed, such as changing the composition and size of the committee, are not being discussed. Perhaps over time we could find and agree on a way that suits the Attorney General's purposes but still allows some bipartisan element in the committee's deliberations. I will not be supporting the approach taken by the Attorney General and the opposition will move amendments to retain the current situation, under which the committee appoints a person using a majority and bipartisan approach. I put it to the Attorney General that I would entertain other amendments that would change the composition of the committee so that it can more easily attain bipartisan and majority support, such as the Queensland model. At this point, we will simply move an amendment to maintain the status quo and put it out there that that is an approach that could well provide a solution that suits the Attorney General's purposes of having a little more certainty in respect of reappointments, but will not completely take away the bipartisan element of the appointment of the commissioner.

I also note that the appointment of the Parliamentary Inspector remains unchanged. That seems odd. Those are both very senior positions. In both cases the appointees are either judges or KCs, or the equivalent—that is, very highly qualified legal practitioners. They are often ex-judges, although not in the case of the current Parliamentary Inspector. There is now a difference between the appointment process for the Parliamentary Inspector and the Corruption and Crime Commissioner. It seems to me that if we have one process for the appointment of the Parliamentary Inspector, why would we not have the same process for the Corruption and Crime Commissioner? That seems a bit odd, but I am sure the Attorney General will explain it. I am sure he will go to some lengths to explain that one is an oversight role and the other is more of an investigative role with an outward public face. I would say that that would make

it even more important for that to be a position that has bipartisan support—something that has seemingly been stripped away in the proposals put forward by the Attorney General. I entreat the Attorney General to find other ways of achieving his ends, and I will support him in that, but I will not support the situation that he is advancing at the moment.

I will again put on the record that I support the situation with the deputy commissioner being appointed. As I have said, the deputy commissioner has been envisaged from the start. The first Standing Committee on Legislation report in 2003 states —

6.25 The Committee has concluded that it is appropriate for the CCC Act to be amended to enable up to two Assistant Commissioners —

An alternative term for deputy commissioner —

to be appointed.

6.26 The Committee has reached this conclusion primarily because of the serious concerns raised in relation to the limitations on delegation ...

The commissioner or an acting commissioner has to be in place for there to be inquiries and activities; some activities can be delegated to others, but not that essential element. In order for more work to be undertaken—we know there is obviously more and more demand for that work going forward—the assistance of a deputy commissioner would enhance the work of the commission. We are very happy to support that aspect of the legislation. We do not support the other primary aspect of the legislation and we will seek to make some amendments that will bring that to a head.

With that, I might wind up my contribution on this matter. I know there have been a lot of revelations in recent years around corruption of a very significant nature and we know that the work of the commission is very important. I support the work of the commission but I do not support the way the Attorney General is trying to railroad the opposition and remove the bipartisan nature of the appointment of the commissioner. I put it to him that discussions could be had and a way forward could be found that would not require that to happen, but I suspect that he has made up his mind. As we have seen in this place with the government's current overwhelming majority in both houses, this legislation will probably be accepted by the Parliament on this occasion. It will not be accepted by me, but it may be accepted by the Parliament simply by the weight of numbers.

It is interesting, though, that when this matter was first being drafted and, no doubt, the Attorney General was getting all fired up to bring it into the house, there was a different Premier in place. Perhaps there was a feeling of invincibility among members of the red team then and perhaps that might be drifting away a little bit. We have seen with the reversal of the Aboriginal Cultural Heritage Act that mistakes can be made but that they can be undone and changes can be made. I think the Attorney General had some role to play in the understanding around the Aboriginal Cultural Heritage Act. We know that he was consulted. That was said in the news releases. I think that he and the Solicitor-General were involved. Apparently, according to the newspaper, on the basis of some advice that was given, the decision to turn around the ACH act was made. Perhaps the Attorney General could take a leaf out of that book and rethink his approach at this point and work constructively to find a way that will achieve some of his ends, which are to change the method of selection in the appointment of the most senior position, I think—not taking anything away from the Ombudsman, the Auditor General or any other parliamentary appointment—that would not undo the requirement for bipartisan support.

This is a particularly powerful position. People's reputations can quite easily be made or lost depending on the way the commission goes about its business. I am not criticising the commission in any way; I am just pointing out that that power exists and it is utterly important that a bipartisan approach is taken to the appointment of the commissioner. We will not support any moves to take that away.

**MRS L.M. O'MALLEY (Bicton)** [12.33 pm]: I rise to contribute to the Corruption, Crime and Misconduct Amendment Bill 2023. This bill is an important legislative initiative. It is another step forward in the Cook government's legislative agenda and is further testament to the extraordinary work ethic of the Attorney General and his unwavering commitment to reform and best practice. This bill seeks to modernise the framework established by the Corruption, Crime and Misconduct Act 2003. Throughout the years, the Corruption and Crime Commission has been a cornerstone in upholding the integrity of our public institutions and assisting in investigations into organised crime. However, in the past there have been several instances when the commission has been left without the leadership of a commissioner, at times for extended periods. The absence of a commissioner naturally raises concerns about the commission's ability to fulfil its obligations effectively. This amendment bill seeks to rectify this issue by introducing a streamlined and efficient process for appointing key officials including, for the first time, the role of deputy commissioner.

Before speaking further on the details of the changes within the amendment, I will begin by providing some background on the CCM act and the work of the commission itself. The CCM act, which forms the bedrock of our state's anti-corruption endeavours, grants powers to the Corruption and Crime Commission to address serious misconduct by public officers, investigate organised crime and confiscate unexplained wealth and criminal benefits.



This power enables the commission to assess, investigate and expose serious misconduct in the Western Australian public sector and misconduct and reviewable police action in the Western Australia Police Force. It may assist Western Australia Police Force to combat the incidences of organised crime when required. The commission directs its efforts to areas where the risk of serious misconduct is greatest. Its investigations, public and private examinations, and reports expose corruption and encourage agencies to implement practices that minimise the risk of serious misconduct from occurring. These measures provide the Western Australian community with confidence that public officers will act with integrity and in the public interest, not self-interest. The commission has jurisdiction over Western Australian public officers, which includes employees of Western Australian government departments, entities, statutory authorities and boards, universities and local governments. It also works to identify and target persons who have accumulated unexplained wealth through unlawful means. A person who lives beyond their apparent means is required to justify the legitimacy of their financial circumstances.

For those unfamiliar with the CCC, the following information provide on the commission's website is a handy reference point. It states —

The Corruption and Crime Commission (CCC) was established in 2004 to improve continuously the integrity of, and to reduce the incidence of misconduct in, the Western Australian public sector and to assist WA Police to combat and reduce the incidence of organised crime.

The *Corruption, Crime and Misconduct Act 2003* (“the CCM Act”), effective from 1 July 2015, gives the CCC and the Public Sector Commission (PSC) responsibility for preventing and dealing effectively and appropriately with misconduct in the Western Australian public sector.

The new legislation focusses the efforts of the CCC on dealing with serious misconduct and corruption by public officers. The CCC also has a broader anti-corruption and misconduct focus in relation to WA Police.

The PSC is responsible for minor misconduct and public sector prevention and education.

...

Public officers are defined in the CCM Act by reference to the definition in section 1 of *The Criminal Code*.

Public officers include State Government employees, police officers and employees of WA Police, members of government boards or committees, members of parliament, local government elected members and employees, all employees of public universities, employees of government trading enterprises and some volunteers.

...

The CCC deals with allegations concerning serious misconduct. It does this by:

- assessing allegations of serious misconduct, including police misconduct, and deciding on the action to take;
- investigating serious misconduct in the public sector;
- monitoring serious misconduct investigations undertaken by public sector agencies; and
- assisting WA Police to reduce the incidence of, and to prevent, misconduct amongst their members.

The CCC does not investigate every allegation of serious misconduct brought to its attention. It is intelligence-led and invests its efforts in areas where the risk of serious misconduct and corruption is greatest and where its resources are needed most. It focuses on fewer but “higher value” investigations and operational activities that target corruption and serious misconduct “hotspots”.

The CCC is also attuned to other corruption and serious misconduct issues and areas of concern that arise across the public sector so that it may respond promptly if and when required.

#### **What is serious misconduct?**

The CCM Act defines serious misconduct differently for WA Police than for other public officers.

For members of WA Police all types of misconduct described in section 4 of the CCM Act, and additional conduct described as “reviewable police action”, are called “police misconduct”. The CCM Act includes police misconduct in its definition of serious misconduct ...

For other public officers serious misconduct refers only to corrupt or criminal conduct described in sections 4(a), (b) and (c) of the CCM Act, which occurs when a public officer:

- acts corruptly or corruptly fails to act in the course of their duties; or
- corruptly takes advantage of their position for the benefit or detriment of any person; or
- commits an offence which carries a penalty of 2 or more years imprisonment.

...

### **How does the CCC deal with serious misconduct?**

Once an allegation of serious misconduct has been received by the CCC, it will be assessed and a decision made as to what action will be taken. If additional information is required during the assessment process, the CCC may contact the person making the allegation.

The CCC must assess all allegations of serious misconduct and may decide to do one of the following:

- investigate or take action itself; or
- investigate or take action in cooperation with an independent agency (which includes the Public Sector Commission) or an appropriate authority (an agency which can investigate misconduct: generally either WA Police or the employing authority of the public officer the allegation is against); or
- refer the matter to an independent agency or appropriate authority for action; or
- take no action.

When an allegation has been referred for action to an appropriate authority the CCC may monitor the progress of an investigation, and review the outcome in “higher value” matters involving corruption and serious misconduct “hotspots”.

If an investigation is commenced by the CCC, it may involve public or private examinations or other coercive powers under the CCM Act.

There are some cases where the CCC cannot form an opinion about whether serious misconduct has occurred. If it can form such an opinion the outcomes may vary widely ...

### **Reporting serious misconduct to the CCC**

Anyone can make a report or provide information to the CCC about suspected serious misconduct, including police misconduct. Public officers may make a report through an organisation’s internal reporting procedures or may provide information directly to the CCC.

A report should be based on reasonable suspicion and may be about past matters or provide information about something that is occurring, may occur or is likely to occur. It is an offence to make a malicious or reckless report or to provide false or misleading information in a report to the CCC.

Principal Officers of WA public authorities have a duty to notify the CCC of suspected serious misconduct in accordance with the Guidelines for Notification of Serious Misconduct.

The significance of the work of the CCC is beyond question, as is the need to support this work by way of the legislative update of the CCM Act. The following examples of the work of the commission further illustrate this point.

A CCC media release on 25 July 2023 gave an example of the CCC delivering close to \$1 million in unexplained wealth. It states —

The Corruption and Crime Commission has obtained two unexplained wealth declarations in the WA Supreme Court equating to almost \$1 million.

The unrelated successful cases follow investigations undertaken into the accumulation of unexplained wealth dating back more than a decade.

#### **Mr Ronald Whyte**

This month, Mr Ronald Whyte consented to an unexplained wealth declaration for \$450,000. His unexplained wealth was received in connection with the criminal offending (corruption and property laundering) of his brother, Mr Paul Whyte.

Mr Ronald Whyte will forfeit \$350,000 cash and his entire interest in his late father’s estate. The recovery of \$450,000 is in addition to the \$131,972 that Mr Whyte voluntarily repaid in separate prosecution proceedings in 2022.

#### **Mr James Villa**

Assets with a total value of more than \$520,000 were confiscated in May 2023 after an unexplained wealth case against Mr Villa. A significant amount of property including funds of \$415,000 from five separate bank accounts, cash, motor vehicles, and jet skis were forfeited.

By law, the onus is on those being investigated to justify their financial position. Neither Mr Whyte or Mr Villa could reasonably explain or account for their wealth.

Corruption and Crime Commissioner, John McKechnie KC, said, “These matters are often complex and require detailed and lengthy investigation and litigation. The Commission’s unexplained wealth function is an important tool in the fight against crime and corruption by removing the primary motivation, financial gain.”

Funds confiscated in unexplained wealth matters are used by the State Government for purposes including grants for crime prevention projects, and to assist victims of Crime in Western Australia.

The Corruption and Crime Commission's *Annual report 2021–22* stated —

The report provides a comprehensive overview of the Commission's operational and financial performance for the financial year during which time there were more than 7,000 allegations of serious misconduct assessed ...

The Commission assessed a near record number of allegations with just over half coming from the community, demonstrating an encouraging level of awareness and ongoing confidence in the work of the Corruption and Crime Commission.

During the year, the Commission commenced 57 investigations and completed 21 investigations.

This year's Annual Report highlights some unexplained wealth results and benefits now being realised after years of investigation. As at 30 June 2022, there was \$10.9m in assets frozen as a result of the Commission's work, and \$1.7m in confiscation orders.

Other performance highlights for the year included:

- 54 days of examinations held involving 70 witnesses, to inform 14 serious misconduct and unexplained wealth investigations;
- 62 per cent of serious misconduct investigations completed within 12 months; and
- 38 reports issued to State Parliament, agencies and heads of agencies.

I move to the proposed amendments, which signify the first phase of modernising the CCM Act. The bill focuses on two distinct, yet interconnected aspects: the appointment processes for commissioners and acting commissioners, and the creation of a new position—the deputy commissioner.

The amendment addresses the appointment process. Under the existing framework, appointments could be obstructed indefinitely by a single individual's refusal to support the proposed nomination. The revised process introduces a more robust approach that ensures that appointments will proceed, unless specifically vetoed by a majority of the standing committee. This amendment will guarantee that the appointment process is efficient and timely, while still preserving the essential role of the standing committee in scrutinising appointments.

A strict time limit will be introduced to expedite the process without compromising the thoroughness of scrutiny. The introduction of a 14-day time frame, extendable to 44 days if necessary, will align with recommendations from the Archer review and parallel practices in other jurisdictions. This approach strikes a balance between efficiency and careful consideration.

The Corruption, Crime and Misconduct Amendment Bill 2023 will create a new position that will undoubtedly bolster the effectiveness of the CCC—the deputy commissioner. This role acknowledges the growing workload and increasing complexity of tasks that the commissioner faces. The deputy commissioner will be empowered to perform functions as directed by the commissioner, including exercising non-delegable powers, such as conducting examinations and making exceptional power findings. The establishment of the deputy commissioner position is a long overdue measure to ensure the impartiality and efficiency of the commissioner's decision-making. With a dedicated deputy commissioner, the commissioner will be able to distribute the workload more effectively and enhance the integrity of the CCC's functions. The Corruption, Crime and Misconduct Amendment Bill 2023 will address significant shortcomings that have plagued the CCC's leadership and performance. By promoting stability, accountability and impartiality, these reforms will undoubtedly fortify our fight against corruption and misconduct.

Debate interrupted, pursuant to standing orders.

[Continued on page 4008.]

## AVON DESCENT

*Statement by Member for Central Wheatbelt*

**MS M.J. DAVIES (Central Wheatbelt)** [12.50 pm]: Last weekend, over 400 competitors participated in the fiftieth Avon Descent, a gruelling two-day, 124-kilometre race—the longest whitewater event in the world. In 1972, the Northam tourist committee evaluated the possibility of a powerboat and canoe race from Northam to Perth along the Avon River. John Izzard, Ron Bairstow, Rob Leslie and Gerry Post successfully completed a test run, planning out the race for powerboats and paddlers. The first race was held in 1973 with 49 competitors, no rules, no officials, no checkpoints and very few spectators, covering 134 kilometres of the Avon and Swan Rivers. Since then, more than 35 000 people have participated in the Avon Descent, from novice paddlers to world champions and Olympic competitors. This year's oldest entrant was Mr Charlie Elliott at the age of 83 years. Charlie competed in the first Avon Descent in 1973 with little to no paddling experience, and went on to compete in 35 Avon Descents in Canadians, slalom, DR boats, marathon K1s, and single, double and triple surf skis, mostly of his own designs.

The most experienced powerboat driver on the river was Gary McNamara, who has competed for over four decades. This year he took on his forty-fourth Avon Descent alongside current teammate Josh Dewar. I congratulate all the competitors, the crews, the committee led by the legend Greg Kaeding and the hundreds of volunteers who made it a safe and enjoyable event for everyone. Thank you also to the Shires of Northam, Toodyay and Bayswater for their support as host communities and making this iconic sporting event a fabulous community celebration every year.

### **KAYLEE (STELLISHA) WOODLEY**

*Statement by Member for Geraldton*

**MS L. DALTON (Geraldton)** [12.51 pm]: Kaylee (Stellisha) Woodley is a young Wajarri Yamatji Nyulu woman from Geraldton who was awarded the Aboriginal Student of the Year Award in 2023 after completing a certificate III in hairdressing at Central Regional TAFE with support from her wonderful employer, Teresa Italiano of Cut Loose Hair Design. Kaylee has just returned from St Tropez, France, where she was one of three Australian representatives chosen to participate in Intercoiffure's Foundation Guillaume international hairdressing showcase. It was fantastic to see the Geraldton community get behind Kaylee, with many generous donations given to help fund her travel. By participating in this international event, Kaylee has discovered a love of travel and cultural exchange, learnt of new career prospects and, through a shared love of hair design, learnt how to use hair as a new mode of communication to breach language differences. Being the vibrant ambassador that she is, Kaylee has volunteered her time to speak with other young Aboriginal TAFE students. Kaylee is leading by example to demonstrate how a consistent work and study ethic can help us all achieve our goals and dreams. With this much success already at the age of 23 years, I believe Kaylee will go on to excel in her chosen field and continue to be an inspirational role model for young women in Geraldton.

### **PATIENT ASSISTED TRAVEL SCHEME**

*Statement by Member for North West Central*

**MS M. BEARD (North West Central)** [12.53 pm]: Getting health right in North West Central is my number one priority. As the local voice in state Parliament, I understand both the challenges and needs of residents and visitors and the need for a commonsense approach. Everywhere I travel, one of the key points of frustration with health provision is the inadequate nature of the patient assisted travel scheme, a vital piece of the health puzzle but one that no longer fits the needs of regional people. The need for change has been exacerbated by the gradual decline in the availability of health services in the regions and the increased need for regional people to travel to seek services, as well as increased costs. Regional WA is the engine room of our state and our royalties underpin the record surpluses that the Labor government has been gifted over recent years through the hard work of Western Australian families. To put it simply, we deserve better.

An e-petition, facilitated by Hon Martin Aldridge in the Legislative Council, will be open until 2 November and demands action and vital funding from the Cook Labor government to dramatically improve the way PATS is administered and to increase funds allocated to support around 35 000 patients each year. There are six pillars that underpin PATS. We are calling for increased funding to deliver increased fuel subsidies, increased accommodation subsidies, taxi vouchers for patients to get to and from medical appointments, improved processing and reimbursement times, an expansion of PATS to also include dental and allied health services, and greater support for patient escorts and carers. I thank Glenn and Judy Hawes of Denham, Casey of Carnarvon and everyone else from across the state and my electorate for continually bringing the challenges of PATS to my attention. Together with everyone who signs this petition, we will make sure that this government finally gives PATS and regional people the attention they deserve.

### **BELMONT CUP CARNIVAL**

*Statement by Member for Belmont*

**MS C.M. ROWE (Belmont)** [12.55 pm]: Today I rise with great delight to acknowledge the tremendous success of the Belmont Cup Carnival held on Sunday at our brand new netball courts at Wilson Park in Rivervale. The Belmont Cup Carnival was a resounding success. I wish to extend my heartfelt congratulations to the Belmont Netball Association for coordinating such a fantastic event, enjoyed by hundreds of kids and their families on the weekend.

The carnival attracted enormous attention, with 62 teams registered. I was fortunate enough to tag along to cheer on my daughter Rory, who is eight, and her fabulous little team, the Astros, and enjoy being part of the vibrant atmosphere on the day. It showcased not only the talents of all the players, but also highlighted the dedication and hard work of the Belmont Netball Association.

I extend my appreciation to all those who made this carnival possible, including event coordinator, Shelley Male; executive committee members Jacinta Thompson, Tanya Steele, Gemma Dangerfield, Careen Jabonete and Karen Millen-Grant; development officer, Teresa Lee; record keeper, Aimee Dorizzi; patron, Veronica Fuller; life members Deb Ranger, Trudy Mailey and Susan McCann; publicity officer, Amber Douglas; and umpire coordinator, Marika Parsons. They also received valuable assistance from Edith Cowan University students Cody, Leah and Mel.

I am reminded of how powerful community sport is and the positive impact it has on all those involved. Thank you to all the volunteers who made this special day a reality. Well done to everyone involved in the carnival. I look forward to cheering on similar events in the future.

### ***NORTHERN VALLEY NEWS***

*Statement by Member for Moore*

**MR R.S. LOVE (Moore — Leader of the Opposition)** [12.56 pm]: I rise today to commend the work of Tamiaka Preston and Kyra Burns of the *Northern Valley News* who earlier this month were in Sydney speaking as panellists at the Google News Initiative's summit. Launched in 2011, the *Northern Valley News* is an independent regional paper with a readership of 15 000 that covers the southern part of my electorate of Moore. Tamiaka and Kyra were in Sydney to speak about their involvement in Project Kookaburra, a project that considered new business models for independent regional news publishers.

Nationally, Project Kookaburra's second stage sought to promote financial sustainability for small regional papers and, locally, it saw the launch of the *NVN Weekly*, a subscription-based digital newsletter. Tamiaka and Kyra were mentored through the development of the weekly. Some 71 issues later, the launch of the *NVN Weekly* has been hailed a success. Emailed to subscribers on Thursday mornings, Kyra says opening rates for the weekly are 60 per cent, a great result compared with an industry average of 23 per cent. Kyra says that being a panellist at the summit with another regional paper from Queensland alongside national media giants was a fantastic experience. She said they explained that authenticity is vital for a small regional paper when closely connected to the readership. The *Northern Valley News* continues to buck the trend, with readership and advertising revenue continuing to rise. Well done, Tamiaka, Kyra and *Northern Valley News*.

### **TELETHON KIDS INSTITUTE**

*Statement by Member for Nedlands*

**DR K. STRATTON (Nedlands)** [12.57 pm]: Last week I joined the Minister for Medical Research, Hon Stephen Dawson, at the Telethon Kids Institute impact report showcase at the State Theatre Centre. It was an opportunity to hear from a number of researchers about their work—the discoveries they are making and the real-world impact their work is having on children and families. This was just a short whistlestop tour of the 800 projects currently underway at the Telethon Kids Institute—research that covers everything from population-based health issues to the rarest diseases.

As a parent, it was challenging to hear about the research into screen time, while as an asthmatic, it was promising to hear of the work being done to improve the health pathways of children with asthma. Relating to work that I know is important to many of our communities, we heard from Professor Andrew Whitehouse about the work his team is doing to develop best-practice clinical support for autistic children and their families, piloted here in WA.

Congratulations in particular to the early career researchers who got on stage and explained their complex research in ways we could all understand. Bringing the community, health practitioners and policymakers along is an important role of the institute, one clearly on display that evening. It was also a highlight to see director Professor Jonathan Carapetis back on the tools, providing a stimulating scientific paper about strep A and its devastating impact.

Telethon Kids is an amazing and beloved WA community asset. Congratulations on an engaging showcase, but more so congratulations on the ongoing impact it has on the health and wellbeing of children in Western Australia and beyond.

*Sitting suspended from 1.00 to 2.00 pm*

### **VISITORS — BYFORD PRIMARY SCHOOL AND LYNWOOD SENIOR HIGH SCHOOL**

*Statement by Speaker*

**THE SPEAKER (Mrs M.H. Roberts)** [2.00 pm]: On behalf of the member for Darling Range, I welcome the year 6 student leaders of Byford Primary School, their deputy principal, Sue Doncon, and their education assistant Sue Liddington. Welcome to Parliament.

On behalf of the member for Cannington, the Minister for Energy, please acknowledge students from Lynwood Senior High School in the electorate of Cannington who are in the public gallery. Welcome to both Byford Primary School and Lynwood Senior High School. I hope the standard of question time is excellent for you.

### **QUESTIONS WITHOUT NOTICE**

#### **ABORIGINAL CULTURAL HERITAGE ACT — LEGAL ADVICE**

**527. Mr R.S. LOVE to the Attorney General:**

Before I ask a question to the Attorney General, I would like to say well done to the Matildas. They may not have won the match, but they certainly won the hearts of all Australians, so well done.

**Members:** Hear, hear!

**Mr R.S. LOVE:** My question is to the Attorney General. I refer to the Western Australian Labor government's backflip on the Aboriginal Cultural Heritage Act, which was seemingly underpinned by legal advice, which the Premier refused to table or even elaborate on.

- (1) Given the significance of this backflip and its impact upon the communities and industries that are scrambling to prepare for a system that will now not exist, will the Attorney General table a summary of the legal advice received to restore some confidence in his government's handling of this?
- (2) Noting that the Attorney General has made reference in this place to figures of \$40 000 to \$50 000 in costs to landowners to comply with the former Aboriginal Cultural Heritage Act, will he clarify where that figure originated and table the source document?

**Mr J.R. QUIGLEY replied:**

I just draw your attention, Madam Speaker, to the standing orders. Neither the Aboriginal Cultural Heritage Act nor the Aboriginal Heritage Act fall within my basket of portfolio responsibilities, and the question should be properly addressed to the minister.

**The SPEAKER:** Yes. In substantial part, you do have an appropriate point in raising the standing orders; they are the portfolio matters of the Minister for Aboriginal Affairs. I understand that the Leader of the Opposition was asking about State Solicitor's advice, and I think that was his link in to asking the Attorney General a question. When asking those questions about finance, I think they are probably more appropriately addressed to the Minister for Aboriginal Affairs. Of course, under another of the standing orders, you cannot ask for legal advice. On whether the government will table the legal advice or not, as you have correctly alluded to, Leader of the Opposition, the Premier has made it clear that the government will not be tabling that advice. I am happy to hear further on that point of order; otherwise, I will take the next question.

**Mr R.S. LOVE:** Thank you. The Attorney General is the principal legal officer for the government and he has certainly been referred to as being a key part of the decision, so his advice was sought. I am simply asking about his role as has been outlined by the Premier in this place and in the press. Further, the reference to the \$40 000 to \$50 000 cost is a direct response to a matter he raised when speaking as Attorney General, or as Minister for Electoral Affairs, actually, so quite wideranging, but he himself has raised that issue in this place and put forward that amount of money. I am simply asking where that came from.

**The SPEAKER:** I would also point out by way of clarification that the Premier, other ministers, department heads and potentially others are at liberty to seek advice from the State Solicitor's Office without the permission or authority of the Attorney General as such. I do not think that you have addressed your question to the right person. Potentially, the right person for your question is either the Indigenous affairs minister, or, as you have asked questions on this previously, the Premier, who is responsible across the whole of government. As you are aware, he has been in Brisbane for the national cabinet meeting.

Maybe at the end of question time, if we have time, I will give the opposition another question, since that one, in substance, is not being allowed.

I call the member for Carine with the next question.

#### STATE ECONOMY — DIVERSIFICATION

**528. Mr P. LILBURNE to the Treasurer:**

I refer to the Cook Labor government's record of maintaining a strong and diversified economy.

- (1) Can the Treasurer update the house on the recent release of economic data, including on employment and wages in Western Australia?
- (2) Can the Treasurer outline what this means for Western Australian workers, small businesses and families?

**Ms R. SAFFIOTI replied:**

- (1)–(2) I thank the member for that question. I too, on behalf of the government, want to echo comments made by the Leader of the Opposition and say well done, Matildas. What an incredible effort! I think they stole the hearts and minds of all of Australia. Last night, we saw that it was the most viewed sporting event in living memory, which is incredible. In every corner of Australia, everywhere, I think people were just glued to their screens watching a sensational effort. Congratulations to the whole team. Again, I will be there on Saturday night.

**Mr D.A. Templeman:** Again?

**Ms R. SAFFIOTI:** Again! I will be at the Fan Festival, watching the play-off for third place, which will, again, be a great game.

I thank the member for the question. Of course, strong financial management together with strong economic growth has been the hallmark of this government, and it continues to be the case. We have seen the AAA credit rating come back to WA as a result of not only strong financial management over the last six and a half years, but also a strong

economy. Today, new employment data came out that shows that the number of Western Australian jobs grew by a massive one per cent, or 15 000—the strongest growth of all the states. This is the strongest monthly growth in jobs since November 2021 and contrasts with employment nationally, which actually fell by 14 600. Our unemployment rate is at 3.4 per cent—below the national average of 3.7 per cent. Of course, we continue to have the highest participation rate. Since we came into government, 232 000 jobs have been created. Members might look at this graph. The blue was the previous team; the red is this team, delivering record jobs growth across the state.

Importantly, other data that has recently come out shows that our wages have grown significantly, too, across the state. Average weekly earnings for full-time workers in WA grew by five per cent and is over \$2 000 a week for the first time. We now have the highest average weekly earnings in the nation and the strongest growth in total wages. Importantly too for the public sector, the wage price index, including the bonuses being paid, grew by 4.3 per cent in year-ended terms—the highest in the nation and the strongest in over a decade. That wages growth is happening across the state. Of course, our government is supporting the community with things like the cost-of-living rebate for energy and other initiatives to support Western Australian families.

I refer to inflation. We have the lowest inflation rate over the year to June at 4.9 per cent—lower than the national average. As I said, together with lower than national average inflation, we are also supporting businesses and households through electricity credits. Our business confidence is the highest of all the states. We see retail trading continue to increase, by 0.7 per cent, the strongest of the nation. That shows that across all indicators, whether it be retail trading, wages, unemployment or business confidence, we are outdoing the rest of the nation and we are very confident that although we have been through very tricky and difficult times, the WA economy continues to grow sustainably, not only managing inflation, but also creating record job levels for all Western Australians.

**The SPEAKER:** Supplementary question.

**Mr R.S. Love:** No; new question!

**The SPEAKER:** Sorry! New question. All of this celebration of the Matildas got the better of me. Leader of the Opposition.

#### ABORIGINAL HERITAGE LEGISLATION AMENDMENT AND REPEAL BILL 2023 — REGULATIONS

##### **529. Mr R.S. LOVE to the Minister for Aboriginal Affairs:**

I refer to Labor's complete backflip on the Aboriginal cultural heritage laws and the new bill that was introduced to Parliament last week.

- (1) When will the supporting regulations be provided?
- (2) Will they be available for community and industry input?
- (3) Will the minister commit to tabling them ahead of the repeal bill being considered to ensure that the opposition and all Western Australians are not building a view of the act with only half of the information?

**Dr A.D. BUTI replied:**

- (1)–(3) No, I will not make that commitment, but I will make a commitment that they will be drafted as soon as possible, and when they are available, the Leader of the Opposition will see them. The draftspeople are working on it as we speak. They go mainly to procedural matters and time schedules and so forth. When they are available, I make the commitment that the Leader of the Opposition will see them in due course. I cannot give him today an actual date of when they will be available.

#### ABORIGINAL HERITAGE LEGISLATION AMENDMENT AND REPEAL BILL 2023 — REGULATIONS

##### **530. Mr R.S. LOVE to the Minister for Aboriginal Affairs:**

I have a supplementary question. Undertakings have been given that we will see the regulations as soon as possible. Can the minister give me an understanding of whether they will be available when we start debating the legislation in this Parliament?

**Dr A.D. BUTI replied:**

As I said, the commitment is that they will be done as soon as possible and I make the commitment that the Leader of the Opposition will see them when they are available.

#### JOONDALUP DRIVER AND VEHICLE SERVICES CENTRE

##### **531. Ms E.L. HAMILTON to the Minister assisting the Minister for Transport:**

I refer to the measures taken by the Cook Labor government to increase the availability of bookings for driving assessments.

- (1) Can the minister advise the house what action has been taken to make it easier for learner drivers to take their practical driving assessments?

- (2) Can the minister update the house how this government is increasing capacity for driving assessments in Perth's northern suburbs?

**Mr D.R. MICHAEL replied:**

I thank the member for Joondalup for that excellent question and for her and members of the North Metropolitan Region's continued advocacy on this issue on behalf of their constituents. I am told that the member had a petition with 1 500 locals contacting her office about this issue.

- (1)–(2) We all know the demand for practical driving assessments in WA is very high. The government continues to look at all options to alleviate the current pressure on the system. I am very excited and pleased that earlier today I was able to join the Minister for Transport to announce that the Cook Labor government will open a dedicated driver assessment centre in Joondalup in November. The Joondalup centre will provide practical driving assessments for all classes, including C-class, aged and over 55s, heavy vehicles and motorcycles. Customers will also be able to transfer interstate and international drivers' licences at the new centre. What is more, the Joondalup driver assessment centre will be open six days a week, Monday to Saturday, from 7.00 am to 6.00 pm, which will help people, especially young people, who work during the week. An additional eight customer service staff will also come onboard to assist customers when applying for their learner's permit or WA photo card, sitting their theory and hazard perception test, and to issue provisional licences when learner drivers pass their test. I am also pleased to advise the house that the Department of Transport will recruit an extra 24 driver assessors to be based at the Joondalup centre. With more driver assessors available, it is expected around 130 practical driver assessments will be delivered at Joondalup each day, in addition to the PDAs already being carried out around our state. The opening of the Joondalup site is the government's latest measure to improve the availability of these assessments, and will help deliver about 35 000 additional assessment slots each year.

The move online of DoT Direct for learners and licence class upgrades has increased customer security and proven to be very popular. Customers are signing up to the self-service portal in the tens of thousands. There were 18 600 DoT Direct sign-ups in June, and a record-breaking 30 900 sign-ups in July. Customer service officers have assisted nearly 6 000 new learner drivers with signing up to DoT Direct at a document verification service centre or agent. In total, that is a sign-up rate of 88 per cent of the total number of new learner drivers, reapplications and licence variations. Since the PDA bookings have moved behind DoT Direct, a search limit was implemented to stop bots from sweeping the system to bulk book available tests. There has been a major improvement in security. I am told that those bots have almost gone to zero in the system. More tests are available, improving the customer experience, and we are now releasing an average of 370 PDAs a day. Those PDAs are being released into the system during the day, not just at nine o'clock in the morning. I am told that quite frequently at the end of a business day there are still spots left in the system that people can access. A minimum of 41 assessments are being booked by the overseas driver's licence holder call centre daily. In total, 410 PDAs are made available to our customers via the online booking system in the overseas driver licence holder call centre every day. Another initiative is a campaign under development that might alleviate the need for learner drivers to come back for repeat tests. I have said before that I got mine on the third go. I would like to thank Terry from Warwick Police Station in 1998 for that one! The smart lane campaign will focus on the importance of being well prepared for a practical driving assessment. I am told that 70 per cent of drivers who go for their first test fail. Some of them are not ready to have their first test. The new campaign will give learners the best chance at passing that first test, and provide advice on navigating the learner driver journey.

The work I have outlined to ease the pressure on driver vehicle service centres is an example of the Cook government listening to local communities about their needs. I look forward to many of those learner drivers passing their tests soon.

#### ENERGY — SUPPLY

#### 532. Ms L. METTAM to the Minister for Energy:

I also extend my congratulations to the Matildas; they have certainly done us proud.

I refer to the Australian Energy Market Operator's *2023 Wholesale electricity market electricity statement of opportunities* for WA, which forecasts a shortfall of supply as early as 2025–26 and the government's response today to extend the life of unit 6 at Muja C coal-fired power station to April 2025, one month after the 2025 WA state election.

- (1) To avoid AEMO's forecast supply shortfall, which has blown out to 4 000 megawatts by 2032–33, does the minister have any plans to further extend the life of coal-fired power generators beyond their current retirement dates—yes or no?
- (2) Is the government considering building or funding new gas-fired power projects to address the current forecast shortfall?

**Mr W.J. Johnston:** Madam Speaker.



**The SPEAKER:** Sorry, I am just waiting to see what the Leader of the House is doing.

A member interjected.

**The SPEAKER:** Would anyone else like a drink? He is available.

**Mr W.J. JOHNSTON replied:**

(1)–(2) There are two issues there. The first is the *2023 Wholesale electricity market electricity statement of opportunities*. I make clear, the shortfall that the member described for the year 2032–33 is a shortfall after the retirement of all the coal-fired power stations, including those that do not belong to the government of Western Australia. The reason that AEMO publishes these reports is that it can activate the tools it has available under the laws of Western Australia to procure the energy needs of the state. That is the reason the ESOO is published. It is called “statement of opportunities” for that specific reason. As the member knows from reading page 9 of the report, it outlines the two additional tools it has available to it, including the supplementary reserve capacity and non-co-optimised essential system services. Both those tools are available to it in addition to the capacity market that we have here in Western Australia. The way that it activates the private sector to respond to these needs is by publishing the statement of opportunities. I make it clear: that is the purpose for which the government of Western Australia, as the former Liberal–National government did, arranges for this to be published. That is the planning. We will not extend coal stations because they no longer fit into the market.

I will show the member the demand profile for week 31, which was the week of 25 to 31 July. The member can see how the demand goes up and down constantly. A coal station can work at that level, but it cannot respond at that level because it cannot be switched on to meet the high demand. That problem is getting worse and worse because the minimum demand in the middle of the day is falling; in fact, on an individual weekend in October last year, it was below 700 megawatts. The chart here shows it below 1 200 megawatts. Coal-fired power stations simply cannot fit into the system. Prolonging the life of coal-fired power stations causes more problems for the system; it does not provide solutions. What we said we would do at the time of the retirement, which is what we have done, is manage the retirement dates with the needs of the system. What was not expected three years ago, but is now known from the statement of opportunities, is that demand is increasing. When we made the decision to close the plant, demand was flat. Since then, there has been a changed circumstance. In conversation with the Australian Energy Market Operator, we have agreed to extend the life of Muja C6 for another six months so that it has a tool available to use if it needs it over that summer.

In respect of gas generation infrastructure, we said at the time we made the decision that we would not build new gas infrastructure after 2030. So far as I can remember, we are not at 2030 yet. The government has always said that it would consider additional gas generation, but not in replacement of coal. Coal is base load; gas is peaking. They serve different purposes. I will use this chart to point out to the member for Vasse that the peak only lasts for a couple of minutes; it does not last for hours and hours. A gas-fired power station works well for the peak because it can be switched on quickly and switched off quickly. That is also why batteries are even better; they have an instantaneous response and can be managed to exactly match demand, whereas that cannot be done even with a gas station. A coal-fired power station physically cannot do the peak; therefore, it cannot be used as a peaking plant. The purpose of a gas-fired plant and the purpose of a coal plant are unrelated to each other. There is, of course, combined-cycle gas turbines, but we are not talking about those. We are talking about peaking plants. Peaking plants do not do the work; they do not and cannot replace coal-fired power stations.

Equally, coal-fired power stations do not replace open-cycle gas turbines. We currently do not have any detailed plan that we would implement in respect of building additional open-cycle gas turbines. However, we retain the flexibility to do that because, as I said at the time, we want to be flexible and sensible. Unlike the Liberal and National Parties, which are driven by ideology, we are not driven by ideology; we are driven by planning and common sense. That is why the Australian Energy Market Operator continues to tell the government of Western Australia that it wants us to close the plant once the other infrastructure is in place. I am sure that we will talk about this further today, but I make it clear that we work with the Australian Energy Market Operator, we respond to the needs of the market and the state of opportunities is about giving signals to the private sector, which provides the overwhelming majority of electricity in the south west interconnected system and almost 100 per cent of the electricity outside the south west interconnected system, and we will continue to do that.

#### ENERGY — SUPPLY

**533. Ms L. METTAM to the Minister for Energy:**

I have a supplementary question. Is the extension for the coal-fired power generator simply to get the government through to the next election without brownouts or blackouts?

Several members interjected.

**The SPEAKER:** Order please, members! Before I give the minister the call, members may remember that question time took a very long time yesterday. I have often made the point that I like brief supplementary questions to the point. I have no criticism of the member asking the question, nor do I have any criticism of you, minister, but I ask that ministers in their supplementary response make them as brief as possible.

**Mr W.J. JOHNSTON replied:**

Certainly. Again, the member for Vasse needs to start to listen to the answer. We are responding to the request from the Australian Energy Market Operator to give it another tool. It has the capacity market, the non-co-optimised essential system services market and the supplementary capacity market. On top of that, we are giving the Australian Energy Market Operator another tool; namely, it will be able to recall the Muja C6 unit for that summer. We do not expect to have the station used at all over that summer, but why would we not give the extra tool to the Australian Energy Market Operator for that summer? It is only logical.

In conclusion, I remind the member that the Liberal Party said that we would run out electricity last summer, and it said that we would run out of electricity in the middle of the year. It has been saying it every year the government has been in power. It has never been right, so why would anybody think the Leader of the Liberal Party is right today?

#### FAMILY AND DOMESTIC VIOLENCE SERVICES

**534. Ms C.M. ROWE to the Minister for Prevention of Family and Domestic Violence:**

I refer to the Cook Labor government's record on taking action to prevent family and domestic violence.

- (1) Can the minister advise the house of the reforms delivered by this government to protect those at risk in our community?
- (2) Can the minister update the house on other work to address family and domestic violence, including work taking place nationally?

**Ms S.E. WINTON replied:**

- (1)–(2) I thank member for Belmont for the question. I acknowledge in this place her particular interest in this area. I know personally that she often contacts my ministerial office to advocate not only for vulnerable women and children in her electorate, but also on behalf of the important community services that are provided in her community.

Violence against family members or partners is never acceptable and perpetrators should always be held to account. When we were first elected, we knew that there was much work to do to address family and domestic violence. Led by my predecessor, Hon Simone McGurk, we have set about delivering on our commitments—and much, much more. During our six years of government, we have seen the first dedicated Minister for Prevention of Family and Domestic Violence and a record investment of more than \$200 million for the important work of supporting victim-survivors, holding perpetrators to account and, equally importantly, doing much-needed work in stopping the violence before it starts. We have also passed significant legal reforms in the prevention of family and domestic violence to hold perpetrators to account. We have seen incredible investment in a variety of areas including one-stop hubs, a model that supports victim-survivors in getting the services they need. We have two new family and domestic violence hubs in this budget, and we are delivering new refuges, new counselling services and, importantly, perpetrator programs.

This government is the first government to invest in primary prevention, which we know is a critical aspect of this issue. We need to do early intervention and support young people to make sure that violence does not occur in the first place. Respectful relationships is one example of a primary prevention program that is being rolled out throughout schools and now our sporting clubs to ensure that have we the conversation that violence against women and children is unacceptable. The tragic and unacceptable events in the last few weeks remind us that we all have a role to play in stopping family and domestic violence. Certainly, the state and commonwealth governments are committed to working together on this national issue. Of course, at the state level we have the *Path to safety: Western Australia's strategy to reduce family and domestic violence*, which aims to reduce family and domestic violence between 2020 to 2030. Nationally, members would know that late last year, *The National plan to end violence against women and children 2022–2032* was released. I acknowledge my predecessor Hon Simone McGurk for her work on that national plan. These action plans are the important next steps to realise the ambitions that we all have to eliminate family and domestic violence.

Yesterday I was in Brisbane with my state counterparts and commonwealth ministers to release two action plans: the *First action plan 2023–2027* and importantly, a standalone dedicated action plan, the *Aboriginal and Torres Strait Islander action plan 2023–2027*. It was developed by the national Aboriginal and Torres Strait Islander Advisory Committee comprising 16 Aboriginal and Torres Strait Islander leaders. Through these plans, Western Australia and the commonwealth, and other states and territories, have

agreed to actions and, importantly, targets aimed at ending the gender-based violence within a generation. The outcomes framework includes targets to reduce female victims of intimate partner homicide. The Aboriginal and Torres Strait Islander action plan aims to address what we all know is the disproportionate representation of Aboriginal people as victims of family and domestic violence. I want to acknowledge everyone who contributed to those plans, in particular our own Professor Vickie Hovane and Emily Carter who represented Western Australia on the advisory panel. We all know the incredible work they do in this space in this state. It was so valuable to have their representation at the national stage. Of course, the proof is in the doing. The action plans themselves are important but equally we need to continue to build awareness around family and domestic violence. In the first six years of government, we have been very successful in building that awareness in our community because we know that everybody has a part to play. Whether it is government, community service sectors, families or individuals, everyone must play their part. Together, we will make sure that we continue to support the victims of family and domestic violence and hold perpetrators to account but also, more importantly in our community, make it absolutely clear that family and domestic violence is absolutely and totally unacceptable.

#### CHILD HEALTH CENTRES — SOUTHERN SUBURBS

##### 535. Ms L. METTAM to the Minister for Health:

I refer to reports that the government plans to close community child health centres in the southern suburbs in favour of forcing new parents to visit the Murdoch health precinct for baby check-ups.

- (1) Is the minister closing these centres; if so, how many; which ones; and why?
- (2) What health experts and advocacy groups have been consulted on this decision?

##### Ms A. SANDERSON replied:

- (1)–(2) The recent media report that purported the government was closing 13 centres was completely wrong. The journalist was advised of that prior to publication. There are absolutely no plans to close 13 centres across the south metro. Members will be aware that a lot of those child health nurses and child development services are spread across a range of different sites. We announced some time ago, under the former health minister, that the best model of care, based on consultation with the non-government sector, which is very active in this, is the hub-and-spoke model for community health services. A range of jurisdictions work to a hub-and-spoke model. To explain that to the opposition, the hub is a big centre, and a spoke is a small centre in neighbourhoods. Small centres will remain across neighbourhoods because there are people who like to visit their child health nurse or services that are within walking distance. However, many children and an increasing number of children have complex needs and need a multidisciplinary approach. They need to see the Child Development Service, child health nurse and the child and adolescent mental health service. From the feedback we have had from families who have to access those services, going to a multitude of sites and services all the time is incredibly challenging and difficult when they have other children, jobs and lives they have to lead. Accessing the multitude of multidisciplinary services is currently really challenging. We are working towards providing a model that has a hub and spoke so we will have those multidisciplinary services and services out in the community. Some of the sites are incredibly old and absolutely dilapidated. They have no room to expand. We will not be renewing leases on sites that are not fit for purpose and do not have room to expand the staffing. They will get brand new facilities and the staff will be closer to colleagues as well. This has been in the pipeline for a number of years and has been well consulted on. We continue to consult with the parents who use the service and with our community and non-community organisations, which are very active in this state. Everyone agrees that a multidisciplinary approach is the best approach and gets the best outcomes for children with very complex needs. The best way to provide that is for all those disciplines to be together in one service.

#### CHILD HEALTH CENTRES — SOUTHERN SUBURBS

##### 536. Ms L. METTAM to the Minister for Health:

I have a supplementary question. I note there will not be 13 closures but how many centres will be closing as a result of this new approach?

##### Ms A. SANDERSON replied:

We are not reducing or closing services and there will be no reduction in FTE. There is no reduction in services or FTE.

Ms L. Mettam interjected.

Ms A. SANDERSON: I have just said where those sites are crumbling around the ears of those important healthcare workers, leases will not be renewed on those sites. We are working with the community on what that will look like. The best possible care for those —

Ms L. Mettam interjected.

**The SPEAKER:** Order please, member.

**Ms A. SANDERSON:** For those with complex needs, the best possible care is a multidisciplinary approach. It is a well-accepted model of care and that is why the government announced a number of years ago that for community-based services like child development services and the child and adolescent mental health service, a hub-and-spoke model is the best possible model. It was well canvassed in the Ministerial Taskforce into Public Mental Health Services for Infants, Children and Adolescents aged 0–18 years in Western Australia. That was a recommendation from the ICA Taskforce.

Several members interjected.

**The SPEAKER:** Order please, members.

Several members interjected.

**The SPEAKER:** Order, please, Leader of the Liberal Party and others who are interjecting.

**Ms S. Winton** interjected.

**The SPEAKER:** Minister, I was calling to order someone on the other side of the chamber. When I am speaking, the last thing I expect is for someone to interject on me. Minister for Health.

**Ms A. SANDERSON:** The best possible model of care is having a multidisciplinary approach and a hub-and-spoke model, which means there will be centres in neighbourhoods and there will be larger centres in districts like Murdoch that will support those centres and go out to those centres. They will be the best possible facilities and newer facilities so they have the consultation rooms they need to do consultations. At the moment, some of them have one consultation room so they cannot get an occupational therapist, a speech therapist and a paediatrician there. They are not fit for purpose. We are upgrading this really important infrastructure in what is a growing area of need in the community. The Leader of the Liberal Party should be happy about that.

#### EARLY CHILDHOOD EDUCATION AND CARE — JOB READY PROGRAM

##### 537. **Ms L. DALTON to the Minister for Training:**

I refer to the expansion of the early childhood education and care job ready program to more regional locations.

- (1) Can the minister outline to the house how this free program is training more early childhood educators for work in the important early childhood education and care sector?
- (2) Can the minister advise the house how job ready partnerships with industry are encouraging more Western Australians to take up jobs in areas of high demand?

##### **Ms S.F. McGURK replied:**

- (1)–(2) I am very happy to answer this question because it gives me an opportunity to talk about the fantastic work that the Cook Labor government is doing in vocational education. I made the announcement in concert with the Minister for Early Childhood Education earlier this week to expand the job ready program for early childhood education and care. The job ready program has been developed alongside industry. It will respond to requests for short, sharp training to meet high demands for skilled workers. It is a great model because it works alongside entry-level training. It is designed for people who have not been in the workforce before or who have had a long break from the workforce, to give them the wraparound support they need with a placement in industry. Importantly, it is part of our Free in '23 suite of offerings, so these job ready programs are free for anyone who wants to take them up.

We know that early childhood education and care is crucial for early childhood development and great for the babies and young children who attend care centres. It is also a key enabler for increased participation in the workforce. For working families, and often working women, the proximity and availability of childcare is very important because it means they can participate in the workforce.

Along with the Minister for Early Childhood Education, I have announced the expansion of the early childhood education and care job ready program to Albany, Bunbury, Geraldton, Karratha, Katanning, Kununurra, Mandurah and Northam—all those regional areas. It will also be expanded to more metropolitan areas. This is a very good early introduction for people living in those areas who have had difficulty getting into the workforce and who might be interested in early childhood education and care and working in those centres, but who are not confident enough to do their certificate III or start training. It has already been very successful. In fact, when I was in Geraldton recently I met 19-year-old Yolanda, who had participated in the early offerings of this program in Geraldton. As a result, she already has casual work in the industry, which is fantastic. I understand that the member for Geraldton knows Yolanda from her time at TAFE and has met her previously. That is such a good example. We know it is difficult to get people to work in a range of different areas, but if we can train local people, particularly in regional areas, that is great. They have housing, they are connected and committed to the community and we can get them into these areas of work.

There are job ready programs available across a range of different industries. In fact, more than 2 000 Western Australians have already commenced job ready programs. I am really pleased to announce that almost half of the 2 000 Western Australians who have taken up job ready programs have reported that they have either secured employment or have gone on to do further training, which is exactly what we want. We want them working in those industries and we want them to say, “Okay, yes. I’m ready for my cert III. I’m ready to keep training. I’ve got my confidence up.” They are working in critical industries such as early childhood education and care.

It is also really pleasing that 78 per cent of job ready participants are women. We know we need to do more work, and we want women back in the workforce. We want them to get confidence and training that we know will be accessible. Also, really importantly, another under-represented cohort in our community is Aboriginal people, and 40 per cent of participants are Aboriginal people. This is all good news.

The other job ready programs include construction, bricklaying, hospitality, aged and disability care, truck driving and drillers offsiders—areas in which we know there is big demand. This is a great program, and I give credit to my predecessor, Hon Sue Ellery, who put it in place when she was the Minister for Training. It is part of a suite of work we are doing; we are investing huge dollars into vocational education. There is \$320.5 million to make training more accessible and to get people ready for the jobs that we know are out there. I want to highlight to the house how successful that has been. We are having huge success in apprenticeships and traineeships alone. At the moment, more than 45 000 Western Australians are participating as apprentices or trainees—45 000! That is a great number. As a government, we are very proud of it.

This morning I heard a statistic: 92 per cent of people who participate in apprenticeships go on to get work in that industry, like the member for Scarborough did—he had employment as an electrician, as we know, but he is now in Parliament. These are great job opportunities and great training opportunities, and I am proud to be part of a government that is making this happen for Western Australians.

#### ABORIGINAL CULTURAL HERITAGE ACT — LEGAL ADVICE

##### **538. Mr R.S. LOVE to the Minister for Aboriginal Affairs:**

I refer to the legal advice provided by the State Solicitor’s Office that underpinned the backflip on the Aboriginal Cultural Heritage Act.

- (1) Did the minister receive a copy of that advice; and, if so, at what stage in the decision to backflip was it received?
- (2) Did the minister receive any advice with reference to costs to landowners of \$40 000 to \$50 000 to comply with the failed legislation, as outlined by the Attorney General in this place last Wednesday?

##### **Dr A.D. BUTI replied:**

- (1)–(2) With regard to legal advice, I do not think that would have anything to do with costs to landowners, so I will leave that aside. With regard to when I received advice, what part and when I used that as part of the formation of the decision is something that cabinet and I decided and we are not going to disclose it. That legal advice will not be tabled, as is the normal precedent with regard to legal advice. As I am sure the member will know, when his side was in government, it did not table legal advice. It is not good practice and he will understand that one day, maybe.

#### ABORIGINAL CULTURAL HERITAGE ACT — LEGAL ADVICE

##### **539. Mr R.S. LOVE to the Minister for Aboriginal Affairs:**

I have a supplementary question. There were two facets to the question: one about the legal advice and one about the economic advice. The minister has refused to answer either. Why will he not provide that information in the interests of transparency?

Several members interjected.

**The SPEAKER:** The reason you got a response is that you made a statement rather than just asking the question. Just ask the question you would like answered and I will then give the minister the call.

**Mr R.S. LOVE:** Will the minister detail what advice he has received regarding the economic cost to landowners?

##### **Dr A.D. BUTI replied:**

Landowners? What advice is the Leader of the Opposition referring to? What advice have we said that we have received with regard to costs to landowners?

**Mr R.S. Love:** I don’t know; the Attorney General obviously received some sort of advice.

Several members interjected.

**The SPEAKER:** Members! I am asking people to be quiet. We are moving on to the next question.

## ENERGY — SUPPLY

**540. Ms J.L. HANNS to the Minister for Energy:**

I refer to the Cook Labor government's commitment to deliver a sensible and stable energy transition.

- (1) Can the minister outline to the house how the retirement of unit 6 at Muja power station will be delivered in a responsible manner?
- (2) Can the minister advise the house how this government is continuing to support local workers in Collie as Western Australia transitions out of coal?

**Mr W.J. JOHNSTON replied:**

I thank the member for the question. I know her deep commitment to seeing a genuine transition for the people of Collie. I know it affects her on a personal level as well as being the member of Parliament for her community.

- (1)–(2) The government is deeply committed to a sensible transition away from coal. I highlighted something a minute ago in answer to an opposition question about swings in the system. I want to again demonstrate that challenge with this chart, which is the same chart but for the first week of January this year. Again, we can see these massive swings, from below 1 000 megawatts of demand to more than 3 500 megawatts of demand. That is why it is so hard to have coal-fired power stations working as they are designed to work. They are designed to grind away as baseload, always providing the same level of energy from their systems. They do not work very well when they need to do what in the industry is called ramp—respond up and down to the demands of the system. That is why we have to close the plant. It is not an ideological choice; it is a practical decision that reflects the changing nature of the energy system.

We respect the workers in Collie, who have delivered energy security and continue to deliver energy security for Western Australians. That is why we are working directly with Synergy for the workforce at Muja and Collie, and indirectly with the broader community, on a solid transition.

This announcement today reflects that we are listening to the advice we receive from the energy experts who operate the system. When the Australian Energy Market Operator changed its prediction for the future demand for electricity, we responded to that. The decision to retire the units was made four years ago. Now, the advice that we have received is different from the advice received four years ago, so we are outside the market continuing to make Muja C unit 6 available for that extra summer so that if AEMO needs additional support from that unit, it will be available to AEMO. We do not expect that it will be needed, but we want to make sure that if it is needed, it will be available. We know that if we need to extend the life over a long time, it will be costly. We do not want to have a Muja AB disaster like when the former government spent \$320 million trying to breathe life into that old unit. We do not want to make the same mistake that was made by the former Liberal government of breathing life into and trying to hold onto equipment beyond its useful life.

We are committed to supporting the workforce through that additional transition period. Synergy is talking to the affected workforce and I look forward to visiting Collie very soon to again engage with the workforce. The community knows, because it has seen it already, the Cook Labor government's commitment to that community. Every time I go to Collie, I am amazed at the new jobs that have been created down there. We are still working with major industrial users at the different sites down there. The fact that both Neoen and Synergy are building grid-scale batteries in Collie is a reflection of the advantages of that location. We want to continue to work with the community down there because we want to thank them for their years of service and we want to support them through this important transition.

ALCOHOL ONSELLING — PROHIBITION REGULATIONS —  
CARNARVON AND GASCOYNE JUNCTION**541. Mr R.S. LOVE to the Minister for Racing and Gaming:**

I refer to Monday's announcement of regulations for the carriage limits of alcohol imposed on Carnarvon and Gascoyne Junction, which were gazetted on 9 August.

- (1) Why was there an apparent delay in the Department of Local Government, Sport and Cultural Industries' communication of these changes to the community and industry?
- (2) Was that the result of an instruction from the minister or his office?
- (3) Is it appropriate for the minister's office to make an announcement without consulting or educating the community, thereby exposing law-abiding citizens to the risk of unknowingly breaking the law?
- (4) Can the minister inform the house which other communities the minister intends to roll this measure out to?

**Mr R.R. WHITBY replied:**

- (1)–(4) There was no failure to inform the community. We have spoken about these limits for a long time. They are very clear and information has been made available. In fact, I have a copy of a poster in my office that

has been made available to liquor outlets. It is well known. The police will play a very informed role in the implementation of the regulations, which will not apply to certain categories of people. This is about targeting sly grogggers who prey on the misery of people who are affected by alcohol. I am surprised that the Leader of the Opposition would question an initiative like this, which is intended to avoid some of the crises that we have seen in communities, including in Carnarvon, to avoid family and domestic violence, to avoid kids being too terrified to go home, and to avoid vandalism and crime in communities in Western Australia, including remote communities.

These restrictions are about stopping sly grogggers making exorbitant profits at the expense of vulnerable families and people with an addiction by charging huge, inflated prices for alcohol and taking all their money. It is designed to protect those people and stop the sly grogggers. I would expect, and I hope, that as a representative of a regional electorate the Leader of the Opposition would be the first to support these measures because they are intended to support communities and help our most vulnerable people who are impacted by the scourge of alcohol abuse.

ALCOHOL ONSELLING — PROHIBITION REGULATIONS —  
CARNARVON AND GASCOYNE JUNCTION

**542. Mr R.S. LOVE to the Minister for Racing and Gaming:**

I have a supplementary question. My final part of the question was in regard to which other communities the minister intends to roll this out to. Can the minister indicate to the house which other communities he has in mind, and does it include the City of Geraldton?

**Mr R.R. WHITBY replied:**

We will respond as is appropriate on the advice that we have. This is about making sure that those vulnerable communities, often in very remote parts of Western Australia, are not preyed upon by the sly grogggers. They have no interest in protecting the health and wellbeing of Western Australians; they have every interest in making huge, exorbitant profits from trading in misery. We will respond when there is community concern. We will always do that. We will put families first, we will put communities first, we will put your community first, and we will do that at every opportunity.

MINING — EXPLORATION LICENCES

**543. Ms M.J. DAVIES to the Minister for Mines and Petroleum:**

I refer to the True Fella Pty Ltd v Pantoro South Pty Ltd decision that cast doubt over the validity of any exploration licence application that has not complied with the requirement to set out the work and expenditure an applicant intends to carry out over the full five-year term of a licence.

Can the minister provide any advice on section 58 statements, given that it will be 12 months tomorrow since the department advised that it would be examining that decision in detail, and any impact it has had on the current guidelines provided by the Department of Mines, Industry Regulation and Safety?

**Mr W.J. JOHNSTON replied:**

Obviously, I will not provide legal advice. I make that clear. I will make the point that the True Fella decision did not change the law in Western Australia. The law in Western Australia is exactly the same as it was before the True Fella decision. It is not true to say that it has caused confusion about what the law says. It was a specific decision and the department continues to exercise its obligations in the way that it needs to.

MINING — EXPLORATION LICENCES

**544. Ms M.J. DAVIES to the Minister for Mines and Petroleum:**

I have a supplementary question. Thank you, minister. Does the minister believe it is appropriate to leave industry without any formal guidance on this matter for more than 12 months, especially as the minister advised 12 months ago that he was investigating this exact issue?

**Mr W.J. JOHNSTON replied:**

I advised 12 months ago that the department was looking at what advice it could properly provide, noting the Mining Warden's decision. The warden, of course, is independent of government. We cannot control the decision of the warden. One of the challenges is that the warden's decision is not binding. It does not create a binding law. If it were a judge's decision, it would be different, but because it is a warden's decision, it is simply the opinion of the warden. The likelihood is that other wardens will continue to follow the decision, but that does not change the law. Whatever the law is in Western Australia now, that is the law. There has been no change to the law of Western Australia. The department continues to examine what response it can make to the decision of the warden, but the one thing that we cannot do is control the warden.

**The SPEAKER:** That concludes question time.

**LEGISLATIVE ASSEMBLY — VISUAL AIDS***Statement by Speaker*

**THE SPEAKER (Mrs M.H. Roberts)** [2.57 pm]: I would like to provide members with some general advice. You will have noted during question time that the Minister for Energy referred to some A3 pages that had graphs on them. He sought my permission ahead of time to be able to use those in Parliament. Yesterday, I gave permission for the member for Cottesloe to similarly use A3 pages that he wanted to use during private members' business.

Can I just say that as a general rule, if what you are going to refer to is just an A3 page or an A4 page and you want to use it a lot of times, like the former member for Victoria Park used a couple of things a lot of times and would get them laminated, that does not bother me either. As a general rule—I know some former Speakers have wanted to see those pieces of paper beforehand or approve them before members used them—I do not feel the need to adjudicate on that. Clearly, you have to use your judgement. If something is offensive, that is a different matter, but, as a general rule, if you want to hold up in Parliament an A4 piece of paper or an A3 piece of paper, be it laminated or not, I do not require you to seek my permission.

If, on the other hand, you have something much larger than that or if you have some object—for example, a piece of sporting equipment, a tennis racket, a piece of building rubble, a brick or some item of clothing, a lump of coal or who knows what—yes, please seek my permission to bring that into the chamber.

While I am at it, I congratulate the Minister for Sport and Recreation for bringing a wonderful object—a replica of the America's Cup—into the chamber this week for which he sought my approval the week before.

I hope that clarifies things and makes it simpler for members of the chamber. In the time that I have been the Speaker, I do not think I have refused anyone who has sought permission to hold up a piece of paper in Parliament. From my perspective, I think that is unnecessary. That is the ruling that I am giving at this point in time unless I find that there is a dramatic flaw with that logic.

**CORRUPTION, CRIME AND MISCONDUCT AMENDMENT BILL 2023***Second Reading*

Resumed from an earlier stage of the sitting.

Several members interjected.

**The SPEAKER:** Order, please, members! I will give the member for Bicton the call in a moment, but I am going to ask the members for Jandakot and Southern River and the Leader of the Liberal Party and others to perhaps either move to their place or out of the chamber. We have too much noise in the chamber—Leader of the House and others! Attorney General, I am waiting to be able to give the member for Bicton the call.

**MRS L.M. O'MALLEY (Bicton)** [3.01 pm]: The first reform, which revolves around the appointment processes, aims to rectify the existing appointment procedures, which have occasionally led to prolonged vacancies in crucial positions within the Corruption and Crime Commission. The position of Corruption and Crime Commissioner—vital for maintaining the integrity of our institutions—undergoes an intricate selection process.

Currently, the recommendation for the appointment must receive both majority and bipartisan support from the Joint Standing Committee on the Corruption and Crime Commission. This process is not without its flaws; for example, a single member of the standing committee could wield a disproportionate amount of power and potentially obstruct appointments indefinitely. Such a situation could lead to vacancies that adversely affect the efficacy of the CCC.

To address this issue, the proposed amendments will establish a more robust framework. The Premier will refer a nominee for commissioner to the standing committee, which will have 14 days to respond. An additional 30 days may be granted if deemed necessary. Importantly, the standing committee's veto power will be collective to ensure that no single individual could impede the process indefinitely. This revised approach aligns with practices in other Australian states and territories, and promotes accountability and efficiency while preserving the standing committee's oversight role. This legislative change recognises the importance of parliamentary involvement in appointments and addresses the issue of undue influence from a single committee member.

The second reform relates to the introduction of the deputy commissioner position. This new role is a response to the escalating workload and the need for a comprehensive framework to manage the CCC's expanding responsibilities. This need was recognised two decades ago, during the initial formulation of the Corruption, Crime and Misconduct Act. Over the years, it has become increasingly apparent that the commissioner requires support to effectively manage their non-delegable powers, including conducting examinations and making exceptional power findings. The deputy commissioner position, as envisaged in the bill, will serve as a crucial aid to the commissioner. Empowered to perform functions directed by the commissioner, the deputy commissioner will also have the autonomy to exercise non-delegable powers. This change will not only alleviate the commissioner's burden, but also ensure impartial decision-making, which is a cornerstone of any effective anti-corruption effort.



The Corruption, Crime and Misconduct Amendment Bill 2023 is not just a legal reform; it is a reflection of our unwavering commitment to a just society. By addressing the flaws in our appointment processes and establishing the deputy commissioner position, we will take significant strides towards enhancing transparency, accountability and the fight against corruption.

In conclusion, this bill represents the initial phase of a comprehensive modernisation effort for the Corruption, Crime and Misconduct Act. By strengthening our appointment processes and introducing the deputy commissioner role, we aim to forge a brighter, more equitable future for Western Australia.

I commend this bill to the house.

**MR G. BAKER (South Perth)** [3.05 pm]: I rise to speak on the Corruption, Crime and Misconduct Amendment Bill 2023. The Cook Labor government is dedicated to protecting the public service and the WA community from corruption. This bill seeks to extend our commitment to the Corruption and Crime Commission as the premier agency for investigating and exposing corruption in the public sector. It is not an easy thing to do and, as I will discuss, it is easier for some governments to look the other way, but looking the other way comes at a cost.

To understand why this bill is needed, we need to look at the history of the CCC. The Corruption and Crime Commission was started by the Gallop government in 2003 to monitor police and the public sector and came out of a recommendation of the Kennedy royal commission. The CCC was established on 1 January 2004 and replaced the Anti-Corruption Commission. This was after Commissioner Geoffrey Kennedy found that the ACC did not have the powers to properly do its job. The CCC was designed to have all the powers of a royal commission to probe allegations of public sector and police corruption, including the ability to hold public hearings and compel witnesses to testify.

The Corruption and Crime Commission has been served by the four commissioners. From December 2003 to March 2007, it was served by Mr Kevin Hammond, AO. After him, from May 2007 to January 2011, it was Hon Len Roberts-Smith, and after him there was a 10-month gap. From November 2011 to April 2014, we had Roger Macknay, and following him there was a 12-month gap until April 2015, when Hon John McKechnie, KC, was appointed. He served until 2020, and then there was a 14-month gap while his re-employment was contested within the parliamentary process, which is one of the spurs for this legislation. In June 2021, in one of the early acts of this Parliament, John McKechnie was appointed by Parliament directly. Notably, there have been three long gaps when no commissioner was appointed by the Parliament. They were in 2011, 2014 to 2015 and 2020 to 2021. These were quite noticeable absences when the state failed to appoint an anti-corruption campaigner.

Most the life of the CCC has been under the Barnett Liberal–National government, so what was the Liberal–National government’s attitude to the CCC? I will take a few quotes from Premier Barnett in *The West Australian* online. In February 2015, the then Premier indicated he was concerned with the direction of the agency. He states —

“Obviously, and I can say as Premier, the CCC has not lived up to expectations ...

He suggested he had never been a fan of the CCC that was set up by the former Labor government. He continues —

“If you go back in recent history, the Gallop government talked about corruption in police and the solution was to set up the CCC,” he said.

“Well, I don’t think the issue was there as others pretended. I don’t believe there is widespread corruption in WA. There is certainly organised crime and we need to deal with that, and I would prefer to see the CCC’s powers and skills and abilities used in tackling organised crime.

He was looking away from the public sector.

He also suggested that local governments were the main source of corruption in WA, and that the watchdog had not lived up to expectations. That is quite a scene for the Premier at the top of Western Australia’s public service, and public service culture, to be setting. What was happening in the WA public service at that time? Was it free of corruption? Two important cases were occurring right throughout the period of the Barnett government. One concerned the North Metropolitan Health Service. Between 2012 and 2017, about \$10 million of corrupt contracts were awarded by John Fullerton, who has since been convicted of those offences. A number of other employees and contractors were involved in that case, which was exposed by the Corruption and Crime Commission, but it took a very long time to come to the party on that one. The second case involved Paul Whyte in housing. It was the biggest corruption case by a public servant in all of Australia. Paul Whyte pleaded guilty to 564 charges of corruption and money laundering and was sentenced by the Supreme Court. Four associates were also charged with related offences. Upwards of \$22 million was stolen over 10 years, from 2009 to 2019, right throughout the period of the Barnett government. Part of Paul Whyte’s role in the Department of Communities was to oversee internal governance standards, integrity, corporate assurance and performance. While Barnett and the Liberal and National Parties were saying that the CCC was not needed and were repeatedly leaving the post of the Corruption and Crime Commissioner vacant, the worst acts of public sector corruption were underway in Western Australia. This is another important lesson or reminder that culture is set by the top.

Let us look at how culture is driven from the top of an organisation. I will go through some things that I picked up from the Australian Institute of Company Directors.

**The DEPUTY SPEAKER:** Sorry, member; just hold on two secs. Members, if you would like to take your conversations outside, please do; otherwise, keep it down. Carry on, member.

**Mr G. BAKER:** I will say some nice things about the Attorney General if he will listen.

According to the Australian Institute of Company Directors, there are three principles of good governance. Principle 1 is headed “Mission”. The advice to boards in principle 1 states —

The board plays a key role in approving the vision, purpose and strategies of the organisation. It is accountable to the organisation’s members as a whole and must act in the best interests of the organisation.

Principle 2, headed “Organisational culture”, states that the board sets the cultural and ethical tone for the organisation. Principle 3, “Independent judgement”, states —

All directors should exercise independent judgment and provide independent oversight of management.

If we want to apply the analogy from the corporate sector to the state government, the Premier and the cabinet are responsible for the functions of the board under these principles. Under principle 2, it would be the Premier and the cabinet that would set the cultural and ethical tone throughout government. This has been echoed in numerous royal commissions, government investigations, corporate management theories and company case studies. Greg Medcraft, the chair of the Australian Securities and Investments Commission, said in 2015 —

Culture matters to ASIC because poor culture can be a driver of poor conduct. Culture has been at the root of some of the worst misconduct we’ve seen in the financial sector. Looking at cultural problems can give us an early warning of where things might be going wrong to help us disrupt bad behaviour before it happens and catch misconduct early. Importantly, it helps with identifying not just individual instances of misconduct but broader, more pervasive, problems.

Those were the words of the chair of ASIC, Greg Medcraft, in 2015. If we look at the banking royal commission, which reported in 2019, we see that Commissioner Ken Hayne, KC, said very similar things about culture—that it is driven from the top. The Perth Casino Royal Commission also identified numerous problems in risk governance and culture at the Crown casino. There are plenty of examples from the corporate world and government that demonstrate that the culture at the top of an organisation flows right the way through.

Let us look at the culture set by the Barnett government—what Barnett said and the gaps he left, and what happened in government. He said —

I don’t believe there is widespread corruption in WA ... and I would prefer to see the CCC’s powers and skills and abilities used in tackling organised crime.

He was saying that we should not look at the public sector. He said that local governments were the main source of corruption in Western Australia, so we should not look at state government agencies. He also said that the watchdog had not lived up to expectations, so he was downplaying its importance. He left the position of Corruption and Crime Commissioner vacant not once but twice, for long periods. One commissioner resigned after a stint of two and a half years. Again, in 2020, our own parliamentary committee was unable to reappoint the most successful Corruption and Crime Commissioner ever. Although we are not privy to what happened in that committee, that sent another signal that we were not serious about fighting corruption. What was happening while the Liberal Party was not taking corruption seriously? Paul Whyte in housing was committing the worst case of public sector corruption in Australian history, worth \$22 million, and we had a network of corruption covering \$10 million in contracts for the North Metropolitan Health Service. That does not cover the issues revealed by the Langoulant report, which found billion-dollar contracts awarded without a business case or tender, but that is a separate issue. We will have another discussion about the waste of taxpayers’ money that occurred under the Barnett Liberal–National government’s tendering processes and the lack of transparency and so forth. There were cases involving Paul Whyte, the North Metropolitan Health Service and numerous others. The “Black Hand Gang” certainly behaved like it was breaking the law; its members thought they were. We have to look at where culture starts at the top. The lesson that we can draw from the Barnett era is that we need to take corruption seriously. Even if we do not think that we are affected by corruption, we still need the agency to be vigilant.

The Cook government, and the McGowan government before it, wants to do the right thing to prevent corruption in WA. We have reappointed the best corruption fighter we have ever had in John McKechnie, KC. We have given the CCC the power and leeway to look into anything, to make it clear that nobody is above the law. A powerful CCC is not always a comfortable thing for a government or individuals in a government, but we set the culture from the top. The Cook Labor government is setting the culture from the top. This bill will protect the CCC from any future government or parliamentary faction that does not care about fighting corruption by improving the appointment process for the commissioner, making it harder for political interests to block the best candidates, and creating the role of deputy commissioner so that the powers of the commissioner can be exercised in the commissioner’s absence

without the need for delegation. These steps will help strengthen our already robust anti-corruption agency and ensure that our government is taking the strongest anti-corruption stance that our state has ever seen. I congratulate the Attorney General for bringing these reforms to the Parliament, and I commend the bill to the house.

**MR P. PAPALIA (Warnbro — Minister for Police)** [3.17 pm]: Thank you for the call, Deputy Speaker; I will not keep the house too long. At the outset, I make the observation that the Corruption, Crime and Misconduct Amendment Bill 2023 is a very important piece of legislation. The bill relates to the Corruption and Crime Commission. That is something in which I have an interest because the CCC obviously provides oversight of the police, amongst other things. I also note the fact that until a moment ago, such was the lack of interest of the opposition in this legislation that none of them were present in the chamber—not one person. In fairness, I make the observation, for the purposes of *Hansard*, that the member for North West Central has returned to the chamber, but none of her colleagues have been here for some time. She was the lone interested party and she vacated the chamber a moment ago. That is no reflection on her. What it is a reflection on, though, is the lack of interest of any of the opposition’s leadership in this legislation. Regardless of any contributions on this legislation by the Leader of the Opposition or the Leader of the Liberal Party, it is apparent that they do not have too much interest in it. That being said, I was here earlier when the Leader of the Opposition made his fleeting appearance in the chamber and contributed to the debate on this legislation with an interesting proposal for an amendment, suggesting that he would effectively remove the main intent of this bill and revert to the situation we currently labour under.

Welcome back, Leader of the Liberal Party; it is good to see you here.

**Mr J.R. Quigley:** It is only a cameo appearance.

**Mr P. PAPALIA:** A cameo appearance!

**Ms L. Mettam:** I’ve been here.

**Mr P. PAPALIA:** The member must have been here in spirit because I did not see her present in the chamber. I refer to that because of the nature of the amendment that I assume she supports. Effectively, the Leader of the Opposition hopes to completely neuter the intent of the legislation with an amendment.

The intent of this legislation is to address a flaw in the current process. Under the current process, when there is only one opposition member on the Joint Standing Committee on the Corruption and Crime Commission, for instance, that single individual can unilaterally block the proposed appointment indefinitely by simply refusing to vote in support of the appointment. We know this is the case because we witnessed it. We sat in this Parliament in frustration as the other place came to a complete standstill on appointing a new Corruption and Crime Commissioner, purely because one individual, for whatever motivation, chose not to support the appointment.

That was a shameful episode in Western Australian history. Perhaps I need to remind the chamber and the Leader of the Opposition of what happened because it is apparent from the amendment he proposes to move to this bill that he has forgotten what motivated the government and the Attorney General to bring this legislation to the house. It appears as though the Leader of the Opposition cannot remember what happened. I am able to recall it myself, but it might help to quote some of the debate at the time on the attempt to appoint the now CCC commissioner under the last Parliament that was frustrated by the appalling situation when an individual, for whatever motivation he had, chose to not support the appointment.

I will quote from the Premier of the day, who was among the most frustrated by the whole episode, in one of the debates on the appointment of the CCC commissioner. In *Hansard* of Thursday, 14 May 2020, Hon Mark McGowan stated —

That is the Liberal Party’s message to the CCC. According to the Liberal Party, members of Parliament should not be subject to investigation. I say that because chapter 7 of the CCC report handed down last year refers to the “Black Hand Gang” and the misuse of allowances to fund lifestyle. The title of chapter 7 is “Misuse of allowance to fund lifestyle”. The chapter goes over a number of pages about the misuse of allowances by MPs in the Liberal Party to fund their lifestyle. Who is in the “Black Hand Gang”? Hon Peter Collier, Leader of the Opposition in the upper house, said on radio that every Liberal Party member of the Legislative Council is a member of the “Black Hand Gang”. Who are the Liberal Party members of the upper house? Mr Chown is one. He is a member of the “Black Hand Gang” that Mr McKechnie, QC, investigated, and yet Mr Chown is on the committee deciding whether or not Mr McKechnie is reappointed, and members opposite allow that to stand! That is a corruption of the process by the Liberal Party. That is what it is; it is a corruption of the process by the Liberal Party.

Nothing has changed, except the now Leader of the Opposition is a member of the National Party and he is choosing to pursue the same objective as his colleagues in the Liberal Party. It is a bizarre situation that so many years down the track, having witnessed what happened when the entire process was corrupted by an individual who was under investigation choosing not to support the reappointment of the person investigating him—an incredible situation to contemplate that that came about and passed into history—we confront in this place again a National Party Leader of the Opposition choosing to oppose this important reform that will ensure that that situation will not be repeated. It is extraordinary. It is not necessarily a huge stretch to contemplate why it would be happening. It would

suggest that the power, the reach and the control of the “Black Hand Gang” still extends from the Liberal Party in the upper house of state Parliament all the way back down into this part of Parliament to those who lead both the National Party and the Liberal Party in this house. Clearly that is the case. Why otherwise would the now Leader of the Opposition; Leader of the National Party choose to oppose this amendment bill and rectify a wrong? Why would that be the case?

Mr Chown has long ridden off into the horizon. He is not here anymore, so it is not on his behalf that the Leader of the National Party; Leader of the Opposition seeks to move an amendment. This is on behalf of somebody who is still in Parliament—someone who still controls the opposition. It would appear that it is not somebody in his own party. That is concerning on a couple of accounts. It is concerning that the “Black Hand Gang” is still clearly in ascendancy. It still has a lot of power. It still determines policies of the opposition, in both the National and Liberal Parties, and it is still not confronted for its behaviour by the leadership of the Liberal Party. Any suggestion that the “Black Hand Gang” is not in control is completely brought into question by that behaviour and by the proposal today to move that motion.

Beyond that, it is very concerning because the opposition is the National Party. The opposition is led by the member for Moore, one would hope, yet it appears as though the member for Moore takes his riding instructions from the “Black Hand Gang” in the Liberal Party in the other place. It is raising all manner of questions about leadership. I am only quoting the previous Premier and making an observation as a bystander in this process in recent times, having sat here equally frustrated as the former Premier at the lack of our ability in the last Parliament to reappoint to the role of CCC commissioner someone who is recognised as one of the best crime fighters in the country. Having witnessed that and now seeing the opportunity to repair that situation, to remove the opportunity for a single individual to choose to stymie the appointment of someone who might otherwise be an appropriate appointment, it is extraordinary what we are witnessing in this Parliament with this Leader of the Opposition in light of all that.

Like anyone who sat in the previous Parliament, I witnessed what happened. It was there for all to see. Investigations were underway. We do not know, but we can assume, that Mr Chown had his motivations. Clearly he was under investigation, but he was not the only one going to a “soapland”. He was not the only one in the Liberal Party who was using his electorate allowance for questionable outcomes, such as travelling interstate, going on sugar daddy websites, meeting people and taking them out for dinners and flying on helicopter flights funded by the taxpayer. He was not the only person doing that. They were meeting as a group and paying for meals and get-togethers in different venues on the taxpayers’ bill. They were having those meals and evenings out, funded by the taxpayer. He was not the only one. Members of the “Black Hand Gang” were part of that. That was revealed in a range of different ways—through investigations, leaks, WhatsApp message groups and the like. We know that happened.

We could assume as a consequence that anyone in the “Black Hand Gang” has a motivation. From Hon Peter Collier’s contributions on radio at the time, we understand that every single Liberal Party member in the upper house was a part of the “Black Hand Gang”. We can extrapolate what their motivations were at that time, but the Leader of the Opposition bringing an amendment to the lower house at this time suggests that the “Black Hand Gang” is still in charge. The “Black Hand Gang” still not only runs the Liberal Party of Western Australia, but also has the capacity to direct the actions of the opposition, including the actions of the Leader of the Opposition. That is disappointing on so many different levels. I fail to comprehend why the Leader of the Opposition is engaging in this process. The only conclusion that one can draw is that he is doing what he is told. It is sad to see but, apparently, nothing much has changed in the opposition.

**MS C.M. TONKIN (Churchlands)** [3.31 pm]: I also rise to make a contribution to the second reading of the Corruption, Crime and Misconduct Amendment Bill 2023.

The Corruption, Crime and Misconduct Act 2003 provides for the establishment of the Corruption and Crime Commission as the pre-eminent anti-corruption body in Western Australia. It has functions in the investigation of serious misconduct by public officers, the confiscation of unexplained wealth and criminal benefits, and the investigation of organised crime.

This bill represents the first tranche of amendments to support the modernisation of the Corruption, Crime and Misconduct Act. It will address the appointment of commissioners, acting commissioners and a new deputy commissioner role. These reforms will ensure stability and accountability in the leadership and management of the CCC. Work on other reforms to the act remains ongoing.

However, I would like to digress here and explain how I became such an admirer of the work of the Corruption and Crime Commission and a strong supporter of strengthening its leadership and management. Fraud and corruption in public sector procurement is a scourge internationally and, unfortunately, closer to home. Its prevention and detection is something in which I have had a decades-long interest. In fact, in 2015, I was a witness for the prosecution of some consultants in the Crown Court in London. Some consultants had taken a secret commission under a United Nations development program contract, which resulted in them pocketing in excess of \$US1 million and doing irreparable damage to a very important program that was aimed at getting necessary pharmaceutical supplies and other materials to communities in the Democratic Republic of the Congo. Fortunately, the consultants were

convicted. One pleaded guilty and two were convicted by juries. The important thing for me was that I learnt how easy it is for people with nefarious strategies to take control, subvert programs, and defraud people and critical programs of significant resources.

In recent years, our Corruption and Crime Commission has detected procurement-related fraud and corruption, and enabled the prosecution of a number of individuals who engaged in it. These public officers, suppliers and contractors have defrauded the state of millions of dollars. They also caused reputational damage to our public sector and necessitated the expenditure of considerable resources in detecting, investigating, prosecuting and incarcerating those who have been convicted.

From the actions of these individuals, consequences arise for the quality of procurement management and practice in agencies. There is a tendency to react to fraud and corruption in public procurement with a culture of risk aversion, including a heavy reliance on procedure-related controls. By contrast, if risks are controlled through management techniques and procurement practices that promote transparency and strategic focus, value-for-money outcomes are enhanced. These controls also promote the effective prevention and detection of fraud and corruption.

While continuing my international work facilitating public procurement reform, I contributed to the Joint Standing Committee on the Corruption and Crime Commission inquiry into the public sector's procurement of goods and services and its vulnerability to corrupt practices. This inquiry resulted in the May 2020 report *Red flags ... red faces: Corruption risk in public procurement in Western Australia*. I made a contribution by providing submissions and giving evidence in a public hearing. In my evidence to the inquiry, I highlighted that fraud and corruption in the public sector is difficult to detect when procurement efforts are focused on the application of transactional procurement procedures. In these circumstances, its detection sometimes relies on information provided by whistleblowers or forensic analysis of procurement-related transactions.

In my evidence to the joint standing committee, I argued that two procurement practice changes would both prevent procurement-related fraud and corruption, and make its detection much easier when it occurred. These practice changes included effective procurement portfolio management, through which transparency of the relative value and risks associated with an agency's procurement of each category of goods, services and works under significant projects is enhanced; and greater internal agency transparency and documentation of well-developed procurement strategies for achieving agreed value-for-money outcomes for each high-value or high-risk subcategory of goods, services or works. Such strategies are framed through the critical analysis of the requirement to be met; the stakeholders' needs, issues and influences; and, most importantly, the nature and operation of the relevant markets, including their participants. Such strategies are focused on achieving value for money in each associated procurement transaction.

Making evidence-based procurement strategy transparent within an agency means that nefarious processes that are inconsistent with an approved strategy can be readily detected and prevented. It is also true to say that when there is no explicit procurement strategy evident, a strategy will be applied, even if it is in someone's head. The problem arises when such a covert strategy is nefarious.

The work of the Corruption and Crime Commission in addressing procurement-related fraud and corruption has been invaluable. Implementing procurement management techniques and practices in public sector agencies that make fraud and corruption easier to prevent and detect will make the work of the commission in this regard more efficient and effective. The commission's capacity to continue this work and the other aspects of its mandate will be greatly enhanced as we deliver reforms aimed at modernising the Corruption, Crime and Misconduct Act 2003.

Within this tranche of reforms, the first and foremost addresses the appointment of the commissioner. The focus of the reform addressed in this bill is to strengthen the leadership and management of the commission. These amendments will prevent the Corruption and Crime Commission being left without a substantive commissioner for lengthy periods. Unfortunately, this has occurred on a number of occasions since the commission's inception, the most recent being the 14 months between the expiry of Commissioner McKechnie's term in April 2020 and his reappointment in June 2021. As someone who recently provided evidence to the joint standing committee's inquiry, and being an avid reader of the report that was subsequently released, I was completely amazed, as a member of the community, by the failure to reappoint Mr McKechnie and what that said about this Parliament being unable to demonstrate the value of the work of Mr McKechnie and the important work that was being done in detecting, in particular, procurement-related fraud and corruption.

Although the CCC has had the benefit of capable acting commissioners to help alleviate the problem of lengthy vacancies in the crucial top job, this is not an ideal solution. There needs to be stability and leadership in the management of the CCC, and this bill will deliver that. Under the current process for appointing a commissioner, it is possible for a single member of the Joint Standing Committee on the Corruption and Crime Commission to unilaterally block a proposed appointment indefinitely by simply refusing to vote in support of an appointment. Clause 5(3) will delete the current appointment process provision and it will be replaced by the provisions in proposed sections 9A to 9C, inserted by clause 6. The new process will apply to the appointment of the commissioner, acting commissioners and the new deputy commissioner.

Proposed section 9A provides that the commissioner and deputy commissioner must be appointed by the Governor on the recommendation of the Premier. The Premier can recommend the appointment of a person only if that person's name was on a list provided by the nominating committee and the standing committee has not vetoed the proposed recommendation. This process will embed integrity. Proposed section 9C sets out how the standing committee may exercise the power of veto over the proposed recommendation and will essentially reverse the current default position. At present, the appointment process proceeds only if the standing committee provides bipartisan and majority approval. Under the new process, the appointment will proceed unless the standing committee resolves to veto it. Proposed section 9C will encourage a more robust process, since a majority of the standing committee will be required to block a proposed appointment. The new process will promote greater efficiency and timeliness, while preserving parliamentary consideration of the proposed appointment through the standing committee and retaining the standing committee's ability to prevent an unsuitable appointment.

The same process for appointing a commissioner will apply to the process of appointing acting commissioners. Since acting commissioners may exercise all the powers and functions of the commissioner, it is appropriate to require the same level of parliamentary scrutiny. However, when the powers and functions of the acting commissioner are limited or confined to a short or specified period only, a more timely and expedited process is appropriate. Accordingly, clause 12 will introduce new sections 14(2A) to 14(2C), which provide that when the period of appointment for an acting commissioner is less than 12 months and the appointment would not result in the person being appointed more than twice, such an appointment may be made directly by the Governor on the recommendation of the Premier without going through the time-consuming process of nomination and parliamentary consideration. This will enable the timely appointment of a short-term acting commissioner to minimise periods of vacancy. It may also be used to reappoint an acting commissioner—for instance, to finish a report from an inquiry conducted by the acting commissioner. When the appointment is for longer than 12 months, the new appointment process that applies to the appointment of the commissioner will apply to that of the acting commissioner, except that the process for nomination and parliamentary consideration may be done ahead of time before the necessity for an appointment has arisen.

Another element of these amendments is the creation of the deputy commissioner position to assist the commissioner in discharging their duties. This position has been repeatedly called for over a long period. This bill will deliver the long-awaited deputy commissioner position to assist in managing the workload of the Corruption and Crime Commission and to support impartial decision-making on an ongoing basis.

Clause 5 will insert proposed section 9(1A), and provides —

There is to be a Deputy Commissioner who, in the name of the Commission, is to perform such functions of the Commission under this Act and any other written law as the Commissioner directs.

Although proposed section 9(1A) will enable the commissioner to direct the deputy commissioner to perform or not perform particular functions, the commissioner will not be able to direct the deputy commissioner as to the manner in which these functions are performed. This means that the deputy commissioner will act autonomously in discharging the functions they are directed to perform. Importantly, the deputy commissioner will be able to exercise the powers and functions of the commissioner in the name of the commissioner without any need for delegation. This means they will be able to exercise the non-delegable functions set out in section 185(2).

I commend this bill to the house because it will address longstanding problems that have resulted in lengthy vacancies in the leadership of the state's anti-corruption body and ensure accountability and stability in the leadership going forward. The very important work of the commission needs to be strengthened and these amendments will certainly strengthen its leadership and management.

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

#### ADJOURNMENT OF THE HOUSE

*Special*

On motion without notice by **Mr D.A. Templeman (Leader of the House)**, resolved —

That the house at its rising adjourn until Tuesday, 29 August 2023, at 1.00 pm.

*House adjourned at 3.50 pm*

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