Parliamentary Debates
(HANSARD)

FORTY-FIRST PARLIAMENT
FIRST SESSION
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LEGISLATIVE COUNCIL

Wednesday, 18 May 2022

Legislative Council

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

JOINT SITTING

Statement by President

THE PRESIDENT (Hon Alanna Clohesy) [1.01 pm]: Good afternoon, members. I have a statement.

I have the honour to inform you that at a joint sitting of the houses of Parliament of the state of Western Australia held in Perth on 18 May 2022, the members of such houses, sitting and voting together in pursuance of section 15 of the Commonwealth of Australia Constitution Act, did choose Benjamin John Small of 72a Matheson Road, Applecross, Western Australia, to hold the place vacated by former Senator Benjamin John Small.

PAPERS TABLED

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

MARIJUANA — DECRIMINALISATION

Motion

HON DR BRIAN WALKER (East Metropolitan) [1.04 pm]: I move —

> That this house supports and endorses the WA state Labor Party policy to decriminalise the possession of small amounts of marijuana for personal use and return to a system of infringement notice penalties and diversion to counselling services.

I rise to propose the motion in my name and to commend the Western Australian Labor Party for its consistent approach over a long number of years in favour of sensible drug reform, particularly cannabis. To be clear, the motion is worded to mirror exactly the state Labor Party's position and would see a return to the measures that were introduced by the Gallop government in 2003 that effectively permitted the possession of small amounts of cannabis and the growing of a few plants for personal use, albeit under the spectre of a police warning and the need to see an educational video. I quote —

> WA Labor will decriminalise the possession of small amounts marijuana for personal use and return to a system of infringement notice penalties and diversion to counselling services.

There is no ambiguity in that statement, is there? It is there in black and white for all to see, if members would care to read, in item 140 on page 135 of the Labor Party state platform policy. Upon reading it, we can almost believe that a Labor government would be forward-looking, progressive even. Imagine my surprise and that of my electorate who, when they hear about this policy, are wondering whether the government has any intention of ever following its own party policy. It plays into the hands of those who denigrate our political culture, who shout out about how little we the elected representatives listen to the electorate. Imagine how utterly disappointed they are, in having voted to support a party with such a platform, only to see that chunks of that policy have been buried, cast into oblivion. It means effectively that they have been misled, at least a little, by a government that, in fact, has no intention of delivering what its own party policy stipulates. The question remaining is: when is this going to happen? That remains up in the air—when?

Let us not limit ourselves, however, to the words laid down in black and white in the Labor Party's state policy document. We should look at those who have advocated this policy position in the past. Amongst them at the time was a promising backbencher who had a good deal to say about this matter. He is, of course, now our Premier, a man I deeply respect and admire. Great leaders are known for the quotations that survive them. I lived in China for a while and we all know the quotations of Chairman Mao Zedong. I also lived in the Soviet Union for a while and there are the comments on Karl Marx about labour and the common good—and, of course, there are the comments of his cousin Groucho, who once observed that politics is the art of looking for trouble, finding it everywhere, diagnosing it incorrectly and applying the wrong remedies!

Perhaps there are already plans afoot for the words of our Premier to be made public in the future. There are plenty of examples of eminent politicians who have put their thoughts down in writing, and I look forward to those days. But, for now, it would suffice us to look back on what Hon Mark McGowan said in 2003, specifically on cannabis reform. I think members will find his comments enlightening; I know I certainly do. The year 2003 was, of course, when the Gallop government brought in the Cannabis Control Act, a piece of legislation, as I said earlier, that effectively decriminalised the possession of a small amount of cannabis for personal use and also the growth or cultivation of a few plants on private property for personal use.

A few months ago Hon Stephen Dawson, when responding to yet another question of the Legalise Cannabis Party of WA, informed the house that the harms brought about by the decriminalisation of cannabis for personal use outweigh the possible benefits. I, of course, disagree. I speak from a position of considerable personal and professional knowledge about the medical and social issues arising from the prescription and prohibition of cannabis. Other members may also disagree, and that is quite all right. They may be constrained by the political limitations placed upon them, but I will speak for them in this place by quoting the Premier's words in 2003. What did our current Premier say back then?

Hon Mark McGowan gave an account of his personal experience from his time as a lawyer in Rockingham. I find these words resonate with me because they mirror what I have personally experienced in my work as a doctor in similar areas. The Premier stated —

> I once appeared as duty counsel in the Rockingham court … when a man in his forties came into the court. He was hunched, his fingers on both hands were bent, he walked with a stoop, his backbone was twisted and he was obviously in a lot of pain. He suffered from an extreme form of arthritis and was before the court for using cannabis. … He appeared before that … magistrate who fined him $1 000 and awarded him with a criminal record for using cannabis to relieve the constant pain he was in. That is wrong.

For what it is worth I agree with the Premier wholeheartedly. It may have been lawful, but was it moral? It was wrong then; I put it to you, it is wrong today. It is 20 years later and many people struggle to afford the medicines that they need and may be tempted, in an attempt to find that medication, to circumvent the law by growing a few plants for their own personal use to relieve their symptoms. Little has changed in over 20 years.

In debate on the Cannabis Control Bill, later the act, Mr McGowan said —

> I congratulate the Minister for Health on the Bill that he has presented. He has done an extremely good job on an extremely difficult subject; one that is difficult for any Parliament to address. He has come up with an arrangement that meets the community's needs.

According to the Premier, saddling self-medicating patients with a criminal record is wrong. Cannabis control properly lies with the Minister for Health and a measured approach is needed to meet the valid needs and expectations of a community. That is not a bad start, is it? It is not a bad start at all. The Premier did not stop there though. Hon Mark McGowan went on —

> The central reason for this Government's —

That is the Gallop government —

> introducing this Bill is because it does not want those people in our community who may be small-time users—once or twice or even 10 times—to have a criminal record. That is the point behind this legislation. It is a commonsense Bill. We do not want it to have an impact on young people's employment prospects or their capacity to travel.

He went on to say —

> No parents want their children, who may have used cannabis on a couple of occasions, to receive a criminal record as a consequence of that use. That is the point behind this legislation. This Government —

That is a Labor government —

> is about solving a community problem. We will put in place a set of rules dealing with this community problem in a sensible and commonsense way.

He went on —

> This is a serious issue and it requires serious measures by serious people—not that sort of intemperate, frenzied, political activity encouraged by the Leader of the Opposition. We know what it is all about. The Opposition's debate on this issue is about creating fear among parents and people in the general community to win votes. It is creating in our community a fear of reasonable measures.

He went on then to quote from a then recent select committee into the Misuse of Drugs Act, which was set up under a Liberal government, by the way. He quoted the report, which states —

> there is no evidence to suggest that the use of cannabis leads to the use of heroin or other 'hard' drugs.

Mr McGowan continues —

> It further stated —
>
> > It must be recognised that the majority of cannabis users do not progress to other illicit drugs such as heroin.
>
> Those two statements were made in a report that was signed off by members of the now Opposition. On occasions during this debate last week, members who signed off on this report were saying the opposite. That is cant and hypocrisy.

Hear, hear! Premier. Hear, hear! Hon Mark McGowan went on —

> It shows that the Opposition is not dealing with the merits of the issue but the politics of it; it is about frightening the public and not listening to the merits of the various arguments.

The Premier clearly does not want to play politics with cannabis reform. He urges us to focus on the merits of the issue and not the scare stories that abound. I personally could not agree more. He continued —

> All we are trying to do is ensure that some people who might make a mistake are not burdened with a criminal record for the rest of their lives.
>
> …
>
> As we have seen with this issue, over fifty per cent of young people admit to having used cannabis or will use it.

Again, I could not agree more. The stigma against which the Premier argued almost 20 years ago is still with us today. We need to be mindful about our children and our grandchildren and to consider their future. Hon Mark McGowan went on and took another series of shots at the Liberal opposition. He said —

> The circumstance may arise in which a person may have a puff of a marijuana cigarette at a party. He may leave with his friends, return, and have another joint. That represents two offences. That rules a person out of the cautioning system. The Opposition —

The Liberal opposition —

> would say that person is a criminal. What if a person uses marijuana when he is 18? He may travel upstate when he is 50 and have another puff when he is staying with a friend. Under the Opposition's system, although the events are 30 years apart, the person would be a criminal. That is what the Opposition is proposing.

I do not particularly want to be distracted by what the Liberals were proposing at that time, and given that they now have in the lower house as many members as we have in the Legalise Cannabis WA Party in the upper house, I think they might want to reconsider their proposals and policies regarding cannabis as one of the many things they could be considering. Nor do I want to be distracted by the male gendered approach to the speech of today's Premier. Times have changed. We recognise that this is not appropriate language. The young woman would be equally at risk as the young man; the young woman equally liable to have the same problems as the young man. This affects everybody, especially our young people. Having said that, as a doctor I can tell members that when I ask my elderly patients about half of them have tried cannabis in the past. Everyone is at risk.

Also, I take exception, as indeed our party does, to the use of the word marijuana. Marijuana was a word created in a xenophobic racist attempt to marginalise communities in the southern states of America. It is something that has a sordid history and that we want to avoid altogether. We do not use that word at all. We use the word cannabis; it is far less affected by a xenophobic racist history. But, that aside, Hon Mark McGowan was soon on more solid ground saying —

> … we have all sorts of police resources tied up in the courts every day waiting for what are very often minor matters to come to trial … Such matters could be dealt with through infringement notices; that is, a system similar to that of speeding fines, albeit with heavier penalties. They could be dealt with in a way that frees up resources to pursue the Mr Bigs. The minister knows all that yet we have members who want to run only a political argument—a vote-catching argument. They are frightening people in order to secure a few votes. The minister has to battle with that sort of attitude to this issue. He is a serious politician; we are a serious Government dealing with a serious issue in a commonsense way.

Yes, you were, Premier. Yes, you were. He went on to say —

> Why do members opposite think the Government is doing this? Do they think we are putting this in place because we want to lose votes? We are doing it because it is right.

I will let that hang there for a moment, President. Listen to those records of our Premier again —

> We are doing it because it is right.

He went on —

> This measure will remove 18-year-olds—sons and daughters of members—from the criminal justice system. Members opposite should be very pleased about that … This is a minimalist change, but it is a change for the better, and the Government is doing it for the right reasons. For the Opposition to come in here and attack the Government over this does it no credit whatsoever.

I could not agree more. Again, I agree with our Premier. All these years later, far from attacking the Labor Party, we are actually supporting the policies that it had in its 2019 policy platform. We support this position; we are not criticising it. Of course, it goes without saying that we in Legalise Cannabis WA Party want legalisation, not decriminalisation, but we recognise that small steps are important and the inherent good sense in the ideas that the now Premier was bringing forth in Parliament 20 years ago, and that has not changed.

It was right then to ensure that people who use cannabis infrequently—once, twice or even 10 times, as Mr McGowan put it—did not get a criminal record, and it is still right now. As Mr McGowan said only a person reduced to "cant and hypocrisy" would say differently; would they not? If it was right that a personal choice to use cannabis recreationally should not have an impact on young people's employment prospects or their capacity to travel 20 years ago, will any members present in the chamber now in 2022 say that is a perfectly valid thing to do now? If the Cannabis Control Act 2003 was, as Mr McGowan stated on the public record, a commonsense bill aimed at addressing a serious issue that requires serious measures to be taken by serious people, who in this chamber will tell me that the issue is any less serious or demands a less serious response today?

I think I have proven over the last 12 months that I am a reasonable, sensible, serious person. I am a professional with extensive professional experience on this matter. I am someone who should be taken seriously on this matter. I think over the first course of this Parliament, I have proven that we in the Legalise Cannabis WA Party are willing to work in a commonsense, collegial and supportive manner with the different parties to reach common goals and shared outcomes for the good of the people of Western Australia whom we serve. I ask members of this house, but particularly those opposite: What has changed? Do government members not support the measures supported by their own Premier back in 2003, which, in his own words, were "commonsense" provisions? Are members opposite any less serious than we are about finding a solution to the problems that still plague us 20 years later? This has happened not because of anything the government has done but because when the Liberal Party regained power, it reversed those very sensible laws on the pretext of law and order, which, of course, resulted in the opposite—the loss of law and the loss of order. Would government members risk being called hypocrites? That is what Mr McGowan said in 2003 about members refusing to speak up or bring in what were at that time transformative and revolutionary approaches to handling all aspects of cannabis use, and that are now mirrored in other parts of the world. If members refuse to accept that, why? What has changed? Where is the idealism of 2003? Where is the innovation? Where is the compassion? I see all those elements and more in what our now Premier said in 2003 and, indeed, in 2010 and 2016. I consistently acknowledge and appreciate those words. I appreciate the words our Premier said then and probably would say today if he had the same knowledge and experience as me and others in this professional field—even more. I have come to see that all members of this house have assembled to serve the people of Western Australia. Honestly, people have dedicated their lives to doing what is right for the people of our state. Therefore, agreeing with what Mr McGowan had to say on that issue in 2003, I call on the government that bears his name and all members in this chamber to express support for the stance he took on the public record and for the consistent and progressive position taken by the WA Labor Party for many years now. It was right in 2003; it is right in 2022. Labor's state party platform admits as much. So let us get on and let us get this done.

HON SUE ELLERY (South Metropolitan — Leader of the House) [1.24 pm]: I find it extraordinary that no-one else from the Legalise Cannabis WA Party is going to contribute to the debate on this motion, but so be it.

The government cannot support the motion before the house. Although I appreciate that the Legalise Cannabis WA Party has a particular policy mandate, it is not one, in terms of this motion, that we can support. We recognise the party's mandate and we facilitated the establishment of the Select Committee into Cannabis and Hemp.

This matter has been before the house before, and the government's position remains the same. This government does not support decriminalisation of cannabis for personal use. In November 2019, the Select Committee into Alternate Approaches to Reducing Illicit Drug Use and its Effects on the Community released its report. One of the report's recommendations was for a health-based response to the use and possession of drugs that makes provision for cultivation of cannabis for personal use. Although the government supports a health-based approach to the treatment of people with drug and alcohol problems, its position was made clear in the response to that report. We do not support the recommendation to make provision for the cultivation of cannabis for personal use. The government's view was then, in 2019, and is now that the evidence shows that the risks associated with decriminalisation of cannabis for personal use outside of medicinal cannabis, which we support, outweigh the possible benefits. There is a large body of evidence on the significant physical and mental health harms related to cannabis use, particularly for young people. Frequent cannabis use during adolescence is associated with changes in the areas of the brain involved in attention, memory, decision-making and motivation. It can be a harmful drug. We do, though, remain committed to ensuring there is access to medicinal cannabis for people with medical needs.

The government supports the provisions that have been in place since 2011; that is, it is better for offenders caught with small amounts of cannabis, depending on their eligibility, to be diverted to counselling services as opposed to using other penalties. That is already happening. The cannabis intervention requirement scheme was introduced in 2011 by the then Liberal–National government as an intensive intervention for minor cannabis offenders. The scheme provides discretion for police officers to provide an option for minor cannabis offenders to be delivered to a counselling intervention program instead of attracting criminal charges. This applies to anyone over the age of 14 years found with 10 grams or less of cannabis or in possession of drug paraphernalia containing detectable amounts of cannabis who have also never had a CIR or previously been convicted of an offence involving cannabis, and have no previous convictions for a serious, violent or sexual offence and no previous convictions for a serious drug offence. The Mental Health Commission provides both intervention and drug treatment components of the scheme. The scheme is one of two programs available to the Western Australia Police Force to use for drug diversion.

The other program is the other drug intervention requirement scheme. In 2018–19, police issued 1 546 CIRs; and in 2019–20, they issued about the same number—1 530 CIRs. There are substantial benefits to issuing CIRs rather than preparing a prosecution brief and perhaps putting a young person who has made the wrong decision into the criminal justice system. Diversion complements police drug supply reduction efforts and creates an appropriate balance that ensures we do not end up with young people in the criminal justice system for a minor offence while recognising the damaging effects that cannabis can have.

Those are the reasons we cannot support the motion and why I will move an amendment.

Amendment to Motion

Hon SUE ELLERY: I move —

To delete all words after "house" and insert —

notes the cannabis intervention requirement scheme implemented since 2011 as an intensive individual intervention gives the Western Australia Police Force the discretion to divert eligible people found with small quantities of cannabis or drug paraphernalia into drug diversion programs, rather than charge them with a criminal offence.

The PRESIDENT: The question is that the words to be deleted be deleted.

Division

Amendment (deletion of words) put and a division taken with the following result —

Ayes (25)

Hon Martin Aldridge	Hon Sue Ellery	Hon Stephen Pratt	Hon Dr Steve Thomas
Hon Klara Andric	Hon Donna Faragher	Hon Martin Pritchard	Hon Neil Thomson
Hon Sandra Carr	Hon Peter Foster	Hon Samantha Rowe	Hon Darren West
Hon Peter Collier	Hon Lorna Harper	Hon Rosie Sahanna	Hon Pierre Yang *(Teller)*
Hon Stephen Dawson	Hon James Hayward	Hon Tjorn Sibma	
Hon Colin de Grussa	Hon Jackie Jarvis	Hon Matthew Swinbourn	
Hon Kate Doust	Hon Steve Martin	Hon Dr Sally Talbot	

Noes (3)

Hon Sophia Moermond	Hon Wilson Tucker	Hon Dr Brian Walker *(Teller)*

Amendment thus passed.

Amendment (insertion of words) put and passed.

Motion, as Amended

HON WILSON TUCKER (Mining and Pastoral) [1.36 pm]: I was going to rise to support the motion in its previous form. I do not support the amended motion because there are serious flaws with the intervention scheme in WA. Before I go into the reasons that I think it is flawed, I will state that I support the recreational use of marijuana here in WA, and, by association, I support the motion in its previous form, which talked about the decriminalisation aspect. That is a reasonable stepping stone along the journey of getting to a point at which we can all enjoy marijuana and have a thriving recreational industry in WA.

When I was originally looking at writing this speech, I was going to start waxing lyrically about my time in Seattle, which has a thriving recreational marijuana industry. I can confirm from living there that no, the sky did not fall down; people were able to moderate their use of marijuana and use it as an alternative to alcohol and, in some cases, for harm prevention. Rather than just rely on this testimonial, I decided to do some digging and really get into the weeds on the topic of weed in WA. It turns out we have a cannabis intervention requirement scheme that falls under part IIIA of the Misuse of Drugs Act 1981. Under this scheme, a police officer may give a cannabis intervention requirement to a person who they believe has committed a minor cannabis-related offence. The alleged offender will then avoid prosecution by completing a cannabis intervention session within 28 days. In order for the scheme to work, people need to be diverted to the scheme by the attending police officer. In my mind, this is where the scheme has some deficiencies.

A study, completed by the National Drug and Alcohol Research Centre, was released in May 2019 on the reach of Australian drug diversion programs around this country. It found that the proportion of the offenders apprehended for drug use or possession and diverted away from court by police in WA was the lowest in the country. To put this another way, it means that more offenders were prosecuted and punished for drug use or possession in Western Australia than in any other state or territory in Australia. In 2019, the incidents of police diversion ranged from 32.4 per cent in WA to 98 per cent in South Australia. This means that in South Australia, people were three times more likely to be diverted to this scheme rather than face criminal prosecution. This report really highlighted three main reasons why diversion to the cannabis intervention requirement scheme was low in WA.

Firstly, Western Australia switched from a cannabis infringement scheme to a therapeutic cannabis diversion scheme during the first year of analysis, which limited access during this transition period. Secondly, there were strict eligibility requirements for people who were diverted to the scheme. Finally, geography was an issue. This comes up a lot in WA. The report noted that the drug diversion scheme is more restricted in rural and regional areas in Australia. This falls to the lack of availability of drug treatment services and also the structural barriers to offenders accessing services. Another issue that we often hear about aside from the lack of resources in regional areas is the overrepresentation of Aboriginal people. In this case we have an underrepresentation. The report notes that Aboriginal people make up 31 per cent of people appearing before the Magistrates Court and only six to 13 per cent of drug diversions. The committee also notes that the operation of the scheme in these regional areas is more limited compared with the metropolitan area. We can interpret that to mean that there currently exists a geographical and a race bias against the CIR scheme. If we legislate a statewide response, we are basically removing the institutional bias and police officer discretion when deciding who to divert to this scheme, which unfortunately is not the case right now. The diversion scheme remains largely ineffective and WA has the lowest rate of people being diverted of any state or territory.

An excellent report was produced in the last Parliament by a committee that was chaired by Hon Alison Xamon and entitled *Help, not handcuffs: Evidence-based approaches to reducing harm from illicit drug use*. The members here who were part of that committee are Hon Colin de Grussa and Hon Samantha Rowe. The report made some observations based on the research that the committee conducted during its term and states —

- Some people will always use drugs, regardless of the legal frameworks in place.
- Not everyone who uses drugs does so in a harmful way.
- For those people addicted to drugs, complete abstinence will not always be a realistic goal.
- Removing criminal penalties for drug use and possession for personal use is unlikely to significantly impact drug use, but it will decrease drug-related harm.

This report also makes the following recommendation —

> A health-based response to the use and possession of drugs makes provision for the cultivation of cannabis for personal use.

This recommendation basically endorses the 2003 policy that decriminalised small amounts of cannabis. We all know that that was scrapped during the Barnett years. As pointed out by Hon Dr Brian Walker, recently the Western Australian Labor Party voted in support of the 2003 scheme. Hopefully, we can hear from some Labor members today. Thank you.

HON SOPHIA MOERMOND (South West) [1.44 pm]: Today I have the distinct honour of rising to support the motion of my colleague, Hon Dr Brian Walker. It was disappointing to see the amendment come through and to hear the basis for that. There is no scientific basis to saying that cannabis causes a range of issues, including addiction. What has been found in all the research is that trauma is that gateway drug, not cannabis. As I have spoken about before, with cannabis use currently being illegal, when people see a dealer, they are exposed to a higher level of criminality than they would normally be. By keeping cannabis use illegal, neither are we safeguarding children in that respect. No-one has ever died from cannabis use—never—unlike from COVID vaccines with the current number of deaths sitting at 11, according to the Therapeutic Goods Administration, but that drug is considered safe.

The police in Western Australia are known for racism and sexism. With a skewed world view like that, any fair interpretation of the amendment is unlikely to happen. I have had people contact me who have used and grown their own cannabis for medicinal purposes to treat their cancer. They have been told that they need to do to this course, which will not change their habits. It will not make much difference so it is an absolute waste of their time and our resources for them to participate in it. Decriminalisation and the preferred option of legalisation will provide benefits to those people who use and it will benefit the state's economy. Thank you.

HON PETER COLLIER (North Metropolitan) [1.47 pm]: I was not going to speak but I have been incited into making a few comments to add weight to the support of the alliance for the amended motion. I am not being disrespectful to the mover of the motion; I can assure him of that. I greatly respect Hon Dr Brian Walker and the other members who have spoken, but that is not the issue. I think we need to have a little clarity behind this.

The amended motion is not a motion against cannabis use; it is a more pragmatic motion. I will tell members a couple of things. I have mentioned this story once before in this chamber and I intend to talk about it again. As a former educator, I constantly came into contact with students who had engaged in marijuana use and they suffered the consequences in not only a punitive sense, but also, in a number of instances, as they moved into higher order drug use. I know that no logical person would say that all those people who engage in cannabis use will move into using higher order drugs. Unfortunately, for a number of them it is an entrance drug.

The way that we as a society dealt with cannabis use for decades upon decades is that it was a hanging offence. It certainly was when I was growing up in Kalgoorlie. Everyone smoked—well, I did not; I never had a cigarette in

my life—and cannabis use was a hanging offence. Now, interestingly enough, not everyone but a lot of people smoke cannabis and smoking is a hanging offence. It has completely turned around. It is true! These days a person is like a pariah if they smoke. Things really did change about a generation ago, I have to say, at the end of the 1990s. I know a bit about that as far as the education system is concerned. The Howard government established the National Advisory Committee on School Drug Education—Chris Ellison actually established it—and I was on that committee. We spent about three years doing an enormous study on drug use. At that stage there were two theatres of thought with regard to drug use. There was the zero tolerance approach in which a person could not have any drugs. They were hung, drawn and quartered if they engaged in any way, shape or form with illicit drug use. Then we had the harm minimisation group, and never the twain shall meet. When I was growing up, I had this notion that I was more on the zero tolerance side of things. I realised that we could not win that debate. There is no way that we can win a debate in which we say that a person cannot have drugs or they will go to jail. That is not going to happen. Society has gone well past that. Harm minimisation is definitely the way of the future.

I will give members an example of how I think we can deal with this issue more pragmatically and, dare I say it, more effectively. It is a practical example. I have mentioned it in this chamber once before, and possibly twice, but I will say it again because it is profoundly significant to the motion that we are dealing with. When I was at Scotch College, in addition to my academic and tennis responsibilities, I was a house master, which is a pastoral role. One part of that role is to look after the boys to make sure that everything is fine in their lives, as well as their academic, sporting and musical and theatrical credentials, and to bring out the best in them. We used to have a house meeting once a week. In 2003, we had had the house meeting for the mighty Ross House, the boys with orange blood.

A member interjected.

Hon PETER COLLIER: No, mate; Ross all the way.

At the end of the meeting, a little year-8 boy brought a wallet into my office and said, "Sir, someone has left his wallet." I opened the wallet to see who it belonged to, and there was a little satchel of marijuana in it. I saw who the boy was. I will call him Max, as I have called him before when I have used this story. I thought I would wait, so I sat there and was marking away, and about 10 minutes later a young year-11 boy raced into the office and said, "Sir, I left my wallet behind". I asked him whether it was this one, and he said, "Yes, Sir." I said, "No worries, Max", and gave him his wallet, and I could see the blood drift back into his face, because he thought that he had dodged a bullet. As he started to walk out of the office, I said, "Max, if it ever happens again, it will be not just you and me who are going to know about this, mate", and he said, "Yes; thanks, Sir", and walked out. He knew that he had dodged a bullet.

This is exactly how it happened. I finished at Scotch College at the end of 2004. In 2005, I moved into a new place in Subiaco. I had had a couple of people over, and I had ordered some pizzas from Chelsea Pizza. When I opened the door for my delivery, there was Max with my pizzas. He was working for Chelsea Pizza. I said, "Max! What are you up to, mate?" He said, "I'm doing engineering, Sir." I asked him whether he was still doing his surf lifesaving at Cottesloe, and he said yes. Everything was going well in his life. It was so good. He gave me the pizzas, and I said, "Thanks, mate. Good on you. Keep going." He started to walk off, and he then turned around and said, "Sir", and I said, "No; it's Peter now, Max", and he said, "Thanks." He knew that we had that connection, and we will always have it in life. I can tell members that he and I are the only two who will ever know who he is. This brings back the notion of a punitive approach to drug use. This is not a vanity exercise, but if I had handled that differently and had reported that boy, his parents would have been brought in and he would have been suspended and even potentially expelled from that school. He would have been tarnished, without a shadow of a doubt, and I reckon his life would have been very different now. As I said, that reinforces the notion that harm minimisation does work.

The cannabis intervention requirement that is being used now, as the Leader of the House articulated, is a vehicle to provide assistance for those members of the community who engage in cannabis use or sustained cannabis use that has harmful effects. In addition to that, do not think for one moment that these intervention requirements are "Nigel no-friends"—that is, they sit alone and are the only thing we are doing for cannabis use. The School Drug Education and Road Aware program is used every single day in our schools across the state. It is a very comprehensive program for drug use and driver education. I assume it is still being used throughout the school education system.

Hon Sue Ellery: Absolutely.

Hon PETER COLLIER: Absolutely, and it is very comprehensive. As education minister, I was very keen on ensuring that we extended this program. I am sure the current Minister for Education is as persistent with this program as well. We need to be mindful of the fact that early intervention in anything in life is vital. Early intervention in drug use will inevitably reap benefits in years to come. Chucking people in jail because they use cannabis is not the answer. One of the worst things we can do, particularly with the current generation, is tell them they cannot use cannabis, because more often than not they will do that whether we like it or not, purely in spite, in the belief that they will be able to retain control.

In addition, police and community youth centres, sporting organisations, churches and a whole raft of groups in the community engage and assist young people in our community by educating them about drug use. I do not

mean to be overtly critical, but recreational drug use and cannabis use might sound very attractive. However, regardless of whether it sounds attractive, to some people it is an entrance drug. We must do all we can to prevent people from going from low-order illicit drug use to higher order illicit drug use, particularly methamphetamine. Methamphetamine use is life and soul destroying. All we have to do is walk the streets of Perth any time after dark, or even during the day, to understand the appalling impact of illicit drug use on our society. We need only to look at the statistics on methamphetamine use to see how people suffer.

Unfortunately, the members behind me and I will never see eye to eye on this issue. It has been reinforced in my mind, as a result of the fact that I taught for 23 years, as a result of the fact that in my electorate office we see almost on a daily basis the impacts of higher order illicit drug use, and as a result of the fact that I was part of a national committee that handed down its report in 1999, that the best approach is harm minimisation. That illustrates that the way the current government is going, and the way our government went, is the right way to go. I intend no disrespect to members opposite, but I could not have supported the original motion. The amended motion is much more sensible, and for that reason it has my support.

Division

Question put and a division taken with the following result —

Ayes (25)

Hon Martin Aldridge	Hon Donna Faragher	Hon Martin Pritchard	Hon Neil Thomson
Hon Klara Andric	Hon Peter Foster	Hon Samantha Rowe	Hon Darren West
Hon Sandra Carr	Hon Lorna Harper	Hon Rosie Sahanna	Hon Pierre Yang
Hon Peter Collier	Hon James Hayward	Hon Tjorn Sibma	Hon Colin de Grussa *(Teller)*
Hon Stephen Dawson	Hon Jackie Jarvis	Hon Matthew Swinbourn	
Hon Kate Doust	Hon Steve Martin	Hon Dr Sally Talbot	
Hon Sue Ellery	Hon Stephen Pratt	Hon Dr Steve Thomas	

Noes (4)

Hon Sophia Moermond	Hon Dr Brad Pettitt	Hon Wilson Tucker	Hon Dr Brian Walker *(Teller)*

Question thus passed.

ESTIMATES OF REVENUE AND EXPENDITURE

Consideration of Tabled Papers

Resumed from 17 May on the following motion moved by Hon Stephen Dawson (Minister for Emergency Services) —

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

HON JAMES HAYWARD (South West) [2.02 pm]: I rise to give my reply to the budget speech. What an amazing time for the state of Western Australia to have a second massive surplus. The 2022–23 budget is a staggeringly positive outcome for the state's wealth. The Premier talked about swallowing a bumblebee but members can imagine being in the other states when the news was revealed of how exceedingly well Western Australia has done over this very difficult time. Many states, of course, have had challenges, including this state, with the pandemic and the challenges that it has brought. To be able to walk away with such a massive financial windfall for the second year in a row really is a phenomenal result and the people of Western Australia are in a very enviable position. It is certainly the biggest surplus so far. It may be exceeded in terms of dollars into the future due to inflation, but I doubt very much whether we will see a larger budget surplus in percentage of the state's budget each year. It is potentially a once-in-a-lifetime event in how good it has been over this last couple of years. I think it is important to acknowledge that it is a sensational result; it is out of the ordinary and one all Western Australians will ultimately benefit from.

There has been some talk about paying down debt. I think that is a very important thing to do and the state needs to make it a priority. I am pleased to see the debt will fall under $30 billion over the course of this budget moving forward. That will be the lowest level of debt, as I understand it, in the last seven years. Again, that is a terrific result. However, I note the comments made by Hon Dr Steve Thomas, the shadow Treasurer, yesterday. He was talking about the fact that, even at the rate we are paying down the debt, it will still take 100 years of repayments in order to extinguish the debt completely. That is too long and we really need to be increasing the amount of debt repayment. If not now, when would we do it? With this massive budget surplus, the time is now to make some extra payments to repay down that debt. Less debt equates to lower interest payments for the future, which equates to more money being available for future generations and future governments.

I am really pleased that the Premier has sought a commitment from both the federal Liberal and Labor Parties to maintain our GST floor position, something that is incredibly important and, I suspect, will become more and more difficult to defend in the coming years because of how well Western Australia has done. Nevertheless, it must be defended and is vitally important. When the GST floor fell to around 30¢, the lowest return effectively since Federation for any state, it left the state in a diabolical financial circumstance. Even at 70¢, it has been pointed out

by the Minister for Emergency Services that we are still a donor state because 30 per cent of our GST revenues are still being used to support other states and that is difficult. It was certainly very difficult when it was 30¢ cents in the dollar and Western Australia was a donor state at a time when a lag happened and we were not experiencing the royalty income we had previously. Those historic financial times were very difficult. I think it is worth acknowledging that, even at a 70¢ floor, we are still a donor state. It is very important that, into the future, the fight to maintain that floor for Western Australia must be continued.

I also welcome the $250 million commitment to the Pinjarra heavy haulage deviation. That will be really welcome by the local community there. For those who may not be aware, the South Western Highway runs straight through Pinjarra. It is a heavy freight route so there are trucks rolling through town all the time and at all times of the day and night. Of course, we all know that large trucks do not equate to a happy community. It makes people nervous to take children downtown. It affects the quality of life for people in that community. The other thing is that it is incredibly frustrating for truck drivers as well. They might be driving a B-double or a large truck and dealing with people in very tight little streets, pulling out, stopping and starting with a reduction in speed to about 40 kilometres an hour or probably even less with some of the traffic movements. It is quite frustrating for heavy haulage drivers as well. I think that is an excellent project for us to invest in. It will really be welcomed. It will improve road safety in that area, reduce congestion, and improve travel times, network reliability and freight productivity. A total of $200 million of that $250 million was put in by the federal government, which is most welcome. That is a terrific outcome for that community.

I also applaud the additional investment in mental health. That is very welcome, particularly the step up, step down facilities in regional areas. I know that Karratha is coming online. We have one in Bunbury and others are slated as well. They are very worthwhile investments and I welcome them.

We understand that there will also be a massive spend across the health portfolio. That is also very welcome. It reflects the McGowan government's acknowledgement that potentially more needed to be done in that space and that there had been some underinvestment over the last few years. We have certainly seen issues of ambulance ramping and dissatisfaction in certain workplaces. In my space in the regions, in Bunbury and Albany, there has been a lot of dissatisfaction within the workforce and noises from doctors and nurses about the pressures on our health system. It is very welcome to see that investment. I certainly hope that that investment means improved outcomes for our community.

Notwithstanding the overall strength of the budget, I think there are some missed opportunities, which I would like to point out. For instance, there seems to be no firm commitment to significantly increase the capacity of some regional hospitals. I point to Albany in particular, and also potentially Margaret River. I will talk about Bunbury in a moment. I will talk about Albany Health Campus first. It is very constrained. It was probably too small, to be honest, when it was rebuilt. The guys and girls who were doing the project work perhaps did not understand how much more capacity would be needed. There are pressures on that health campus that perhaps have grown. For example, there are elderly patients in the hospital who probably would not usually be in hospital; they would be in a different care facility that is not available in Albany at the moment. I understand that that hospital is facing some pressures, but it is absolutely bursting at the seams. There is not enough car parking space. It is on a very small footprint in terms of the space itself. Ultimately, it needs more beds and more staff. It needs to grow to be able to meet the community's needs. I can see nothing in the budget, even in the out years, that channels any funds towards a redevelopment of that health campus. It is absolutely critical that the state government gets on with the job of underscoping. I had a meeting with the WA Country Health Service late last year. It said that the scoping work was done and it would be looking for funding, potentially from this budget and other budgets moving forward. I can see no money in the budget for that work in Albany at all. It takes a long time, as we know, for these things to roll forward. Even if we do scoping work now, it could be 10 to 15 years before we see any real work occur or any real changes made to the health campus. I hope that is not the case, but the reality is that is often what happens. The work needs to be done now. That is a missed opportunity. With $5 600 million spare, if not now, when?

I also acknowledge that a lot of building capacity is going on in the state. Obviously, supercharging it and making it even hotter by committing to other projects that may not be able to be delivered in the time line is also not wise. Yesterday we heard that a former Treasurer, Eric Ripper, put $1 billion aside in a budget for Fiona Stanley Hospital to be built in the future. That is something that could be done now with Albany hospital. We are talking about a figure of up to $500 million to fully redevelop that site. A significant amount of money would be needed. It may not be that much. I understand, particularly given inflation and where we are going, that the figure will probably be around that amount. That is the sort of thing that money could potentially be put aside for, even if the work cannot start immediately. That is a missed opportunity. The government needs to do some work in that space. I note that the local member was fairly keen for the health campus to become a priority. I certainly support her work to see that happen.

I will go back to commenting on Bunbury Hospital at South West Health Campus. The government has committed $200 million for upgrades to Bunbury hospital in the future. That is fantastic and welcome. I understand that $200 million will pay for some fantastic work to be done, but I understand that some scoping was done that indicated that a $400 million spend would really provide the ultimate solution moving forward for the next period of years

in that space. At the moment, we have a $200 million commitment, which is welcomed. When we have massive budget surpluses, if we do not invest in some of these things now, when will we do it? The $200 million commitment for the Bunbury hospital was an election promise, and it is fantastic to see that election promise being delivered. Over $110 million of that money will not be spent until 2024–25 or 2025–26. That is still a long way out. Over half of that money will not hit the ground until after 2024. We are looking down a long runway before these things are done.

I understand that building modern hospitals is not something that happens quickly and a long process is involved. I guess the point I am making is that we know these things are going to take a long time. We do not want to commit to a program of building when we get to the end of 2027 and discover that it was a good idea but it is still not big enough and we have to go again. Perth Children's Hospital is an example. We get to those situations and discover that in the early stages of planning for these things, it looked like it would be appropriate and the right move to make, but the reality is that when we get there, we discover that the project is not big enough. No money has been committed for Albany hospital. That needs to be looked at. I understand that the situation with Bunbury is underdone by about half.

I also want to talk about the Bunbury Outer Ring Road. I think an extra $400 million was announced for that project, which takes the total budget for the road up to $1.25 billion. It started off with about $845 million some years ago. One of the challenges the state has to deal with is running inflation and the increased costs of materials and labour to deliver these projects. Initially, when this project was brought forward, the government said it would save 15 minutes on a journey from, say, Perth to Margaret River or Busselton by scooting around on a freeway grade road around Bunbury, cutting out all those traffic lights and the local road network. The BORR is good for a few reasons. For instance, it extends the life of those local roads and reduces congestion in the streets of Bunbury. That is a good outcome. It also redirects heavy freight largely away from community streets to larger arterial roads, which allow the transport routes to connect to the port and other areas. In this budget not only has the price gone up, which is not unexpected, but also there is a downgrade in specification, and I think that that is a concern. Three intersections will change from free-flowing overpass concrete bridges to roundabouts. This $1.25 billion freeway will now be intersected by three roundabouts and that is a downgrade in specifications. We will be paying more but not getting enough. I understand that with those downgrades in specs, we are moving away from the commitment, or the notion, that a person will be able to save 15 minutes on a trip to Busselton or Margaret River. That has evaporated and the trip may not be any quicker, or only marginally quicker, using the new ring-road rather than the existing road through Bunbury. I think that is a concern.

Another issue with the outer ring-road I have mentioned before is that we are steadily building infrastructure without thinking about the potential of how other infrastructure will negotiate with it in the future. I have talked about the need for a Bunbury fast train, but the idea that we would build an intersection that is impermeable by rail or does not have a corridor for rail in the future, is bizarre. This $1.25 billion project is building a concrete monstrosity—the northern interchange—and it will have no capacity for a rail line to move through it. Main Roads told me that the solution, ultimately, would be to bury that train line underneath the intersection. The intersection does not exist today; it is being constructed. Surely, it would have made more sense at this point in time to provide a corridor for rail to move through without building a massive multimillion-dollar concrete interchange that will not allow that capacity in the future. I think that is a bit short-sighted. We need to make sure that the things we build today are fit for the future and futureproofed so the community and the state is getting the best value out of its investments.

Another thing I want to touch on is the proposed Busselton underwater observatory. Members may or may not be aware that there was a plan to build a large underwater window, probably the largest in the world, but certainly the largest in the southern hemisphere, at the end of the Busselton jetty. I may be wrong, and I stand to be corrected, but the proposal was for a $35 million build. The state government agreed to contribute funds to the underwater observatory, which was terrific, and the federal government committed money as well. There was enough money to build the underwater observatory. Think about the benefit of such a project. Imagine the largest underwater window in the southern hemisphere, or even in the world, being at the Busselton jetty. It would have been a huge tourism drawcard, particularly for people out of Asia, who often cannot swim or are not great swimmers. The opportunity for them to view things underwater and have that experience would have been magic and highly desirable. Such a project would have added value to the Margaret River and Busselton region and to the attractiveness of the region as a destination to visit. There was an opportunity, but unfortunately, due to rising expenses, the cost of constructing it significantly blew out. I think it blew out by an extra $20 million, which on a $35 million project, I certainly agree, is phenomenal. But that was the reality.

I understand that the federal government was open to considering a co-funding agreement with the state government to bridge the extra $20 million, but there is nothing in the budget at this stage for that. I understand that the answer was no. The project will not go ahead and I think it is a massive lost opportunity. With the feds going halves with the state, the state only needed to stump up an extra $10 million. In a budget with a $5 600 million surplus, it would have been a $10 million spend. The state government has spent money in the past on the international airport at Busselton and to build up the area as a tourist destination. I hope it is not too late and that the government will use part of its budget allocation for tourism—I think about $70 million is set aside—to rectify the situation and to wrestle the project back to Western Australia, because it is a fantastic opportunity that should not be missed.

I also welcome the added investment in the budget for the timber industry, particularly the transitional money for workers and businesses that are exiting that industry. There will be an extra $30 million, which I think is most welcome.

As we consider where the state sits in 2022, we need to consider the current global situation. There is a conflict in Ukraine. Ukraine, of course, is the world's biggest provider of wheat, something that we grow here in Western Australia. I think as events unfold, Western Australia will continue to be in a very good place to meet some of the demand and need in the global economy and that is going to put Western Australia in good stead in the future.

In closing, the state needs to make sure that the investments it makes now put our state in the best position to benefit from the next potential mining or agricultural boom, or whatever boom the state is lucky enough to benefit from. We must make sure that what we spend now helps to set up a positive future for the community and for future governments. I commend the budget to the house.

Debate adjourned, on motion by **Hon Colin de Grussa**.

COVID-19 RESPONSE LEGISLATION AMENDMENT (EXTENSION OF EXPIRING PROVISIONS) BILL 2022

Committee

Resumed from 17 May. The Deputy Chair of Committees (Hon Peter Foster) in the chair; Hon Stephen Dawson (Minister for Emergency Services) in charge of the bill.

Clause 1: Short title —

Progress was reported after the clause had been partly considered.

Hon TJORN SIBMA: I am bringing myself up to speed with where we left off last evening. From my recollection, we were talking about the advice the minister relied on to bring this submission to cabinet—and, obviously, cabinet-in-confidence has been invoked. Might I ask whether there was another note or perhaps another piece of advice that was not attached to that cabinet minute? I put this question to officials at the briefing. For example, was an overall risk assessment conducted by the Chief Health Officer or the State Emergency Management Committee that would allow us to contextualise the bill we are being asked to pass?

Hon STEPHEN DAWSON: Not that I am aware of.

Hon TJORN SIBMA: Relatedly, we are here to deal with the bill, but the bill's obvious connection to state of emergency declarations is worth some examination, but not an undue one in the time-limited debate we are operating under. If I recollect the advice the minister provided last evening, and I am also guided by an answer I received, helpfully, from the minister last week via the questions on notice system, it would be worthwhile for the chamber to comprehend the process or the deliberations the minister undertakes when he receives advice to the effect that a state of emergency declaration is the right and appropriate thing to do. If I am to recall the advice the minister provided to this chamber and I correctly recall the advice I received via the questions on notice system last week, principally speaking, at least in the period since December last year since the minister has held the portfolio, the minister has relied consistently on verbal briefings rather than a piece of written advice to the effect that an emergency declaration is warranted. Can I confirm that the minister's decision-making has been strictly informed by verbal advice, written advice or a combination of the two?

Hon STEPHEN DAWSON: As the member alluded to, first, the member is correct that I did become the minister in December last year; and, second, in my answer to a question I gave to the member some time ago, I said that every 14 days the Commissioner of Police, who happens to be the State Emergency Coordinator, provides me with a detailed verbal briefing on the current state of emergency and makes a recommendation. It is based on that advice and in accordance with section 58 of the Emergency Management Act that I have determined thus far that the extension was appropriate. I am also a member of the security and emergency management committee of cabinet and the State Disaster Council, which meets from time to time. So, being part of those meetings, together with the briefing I get from the State Emergency Coordinator, puts me in a position that I can make a decision on the extension or not of the state of emergency.

Hon TJORN SIBMA: This question might be more appropriate for me to put to the Western Australia Police Force should it be invited to participate in budget estimates hearings, because no doubt COVID-19 management will be a feature in some part of the police portfolio budget. I would assume, for probity sake, whether it be the commissioner or other senior officer in uniform providing the minister with that verbal advice, they are relying upon an aide-mémoire or a written document of some kind. I wonder to what degree those documents, which I will put to the minister now, should have been developed and are discoverable documents? That will help us understand how our officials conceive of a statewide state of emergency. My question is: are documents of that kind readily available and is the minister in a position to table them now? I assume the answer might be, no, but is that a course of inquiry I am better off taking through the estimates period, questions on notice or another process rather than at the table now?

Hon STEPHEN DAWSON: The member is best placed to ask that question during estimates.

Hon TJORN SIBMA: This is not intended to be speculative but is to help the chamber, through my own humble efforts, understand the decision-making process. As the minister said in the second reading speech, this is a responsibility he takes seriously, and I have no doubt about that, but, say, in the most recent two or three extensions that the minister has been advised to declare, what are the key factors that drove his decision-making? I want to ascertain what they are, because there are a number of factors but some would loom as being far more prominent and meaningful than other factors. I do this to invite an answer. Is it just the modelling of future overall case numbers of COVID, is it some informed view about the number of patients likely to require hospitalisation within a certain period of time or is it more precise? There has been slightly—I will not say competing, but there have been a number of variables cited by the minister and the Premier as principally driving the decision on not only this bill but the ongoing states of emergency. I want to understand, because these factors have changed over the last two years. Therefore, the factors that drove the decision initially in March 2020 would be completely different from the kinds of factors and issues the minister gives consideration to now. Are there particular regions of the state, for example, that cause the government more concern that others?

Are conditions in the Pilbara or the Kimberley driving this decision to perpetuate the state of emergency more than, for example, the underlying health issues or system capacity in Perth and Peel? I am just trying to understand first and foremost what the principal factors are and then I have one or two follow-up questions on this train of thought.

Hon STEPHEN DAWSON: As we have spoken about already, I have been the minister now for five or six months so I cannot comment on how earlier decisions were made. Certainly, I have taken the role very seriously since I have been in it. The Emergency Management Act 2005 defines an emergency as —

> ***emergency*** means the occurrence or imminent occurrence of a hazard which is of such a nature or magnitude that it requires a significant and coordinated response;

The act states a "hazard" means a range of things including "a plague or an epidemic". I am briefed by the State Emergency Coordinator on a weekly basis. I rely on the State Emergency Coordinator to first off tell me that the state of emergency is needed. That is that person's statutory role. Then, in those briefings, the State Emergency Coordinator will talk me through the various issues of the moment—that is, the number of people in hospital and intensive care units, the number of cases in the community and the likelihood that the number of cases will grow or otherwise. The member will be aware that there are 10 current directions made in reliance to section 72A of the act for things like wearing face coverings during air travel, international borders, testing and isolation, cruise vessels, maritime crew members, proof of vaccination, regulated entry of high-risk vessels, remote Aboriginal communities and transiting aircraft passengers. They are the current directions in place. The State Emergency Coordinator will tell me whether we need to keep this or that; therefore, it is their recommendation that we need to continue the state of emergency. Based on that advice, I make a decision.

The DEPUTY CHAIR (Hon Peter Foster): Before I give the call to Hon Tjorn Sibma, I remind members about supplementary notice paper 70.

Hon TJORN SIBMA: Thank you, deputy chair, for that reminder.

I will not necessarily hold the minister strictly to this, but his advice to us is that he has weekly meetings with the State Emergency Coordinator —

Hon Stephen Dawson: Fortnightly.

Hon TJORN SIBMA: I am corrected; it is fortnightly. Presumably the State Emergency Coordinator relies upon a written document of some kind to guide the provision of their advice to the minister. Is that a fair assumption for me to make?

Hon STEPHEN DAWSON: The State Emergency Coordinator seeks advice from the Chief Health Officer. It is my understanding that on the day, or indeed the day before, the State Emergency Coordinator meets with me, they would have had a meeting with the CHO.

Hon TJORN SIBMA: The line of advice is Chief Health Officer, through the State Emergency Coordinator to the minister. Presumably those people cannot always be in the same place at the same time and there is likely to be the provision of written advice from one to another. Even if the State Emergency Coordinator does not provide written advice directly to the minister, they have some written document that guides their recommendation to the minister that a state of emergency declaration should be extended again. I just want to understand that. The question sounds very mechanical, but I just want to understand the process.

Hon STEPHEN DAWSON: I honestly cannot say whether a document is relied on or not. In my case, I have met with the State Emergency Coordinator face to face every 14 days, with the exception of one occasion when I was at home with COVID-19 and the State Emergency Coordinator was face to face with me on a screen. I am also advised that face-to-face meetings happen between the CHO and the State Emergency Coordinator. Both of these people are living this stuff not on a daily basis but minute by minute, so I am not aware of what documents they rely on or not.

Hon TJORN SIBMA: At the meetings undertaken with the State Emergency Coordinator, at which they advise the minister of their recommendation that a state of emergency be declared, is anyone else present, or is it exclusively between the minister and the State Emergency Coordinator? For example, is a member of the minister's staff present at the meeting? Are file notes of the meetings kept?

Hon STEPHEN DAWSON: My chief of staff attends the meetings with me. When my chief of staff is not available, another staff member will attend. I do not believe file notes are kept. The State Emergency Coordinator often has—I am just trying to remember whether it is every time—another officer with them. Certainly, my most recent meetings have been with the acting Commissioner of Police and therefore the acting State Emergency Coordinator. In that case, an officer is present, but I am not sure whether file notes are kept on their side of the conversation.

Hon TJORN SIBMA: Another member might want to take up that line of questioning because I want to limit my contribution to contemplating clause 1. As I understand it, the state of emergency powers under section 58 of the act—I think other sections allow for the rescinding and extension of the powers—provide for a state of emergency declaration to be made either statewide or localised to deal with particular prominent local circumstances. I think it is fair to assume, as a member who has taken an interest in the overall issues of the last two years, that the capacity of the health system, for example, or the underlying community health profile of certain sections of this state, is not equally distributed. I will put it to members this way. The state of emergency declarations that have been made consistently every fortnight for the last two years have applied across the entire state, and that largely suggests there is a risk profile that is universally shared across the state. In what circumstances—this is more hypothetical—would it be appropriate for a statewide emergency declaration to be rescinded and perhaps more particularised to a regional community? Are there a set of factors, for example, that would drive that kind of differentiation? If there are those key attributes—I might be phrasing this wrongly, but I think I am getting across the gist of it—what would they be and how would that determination be made? For example, could a state of emergency exist in Perth and Peel and in the Kimberley coincidentally or, to the contrary—this is where I am going—could there be one for COVID-19 management of, say, various Aboriginal communities in the Pilbara that requires these special powers and directions but that would not reasonably apply in Perth and Peel? How would that determination be made if, indeed, that is a determination the government is likely to make?

Hon STEPHEN DAWSON: During this pandemic we have already had directions focused on particular locations. The member would recall when we had restrictions on Perth and Peel, for example, earlier in the pandemic, or the Kimberley or whatever. I will not get into the hypotheticals, but certainly back to an earlier point the member made, there are 15 500 to 16 000 cases reported today, and there are still hundreds in the different regions of regional Western Australia. The virus does not know regional boundaries, and so the virus can spread, it has spread and it does spread across those boundaries. Is it conceivable in the future that we would potentially move to focus on a localised declaration? It is conceivable. At this stage, though, given the information that I get from the State Emergency Coordinator about the prevalence of COVID-19 around the state; the impacts of COVID-19 on people who live in the regions as well as the city; and the number of people with COVID-19 who are either dying, who have got it, who are in ICU and hospital beds, all those pieces of information are taken on board by me at this stage and will continue to be so. Could I conceive a change in the future? Potentially.

Hon TJORN SIBMA: This is my last question on this theme, minister. Rather than being briefing specific, I suppose, over the course of the last five or six months, has there been discussion from the Chief Health Officer, emanating from the State Emergency Coordinator or more broadly with the minister's colleagues about when and under what circumstances a state of emergency declaration would be no longer valid or appropriate? I appreciate that no government wants to get into hypotheticals, but, for example, I think within the second reading speech and certainly within the media statement that attended the introduction of this bill, the point was made very explicitly that even though the bill is proposed to be in effect for a six-month period, one should not automatically assume that there will still be a state of emergency in six months. Perhaps, if it is possible to elaborate at all, because I think it will be useful, under what circumstances would it be determined that a state of emergency declaration is no longer appropriate for the management of COVID-19 in Western Australia? I am trying to understand what the drivers are and factors would be that would drive that outcome.

Hon STEPHEN DAWSON: The short answer is: when it no longer meets the definition of emergency and when the powers are no longer required. The member is quite right; we said that this bill does not guarantee there will be a state of emergency for the next six months. This is the framework that allows it to happen, but I make the decision every 14 days based on the information at hand and the information and advice given to me by the State Emergency Coordinator. It is on a 14-day basis. Given how COVID-19 has evolved over the past two years, I cannot and I will not hypothesise on what might and might not happen. I take it from meeting to meeting, and I take the decision I have to make very seriously.

Hon MARTIN ALDRIDGE: On this issue of advice, I just want to get some clarity from the minister. He has stressed the point that every 14 days he has to make an informed decision. If I look at the relevant sections of the Emergency Management Act, being sections 56 and 58, section 56 provides a power that the minister may make a state of emergency declaration.

I want to quote particularly subsection (2), which states —

> The Minister must not make a declaration under this section unless the Minister —
>
> (a) has considered the advice of the State Emergency Coordinator; and
>
> (b) is satisfied that an emergency has occurred, is occurring or is imminent; and
>
> (c) is satisfied that extraordinary measures are required to prevent or minimise —
>
> (i) loss of life, prejudice to the safety, or harm to the health, of persons or animals; or
>
> (ii) destruction of, or damage to, property; or
>
> (iii) destruction of, or damage to, any part of the environment.

Those are, obviously, the terms of the minister's powers under section 56 to make a declaration. Obviously, what Hon Tjorn Sibma has been pursuing is more relevantly found in section 58, "Extension of state of emergency declaration", which is what the minister has been canvassing with the member about this 14-day requirement. Is it the case that under section 58 the minister is not required to consider any person's advice, receive any information or even form a view in utilising powers granted to the minister under section 58 in extending a state of emergency?

Hon STEPHEN DAWSON: It is at my discretion if it is extended, but it is inferred that I would base my decision on section 56 of the act. As the member pointed out, section 56(2) says —

> The Minister must not make a declaration under this section unless the Minister —
>
> (a) has considered the advice of the State Emergency Coordinator; —

Which I do on a fortnightly basis —

> and
>
> (b) is satisfied that an emergency has occurred, is occurring or is imminent; —

Which I am —

> and
>
> (c) is satisfied that extraordinary measures are required to prevent or minimise —
>
> (i) loss of life, prejudice to the safety, or harm to the health, of persons or animals …

Which I am. The latest figures I have at hand are 15 600 cases, with 300-odd people in hospital yesterday, 11 in ICU and we are up to 201 deaths; that is current and ongoing. I am confident that my decision aligns with the act and, as I said numerous times—I have to stress it again—I do not make the decision lightly, but I can sleep at night because I know it is the decision that I should be making as the minister.

Hon MARTIN ALDRIDGE: I think the minister might have missed my point—that is, the distinction between sections 56 and 58 of the EMA. Unless I am mistaken, the minister has never exercised the power under section 56 because it was Hon Fran Logan, as the then Minister for Emergency Services, who exercised for the power afforded to the Minister for Emergency Services to make a declaration of a state of emergency. I do not believe the minister nor his predecessor Reece Whitby has ever made a declaration of a state of emergency. What he has made, however, is a decision pursuant to section 58, which is an extension of a state of emergency. My question was, in doing so, my reading of the EMA is that the minister is not required, as he would be under section 56, to consider the advice of the State Emergency Coordinator, receive information or be satisfied that certain things are occurring in informing a view that a state of emergency should be extended. I hope I have clarified that question to make a distinction between those two points.

Hon STEPHEN DAWSON: The honourable member is correct. Section 58 does not say that; however, the actions that have been taken by me and my predecessors over the past two and a bit years have aligned with section 56. The decision was made at the outset, the member is correct, by Hon Fran Logan, and has subsequently been made by other ministers, including Minister Whitby and myself. When we make a decision on the extension of the state of emergency, we take into consideration section 56(2) and make sure that it aligns with that.

Hon MARTIN ALDRIDGE: I might just conclude making this point, because I know my colleagues to the left are also seeking the call. On the last occasion that we considered this extension, one of the points I made is that we ought to get on with reviewing the EMA. The statutory review is overdue and this is one aspect. If I go to Hon Tjorn Sibma's point in his contribution to the second reading, it was an act that was designed, I am sure, without considerable, if any, contemplation of the management of a pandemic or indeed any type of emergency that has extended into its third year. This is a case in point whereby the minister is compelled under section 56 to have undertaken and given consideration to certain factors, but once that decision occurs, the minister, one person in Western Australia, the Minister for Emergency Services alone, has the power without any significant constraint, if any constraint at all, to perpetually extend a state of emergency. It is satisfying to hear that the minister has utilised the spirit of section

56 in making an informed decision every 14 days, but it still remains that he is nevertheless not bound to. What concerns me is that these decisions may well seem routine in nature, but the consequences of the decisions and the directions that are often then formed from the utilisation of these emergency powers come back to these routine decisions. Once again we are standing in the Parliament, trying to get an understanding of this decision-making process—who is advised, how is it given, who keeps a record—and what is the decision-making matrix that says at this point in time it is our view that it is likely that we will not need a state of emergency. Are we still pursuing a zero-case goal? When we no longer have COVID-19 in Western Australia or there is no such thing as COVID, we will no longer need to have a state of emergency declared or extended for that matter. It is a comment, not a question, minister, and an encouragement for the government that a statutory review of the Emergency Management Act is overdue. It would be timely to review that act in the context of the ongoing use of that act for a purpose that I am pretty sure was not contemplated at the time of its passage in 2005.

Hon STEPHEN DAWSON: The honourable member's comments are noted. He is technically incorrect in that a statutory review of the act took place in 2013. My advisers tell me that there is no requirement to undertake a review of the act. However, we have had lots of learnings over the past two and a half years and those learnings will be taken on board, but they will not be reviewed during the pandemic. In my view, those learnings should be taken on board post-pandemic. I want to put on the record that the act itself was formulated with the best of intentions, but the member may be correct in that potentially people could not foresee the need for a state of emergency for a number of years to deal with anything like what we have seen over the last while. The learnings will be taken on board at some stage. There are lots of learnings to have because, who knows, this may not be the last pandemic for 100 years so we need to be ready for the next one.

Hon Dr BRIAN WALKER: I am taking on board the evident care of the government in ensuring that the best needs of the community are indeed met. The questions I have are to basically help my understanding. Under the definitions of the Emergency Management Act 2005, "emergency" means —

> … the occurrence or imminent occurrence of a hazard which is of such a nature or magnitude that it requires a significant and coordinated response;

Is it true to say that when using these criteria, the definition of an emergency would very much be in the eye of the beholder? For example, if it were a matter of a fire, those of us who have never experienced a fire would think that it is an emergency, whereas those who are experienced firefighters would think that it is a minor thing that can be fixed quite quickly. The degree to which a state of emergency exists would depend to a large extent upon the comfort of the person making that declaration about whether it can be managed quickly or it is going to a problem. Am I correct in that thinking?

Hon STEPHEN DAWSON: I am not quite sure that the honourable member is. If we are to use the member's language, under the act I am the beholder. I am the Minister for Emergency Services and so the buck stops with me in terms of the state of emergency. The member might have a different view, notwithstanding that Hon Martin Aldridge has pointed out that I do not need to take into consideration section 56 of the act when I make my decision under section 58. However, I do take it into consideration and I am confident and comfortable that my decision lines up with section 56.

Hon Dr BRIAN WALKER: Thank you for that assurance. I am comforted by that. It does point out, however, that there could be differing opinions of that. The second aspect of this is that if a state of emergency has been declared, at what point do we move from the declaration of an emergency—recognising the problem—to actually having control of the tools that we need to manage the emergency? Declaring an emergency again and again would imply that we do not have the controls that we need. We need to modify those controls again and again, rather than use the tools that we have at our disposal, having an emergency declared and then letting us run because the people who should manage it are indeed managing it.

Hon STEPHEN DAWSON: We have continued to learn as we have progressed through this pandemic. It is on the record now that 573 directions have been made. At the moment, we are essentially living under 10 directions. We continue to move and evolve. I cannot say at what stage we will no longer need to extend, but I continue to rely on the advice that I get from the State Emergency Coordinator on a fortnightly basis. If the person in that position tells me, based on their advice and knowledge, that an extension is required, I am at liberty to consider that. If I am confident in the information that they have told me, and I have been this far, then I extend. As to when it might stop, if the State Emergency Coordinator tells me that an extension is no longer required, that is plain and simple for me.

Hon Dr BRIAN WALKER: Again, I am very comforted. I have read through—albeit with the eyes of a layperson—the Emergency Management Act 2005, the COVID-19 Response and Economic Recovery Omnibus Act 2020 and the Public Health Act 2016—awesome powers in there. What I have failed to find is any justification for section 72A in the Emergency Management Act. I fail to see how that would enhance the awesome powers that the minister already wields.

Hon STEPHEN DAWSON: Section 72A allows us to apply the powers to a class of people, whether that be for things like borders or contact tracing. That is not enabled under the Public Health Act. I will say it again, and I kind

of said it yesterday, that I am not an expert on the Public Health Act. It is not my act and it is not for me to suggest the merits or otherwise of that act or the changes that might be needed. What is before us is my act and a decision has been made by cabinet that an extension of the provisions that we passed previously are required under this act.

Hon SOPHIA MOERMOND: I appreciate the considered responses and questions that are being discussed here. I would like to comment about possible future pandemics. When we are thinking about the future, climate change will be a huge contributing factor, especially when we look at flooded areas and a variety of pathogenic bugs. The other factor within that is that currently we are experiencing a defrosting of the permafrost and we have no idea what will necessarily be released by that process. In my substantive contribution yesterday, I spoke about how the government might consider pandemic-specific legislation so that Western Australia does not have to always be living under a state of emergency. After having raised pandemic-specific legislation and a number of other issues with the minister, his entire response has been rather dismissive of me. I would really like to see us have pandemic-specific legislation for the future, because that is a big concern.

At this stage, I would like to move amendment 1 standing in my name —

> Page 2, line 4 — To insert before "*Extension*" the word "*Final*".

This is an opportunity for the government. It is practical and it is clear. It will send a message to the public that this will be the final extension of this kind. It will provide clarity to the public and allow the government to move towards a situation in which it can draw up pandemic-specific legislation for the chamber to debate, and we can move on from dealing with this so-called emergency.

I listened with interest to my colleague Hon Wilson Tucker last night. I have to say I do not have the same type of trust that he has that this government will simply do away with these powerful laws the moment it does not need them. What is the bet that we will be back here in another six months? There has to be an end point. We have to move on. We must learn to live with COVID. I urge the government to work with us and pass this simple amendment to ensure that Western Australia can move out of the state of emergency and we can get on with life in this beautiful state.

Hon STEPHEN DAWSON: I am not in a position to support the member's amendment. I am disappointed that the member thinks I have been dismissive of her, because that is not how I operate as a member of Parliament. Every member in this place is entitled to their opinion. I might not like the member's opinion but I recognise that she has the right to have it. Please do not see me as being dismissive. I have a different point of view from the member, but the member is entitled to have her view.

We are not supporting this amendment at the moment. I wish I had the member's confidence that this will all go away, and it will go away soon. The member's amendment seeks to insert the word "Final". I hope I will not need to use my powers under the act to keep extending the state of emergency. However, I am not going to soothsay and say that later this year, on 20 November, the pandemic will be over, because I am not confident that will be the case. We are not supporting the amendment.

Hon MARTIN ALDRIDGE: A number of the proposed amendments on the supplementary notice paper are related. We are now dealing with the proposed amendment to clause 1. We have further proposed amendments to clauses 4, 5, 7 and 9, and the long title. The intended purpose of these collective amendments is to amend the date of the proposed extension from 3 January 2023 to 20 November 2022. I will make some comments about the package rather than this amendment alone, because they are related. This proposed amendment to clause 1 is probably more symbolic than anything else. The real change would occur at clauses 4, 5, 7 and 9 with respect to the dates, and the dates vary, which we may come to if the member moves those amendments in time.

The opposition's position is to oppose the bill. We have not been convinced by the government that the emergency powers need to be extended beyond 4 July of this year, nor have we been convinced that there are no other forms of making and enforcing directions pursuant to other acts. We will come to that matter in more detail later during this time-limited consideration stage of the bill. Having said that, the intent of the mover of the amendment is to effectively reduce the time to which these expiring provisions will be extended. We support the spirit of that, but note that our preference is that the bill be opposed, unless the government can justify the reasons that these section 72A powers in particular ought to be extended beyond 4 July this year.

Hon Dr BRIAN WALKER: I have to say out front that I support what the government has been doing and continues to do. The government is doing a reasonable job as far as can be expected, but it could be better. I also believe that the public, who are expecting from us good support and good leadership, would also be looking with great interest at what happens in our chamber today. The extension of these emergency powers on a continual rolling basis is creating a perception of fear in the community. We ought to come to terms with the fact that there has been a problem, it has been managed and it continues to be managed, and it needs to now be formalised in the form of, as suggested, a pandemic organisation or committee. This pandemic will continue. The minister is quite right. It will continue for a considerable time, and other infections and plagues are going to come along, and, indeed, other problems of a similar nature. It would be helpful if the government would focus on this, rather than continuing what it has been doing. This is an opportunity. Over the next six months the government could very well bring in very reasonable pandemic-specific legislation that would enable us to work in the future to the same high degree that we have been

working now, without this continual state of fear. Yes, there is an infection, yes, people are dying, and, yes, it is frightening, but we are dealing with it. In the words of World War II, we need to have a stiff upper lip and carry on. We are not going to be beaten by this. We are not going to be cowered by some invisible thing that can strike out of nowhere. That is not who we are. We are strong. We are resilient. We are not going to be cowered into a corner and worried about a virus that may well kill me—who knows? Carry on.

The government will not have time to create such suitable legislation if it continues with the repetition of these emergency powers. We would support the government in this. I would be prepared to support the government in an extension of this legislation until the end of this year, not into 2023, to give it time to create suitable legislation that would enable future developments for managing pandemics. That would be a sensible thing to do. It has happened in Victoria; it has passed that law already. That is an example that we could follow. South Australia is also an example that we could follow. We need to be on the front foot here. This proposed amendment is an attempt to support the government in the excellent work it has been doing, but to enable it to do it better, and to serve the population better. I support the amendment and hope that the government will support it as well.

Hon STEPHEN DAWSON: A number of people in this place are being a bit disingenuous. They chose at the second reading of the bill to vote against the legislation, and they lost that. They are now trying to have a second bite of the cherry. We have made a decision as a government that we believe a six-month extension is warranted. We stand by that decision. We will not be supporting the amendment in Hon Sophia Moermond's name.

Amendment put and negatived.

Hon MARTIN ALDRIDGE: Yesterday, in the brief time that we had to debate clause 1, I talked about the advice that the minister had received as part of the cabinet process. The State Emergency Coordinator had taken advice from the Chief Health Officer, and we were told that that advice to the government about whether these powers should or should not be extended was cabinet-in-confidence. I do not suppose that position has changed overnight. Notwithstanding that the government has changed the position that it took in 2021, when the minister's predecessor did provide that advice to the Parliament, did we establish yesterday whether the advice that the State Emergency Coordinator had provided to the government was that he supported an extension of these powers for six months, or was it something else?

Hon STEPHEN DAWSON: I do not propose to go over ground that we covered yesterday, honourable member. *Hansard* is available for people to read. I will just say that the State Emergency Coordinator has given me advice that the extension should happen for six months. I have acted on the advice. I am not going to go back over yesterday. Deputy chair, I do not believe it is appropriate to go back over old ground that was debated in this place yesterday. This is a time-limited debate. There are a number of other amendments on the supplementary notice paper that we need to get through, so I will not be answering questions that I answered yesterday.

Hon MARTIN ALDRIDGE: I will take up the minister on his offer of checking the uncorrected *Hansard*. The minister said yesterday that activating the Emergency Management Act rather than the Public Health Act provides the appropriate framework and was designed for a significant and coordinated multiagency emergency response. He said declaring a state of emergency under the Emergency Management Act has the benefit of establishing a comprehensive emergency management framework. That was a more nuanced position than perhaps what was put to us in our briefing, which was that the government opted to use the Emergency Management Act in this situation because the Commissioner of Police has a role to play and it was more appropriate. Effectively, the government took a position that it wanted the police in charge of the pandemic response so therefore the EM act was the appropriate vehicle. My question is about a press conference I listened to that occurred just a short while ago in relation to ambulances with the Premier, the Minister for Health, the acting Commissioner of Police, and the director general of the Department of Health. Acting Commissioner Col Blanch said that on a daily basis, roughly 400 to 500 police officers are furloughed as a result COVID-19. He also said part of the reason that that is not so much of an issue is we have brought back 450 officers from Operation Tide. My understanding is that 450 officers is probably about the entire Operation Tide. Is anyone from the Western Australia Police Force still managing the COVID-19 response; and, if so, how many are there?

Hon STEPHEN DAWSON: I am told that Operation Tide has essentially been completed. There are three officers who are still tidying up, if I can use that phrase. The directions have been transferred to the regional offices to be undertaken as business as usual. That is managed through the state operation centre of WA Police.

Hon Martin Aldridge: To what—regional officers?

Hon STEPHEN DAWSON: To the police as regional operations.

Hon Dr BRIAN WALKER: I have one final question. There has been a lot of activity on the part of the emergency management teams but I have yet to see any chance for the Legislative Council to do its due diligence to review what is going on and to ensure that the advice given to government is suitable. There is quite a lot of potential for us doing our duty as servants of the state to investigate how things could be done and maybe offer our advice for the ongoing management of this emergency. Where in the act, if anywhere, is there potential for the leadership in government in this chamber to play a role in reviewing and revising?

Hon STEPHEN DAWSON: The Legislative Council does not feature in the act if that is what the honourable member is talking about. As I alluded to earlier on, there have been many learnings over the course of the last two and half years in relation to the act and the pandemic more specifically. At some stage, consideration will be given to the types of changes that we may want to look at in the future to make the act as up-to-date as possible. Obviously, all in good time there will be opportunities for the community or members of this place to participate at that stage.

Hon MARTIN ALDRIDGE: Minister, thanks for your advice earlier on Operation Tide; it was useful. The minister's comment about the policing function now being regionalised, is that more to do with matters of compliance? Obviously, if someone is not isolating or if there are other aspects of noncompliance with directions, is that why it would be a regional policing issue, as opposed to some centralised COVID-19 unit within Western Australia police?

Hon STEPHEN DAWSON: As I have mentioned earlier and I am happy to mention it again, only 10 directions exist currently made in reliance on section 72A. They are things like face coverings and the international border directions. We no longer have borders at the airport, for example, or the contact tracing that went on previously. There is no longer the body or breadth of work that was needed during the height of the pandemic. Because the directions are limited now, that work can be done regionally; whether it is a metro or regional operation, it is part of police.

Hon MARTIN ALDRIDGE: Thanks for that clarification. It is more the operationalisation of the directions—not strictly compliance but obviously compliance is an aspect. On the directions, it is probably a matter best explored at clauses 8 and 9 when we are actually dealing with the relevant EMA clauses, but we were given a list on Tuesday of the 10 active directions that rely on section 72A. We were also given quite a long list of 563 redundant directions, which I think I made comment on in my contribution to the second reading debate which, in and of itself, demonstrates the point that we are at in the pandemic if we took a very simplistic assessment of the number of directions that are in force, notwithstanding some of them are still significant. Has that list changed since last Tuesday? If so, is the minister in a position to present the current information to the Legislative Council?

Hon STEPHEN DAWSON: The list has not changed since the member's briefing last week. The directions remain current at 10 and the 563 non-current directions remain the same my advisers tell me.

Hon MARTIN ALDRIDGE: Perhaps this is something the minister could take on notice before we get to clauses 8 and 9. The thing that drew my attention was that I looked at the COVID transition testing and isolation directions, number 13. I understand that that has been revoked and a new direction has been issued. I think that occurred on 13 May, some days ago. I wonder whether the minister could check the current validity of the list of directions and, if it is dated, whether a new list could be presented when we get to clauses 8 and 9.

Hon STEPHEN DAWSON: I am happy to answer that now. The directions remain the same. There may well have been minor amendments. The one that the member just pointed out was called number 13; it is now called number 14 but, essentially, the list of the 10 remain current, albeit with minor changes.

Hon MARTIN ALDRIDGE: That is fine. One of the questions I want to ask I raised during my response to the second reading speech and the minister may have missed it in his reply. It is on the annual report of the State Emergency Management Committee in the last reporting period. I draw the minister's attention particularly to pages 23 and 24 of the annual report where specific reference is made to the Department of Fire and Emergency Services providing analysis of the use of the Emergency Management Act 2005 and Public Health Act 2016 to assist with the management of the COVID-19 response. Is the minister aware of this analysis that occurred approximately one year ago? It is a matter that directly relates to the issues before us, so is the minister in a position to provide that analysis to the chamber in considering this bill?

Hon STEPHEN DAWSON: I am aware of page 23 of the report that the member referred to. The annual report of the State Emergency Management Committee has been brought to my attention. It mentions that DFES provides analysis of the use of the EM act and the Public Health Act to assist with the management of the COVID-19 response, and was dated 7 May 2021. I have not seen it. I understand that either Hon Martin Aldridge or one of his colleagues asked a parliamentary question on this issue. In that question, he may well have asked for a copy of the document. That is the appropriate way. I do not have access to it here. If it has been asked for under that process, that answer will be provided at the appropriate time. I have not seen it and I do not have it.

Hon MARTIN ALDRIDGE: That is interesting. This advice to the State Emergency Management Committee on the operation of these two acts in the management of COVID-19 was provided over a year ago. It is a matter of direct relevance and interest in my view in contemplating this bill. I would have thought it would be a matter of relevance and interest to the cabinet in contemplating a cabinet submission from the minister with respect to the ongoing section 72A powers. I must express some disappointment but also some surprise that, again, in the interests of understanding the government's position and the operation of two acts concurrently with respect to two concurrent states of emergency, it appears we are going to make progress on this bill without knowing what this expert analysis was or, indeed, whether it was contemplated by government in deciding whether these temporary powers ought to be extended, or indeed some other approach. It could well have been the expert analysis of DFES. We are now

into our third year of the pandemic. The Emergency Management Act was never designed for this purpose. We are still dealing with temporary extensions every six months. How about we put in place a set of arrangements now that futureproofs our state against future pandemics, which I know many members have spoken of so far in this debate? Again, it surprises me that this is another piece of relevant information relating to this bill that the Legislative Council is not able to access.

The minister made a couple of references—I think he was probably warming up to some stronger points—about not being in a position to make comments on the Public Health Act. When contemplating whether these temporary powers needed extending or when contemplating the advice he received from the State Emergency Coordinator, was that a matter of relevance? The government has argued this exact point: the emergency powers in the Public Health Act are comparable to the Emergency Management Act. As far as I am aware, that matter is not in dispute and has been recognised by the government on previous occasions. Were the merits of amending the Public Health Act in favour of seeking a short-term extension, albeit six months, to the Emergency Management Act contemplated by the minister or the person advising him?

Hon STEPHEN DAWSON: As the member would be aware, I am not responsible for the Public Health Act; I am responsible for the Emergency Management Act. However, my adviser, as I have indicated previously, is the State Emergency Coordinator. He indicated to me that it was his belief that the provisions before us should be extended by six months. My decision was based on that. I took a document to cabinet as a result. I am not responsible for that other act. That was not a consideration of mine.

Hon MARTIN ALDRIDGE: This is the problem with the government operating in silos like this: "This is not my responsibility; this is another minister's responsibility." Even though we have two states of emergencies invoked by two ministers and extended by two ministers, there does not seem to be a committee meeting of these people to say, "How about we contemplate a different way of moving forward into our third year of a state of emergency?" I will use this point. Three things were identified in the second reading speech but also in the briefing as being essential to the extension of these section 72A powers; firstly, face covering directions; secondly, test, trace, isolate and quarantine directions; and, thirdly, border unvaccinated travel directions. The point that I made in the briefing to the first one is that if our Public Health Act is deficient in requiring face coverings in certain circumstances, which I am not sure is the case, then we have a real problem and why are we not turning our minds to that? The second question that I put to the isolation TTIQ example related to the fact that surely the Public Health Act provides provisions for quarantine. The claim being made was that this direction could only exist with the section 72A powers. That may well be true if we are looking at the Emergency Management Act in isolation. I am sure the minister will get up in a moment and say that he is the Minister for Emergency Services, not the Minister for Health, and he cannot comment on the Public Health Act. This is exactly the problem. When I challenged that assertion during the briefing, it was made quite obvious that the Public Health Act does have provisions that are relevant to quarantine.

This is what concerns me with the government's approach on the fifth occasion, entering the third year—we seem to still be operating in silos with concurrent states of emergency and concurrent directions. Surely there is some coordination but, of course, that coordination is occurring in the State Disaster Council, which sits concurrently with the State Emergency Committee of cabinet. Not only are we in a state of emergency, but we are also in a state of secrecy because never shall we know what the State Disaster Council considers or what decisions it makes. For the fifth time, we are facing this problem of making an informed decision. The minister talks about making informed decisions. I want to make an informed decision about whether this six-month extension is warranted or whether there is a better way of doing business. As I said in my second reading contribution, the minister will have the full support of the opposition in considering the deficiencies of the Public Health Act and correcting them prior to the sunset clause of 4 July.

Hon STEPHEN DAWSON: The member's comments are noted. The decision on which act will be utilised to give a direction is made having regard to operational and legal considerations. The decision to use one act or the other does not mean the other act is deficient. As I have indicated previously, the government made a decision to bring this bill before us today. The member may have a view on the Public Health Act, and that is his right as an honourable member. He has also made it clear to me, by voting against the second reading of the bill, that he is against the bill before us now. I will take his comments as being issues of interest to him, but this is the act that we intend to amend to keep the state of emergency in play for the time being. Whether one act is better than the other is for other people to decide. I will not be giving legal interpretations or opinions this afternoon, as I believe section 105 of our standing orders does not want me to.

Clause put and passed.

Clauses 2 and 3 put and passed.

Clause 4: Section 318 amended —

Hon TJORN SIBMA: I had questions on this clause and on clause 5, which I addressed last evening, but I do not recall the reply to them. I want to reflect upon two issues that were raised: one was in the second reading speech, which is the more relevant source document, and the other was in the media statement of 10 May.

I draw the minister's attention to the second reading speech and its reference to the Criminal Code amendments that are embedded in the bill. The minister said —

> I now turn to the Criminal Code amendments contained in this bill. The Criminal Code Amendment (COVID-19 Response) Act 2020 amended the Criminal Code to increase the maximum penalties for the offences of serious assault and threats committed in the context of COVID-19. The increased penalties sought to reflect the seriousness of assaults against public officers such as frontline workers …

Hon Stephen Dawson: Honourable member, do you mind.

Hon TJORN SIBMA: I will get to where I am going —

Hon Stephen Dawson: No, I am not being obtuse. Can I just take the floor for a second?

Hon TJORN SIBMA: Sure.

Hon STEPHEN DAWSON: Deputy chair, I do not have an adviser from the Department of Justice at the table at the moment. Is it okay to swap out an adviser for this part and then the appropriate person can be here to give me advice and, hopefully, answer the question?

Hon TJORN SIBMA: To ensure that I am an equal opportunity employer, are there any other advisers from other agencies that have not joined us at the table yet that I might ask questions of just to ensure that everybody gets value for their day?

Hon Stephen Dawson: Maybe Health.

Hon TJORN SIBMA: I can only try.

I had begun to read from the second reading speech. It continues —

> The increased penalties sought to reflect the seriousness of assaults against public officers such as frontline workers, particularly in the context of the pandemic. The amendments to the offences under sections 318 and 338B of the code were made in response to several distressing reports of people across the country and internationally claiming they had COVID-19 and deliberately coughing or spitting on innocent people who were just trying to do their jobs. This was particularly occurring, or at risk of occurring, in the context of frontline essential staff …

On that point, the first iteration of this legislation was made on the basis of reports of people who were attempting to weaponise their COVID-19 status, or their purported COVID-19 status, in a malicious and threatening way against other people. To the best of our knowledge here in Western Australia, how many occurrences have been recorded of individuals making those threats, claiming that they had COVID-19 and deliberately coughing or spitting at somebody? Can the minister point out the number of those in the Western Australian jurisdiction in the past two years?

Hon STEPHEN DAWSON: The honourable member was correct in his contribution last night in the sense that this is an omnibus bill, because this part of the portfolio relates to the Attorney General, but it is in one bill.

I go now to how many charges have been laid under section 318. From assent on 1 April 2020 to 1 April 2022, 23 persons were charged under section 318(1A) provisions, with a total of 30 charges. Between 1 October 2021 to 1 April 2021, a six-month period, seven persons were charged under section 318(1A) provisions with a total of seven charges. Since the COVID-19 Omicron infection entered WA, so very late December 2021 to 1 April 2022—that is the last four-month period—six persons were charged under section 318(1A), with six charges. In relation to section 338, from assent to 1 April 2022, one person was charged under section 338B. Where the offence description specifically refers to COVID-19 with one charge, that incident occurred in December 2021. The Western Australia Police Force advises that after 1 April 2022 one person was charged under section 338B where the offence description specifically refers to COVID-19 and the threat was against a public officer. Despite there being three public officer victims, the offender was charged with one charge.

I have been advised that there has been an increase in incidents in the last few months, particularly in relation to the whole COVID-19 period. In the last few months since Omicron came to Western Australia there have been more threats and incidents against police officers or public officers.

Hon TJORN SIBMA: That is an exceptionally helpful advice that helps to contextualise my earlier question. The clause 4 reference is section 318(1A), so I will try to keep my remarks focused on that issue. So, 23 persons have been charged with 30 charges; is that right? I want to make sure that is correct.

Hon Stephen Dawson: That is correct.

Hon TJORN SIBMA: In terms of contextualisation, I will take as read the reported increase in incidents directed against public officers over the last two months. But of those 23 persons, and the 30 charges that have been laid as a consequence, how many of those victims were public officers and how many were just ordinary persons?

Hon STEPHEN DAWSON: This section relates only to public officers, so they all relate to public officers.

Hon TJORN SIBMA: How many of those charges were withdrawn?

Hon STEPHEN DAWSON: My adviser tells me that none were withdrawn.

Hon TJORN SIBMA: How many of those charges were sustained and resulted in a custodial sentence?

Hon STEPHEN DAWSON: I do not have a list, but I will give the member an answer to his question. There was an incident on 5 April 2020 and the court outcome was seven months' imprisonment, which was suspended for eight months. On 6 April 2020, the court outcome was two months' imprisonment. On 7 April 2020, the outcome was five months' imprisonment. For the offence on 26 April 2020, there was a $300 fine and $800 paid in compensation. For the offence on 28 April 2020, there was an eight-month conditional suspended imprisonment order, which was suspended for 12 months. For the offence on 28 April 2020, the outcome was three months' imprisonment. For the offence on 28 April 2020, a person is due to appear in court quite soon. For the 29 April 2020 offence, the outcome was 12 months' imprisonment. For the 4 May 2020 offence, it was six months' imprisonment. For the offence on 7 May 2020, a $2 000 fine; on 11 May 2020, a $300 fine; on 20 June 2020, three months' imprisonment; on 16 February 2021, a trial hearing has been set for early in the new year; on 27 April 2021, six months and 21 days' imprisonment; on 14 August 2021, six months' imprisonment suspended for eight months; and on 27 August 2020, a four months' intensive youth supervision order. Most of the offences since October 2021 have upcoming court cases. In some cases, first appearance has happened. In one case they were ordered to pay a $1 000 fine and in another a $1 500 fine. Essentially, they are the cases. I am told that eight offenders received terms of imprisonment ranging from two to 12 months.

Hon TJORN SIBMA: I state quite obviously what an odious kind of offending this is and how well deserved custodial sentences are in this regard. I want to clarify whether at the first iteration of this sort of bill in 2020 we agreed at that point to extend the maximum sentence for this kind of offending to seven years? Am I correct there or am I slightly ahead of the minister?

Hon STEPHEN DAWSON: We decided to extend it from seven to 10 years.

Hon TJORN SIBMA: Thank you; I just wanted to clarify that. Is it correct that the maximum sentence provided in the course of the last two years has been 12 months? From the minister's list, the longest sentence was 12 months.

Hon Stephen Dawson: Yes.

Hon TJORN SIBMA: My question as a regular member is that if we are seeking to send a signal to the community about the seriousness of this kind of offending, and we have agreed to extend the penalty by virtue of the extension of these kinds of bills, are we somewhat missing the mark in providing disincentives if the actual sentences handed down by the courts nowhere near approximate a 10-year sentence, let alone a seven-year sentence? I ask genuinely what additional protections are we providing to frontline officers by getting a little hairy-chested about the kinds of sentences that might be available relevant to this kind of offending if indeed that has not been the inclination of the courts?

Hon STEPHEN DAWSON: Far be it for me to comment on how the courts operate. It is important to note that a charge under temporary section 318(1A) of the Criminal Code can be dealt with summarily; it is an either way offence. The summary conviction penalty is imprisonment for three years and a fine of $36 000. Further, these are not mandatory sentencing provisions and the court has discretion over the sentence handed down to an individual offender in each case. The court obviously weighs up a number of factors, as courts are required to do under the Sentencing Act, including things like whether the offender pled guilty, whether the offender has a criminal record, whether there are mitigating factors such as cooperation with law enforcement and any attempts at restitution, and whether there are aggravating factors. This bill sends a message to the community that we believe public officers should not be assaulted, threatened or treated in this sickening way, as has been the case a number of times in the past two and a half years. We are sending a message that the penalty is stronger as a result of it. We are asking people in the community not to do it. The bill sets down increased penalties, but it is for the court to decide what it thinks is appropriate in each case.

Hon TJORN SIBMA: I agree with all that the minister has said, but the case is that the increased penalty is simply not being applied by the courts. Although the government is quite justified in attempting to send this kind of message and we as a legislature are exceptionally justified in attempting to send this kind of message to the community, for reasons far beyond my understanding, the judiciary has taken an alternate view. This bill is going to pass, but if it did not for some strange reason, what would be the implication for the safety of frontline police officers if these increased maxima were not passed?

Hon STEPHEN DAWSON: This provision sends a stronger message of support to public officers in the community. It also lists the different issues like spitting et cetera. By removing it, we are doing the opposite and potentially we are sending a weaker message to officers. We are trying to acknowledge that we are in unprecedented times. All of us, including people in this place, have played a significant role over the past two and a half years with legislation and decision-making and it is important that this issue continues to be treated appropriately, so by removing it we send a message that we are back to square one.

Hon TJORN SIBMA: The minister might have to take some advice from his justice adviser. I ask this genuinely. If the circumstances are that we are attempting to signal the desire of this chamber to provide additional protection

to officers as they undertake their duty, and we look at this through the COVID context, but, for example, if there was an incident in which a member of the public was threatening a police officer with the transmission of another communicable disease, let us say tuberculosis or HIV through spitting blood or whatever, what would be the maximum penalty that would apply in those circumstances? My assumption is that it would be a seven-year maximum? Is that a correct appreciation of the circumstances?

Hon STEPHEN DAWSON: I am told simple provisions in the act could be applied. My advisers do not have a copy of the Criminal Code with them, but I am told the penalties before us are higher than the penalties that exist.

Hon TJORN SIBMA: I made that assumption and perhaps that might be information provided at some other stage as it is probably not likely today given the time.

I might just make an observation. We are asked to accept the government's argument that this is a very important provision because the section of the act provides additional protection to officers and sends a signal to the community. This is not intended to be hypothetical but it is germane to the omnibus nature of this bill; why does the government not just make a permanent change to the Criminal Code, saying that threats of this nature, which might pertain to COVID-19, or might more broadly be threats of individual weaponisation of transmission of contagious diseases, are worthy of a 10-year sentence? Why not make a permanent fix rather than going through this process on an iterative six-monthly basis?

Hon STEPHEN DAWSON: Obviously, this is a temporary provision. COVID-19 was not around a few years ago, essentially. As such, it is truly novel and front of mind for many people. As COVID becomes commonplace and better tolerated in our community in the future, offenders will cease using the virus against our frontline officers, but we do not believe now is the time to change that provision. I cannot say what changes might happen to the Criminal Code in the future, but we think this is the appropriate mechanism to deal with these threats at the moment.

Hon MARTIN ALDRIDGE: I have only one question on this clause. I think I heard the minister say three times during the course of questioning from Hon Tjorn Sibma that it is about sending a message. My concern is that the types of people who are likely to participate in such despicable acts that should be punished subject to the Criminal Code probably do not tune in to the live broadcast of the Legislative Council at 4.00 pm on a Wednesday. How is the government sending a message to those persons potentially considering participating in such behaviour? Has there been an information campaign or an advertising campaign? Other than with the statute book, how are we sending a message?

Hon STEPHEN DAWSON: I cannot be sure about what kind of campaign there has been. It has certainly been talked about by the Premier and ministers at various times throughout the pandemic. I should say that this legislation sends a message to those frontline officers that we respect them. Police know that the powers have increased. I do not think the honourable member's assumption earlier that these people might not be listening to the debate this afternoon is correct, because there probably are. These people are different from people who might go out and commit a crime on Friday and Saturday night in Northbridge, for example. During the course of the pandemic, we have seen people come out of the woodwork who would not necessarily normally go out to cause chaos in Northbridge or wherever on the weekend. We have seen women with kids—all sorts of people—educated people as well as others participate in foul occurrences. I have had people screaming at me. The Premier has had people screaming at him. Threats have been made to our houses, our families and our offices. These are people who over time and until now may not have committed crimes. We have seen COVID bring some different people out of the woodwork over the past few months and they are committing foul things.

Hon SOPHIA MOERMOND: On people becoming radicalised, when people are under a lot of stress, they are angry and upset, those sorts of behaviours come out. I do not condone it, by the way; I just understand it.

At this stage I would like to move amendment 2/4 standing in my name on supplementary notice paper. I move —

> Page 3, line 9 — To delete "3 January 2023," and insert —
>
> 20 November 2022,

The amendment seeks to bring the sunset date forward to 20 November this year. I say at the outset that I will use this amendment as a test for the three similar amendments standing in my name on the supplementary notice paper. If this amendment is unsuccessful, I will not move those amendments for debate, as I do not wish to waste time.

In Victoria, standalone pandemic-specific legislation has been passed by both houses of Parliament. Yesterday, the South Australian Premier announced that he had agreed with the crossbench in that state to end the state of emergency by June. Amendments to legislation in South Australia will include the creation of a COVID oversight committee that will operate for the next six months to assist with any new restrictions to be put in place for people with the virus or close contacts. They are both Labor states, by the way.

No longer having a state of emergency will sedate some of those people who have come out of the woodwork, provide security for people who live here and who run businesses, and provide confidence to the tourism industry. Here is an opportunity for the government that is sensible and clear. This extension will give the government time to

consider what pandemic-specific legislation might look like and bring it to Parliament by year's end. The government does not have to reinvent the wheel; Labor mates in other states are already doing that for them. I urge members to vote for this amendment. Thank you.

Hon STEPHEN DAWSON: As I indicated earlier, I am not in a position to support any of the honourable member's amendments on the supplementary notice paper.

On the member's earlier comment about stress, there has been a heightened level of stress throughout the community over the past few years. Every decision that the government has made, has not been made lightly. We have taken rights and liberties away from people, we have made them wear masks and we have stopped people from visiting Western Australia, but it has all been about keeping people alive. If we compare the figures—in Western Australia there have been 201 tragic deaths compared with thousands in other jurisdictions—I think we got it right. It is also not a case of comparing apples with apples, because the statute books in each state and territory in Australia are different. We have different laws—emergency management acts and public health acts—and some say one thing and some say another. We believe that we are taking the appropriate course of action, so we have made the decision to continue to deal with these issues under the Emergency Management Act. Other states have decided to do things differently, and that is their wont. We have decided on this course of action. As I indicated, we will not be supporting this amendment. Cabinet has made a decision to extend the state of emergency to 3 January 2023.

Amendment put and negatived.

The DEPUTY CHAIR (Hon Jackie Jarvis): Members, I note that we will not be dealing with any further amendments on supplementary notice paper 70. Is that correct, Hon Sophia Moermond? Can you confirm you will not be moving the other amendments?

Hon Sophia Moermond: That is correct.

The DEPUTY CHAIR: Thank you for that.

Clause put and passed.

Clause 5: Section 338B amended —

Hon TJORN SIBMA: This is to recap on a very similar issue to one discussed at clause 4. I do not intend to go over the same ground; I just want to ascertain the numbers the minister provided in his comprehensive answer to my previous question and whether I am correct in assuming that there has been only one charge laid under section 338B of the act during the last two years.

Hon STEPHEN DAWSON: There has been only one.

Hon TJORN SIBMA: Is the minister in a position to de-identify, as appropriate, the circumstances of that particular interaction?

Hon STEPHEN DAWSON: I am told a person coughed over three police officers, but it was one action and was therefore treated as one charge.

Hon TJORN SIBMA: When did that incident occur? Is it a historical incident or a recent one?

Hon STEPHEN DAWSON: I am told it was on 6 April, so weeks ago.

Hon TJORN SIBMA: There is probably no further question to ask on that. If that has not gone before the courts yet, there is probably little value in me attempting to determine what might happen. Since there has only been one charge of this type laid over the prior two years—it is a good outcome, to be perfectly honest—what is the utility of the proposed amendment? Is there not provision elsewhere in the Criminal Code to charge an offender with behaviour that would potentially eventuate in a commensurate sentence?

Hon STEPHEN DAWSON: Without saying where this took place, for certain communities there has not been COVID in the community until fairly recently; it has not been an issue in those communities throughout the whole of the pandemic. We believe that this sends a message that people cannot cough in police officers' or public officers' faces and say they have got COVID-19. That should not be happening to people. We stand by this clause because we think it sends the right message to people. The fact that only one charge has been laid under section 338B(2) does not indicate that it might not happen again. We cannot say one way whether this has been a deterrent or otherwise, but it certainly sends a strong message.

Hon TJORN SIBMA: Probably the final question on this clause, but consistent with the advice the minister provided when we were considering clause 4, is that in recent months there has been an increase relating to offences under section 318(1A). We have had, Thankfully, only one offence of this nature under section 338B, but is there any intelligence or advice that would indicate an increased threat profile to officers, which is germane to this section and this particular clause? If there is any written advice to that effect, that would be appreciated.

Hon STEPHEN DAWSON: No, there is not, but also, my earlier comment stands. This has happened in the last few months, as has the increase in other assaults.

Clause put and passed.

Clauses 6 to 8 put and passed.

Clause 9: Section 2 amended —

Hon MARTIN ALDRIDGE: Clause 9 is really the substantive amendment to the Emergency Management Act that amends section 2 of the Emergency Management Amendment (COVID-19 Response) Act 2020, which in turn amends the Emergency Management Act 2005. The clause states —

> In section 2(c) delete "4 July 2022;" and insert:
>
> 4 January 2023;

That is the issue of the six months that we have been talking about. I am hopeful that through the course of this debate we may well be convincing some members on the minister's side of the chamber, because I heard a member vote on the voices on one of the earlier questions put to the chamber with regard to the amendment, so we may well be winning some support from his side.

Hon Stephen Dawson: I am not sure there is any proof of that.

Hon MARTIN ALDRIDGE: I will have to go back and listen to the audio; I am sure we could identify the member.

I think we did canvass this quite a lot at clause 1, so I do not expect to spend a lot of time here, but this is when I want to bring in the directions. We have the 10 directions that remain in force. The minister has obviously canvassed many of them, but they are: the air travel face covering directions; the COVID transition face covering directions; the COVID transition international border directions; the COVID transition testing and isolation directions; the cruise vessel directions; the maritime crew member directions; the proof of vaccination directions; the regulated entry high risk vessels directions; the remote Aboriginal communities directions; and the transiting aircraft passengers directions. This is a list of 10 that rely on section 72A.

Are there other current directions that rely on the Emergency Management Act in a state of emergency that do not necessarily rely on section 72A, or is this the entire list of directions currently in force under the Emergency Management Act?

Hon STEPHEN DAWSON: No; other provisions of the act are being used for directions. I do not have a list in front of me. I am told that they are all public, but I only have before me those that relate to section 72A.

Hon MARTIN ALDRIDGE: These are the relevant ones, are they not? It is because if this clause does not pass, these are the ones that would no longer exist once either 4 July comes along or the bill receives royal assent. of these directions, how many of them could be made pursuant to another act?

Hon STEPHEN DAWSON: The honourable member is asking me for a legal opinion.

Hon Martin Aldridge interjected.

Hon STEPHEN DAWSON: Section 105 of our standing orders state —

> Questions shall —
>
> …
>
> (b) not seek an opinion or a legal interpretation or opinion.

I do not know the answer, but I think the honourable member would fall foul of standing order 105.

Hon MARTIN ALDRIDGE: A point of order has not been raised yet, Deputy Chair, but standing order 105 relates to rules for questions under preceding standard order 104, "Questions to ministers and members". This relates to questions in the course of question time, which we are rapidly approaching. This is not a standing order in my view that applies generally to the operations of the Legislative Council. In fact, when considering the detail of a bill, it is pretty ordinary and normal for members to understand the legal basis of a matter of a clause under consideration. I do not accept the minister's argument that somehow standing orders 104 and 105 are extended to every matter that is before the Legislative Council, otherwise it could significantly constrain the consideration of bills if we were not able to ask questions around the legal basis of the clauses.

In the government's contemplation of this amendment bill, if this bill were to not pass today—as I said, I heard a voice from the government earlier supporting a private member; there could be more when we get to the next division—what would be the practical impact of section 72A falling away? How many of these directions could not be issued pursuant to another act?

Hon STEPHEN DAWSON: I am told that some of them could be issued pursuant to another act, but WA police cannot enforce them under the Public Health Act 2016, for example. Why would we change something that currently works and has worked over the past two years? Obviously it is not just the honourable member in this place; the opposition in the other place has a level of fascination with the Public Health Act and what it may or may not do. We believe the course of action we are taking is the right course. It has served us well for the past just over two years. We believe it is the right course of action to continue to take, and it will serve Western Australians well.

Hon MARTIN ALDRIDGE: In the course of my briefing I asked a similar question to the one I asked a moment ago to try to understand the practical deficiencies that exist between the Public Health Act and why the Emergency Management Act 2005 is superior, at least with respect to the very limited number, the 10 directions, that rely on section 72A. I was given one example in the briefing and I believe a commitment was made during that briefing that the opposition would be provided with a more fulsome understanding of the practical constraints that would be faced by the Public Health Act issuing directions in the nature of the 10 that exist under the Emergency Management Act. Notwithstanding that we are on the third day of consideration of this bill—it obviously did not occur prior to the consideration of the bill in the other place—is the minister in a position to now provide the practical implications or practical restrictions of not being able to issue a direction to wear a face covering during air travel, for example?

Hon STEPHEN DAWSON: Given that the Chief Health Officer is the main operational authority for the Public Health Act, holistic COVID-19 coordination, management and enforcement by the WA Police Force under the Emergency Management Act is preferable so that the Chief Health Officer may focus on underlying public health considerations and individual COVID-19 cases. The Chief Health Officer cannot direct WA police under the Public Health Act who have been essential to enforcing a number of measures during the emergency.

Hon MARTIN ALDRIDGE: The minister said a moment ago that one of the issues was that the police could not enforce directions pursuant to the Public Health Act. If that is the case, who does? A significant number of directions are issued pursuant to the emergency powers of the Public Health Act. Who is responsible for the compliance regime attached to them?

Hon STEPHEN DAWSON: That is a proper question to ask of the Minister for Health, but I can certainly give an example. It may well be environmental health officers of council. It may well be health department officials depending on what it relates to. However, I am told that it is not the job of police.

Hon MARTIN ALDRIDGE: Given that one of the advisers at the table is a senior police officer, has the WA Police Force or any officer of the WA Police Force been authorised as an officer pursuant to any of the directions issued by the Public Health Act?

Hon STEPHEN DAWSON: I am told, no.

Hon MARTIN ALDRIDGE: Could they be?

Hon STEPHEN DAWSON: We do not want a case of another agency directing WA police. It would open a real can of worms if that were the case. I think what the member has just suggested would be a difficult process to do, but would also put us in a position in which another agency was directing police, and I do not think we want that in a modern democracy.

Hon MARTIN ALDRIDGE: I think we might be a bit confused here. I am pretty sure that some of the public health directions apply to police officers. The minister gave an example of another agency directing officers. I am pretty sure there would be circumstances if we contemplate things such as mandatory vaccination requirements or entry requirements. There may well be carve-outs for police officers. I am interested to know whether that stands true in that context. The other issue is that in this context we are not talking about police officers being directed by the Chief Health Officer, but it would be police officers being authorised by the Chief Health Officer to ensure compliance with public health directions. I do not know whether that helps to clarify the question.

Hon STEPHEN DAWSON: The CHO can request assistance in an individual instance but cannot in relation to a group of people. The Emergency Management Act allows us to make directions that relate to a class of people.

Hon MARTIN ALDRIDGE: Is the minister able to respond further to my assertion, which may well be wrong, that public health directions would apply to police officers in the course of their work? I will give an example. A police officer is assisting with the management of a mental health patient at a public hospital and the directions that apply to public hospitals under the Public Health Act may require them to wear a face covering. The minister has just said to me that we could not possibly have the circumstance in which a police officer was directed by another agency because that would be improper. However, it seems to me that a number of public health directions would apply to police officers in the ordinary course of their work. I mention potentially vaccination and other requirements also.

Hon STEPHEN DAWSON: Police do not enforce the mandatory vaccination directions; that is done by a part of Health.

Hon Martin Aldridge: Does it apply to them?

Hon STEPHEN DAWSON: They are required to be mandatorily vaccinated, but they do not investigate the matters. Enforcement of the restriction of access directions are managed by public health officers authorised by the CHO and not by WA police.

Committee interrupted, pursuant to standing orders.

[Continued on page 2427.]

QUESTIONS WITHOUT NOTICE

DECLARED PEST CONTROL ACTIVITIES

448. Hon Dr STEVE THOMAS to the Minister for Regional Development:

I refer to page 111 of budget paper No 3 of the 2022–23 state budget, which identifies an $8.2 million reduction in spending on declared pest control activities, and to page 118 in the same budget paper, which explains this by saying —

> A reduction in expenditure of $8.2 million over the forward estimates period has been approved to match a reduction in levied rates on properties for declared pest control activities in accordance with the legislative requirements of the *Biosecurity and Agriculture Management Act 2007*.

(1) From which regions, industries and recognised biosecurity groups has the $8.2 million in rates not been raised under the Biosecurity and Agriculture Management Act to match the government funding, allowing the government not to match such funding?

(2) What is the amount now budgeted for each RBG for each financial year from 2022–23 to 2025–26?

(3) What impact will this reduction have on the management of declared species?

(4) Will the government reinstate the funding if the rates under the BAM act are re-established?

(5) Why is the government reducing the spend on desperately needed biosecurity in this budget?

Hon DARREN WEST replied:

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

(1)–(5) There has been no reduction in expenditure for existing recognised biosecurity groups, or RBGs. The previous budget included a funding provision for the Carnarvon Growers Association RBG, which no longer exists, and the Warren biosecurity group, which has decided not to seek recognition as an RBG. This provision has been removed. The Department of Primary Industries and Regional Development advises that this line item also includes a forecasting error of $4.6 million over the forward estimates period, which will be corrected in the midyear budget review process. The actual reduction in forecast expenditure over the forward estimates period is $3.6 million rather than the $8.2 million as stated. This reduction reflects the removal of the funding provisions for the Carnarvon Growers Association RBG and the Warren biosecurity group.

BUNBURY OUTER RING ROAD

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

An error in the budget; okay!

My question is to the Leader of the House representing the Minister for Transport.

I refer to the federal budget announcement last week of an additional $320 million for the Bunbury Outer Ring Road project and the additional $80 million in last week's state budget, and to the minister's refusal to answer my question without notice 425 asked yesterday, so I will ask again.

(1) When will the extension of Willinge Drive south to meet with South Western Highway at the junction of Lilydale Road be completed?

(2) What is the costing for this section of the BORR?

(3) Is the full level of costing for this section, which will hopefully be identified in a proper answer to part (2) today, fully funded?

(4) If no to (3), what level of funding now applies to this section?

Hon SUE ELLERY replied:

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

(1)–(4) As outlined in the previous answer, it is the government's intention to deliver the Willinge Drive extension as part of the Bunbury Outer Ring Road scope. The current budget for the Bunbury Outer Ring Road is $1.25 billion. If additional funding is required in the future to deliver the project, additional funding will be sought.

CORONAVIRUS — V-CHEK COVID-19 ANTIGEN SALIVA TEST

450. Hon COLIN de GRUSSA to the Leader of the House representing the Minister for Health:

I refer to concerns expressed by parents of children attending schools throughout the Esperance district, as well as local constituents, regarding the accuracy of the V-Chek COVID-19 antigen saliva test distributed to schools by the state government.

(1) Can the minister please confirm the level of accuracy for the —

(a) V-Chek COVID-19 antigen saliva test;

(b) V-Chek COVID-19 rapid home nasal test, as distributed by the state government; and

(c) polymerase chain reaction, or PCR, tests as undertaken by the state government?

(2) Has the government received any health advice regarding the propensity for schoolchildren undertaking the V-Chek COVID-19 antigen saliva test to falsely test negative; and, if so, can that advice be tabled?

Hon SUE ELLERY replied:

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

(1) (a)–(b) Rapid antigen tests that are approved for use by the Therapeutic Goods Administration must have a sensitivity of 80 per cent or above. The TGA classifies V-Chek COVID-19 antigen saliva tests as having very high sensitivity, with a clinical sensitivity greater than 95 per cent. The test accuracy of the V-Chek COVID-19 rapid home nasal test is reported by the manufacturer as 98 per cent.

(c) PCR tests, as undertaken by the state government, are the gold standard for the diagnosis of COVID-19 as they are the most accurate tests available, being more sensitive than the COVID-19 antigen tests.

(2) No.

PUBLIC HEALTH ACT

451. Hon TJORN SIBMA to the Leader of the House representing the Minister for Health:

This is a question from yesterday regarding the government's utilisation of the Public Health Act 2016 during the COVID-19 pandemic.

(1) Will the review of both the act's effectiveness and whether the act has been effectively utilised be undertaken?

(2) If yes, by whom?

(3) If not, why not?

(4) Will the government consider creating more explicit provisions within the act to better manage extended pandemic scenarios, such as the present one?

(5) If not, why not?

Hon SUE ELLERY replied:

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

(1) Yes. Pursuant to section 306 of the Public Health Act 2016, a review of the act will be undertaken as soon as is practicable.

(2) The Public and Aboriginal Health directorate of the Department of Health.

(3) Not applicable.

(4) The government will make a decision upon advice from the Department of Health.

(5) Not applicable.

CHILD AND ADOLESCENT HEALTH SERVICE — CHILD HEALTH APPOINTMENTS

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

I refer to the Child and Adolescent Health Service and child health appointments undertaken by community health nurses.

(1) Can the minister advise whether all child health appointments are still being delivered via telehealth?

(2) If yes to (1), are parents provided with any choice to access appointments face to face, rather than via telehealth?

(3) If no to (2), why not?

Hon SUE ELLERY replied:

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

(1) In line with the COVID-19 system alert red phase up until 16 May 2022, child health appointments were being delivered by a two-step process. The first part of the appointment was completed by phone and covered all components of the check apart from a physical assessment. The second part of the appointment—physical assessment—was face to face, either at home or at a clinic. The revised definition of "close contacts" supported a return to usual one-step appointments.

(2)–(3) Not applicable.

COMMUNITIES — POLICE RAID

453. Hon PETER COLLIER to the Leader of the House representing the Minister for Community Services:

I refer the minister to question without notice 378 asked on Wednesday, 11 May, and question without notice 429 asked on Tuesday, 17 May.

Why did the minister respond to question without notice 378 that the internal investigation into the Aboriginal female public officer whose home was raided by police "remains under investigation", yet she would not confirm the identical information sought via question without notice 429 due to the fact that "it would be inappropriate to disclose further information"?

Hon SUE ELLERY replied:

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

The department responded to parts (1) and (2) of question without notice 378 with the same answer. It remains the case that the department will not disclose further information in relation to any current departmental investigation.

BUSSELTON JETTY — UNDERWATER DISCOVERY CENTRE

454. Hon JAMES HAYWARD to the Minister for Regional Development:

I refer to Busselton jetty's proposed Australian underwater discovery centre.

(1) Can the minister reveal whether any of the $69.5 million allocated to tourism in the 2022–23 state budget will specifically be spent on the proposed Australian underwater discovery centre in Busselton?

(2) If no to (1), why not?

(3) Can the minister confirm that the federal government had indicated that it would be prepared to explore additional co-funding for the project?

(4) Did the minister take up this offer from the federal government; and, if not, why not?

Hon DARREN WEST replied:

I provide the following answer on behalf of the Minister for Regional Development.

(1) The McGowan government committed $9.5 million towards the proposed Australian underwater discovery centre during the 2021 state election. This funding is included in the 2022–23 state budget.

(2) Not applicable.

(3) We are aware that as a result of significant cost escalations, Busselton Jetty Incorporated is re-scoping the project for consideration by funding partners. We are advised by BJI that the federal government is prepared to consider maintaining its $13 million commitment towards a re-scoped proposal.

(4) Not applicable.

BICYCLE AND PEDELEC STANDARDS

455. Hon Dr BRAD PETTITT to the Leader of the House representing the Minister for Transport:

I refer to the minister's answer to question without notice 431 confirming that regulations 404 and 406 of the Road Traffic (Vehicles) Regulations 2014 state that the width of bikes or their loads cannot exceed 660 millimetres.

(1) Is the minister aware that —

  (a) the following bicycles have a width exceeding 660 millimetres —

    (i) nearly all bicycles used by WA police;

    (ii) the majority of mountain bikes sold in WA;

    (iii) bike buggies currently available for lease by the Rottnest Island Authority; and

    (iv) almost every tricycle sold in WA;

  (b) this regulation is making almost all tricycles unavailable to National Disability Insurance Scheme participants who need them in WA;

  (c) no other state in Australia has a 660 millimetre maximum width for bicycles or tricycles in regulation or legislation; and

  (d) e-rideable devices, such as e-skateboards, e-scooters and e-unicycles, have a maximum width of 700 millimetres?

(2) Will the government amend this regulation in a timely manner?

Hon SUE ELLERY replied:

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

(1)–(2) The Department of Transport is reviewing these regulations and will work with relevant stakeholders, including the Road Safety Commission, to identify all relevant issues and amend legislation where appropriate.

HOUSING — AVAILABILITY — CHILDCARE WORKERS

456. Hon WILSON TUCKER to the Leader of the House representing the Minister for Housing:

I refer to reports of early childcare and after-school care staffing shortages in the Kimberley, particularly the limited places at Broome Daycare Centre and Indigo Montessori Child Care and Kindy in Broome, and the suspension of after-school care at St Joseph's Catholic Primary School in Kununurra.

(1) Is the minister aware that a lack of affordable housing in the Kimberley is attributed as a cause of the childcare worker shortage?

(2) Does the government provide any housing support to childcare workers relocating to the Kimberley?

(3) Will the minister make vacant Government Regional Officer Housing properties available to childcare workers relocating to the Kimberley?

Hon SUE ELLERY replied;

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

(1)–(3) Government Regional Officer Housing—GROH—properties are provided to state government client agencies to ensure that regional communities have access to critical state government workers, such as teachers and police officers. Childcare workers are not employees of a client agency; however, they are classified as key workers and may seek housing assistance through their employer. In January, the McGowan government delivered $1 million in grant funding to boost early childhood education and care services in regional Western Australia. The grant funding is being made available over four years to assist local governments to attract and retain staff, which will in turn help providers offer more childcare places and allow parents and carers to return to work. Payments of up to $25 000 are available for individual local government authorities to deliver a range of initiatives to attract and retain childcare workers in the regions, including through subsidised accommodation, relocation costs, intrastate travel and training and professional development.

DRUGS — SUPPORT SERVICES

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

People who inject drugs are among the most marginalised and disadvantaged drug users in our society today. They experience multiple negative health consequences, including a higher risk of fatal overdoses, and are disproportionately affected by bloodborne infectious diseases such as HIV and hepatitis B and C. These individuals, who deserve our support, are not usually represented in this place, and I know that many people in society have little sympathy for the plight of addicted injecting drug users, but it is not an issue we can just sweep under the carpet.

(1) What support services are currently available for injecting drug users in WA and what pathways for better physical and mental health care do these services offer?

(2) What is the annual budget allocated by this government for support services for injecting drug users?

(3) Is the minister currently looking at any models for the introduction of a medically supervised injecting centre in Western Australia, as has successfully operated in New South Wales for decades and in Victoria for the last three years?

(4) Has the minister or, to her knowledge, her predecessor Minister Cook had any discussions with Hon Martin Foley, the health minister in the Victorian government, who has been responsible for the highly successful introduction of the supervised injecting centre in Melbourne that has saved hundreds of lives since it started operations?

(5) If no to (3) and (4), will Minister Sanderson consider the introduction of a medically supervised injecting centre in Western Australia to help save lives; and, if not, why not?

The PRESIDENT: Before I give the call to the Leader of the House, I need to point out that that question is seriously, seriously in breach of standing order 105. There was both an unacceptably long preamble and a significant number of questions contained in the question. It was neither concise nor to the point, which I would like it to be. I have the capacity to rule that question out of order, but I will see whether the minister has an answer that she is prepared to give, considering the length of that question. I put you on notice that the next time that happens, it will definitely be ruled out of order. Leader of the House, do you have a concise response?

Hon SUE ELLERY replied:

As concise as it can be. It is actually shorter than the question, so, yes, I do. Thank you for your guidance, President.

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

(1) All alcohol and drug services funded by the Mental Health Commission are available for injecting drug users. Services include residential programs, telephone support and counselling services, outpatient counselling and support for individuals and their families, and transitional support services for people exiting residential programs. The provision of safe-use education is integrated into all alcohol and other drug treatment programs. A significant percentage of people seeking treatment for alcohol and drug use have a history of injecting drug use.

The Mental Health Commission funds Peer Based Harm Reduction WA to provide the take-home naloxone program—THN program. The program provides overdose prevention education and access to naloxone free-of-charge to people who may be, or come into contact with people who may be, at risk of opioid overdose, harm and/or death.

(2) In 2021–22, the Mental Health Commission will provide $76.2 million for alcohol and drug treatment services.

(3) No.

(4) The minister meets with interstate health ministers regularly.

(5) No. Supervised injecting centres were considered by the Methamphetamine Action Plan Taskforce and found not warranted as a harm reduction priority.

COVID-19 RESPONSE LEGISLATION AMENDMENT
(EXTENSION OF EXPIRING PROVISIONS) BILL 2022

458. Hon MARTIN ALDRIDGE to the Leader of the House representing the Minister for Health:

I refer to the COVID-19 Response Legislation Amendment (Extension of Expiring Provisions) Bill 2022.

(1) Was the Chief Health Officer's advice sought in relation to extending the temporary section 72A powers?

(2) If yes to (1), who consulted the Chief Health Officer and on what date did the consultation occur?

(3) Was the advice provided in writing; and, if so, can the minister please table the advice provided?

(4) Has the Chief Health Officer provided advice to government since 21 April 2022, which is the most recent advice published on the wa.gov.au website; and, if so, can the minister please table that advice?

Hon SUE ELLERY replied:

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

An answer to the question will be provided on the next sitting day.

CORRECTIVE SERVICES — ON-COUNTRY RESIDENTIAL FACILITY

459. Hon NEIL THOMSON to the parliamentary secretary representing the Minister for Regional Development:

I refer to the media release dated 3 May 2022 regarding $15 million towards an on-country residential facility in the Kimberley to provide an alternative to detention.

(1) Has a location for this facility been identified?

(2) When is it expected to be operational?

(3) Is the government fully committed to delivering this project?

(4) Which agencies and organisations will be consulted in the planning process?

Hon DARREN WEST replied:

I thank the honourable member for some notice of the question. I answer on behalf of the parliamentary secretary representing the Minister for Regional Development.

(1) While a final decision is yet to be made, we are working to progress the Aboriginal-led Marlamanu proposal to establish a diversionary program on Myroodah station.

(2) We will work with the proponents over the next three months to finalise the program design and operational plan. We hope to have the facility operational in early 2023.

(3) Yes.

(4) The Kimberley Development Commission and project proponents will work closely with all relevant agencies, including the Departments of Justice, Education, Health and Communities, the WA Police Force and North Regional TAFE.

HOSPITALS — CODE YELLOW DECLARATIONS

460. Hon STEVE MARTIN to the Leader of the House representing the Minister for Health:

I refer to three major hospitals declaring a code yellow on the same day last week. How many code yellows have been called in total at public hospitals across Western Australia from 1 July 2021 to date?

Hon SUE ELLERY replied:

When the member needs a lot of data—that is nearly a year's worth of data—and gives effectively only four hours' notice, he cannot reasonably expect the government to provide it with that kind of turnover. Nevertheless, I thank the member for some notice of the question.

To allow for a fulsome and accurate answer, I ask that the member place that question on notice.

DONNELLY RIVER CATCHMENT — HYDROLOGICAL STUDIES

461. Hon Dr STEVE THOMAS to the minister representing the Minister for Water:

I refer to the CSIRO report titled *Future climate streamflow estimation in the Donnelly River catchment* dated 25 January 2022, which states on page 41 that hydrological processes in cleared and forested areas should be investigated further in other studies.

(1) Has the minister engaged the CSIRO to undertake the further studies recommended?

(2) If yes to (1), when are the further studies expected to be completed?

(3) Will these studies be made public?

(4) If no to (1), why not?

Hon DARREN WEST replied:

I thank the honourable member for some notice of the question. On behalf of the very busy Minister for Regional Development, I provide the following answer.

(1) No.

(2)–(3) Not applicable.

(4) The Department of Water and Environmental Regulation has updated its modelling based on CSIRO advice and will consider whether any further studies into non-stationary behaviour in cleared and forest areas are required.

WESTERN POWER — COMMERCIAL APPLICATIONS

462. Hon COLIN de GRUSSA to the parliamentary secretary representing the Minister for Energy:

I refer to commercial applications received by the validation unit within Western Power.

(1) How many commercial projects are currently awaiting to be assessed at the validation stage since October 2021?

(2) How are projects prioritised to meet customer deadlines?

(3) How many commercial applications have exceeded the 20 business day time frame for technical assessment stage since October 2021?

Hon MATTHEW SWINBOURN replied:

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

(1) The information cannot be provided in the time available. The member is requested to put this part of the question on notice.

(2) All applications for distribution connection services are processed in accordance with Western Power's applications and queuing policy.

In accordance with the Electricity Networks Access Code 2004, the applications and queuing policy forms a part of each access arrangement. Western Power's access arrangements are determined and published by the independent Economic Regulation Authority following a detailed consultation and consideration process.

(3) As per the answer to (1), the information cannot be provided in the time available and the member is requested to put that part of the question on notice.

WATER AND ENVIRONMENTAL REGULATION —
ENVIRONMENTAL PROTECTION PART IV COST RECOVERY ACCOUNT

463. Hon TJORN SIBMA to the minister representing the Minister for Environment:

I refer to page 707 of budget paper No 2, volume 2, which reflects the balance of the "Environmental Protection Part IV Cost Recovery Account".

(1) Given that the Department of Water and Environmental Regulation has been collecting fees since 1 January this year and that the minister confirmed via answer provided to me on 7 April that $336 000 in fees had been collected as of that date, why is the relevant table in the budget paper blank?

(2) What is the opening balance, receipts, payments and closing balance for the 2021–22 estimated actual column?

(3) As with (2), will the minister please provide this same information for the 2022–23 budget year?

Hon MATTHEW SWINBOURN replied:

I thank the member for some notice of the question. I provide the following answer on behalf of the Minister for Emergency Services, who is away on urgent parliamentary business. The following answer is based on information provided to him.

(1) Due to uncertainties regarding the quantum and timing of fee collections at the time of finalising the budget papers, the fees under the "Environmental Protection Part IV Cost Recovery Account" were conservatively budgeted to be received from 2023–24 and are not reflected in the 2022–23 budget paper No 2. The midyear review will provide an opportunity to update these figures.

(2) All figures in the 2021–22 estimated actual are nil dollars.

(3) All figures in the 2022–23 budget year are nil dollars.

CHILD DEVELOPMENT SERVICE — APPROPRIATION

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

I refer to the metropolitan Child Development Service. What is the total appropriation allocated to this service in the 2022–23 financial year?

Hon SUE ELLERY replied:

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

The Department of Health is in the process of finalising the 2022–23 Child and Adolescent Health Service budget. Until the process is completed, the Child and Adolescent Health Service is unable to confirm the total appropriation for the Child Development Service.

TRAFFIC INFRINGEMENTS — RENOMINATIONS

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

I refer the minister to the processing of traffic infringements known as renominations.

(1) What is the maximum term that a renomination must be prosecuted prior to it being statute-barred?

(2) What is the current number of renominations waiting for prosecution?

(3) In 2021, how many renominations failed to be prosecuted due to being statute-barred?

Hon MATTHEW SWINBOURN replied:

I thank the member for some notice of the question. I provide an answer on behalf of the Minister for Emergency Services, who is out on urgent parliamentary business. The following information has been provided to him by the Minister for Police. The Western Australia Police Force advises the following.

(1) It is 12 months from the offence date.

(2) As at 18 May 2022, approximately 50 000 renominations are due to be processed for issuance of a traffic infringement.

(3) There were 20.

AMBULANCES AND PARAMEDICS — REGIONS

466. Hon JAMES HAYWARD to the Leader of the House representing the Minister for Health:

I refer to the provision of $30 million for new ambulances and paramedics in regional WA.

(1) Where will the additional ambulances and paramedics be based?

(2) Was the additional $30.1 million requested by St John Ambulance?

(3) Did St John Ambulance request more than $30.1 million in additional funding to improve regional ambulance services?

(4) If yes to (3), how much additional funding did St John request to improve regional ambulance services?

Hon SUE ELLERY replied:

(1) Additional ambulances and paramedics will be placed in locations of greatest need determined through detailed analysis of need and sustainability for country ambulance services.

(2) No; it was a pre-election commitment announced in 2021.

(3) During a planning process prior to the $30.1 million allocation, St John Ambulance Australia identified a range of priorities. The highest priorities were funded.

(4) Not applicable.

PUBLIC HOUSING — WAITLIST

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

I refer to the public housing waitlist.

(1) What is the average wait time to access public housing by region?

(2) What is the average wait time for the priority list to access public housing by region?

Hon SUE ELLERY replied:

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

(1) Prior to coming to government in March 2017, and as at January 2017, the average waitlist times for the public housing waiting list was 148 weeks.

As at 30 April 2022, the average wait time for the public housing waiting list reduced to 113.5 weeks. A breakdown of the regional waiting list is attached.

The McGowan government is investing $2.4 billion over the next four years to improve the quality and accessibility of social housing and homelessness support services across the state, including the social housing economic recovery package and the housing and homelessness investment package.

(2) The answer is in tabular form so I seek leave to have the response incorporated into *Hansard*.

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

Public Housing State-wide Wait Time as at 30 April 2022		
Region	**Wait Turn**	**Priority**
	Average Wait Time in Weeks	Average Wait Time in Weeks
North Metro	122	69
South Metro	122	68
East Metro	98	48
Great Southern	116	49
Southwest	125	41
Goldfields	98	45
Midwest/Gascoyne	108	32
Pilbara	103	67
West Kimberley	121	54
East Kimberley	158	55
Wheatbelt	78	39

EARLY CHILD CARE AND AFTER-SCHOOL CARE — KIMBERLEY

468. Hon WILSON TUCKER to the Leader of the House representing the Minister for Communities:

I refer to reports of early child care and after-school care staffing shortages in the Kimberley, particularly the limited places at Broome Daycare Centre and Indigo Montessori Child Care and Kindy in Broome, and the suspension of after-school care at St Joseph's Catholic Primary School in Kununurra.

(1) When did the minister first become aware that staffing shortages in the Kimberley would impact services?

(2) To what does the minister attribute the staffing shortage?

(3) What actions is the minister taking to address the cause of staffing shortages?

(4) What support is the government providing to service providers and families during this crisis?

Hon SUE ELLERY replied:

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

(1)–(2) The Department of Communities' education and regulatory care unit is responsible for approving provider and service applications, completing assessments and ratings against the National Quality Standard, monitoring compliance and completing investigations and compliance actions. The federal government is responsible for the funding of the childcare sector through childcare subsidies.

Staff resourcing in regional areas has been a challenge for the sector throughout the pandemic. This issue exists across all jurisdictions, and is not limited to the Kimberley region nor solely to Western Australia.

The Department of Communities' education and care regulatory unit is assisting services by waiving the cost for staffing waivers during the pandemic to support services being able to remain operational.

(3)–(4) The McGowan government has committed $5.1 million towards retaining childcare workers in the regions and establishing sustainable models to support regional child care.

A total of $1 million has been allocated to local government authorities over four years to develop attraction and retention workforce packages specific to their regions to assist with workforce shortages.

A further $4 million will go towards supporting the viability of services in the regions through the development of new models of early childhood education and care services specific to a region.

In addition, the McGowan government has introduced the Lower Fees, Local Skills initiative to reduce the course fees for the Certificate III and Diploma of Early Childhood Education and Care qualifications.

WESTERN POWER — NARROGIN BUSHFIRE

469. Hon MARTIN ALDRIDGE to the parliamentary secretary representing the Minister for Energy:

I refer to a bushfire that occurred east of Narrogin on 6 February.

(1) Has the investigation by EnergySafety and Western Power been completed?

(2) If yes to (1), please table the investigation report.

(3) If no to (1), when is the investigation expected to be complete?

(4) Has Western Power accepted responsibility for the bushfire?

Hon MATTHEW SWINBOURN replied:

(1) As it is the regulator, EnergySafety undertakes its investigations independently of Western Power. The member can submit questions regarding the investigation status to the responsible minister, which is the Minister for Commerce.

(2)–(3) See answer to (1).

(4) Western Power continues to work with the safety regulator and other stakeholders to establish the underlying cause of the incident.

PLANNING — DRAFT DEVELOPMENT ASSESSMENT PANEL REGULATIONS

470. Hon NEIL THOMSON to the Leader of the House representing the Minister for Planning:

I refer to the draft development assessment panel regulations circulated for public comment as part of the stage 2 planning reforms.

(1) How many submissions were received?

(2) Of those received, how many raised concerns regarding the proposed reforms?

(3) When does the minister expect revised draft regulations to be available for public comment?

Hon SUE ELLERY replied:

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

(1) The number of submissions received is 133.

(2) Details of the submissions are currently being analysed.

(3) Further consultation on the proposed reforms with key stakeholders will be undertaken in the second half of the year.

SIMCOA

471. Hon STEVE MARTIN to the minister representing the Minister for Forestry:

I refer to the recent media reports that as a result of the minister's decision to end native forestry, WA silicone producer Simcoa will have to import coal to continue operations.

(1) Is the minister aware that Simcoa will have to import coal to cover a shortfall in jarrah?

(2) Can the minister guarantee that Simcoa will have enough jarrah to continue operations in Western Australia?

Hon DARREN WEST replied:

I thank the honourable member for some notice of the question and answer on behalf of the minister representing. I provide the following answer from the Minister for Forestry.

(1)–(2) The *Forest management plan 2024–33* is currently being prepared through the Conservation and Parks Commission. This process is undertaken in consultation with a range of stakeholders and once the FMP is approved, an allocation process for any by-product from ecological thinning will be undertaken. The government is confident that the by-product of ecological thinning in the jarrah forest and approved mine site operations, should produce sufficient amount of residue material for Simcoa to continue to be supplied at the current levels.

FOREST PRODUCTS COMMISSION — FIREWOOD CONTRACTS

472. Hon Dr STEVE THOMAS to the minister representing the Minister for Forestry:

(1) Will the minister provide a list of all Forest Products Commission firewood contracts, including the name of the holder of the contract, the commencement and expiry date of the contract, and the sawlog, other bole and/or firewood volume and species allocated under the contract?

(2) If not, why not?

Hon DARREN WEST replied:

I thank the honourable member for some notice of the question and answer on behalf of the minister representing. I provide the following answer on behalf of the Minister for Forestry.

(1) The table below represents the Forest Products Commission's contracts for firewood timber grades. Other grades of timber not deemed "firewood" can contain residue material that could be used for firewood.

I seek leave to have this information incorporated into *Hansard*.

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

Contract Holder	Start Date	Expiry Date	Volume (t)	Species
Giovanetti Transport Pty Ltd	1/04/2014	31/12/2023	9200	Jarrah
Middlesex Mill Pty Ltd	1/04/2014	31/12/2023	500	Jarrah
Corin James and Michelle Fairweather	1/04/2014	31/12/2023	6500	Jarrah
WR & CM Guthrie	1/04/2014	31/12/2023	3700	Jarrah
Michael Robert Donaldson	1/04/2014	31/12/2023	1850	Jarrah
Gregory James Stephen	1/04/2014	31/12/2023	1850	Jarrah
Tilbrook Mining Company Pty Ltd	1/04/2014	31/12/2023	2100	Jarrah
RO and CA Goldsmith	1/04/2014	31/12/2023	1050	Jarrah
Hysnex Pty Ltd	1/04/2014	31/12/2023	3100	Jarrah
V W & P A Perejuan	1/04/2014	31/12/2023	3500	Jarrah
John Della Franca	1/04/2014	31/12/2023	150	Jarrah
Waroona Wood Supplies Pty Ltd	1/04/2014	31/12/2023	5200	Jarrah
Jacqueline Lucy Daubney	1/04/2014	31/12/2023	600	Jarrah
Dwellingup Sawmills Pty Ltd	1/04/2014	31/12/2023	250	Jarrah
Jarrahco Pty Ltd	1/04/2014	31/12/2023	4450	Jarrah
West Coast Timbers Pty Ltd	1/04/2014	31/12/2023	600	Jarrah
Trevor Augustin	1/04/2014	31/12/2023	750	Jarrah
JR & A Hersey Pty Ltd	1/04/2014	31/12/2023	1450	Jarrah and Marri
Shane Little	1/04/2014	31/12/2023	1250	Jarrah
FL & JR Shaw	1/04/2014	31/12/2023	600	Jarrah
Forest Floor (WA) Pty Ltd	1/04/2014	31/12/2023	1200	Jarrah
Yornup Mill Pty Ltd & ND & BJ Holdsworth	1/04/2014	31/12/2023	500	Jarrah
WC and EM Herdigan	1/04/2014	31/12/2023	550	Jarrah
Brookdale Enterprises Pty Ltd	1/04/2014	31/12/2023	7400	Jarrah
Raymond Keith Waugh	1/04/2014	31/12/2023	1850	Jarrah
Loton Investments Pty Ltd	1/01/2015	31/12/2023	5000	Jarrah
South West Haulage Co Pty Ltd	1/01/2015	31/12/2023	700	Jarrah
WFS Pty Ltd	1/03/2015	31/12/2023	2000	Jarrah
Eggeling, Garry William	1/04/2015	31/12/2023	800	Jarrah
TJ & MB Waugh Pty Ltd	1/03/2016	31/12/2023	3000	Jarrah
Raymond James Gilchrist	1/06/2016	31/12/2023	250	Jarrah
Jarrahwood Australia Pty Ltd	28/01/2021	31/12/2023	4000	Jarrah and marri

(2) Not applicable.

FORRESTFIELD–AIRPORT LINK

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

I note the strong implications in the budget papers that the Forrestfield–Airport Link Metronet sub-project will not be operational by the end of the second quarter 2022, as the minister previously promised, and that the Premier; Treasurer reportedly advised journalists on Friday 13 May that its opening will now be "in the coming months".

(1) For how long has the minister been aware that the FAL would not be ready by 30 June?

(2) Will the minister please table the above advice?

(3) Will the FAL open before its services are affected by the planned 24-day shutdown of the Midland line starting on 23 September, which will have an impact on the FAL as well as other lines?

Hon SUE ELLERY replied:

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

(1)–(3) The Forrestfield–Airport Link is currently undergoing testing and commissioning. This will be followed by driver training. The minister will be in a position to confirm an opening date when advised of the successful completion of testing and commissioning activities is received.

LAUREN LEVIA

Statement by President

THE PRESIDENT (Hon Alanna Clohesy) [5.03 pm]: Before we return to orders of the day, a little bird told me that one of our chamber attendants has a birthday today. Happy birthday, Lauren.

COVID-19 RESPONSE LEGISLATION AMENDMENT (EXTENSION OF EXPIRING PROVISIONS) BILL 2022

Committee

Resumed from an earlier stage of the sitting. The Deputy Chair of Committees (Hon Dr Brian Walker) in the chair; Hon Stephen Dawson (Minister for Emergency Services) in charge of the bill.

Clause 9: Section 2 amended —

Committee was interrupted after the clause had been partly considered.

Hon MARTIN ALDRIDGE: I refer to the list of 10 directions that have been provided and note that the substance of the 10 remains, although new versions of them have been issued. One of the directions I want to ask about was revoked and reissued—the COVID Transition (Testing and Isolation) Directions (No 14). This direction is issued pursuant to sections 67, 70 and 72A of the Emergency Management Act. Obviously that is three sections, but only section 72A is subject to the sunset clause. Is the minister able to provide advice on the aspects of the direction that rely on section 72A?

Hon STEPHEN DAWSON: Section 72A allow us to direct a class of people. Without section 72A, a direction could be made to a person but not a group, essentially.

Hon MARTIN ALDRIDGE: That is one aspect of the temporary section 72A powers. I understand that another aspect is the provision of information, so the government can compel someone to provide information to a relevant person, pursuant to section 72A. Is that not the case?

Hon STEPHEN DAWSON: The member is correct. Section 72A also contains an important information-gathering power. The aim of the provision is to obtain necessary information to assist with an emergency management response. Persons who provide false or misleading information may be subject to an offence, the penalty for which is found at section 89 of the Emergency Management Act 2005. An example of its use during the emergency response to COVID-19 is the requirement under the "closure and restriction, limiting the spread" directions for certain venues to maintain information about their patrons on a register, which is to be provided to an authorised officer on request; for example, to assist with contact tracing. The information-gathering power supplements the existing information provisions in section 72 of the Emergency Management Act. Those provisions allow relevant authorities to obtain information only for the purposes of emergency management from emergency management agencies and only a very limited range of information from a person directly.

Hon MARTIN ALDRIDGE: Does this direction require certain persons in certain circumstances to provide personal information to the Department of Health?

Hon STEPHEN DAWSON: Yes, it does. I will give the member an example. If they have a positive rapid antigen test, they are required to provide that information to the Department of Health.

Hon MARTIN ALDRIDGE: I will make two points here, minister. The first is that this clearly illustrates that we cannot separate a COVID-19 response into an emergency management response and a public health response.

They are intermixed. Throughout the debate so far, what concerns me is maybe it is an intention of the government to silo these issues to avoid answering the opposition's questions because I am not the Minister for Health. It demonstrates, by this one example, that we have a direction issued pursuant to the Emergency Management Act under the pen of the acting Commissioner of Police that compels a person to comply with a number of requirements, including providing personal details to an agency that is not the police or the Department of Fire and Emergency Services, but the Department of Health.

The second reason that I raise this matter is that I know that members have been busy today, but they may have missed an important paper that was tabled this morning during formal business by the President. It was the fifteenth report of the Auditor General titled *COVID-19 contact tracing system—application audit*. I certainly will not profess to have read the full contents of this report, because we have been engaged in debate on this bill for most of our sitting period today. However, I do want to quote from the Auditor General's media statement of today, 18 May, that states —

> **Significant information security weaknesses in COVID-19, contact tracing system raise privacy concerns**
>
> The Auditor General today tabled in Parliament the *COVID-19 Contact Tracing System—Application Audit* report.
>
> WA Health's Public Health COVID-19 Unified System (PHOCUS) collates highly sensitive personal and medical information of COVID-19 positive individuals and their close and casual contacts, from multiple sources for contact tracing purposes.
>
> Auditor General Ms Caroline Spencer said this system contains some of the most sensitive and consequential data in the State over the last 2 years.
>
> 'I expected to find robust access controls for such sensitive medical and personal information however we found a number of significant weaknesses.
>
> 'WA Health has provided an external vendor with unnecessary system access and it did not adequately log and monitor who had accessed information to detect inappropriate changes or snooping.
>
> 'In the absence of comprehensive privacy legislation in Western Australia, WA Health must ensure their privacy practices protect the confidentiality of information stored in PHOCUS and are consistent with the Commonwealth *Privacy Act 1988*. Similar concerns were raised in my 2021 *SafeWA – Application Audit* report.
>
> 'Also concerning is that WA Health has told the community little about the types of personal information PHOCUS collects to support contact tracing, and that this information is stored indefinitely. This lack of transparency can lead to unintended consequences, including erosion of trust in government institutions,' Ms Spencer said.
>
> The recommendations in the report will help to protect not only information in PHOCUS but future information if the system is used for other diseases. In any emerging crisis, government responses should consider impacts on trust and confidence in government and the importance of upholding the universal human right to information privacy.
>
> WA Health has prioritised and addressed many of the audit's findings during the audit, and has agreed to all of the audit's recommendations.

Members, this is quite a significant report of the Auditor General. It is a matter that is directly relevant to the bill that is before us because it relates to a direction enabled by section 72A of the Emergency Management Act. Those powers are available only whilst the Minister for Emergency Services declares there to be a state of emergency and for as long as this chamber keeps extending these section 72A powers. Therefore, my question to the minister is: in light of the Auditor General's report today, what action is he taking to ensure the privacy of personal information of Western Australians?

Hon STEPHEN DAWSON: I have not seen the report. I am happy to look at it otherwise, but this is not question time. It is not a question before the bill.

Hon MARTIN ALDRIDGE: That response is remarkable, and it is exactly the reason why the opposition cannot support this bill on this occasion. The issues that have been raised today by the Auditor General in this report are very significant. I have been engaged in this debate for most of today, and, as I said earlier, I have not been able to read the report in full, but, certainly, the Auditor General's overview and the media statement were sufficient to raise this matter in the context of this debate. It is directly relevant because this information is compelled by section 72A. I remind members who were not involved in the initial crafting of these so-called draconian measures—so named by the government—in 2020 that a person has a compulsion to provide information and has no right to silence. So they could potentially incriminate themselves because their right to silence is extinguished, or at least limited, under the penalties that are applicable under the Emergency Management Act.

The provision of information aspect of section 72A is the reason that the minister who declared a state of emergency pursuant to the Emergency Management Act—keeping in mind, as I understand it, that there has been only one declaration—was the same person who described these temporary measures as draconian. This report has landed on the day that we are considering a bill to extend the powers of the act and to compel information from Western Australians, which raises very significant privacy concerns—keeping in mind, members, that we dealt with this issue with the SafeWA app data when we found that there was a breach of trust between the government's intent and the actions of the Western Australia Police Force. This is not the first time that this issue has been raised. In fact, the Auditor General cites an earlier report in which she had raised similar concerns about data collected pursuant to emergency directions.

The minister flippantly responded to my concerns and the concerns of the Auditor General by saying that this is not question time—this is question time for the purposes of considering the COVID-19 Response Legislation Amendment (Extension of Expiring Provisions) Bill 2022. That is exactly what it is. It is the opportunity for all members of this chamber to ask questions of the minister who every 14 days makes an informed decision to extend the state of emergency and enliven section 72A, which requires the compulsion of information that ends up in the hands of the Department of Health and then gets reported on by the Auditor General. This is exactly the reason, amongst a number of reasons, why the opposition cannot support this extension.

Hon STEPHEN DAWSON: I thank the member for his contribution. This is not the reason he is not supporting the bill. He made a decision days or weeks ago that he is not supporting this bill. To suggest somehow that an Auditor General's report today is the reason for doing it is plainly wrong, honourable member.

Hon Martin Aldridge: It didn't exist weeks ago. The bill didn't exist weeks ago.

Hon STEPHEN DAWSON: It existed a week ago.

Hon Martin Aldridge: Yes—a week ago.

Hon STEPHEN DAWSON: Yes—a week ago. What day is it today? It is Wednesday—over a week ago! It is in the second week. Let us be pedantic: it is weeks. But this report was not available weeks ago.

Hon Martin Aldridge interjected.

Hon STEPHEN DAWSON: You made the decision previously. You do not like it. You are politically grandstanding. In relation to the Auditor General's report, I take the Auditor General's reports very seriously. The Department of Health is mentioned in that Auditor General's report and in the documents that I can see today. She does not mention the Emergency Management Act; she mentions decisions made by the Department of Health. There is a clause under the Emergency Management Act about the confidentiality of information. I am happy to look into that to see whether agencies have made sure that the information has been made as confidential as it can be. As the Minister for Innovation and ICT in this government, I have a keen interest in agencies doing the right thing. We have made a significant investment in the budget last week in relation to the digital capability fund and bringing agencies up to speed so that they are not using spreadsheets or old databases and that they are actually doing the right thing and using modern information systems that have appropriate checks and balances in place. I am happy to take this on board and make sure agencies know about the Auditor General's report, but she had not said anything in this report today about the Emergency Management Act. That is wrong.

Hon MARTIN ALDRIDGE: Can the minister not see the connection between this Auditor General's report and the Emergency Management Act and the bill that we are dealing with, which will enliven section 72A, one of the two key elements of which is the provision of information—that is, it compels the provision of information? This matter relates to the Emergency Management Act because the Emergency Management Act and its directions are the vehicle for the Department of Health to be provided with the personal medical information of Western Australians.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Emergency Services) [5.21 pm]: I move —

That the bill be now read a third time.

HON MARTIN ALDRIDGE (Agricultural) [5.22 pm]: I rise to make a contribution to the third reading stage of the COVID-19 Response Legislation Amendment (Extension of Expiring Provisions) Bill 2022 and, in doing so, wish to highlight how the bill has emerged from the committee stage. Unfortunately, I report to the house that almost none of the information that was sought by non-government members in this place was obtained through the committee stage. Of greatest note is that, in comparison with the last two occasions, the government has clearly changed its approach to providing the information of the State Emergency Coordinator and refused on this occasion

to provide his advice for the benefit of the Legislative Council; nor was the advice of the Chief Health Officer known. Obviously, for members who took an interest during question time, I asked a question of the Minister for Health just moments ago about this matter and, of course, the government could not tell me today—it can tell me tomorrow—whether the Chief Health Officer did indeed provide advice to government on this matter.

It concerns me, as I have reiterated throughout this debate, that the operation of the Emergency Management Act and the Public Health Act are not mutually exclusive. They are interoperable, they work together and they complement each other, or at least that is the government's argument. However, we have been unable to obtain a full understanding, or even ascertain whether the government has a full understanding, of why we find ourselves on the fifth occasion in the third year of a state of emergency still dealing with temporary extensions to the Emergency Management Act. We were unable to obtain the expert advice and analysis of the Department of Fire and Emergency Services provided just one year ago to the State Emergency Management Committee of Western Australia. That is very concerning, and it appears from the response from the minister at the table that he was not even aware of that information. We were unable to obtain information on the extent to which the 10 directions that exist under the section 72A powers could not be made under the Public Health Act, which again begs the question of whether the government has asked that same question.

As I said, we have entered the third year of a state of emergency. This is the fifth time we have considered a bill of this form. It is the fourth extension. It is proving that we are in not only a dual state of emergency, but also, increasingly, a state of secrecy. We do not know—it is a state secret—what the outbreak response plans are, because they are secret documents. Heaven forbid the Legislative Council or the other place should know what the state government's plan is for the COVID-19 response! We do not know the decisions. There is no transparency around the decisions of the State Disaster Council because, under this regime, they are cabinet-in-confidence. We do not know whether the Chief Health Officer has provided advice to government in the last four weeks, because the last published advice of the Chief Health Officer on the government website was on 21 April. That is extraordinary. I find it very difficult to believe that, during a period of significant COVID-19 activity in the community, the government has not received advice from the Chief Health Officer in the last four weeks.

One of the things I have been afforded by this government over time and I wish to recognise is somewhat regular interaction with the Chief Health Officer. I have always valued his counsel, his time and the advice that he has provided to me. One of the first pieces, if not the first piece, of advice that the Chief Health Officer gave to me in the very early stages of this pandemic was that the sooner we learn to live with COVID-19, the better we will be. The conduct of the committee stage has just reaffirmed for a number of reasons why the opposition cannot support this amendment bill today. However, I wish to reaffirm the offer for the third time during this debate: the opposition stands ready to work with the government to amend and prepare our Public Health Act to deal with public health emergencies now and into the future.

HON TJORN SIBMA (North Metropolitan) [5.28 pm]: Very briefly, I think it is worth dwelling on that splendid contribution provided by Hon Martin Aldridge. I will do my best to make a similar point. The opposition decided to oppose the COVID-19 Response Legislation Amendment (Extension of Expiring Provisions) Bill 2022 for one reason, and that was that the necessity of the bill as a mechanism to deal with COVID-19 had not been demonstrated. It is very important to demarcate where we are with COVID management at this time. We are in a significantly different phase of COVID-19 management than was the case certainly in March 2020 and in a markedly different scenario compared with the last time we dealt with this type of bill in November last year, because that was a period before the dismantling of the hard border. Since then, the border has come down, domestic travel has resumed some form of normalcy, schools have reopened, mask mandates have been directed and then withdrawn, and we have an enormously high uptake, thankfully, of effective COVID vaccines. The issue is not about whether we want to protect people. Obviously we do, and that needs to be reasserted, because there has been some defamatory and, frankly, irresponsible public commentary not by any member of this chamber, but certainly by members of the other chamber.

We are at a stage where we will actually have to deal with a persistent malady. We will not be able to do that effectively if we perpetuate a state of emergency. The government's argument has rested upon: "Trust us. We're in a state of emergency." When we asked during that debate what factors drove that consideration, the government could not offer anything tangible. When we asked for a paper trail that justified those decisions, we discovered that one was not available, or none that would be offered up to us that was not covered by the caveat of cabinet-in-confidence. Frankly, at this stage of dealing with COVID-19, that is completely unacceptable. States of emergency were never designed to be used in this way. I follow the dictum that that which is asserted without evidence can be dismissed without evidence. The onus has been on the government to demonstrate why we are in a state of emergency, why we need these powers, and what the government's plans are post-January 2023. On those three measures, the government has failed, and I think that reflects very poorly on us as an entire jurisdiction.

We are able to deal with these things in a mature way, and I re-emphasise the offer made by Hon Martin Aldridge. If the government determines, sometime over the winter recess, that it has a superior model for dealing with COVID-19 as an ongoing serious health issue in Western Australia, I will be pleased to be recalled to this Parliament to deal

with it in an appropriate way, regardless of whether it is through a specific pandemic management bill or, as would be more appropriate, an amended Public Health Act. I think that is absolutely where we need to go, and I look forward to possibly being advised on movement on that front from the government in the near future.

Division

Question put and a division taken, the Acting President (Hon Dr Brian Walker) casting his vote with the noes, with the following result —

Ayes (16)

Hon Klara Andric	Hon Sue Ellery	Hon Dr Brad Pettitt	Hon Matthew Swinbourn
Hon Sandra Carr	Hon Peter Foster	Hon Stephen Pratt	Hon Dr Sally Talbot
Hon Stephen Dawson	Hon Lorna Harper	Hon Martin Pritchard	Hon Darren West
Hon Kate Doust	Hon Jackie Jarvis	Hon Rosie Sahanna	Hon Pierre Yang *(Teller)*

Noes (7)

Hon Martin Aldridge	Hon Sophia Moermond	Hon Neil Thomson	Hon Colin de Grussa *(Teller)*
Hon Steve Martin	Hon Tjorn Sibma	Hon Dr Brian Walker	

Pairs

Hon Dan Caddy	Hon Dr Steve Thomas
Hon Kyle McGinn	Hon Peter Collier
Hon Alannah MacTiernan	Hon Donna Faragher
Hon Shelley Payne	Hon Nick Goiran

Question put and passed.

Bill read a third time and passed.

HEALTH AND DISABILITY SERVICES (COMPLAINTS) AMENDMENT BILL 2021

Receipt and First Reading

Bill received from the Assembly; and, on motion by **Hon Sue Ellery (Leader of the House)**, read a first time.

Second Reading

HON SUE ELLERY (South Metropolitan — Leader of the House) [5.35 pm]: I move —

That the bill be now read a second time.

The Health and Disability Services complaints scheme was established in Western Australia by the Health Services (Conciliation and Review) Act 1995. It established the role of the director, with the aim of providing an independent and accessible complaints mechanism for health service users and for promoting learning from complaints and the prevention of their recurrence. Following a review, the Health and Disability Services (Complaints) Act 1995 came into effect in 2010. This act has served Western Australians well by providing an accessible option for the resolution of complaints between health service recipients and service providers as an alternative to costly litigation.

Significant regulatory reform over the past decade with the introduction of the national registration and accreditation scheme through the Australian Health Practitioner Regulation Agency has altered the way in which complaints about health services can be addressed. Additionally, the diversity of health services available to the community has grown significantly during this time and many Western Australians use a broad range of alternative and complementary therapies, as well as healthcare workers who do not fall under the NRAS. In recognition of this evolving context, this bill will amend the Health and Disability Services (Complaints) Act 1995 to introduce the national code of conduct for healthcare workers.

This amendment bill has a strong focus on protecting those using unregulated health practitioner services. It will address an existing regulatory gap in relation to healthcare workers who are not registered under the 15 professions registered under the NRAS, who provide services unrelated to their registration, or who are student or volunteer healthcare workers. These healthcare workers are not subject to the same regulatory controls as registered practitioners. Under the current Health and Disability Services (Complaints) Act 1995, there is no power for the director to prevent incompetent, unethical or unscrupulous unregistered healthcare workers from practising.

The national code sets minimum standards of practice for unregistered healthcare workers. It will provide for new powers for the director to investigate alleged breaches of the code and to conduct own-motion investigations and will provide the authority to prohibit or place conditions on the practice of an unregistered healthcare worker to avoid serious risk to public health and safety. The amendment bill will also empower the director to recognise similar orders made in other states and territories and to issue public warnings to alert the community of serious risks to the health, safety or welfare of a person or the public that arise from the provision of a health service.

The vast majority of those working in health occupations are not registered under the NRAS to practise in a safe, competent and ethical manner. The new powers will enable the director to take effective action against those healthcare workers whose conduct or performance falls well below the standard that is expected, and which can place people at risk of serious harm. The national code contains 17 clauses that set out the manner in which healthcare workers should undertake their practice. Amongst other things, the national code requires healthcare workers to provide services in a safe and ethical manner, including not providing health care of a type outside their experience or training, or services they are not qualified to provide; not make claims to cure certain illnesses; not financially exploit clients; and not engage in sexual misconduct or improper personal relationships with a client.

The national policy framework endorsed by the Council of Australian Governments Health Council in 2015 determined that each state and territory would be responsible for enacting—or amending—legislation to give effect to the national code through health complaints entities. In Western Australia, the Health and Disability Services Complaints Office is the appropriate entity for administering the national code. This decision followed an extensive national consultation process, including release of a regulatory impact statement on options for the regulation of unregistered health professionals. The regulatory impact statement was prepared in accordance with COAG requirements, and found that the national code was likely to deliver the greatest net public benefit to the community in the most cost-effective manner.

The national code does not restrict entry into practice; however, it will allow action to be taken against a healthcare worker who fails to comply with the proper standards as specified under the national code. This action will include the issuing of a prohibition order to cease practice or to place conditions on a healthcare worker's practice when their conduct presents a serious risk to public health and safety. A public warning statement may also be issued to prevent harm to community members. These actions can be taken only if the conduct of a healthcare worker is the subject of an investigation. The national code allows the vast majority of ethical and competent members of a non-registered health profession to self-regulate. However, it gives an additional level of public protection in situations when health workers have been found to be in breach of the national code, and their continued provision of health services presents a serious risk to public health and safety. The national code already operates in New South Wales, South Australia, Queensland and Victoria and is in the process of being implemented in other jurisdictions.

I now turn to some of the key amendments of the bill. Part 1 sets out the definitions. The definition of a "health service" will be amended to ensure that the national code is applicable to the broad range of health services that exist outside the national regulation and accreditation scheme. The definition of a health service will now include the prescribing or dispensing of a drug or medicinal preparation or an aid for therapeutic use, as well as a surgical or related service.

The provisions in part 3 of the bill will allow any person to make a complaint about a breach of the national code, irrespective of whether they were the service user. This is essential to protect the public from any healthcare workers practising in an unethical or unsafe manner. The director of the Health and Disability Services Complaints Office will have own-motion powers to initiate an investigation of an alleged breach of the national code. A director-initiated investigation will not require someone to have made a complaint about a healthcare worker's conduct. Director-initiated investigations may arise out of referrals from other regulatory agencies and the Western Australia Police Force.

Part 3D of the bill will give the director the authority to issue an interim prohibition order to allow for an investigation into a healthcare worker's conduct to be completed without any risk to public health and safety. An interim prohibition order will prohibit the healthcare worker from practising for a period of 12 weeks. The decision to issue an interim prohibition order can be appealed to the State Administrative Tribunal. Failure to comply with an interim prohibition order will be an offence, with the penalty of a $30 000 fine. These penalties are consistent with the penalties in the Health Practitioner Regulation National Law (WA) Act. At the end of an investigation, the director may issue a prohibition order. The prohibition order can permanently prohibit the healthcare worker from providing any healthcare service or impose conditions on the provision of a health service by the healthcare worker that are deemed appropriate. A prohibition order can be issued only if the healthcare worker has breached the national code or been convicted of a prescribed offence, and the prohibition order is necessary to protect public health and safety. As with interim prohibition orders, the decision to issue a prohibition order can be appealed to the State Administrative Tribunal and failure to comply with a prohibition order is an offence, with the penalty being a $30 000 fine.

The bill will make it an offence to provide health services in Western Australia if there is an interim prohibition order or prohibition order made in relation to a healthcare worker in another state or territory. The penalty for breaching an interstate prohibition order again will be $30 000.

Part 3E of the bill will give the director significant new powers to protect the public. Under this part, the director will be empowered to issue a statement naming a healthcare worker and can warn the public of a serious risk concerning the provision of health services by that healthcare worker. This is a significant new power that has been carefully drafted to ensure that it is used appropriately. Before naming a healthcare worker in a public health warning statement, the director must have conducted an investigation and must reasonably believe that a person has suffered, or is likely to suffer, a detriment as a result of the healthcare worker's actions and that the publication of the statement is necessary to avoid a serious risk to the life, health, safety or welfare of a person or the public.

The bill will provide the director with expanded powers for investigating breaches of the national code. These expanded powers will allow for the collection of evidence required to determine whether a breach of the national code has occurred. The director will also be able to request information about a healthcare worker's criminal record from the Commissioner of Police.

The bill contains provisions that will allow for the disclosure of information about a healthcare worker to other commonwealth, state and territory entities that perform similar regulatory functions to the Health and Disability Services Complaints Office if it is necessary for the other entity to exercise their functions, or if the healthcare worker poses a risk to public health and safety.

For the preparation of the bill, Western Australia undertook stakeholder consultation on implementation issues, including the professions covered and administrative arrangements to support the investigation of complaints about alleged breaches of the national code. There is widespread stakeholder support for the introduction of the national code in Western Australia.

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

[See paper 1287.]

Debate adjourned and bill referred to the Standing Committee on Uniform Legislation and Statutes Review, pursuant to standing orders.

TRANSFER OF LAND AMENDMENT BILL 2021

Second Reading

Resumed from 5 August 2021.

HON NEIL THOMSON (Mining and Pastoral) [5.46 pm]: I rise on behalf of the opposition in support of the Transfer of Land Amendment Bill 2021. In my contribution to the second reading debate I will make some comments that are critical of the conveyancing system. In terms of the specific aspects that are presented in the bill, it is inevitable that we are moving down this pathway and the mechanics that are outlined in this bill will only facilitate that process more fully. The opposition will not oppose that, and will support the legislation.

As outlined in the second reading speech by the Minister for Regional Development —

> This bill will improve and streamline conveyancing in Western Australia, further enabling the Western Australian land titles register to operate in an electronic environment, providing greater speed, certainty and security and simplify handling procedures for the property industry.

That is commendable, but I will spend a little time on some of the history of the bill and consider what has been missing within the national framework and in the Western Australian circumstance. I understand that Western Australia is probably a small player in the sense that the two major states, Victoria and New South Wales, are where the vast proportion of conveyancing occurs and this state represents a smaller proportion of national conveyancing. In a sense, these changes will enable us to fully implement electronic conveyancing. The second reading speech states —

> The amendments proposed under this bill will support electronic conveyancing processes and further enable the benefits of electronic conveyancing to be realised.

That is an interesting throwaway line. We have talked about the benefits of greater speed, certainty, security and amplified handling procedures in the property industry. The part that has been missing in recent years through the reform process has been the benefit to the consumer.

The second reading speech states —

> They will deliver greater procedural and administrative efficiencies in the lodgements and registration of documents relating to land transactions and related land dealings across Western Australia.

It then outlined some of those processes by which that will be done. The Transfer of Land Amendment Bill will amend the Transfer of Land Act 1893 through three key elements, including by modifying the definition of "counterpart documents" to improve the processing of documents electronically. I understand that it will also enable notices served under the Transfer of Land Act to be done electronically, without requiring manual processes. Finally, it will remove the requirement to issue and produce duplicate certificates, which will result in a greater ability to conduct land transactions in a fully electronic environment. From the second reading speech, the explanatory memorandum and the briefing we received from Landgate, I understand that this is a technical thing. We have received assurances that the requirement for the duplicate title, for example, was not necessary and that the processes will be secure, so the horror stories we heard some time ago about properties being sold by persons who did not own those properties and those sorts of circumstances will not be facilitated by this. In fact, it will improve the administrative handling of the management of land titles.

Just going back to the issue of the benefit to the consumer, a range of figures were floating around back in the day of the national competition policy. This was one of the reforms that was flagged during the Rudd government. I know this because I was intimately involved in the process. In 2007, when I was the person responsible for what

is called the microeconomic competition reform area of Treasury, from recollection this was one of the 24 key reforms that were being delivered under the Business Regulation and Competition Working Group chaired by then Labor minister Lindsay Tanner and co-chaired by Craig Emerson, who I think is from Queensland. Hopefully without eliciting a negative response, as occurred with my statement last night, I will provide a bit of my background. I actually worked very closely with Craig during that time as an officer of Treasury. I met him on several occasions. He was very efficient. He was probably one of those Labor MPs that we do not see a lot of these days. We saw changes during the Keating era and then later, of course. This was the Keating generation, when economic reform was at the forefront of their thinking and we saw some progressive thinking around economics. All of the discussions hinged on the benefit to the consumer. This was going to drive tens of millions of dollars of reduced costs of conveyancing into the pockets of prospective or transacting landowners and property owners, because it was going to become more efficient and we were going to have a system that was going to reduce conveyancing costs. I am certainly not going to blame the Labor Party for the derailment of some of that. I think commonwealth governments of all stripes have failed to rein in some of the power that has probably resided in some of the concentration of control. We saw the banks take a key role in the delivery of electronic conveyancing.

In 2007, I got the job of chairing an interjurisdictional working group because Western Australia was deemed to be a neutral party in the debate between Victoria and New South Wales on this matter. It was a great experience. I chaired that for a fair few months. We met with senior Treasury and Premier and Cabinet officers from those states and we produced, at that stage, a charter and also a set of governance agreements for what effectively was going to be a quango—a jointly owned entity for electronic conveyancing. That was going to be established and jointly owned by jurisdictions across Australia. Afterwards, though, the powers that be of all stripes and colours made the call that that was not going to work and that process was abandoned. We then saw the development of the so-called Property Exchange Australia group, which had fairly strong involvement in the banking sector. Over time, the delivery of that was effectively privatised completely. My colleague Hon Dr Steve Thomas is very pro-private sector, but one of the challenges we have with all these concentrations is that the removal of competition does not necessarily result in the greatest and most positive outcomes; hence, we ended up with a second reading speech and explanatory memorandum that completely missed any conversation about consumers. They talk about administrative processes, the electronic environment, greater speed, certainty, security and simplified handling procedures for the property industry. We are all for that. Certainly the alliance is all for those things, but it would have been nice if there had been a little thought or confirmation, perhaps through the consideration of this bill, of how consumers will be guaranteed some sort of saving in this process for the enabling of the benefits of electronic conveyancing to be realised. There are questions about who will be the beneficiary.

The evolution of things is amazing. Fifteen years later, we are finally doing the implementation through a process of changing our legislation. It is a very different working environment now. We have seen the partial privatisation of Landgate, for example. That is also a matter that I would like to raise. It is worth saying that the partial privatisation of Landgate—the $1.4 billion sale of the back-of-house component of Landgate, with a guarantee of a fee for every transaction—will not necessarily provide a competitive environment. I certainly would have liked, as part of the opportunity to come here with this bill, to maybe have a conversation about what savings have been achieved for consumers—the transacting public—through the more efficient processes within there. Back in, I think, 2019, the state did a deal to commercialise the electronic processing of property transactions for Landgate. At the time, the opposition, led by shadow Treasurer Dean Nalder, argued against it. I support his position. I think there are some aspects of that that I believed lacked the transparency that would be required. Clearly, $1.4 billion into the net operating balance of the Western Australian government was a major contribution.

There is also an element of not really knowing whether this is going to result in a more efficient land titles management system. Once these things go, they seem to disappear into the ether and we do not have conversations in this place as to whether or not they were in the public interest. We know that when you search for a certificate of title, for example, there is a customer fee of 75 per cent. That becomes the service fee paid to Landgate. I assume there is a search fee. I have done a few title searches. If it is $30, then I assume you pay 75 per cent back to this element called the Land Services WA consortium. At the time, shadow Treasurer Dean Nalder bucketed the deal. This is from WAtoday in an article by esteemed journalist Nathan Hondros on 10 September 2019. He was one of the strong Labor chiefs of staffs under the previous Carpenter government, I think it was.

Several members interjected.

Hon NEIL THOMSON: He is someone who worked for one of your ministers, I think. We know all that story.

Several members interjected.

Hon NEIL THOMSON: There we go. It is amazing the course of careers that people find themselves in and, when they see the light, they eventually come across to our side and get involved.

Several members interjected.

Hon NEIL THOMSON: It is not even a Thursday!

A member interjected.

Hon NEIL THOMSON: He certainly saw the light. You never know; 2025, here we come. Who knows what Nathan is going to be doing? I am sure he has a few plans and I will leave it up to him to decide.

Dean Nalder bucketed this plan and I am glad I invigorated the discussion a little coming into the end of this session. At the time, he said it was a broken promise because it was a privatisation and we saw that occur. The question I ask is whether it was delivering for us and how this process is going to deliver for consumers. I think we should always have a view as to how the consuming public is going to be the beneficiary of these things. Over time, the Australian Registrars' National Electronic Conveyancing Council was formed and some reforms were made to the Electronic Conveyancing Act in 2014. That would have been during the Barnett era, which would have facilitated some of this work. We are on a long journey and we had a long journey to get here. I will certainly not be taking too much time because I think the journey for this bill should hopefully culminate today.

We saw the partial commercialisation of Landgate. There is a very succinct but informative summary on the Landgate website. It just confirms how that operates. The operator is paid a fee every time the register is updated, when a transaction changes hands and for a search, for example if someone wants their certificate of title. I do not know how the Transfer of Land Amendment Bill is going to affect that. I do not know. Does that mean we are going to have an increase or a decrease in activity on this partially commercialised entity? Is there some benefit? I think that would be a useful question to ask about the impact on that privatised entity. Without speaking with a degree of expertise on the subject simply because I was not here at the time, I felt that the state's data we hold is of immense value. I always felt that in some respects I was probably a bit old fashioned in relation to Landgate. Information on the shared land information platform includes a lot more information like environmental and planning data and a whole range of things that has to be paid for by agencies just to do work in the public interest, because of the partial commercialisation, notwithstanding the government ownership of Landgate. I thought that was always a negative. Although this is specifically to do with transactions, I think there is some point in time worthy of a significant review of the outcomes that resulted from the actions that have been taken so far over history. It would include all sides of government and services that are provided to both the public sector and the private sector, particularly now as we see the concentration into the electronic conveyancing systems through PEXA, which is going to be an outcome of this bill when it goes through.

PEXA is a private entity. It is Property Exchange Australia Ltd and it operates on an electronic lodgement network. Subscribers can use the PEXA system and it facilitates electronic conveyancing across the network to conduct the lodgement and, where applicable, financial settlement of a conveyancing transaction. My understanding is PEXA Ltd, the entity, will now operate effectively as a monopoly provider for these transactions because there will no longer be that small element of manual transactions. Getting rid of manual is fine. I think the industry supports the change but we have seen a little bit of a chequered history around this. Something worthy of putting on the record is challenges with respect of the pricing. PEXA's policy is to have a transaction service fee. There is a determination process in establishing that fee. There is a review of the service fee process. We are talking about a proprietary limited company. There are some changes to input costs. It would appear to be governed by some regulatory framework but, again, I am not a thousand per cent sure of the details. As I said, these things happened after my time at Treasury.

I draw the attention of the house to an article in *The Australian*. I think is worthy of doing this because it is a fairly recent article. It is by Cliona O'Dowd, a journalist, and it was in *The Australian* on 30 November 2021. The title of the article is, "PEXA draws heat for withdrawing from e-conveyancing talks, NSW minister Victor Dominello slams 'self-interest'". This all happened during the hard border time. By the look of it, as far as I can tell, our minister has not been actively involved in the inter-jurisdictional discussions on this issue. I assume the minister had some Zoom calls. National cabinet took out the Council of Australian Governments process and we saw significant change in the last few years, for obviously good reasons during the middle of a COVID pandemic. I ask whether the minister had their eye on the ball for the consumers of Western Australia and the value for money that they are likely to be receiving from this national entity. If we look at the article, it reads —

> E-conveyancing leader PEXA has temporarily withdrawn from the multi-party forums tasked with bringing competition into the lucrative property settlements market, sparking accusations of self-interest.

I probably have the advantage that back in 2007 I was a bureaucrat working for Treasury. I sat next to Craig Emerson on a regular basis and represented the interests of Western Australia on behalf of then Treasurer Eric Ripper. With a bit of zealotry—as most Treasury officers tend to have, but it has been beaten out of me a little over time—I presented the case on the competition and the opportunities that these reforms would drive for consumers. In this case, we are now facilitating for the entity that controls the process to operate it more thoroughly. We do not oppose that; we support that, but I think asking whether this is driving an outcome is worthy of discussion. My message to the Minister for Lands is that he should take note of this issue and ensure that consumers are at the forefront of his thinking. We have the next three years of the McGowan government to think about how consumers will benefit from this. When the minister attends a potentially reconfigured Council of Australian Governments meeting after the election—we do not know whether that will be with a returned Morrison government or an Albanese government—I assume that some normalisation of those interjurisdictional arrangements will enable a more laser-light focus on those broader economic issues, which I would certainly encourage.

The article states —

> ASX-listed PEXA, whose effective monopoly in the e-conveyancing market is under threat from the proposed reforms, is understood …

I do not know what those detailed reforms are. I again encourage the minister to be aware of them. We have not had any explanation of them here other than we are facilitating a mechanistic process for the Transfer of Land Act to go electronic. That is all we get. It is similar to legislation we debated previously. We are provided a two or three-page document with a bit of superficial argument. It has a few lines that say it is all beneficial and we will tick here and walk away. I put this question on the record: to what extent will this benefit the consumers of Western Australia? I would like to understand what the reforms are.

The article states —

> ASX-listed PEXA, whose effective monopoly in the e-conveyancing market is under threat from the proposed reforms, is understood to have removed itself from consultations earlier this month, days after states and territories agreed to a fast-tracked timetable to force competition on the burgeoning sector.

Forcing competition was the original intent when Kevin Rudd established those working groups in 2007—of which I was a member—so that we could see a result for consumers. Even if it is a saving of $50 or whatever from a settlement fee, it is still a saving. I know that people here might say that that is a small amount within the context of a property transaction, because we see the massive stamp duty charges that still exist in the state many years later. The slowing of transactions has been talked about. We have an emerging housing crisis. We have structural problems in the housing sector whereby older people may live in houses that are no longer fit for purpose. They might want to move to another suburb and downsize, but to transact out of their home would cost $40 000 to $50 000 per transaction. That is an economic inefficiency and results in problems for them. We could argue that the issue around the conveyancing charges is a very small component, but I argue that it is worthy of discussion because we are now discussing reforms that will facilitate this entity to effectively run our conveyancing in Western Australia.

PEXA's excuse in November last year was —

> The withdrawal was to allow its subject matter experts to focus on writing submissions for the Electronic Conveyancing National Law Amendment Bill as well as the regulator's model operating requirements update, which Electronic Lodgment Network Operators, or ELNOs, must comply with …

We do not have a copy of the bill referred to; we have not discussed that at all. PEXA has a defence, and fair enough; it might be right. Who knows? But I think the conversation should be had in the public interest, because we are effectively the last line of defence for the public interest when we speak about it today.

The article refers to interoperability —

> "PEXA is not required by law or regulation to help develop interoperability—our current significant contribution has been provided voluntarily in good will," PEXA chief operations officer Simon Smith said.

I mean no disrespect to PEXA's chief operating officer Simon Smith. I am sure as a proprietary limited company, PEXA is concerned about the returns on its business, but again in monopoly situations, it is up to the government to provide that insight and examine how the regulatory environment will ensure that we deliver efficiency and the organisation does not gouge. Again, no disrespect to the organisation. As I said, these private entities will operate in the interests of their shareholders in the way we would expect them to do. I hope that this minister is very much aware of that, because we see —

> … NSW Customer Service Minister Victor Dominello called on PEXA to reverse its stance.

I do not know where Western Australia stands on this. It must work in the public interest and not self-interest, so we are asking these questions.

I will not spend too much more time. This is a very mechanical bill. It is sensible. We live in the twenty-first century. We are not in the age of rubberstamps and paper. We are in the age of electronics. It is a sensible aspect, but I put to the government that it could have done a better job of presenting some of those other aspects relating to consumer benefits. I hope the government takes my comments in the spirit in which I am presenting them; it is not in a sort of accusatory way, but I am saying we need some contextualisation. I do not know who drafted this and whether they came from Landgate, the Department of Lands or the State Solicitor's Office. I do not know, but maybe it was just that easy to say it will be more efficient and administratively good and speed up things, so let us just tick the box and move on.

Anyhow, I know the industry supports this in the main and I certainly have not heard any negative comment. I know that Peter Rundle spoke about this legislation in the Assembly. I support our position and we know that that is something. I believe it is important to focus on making the settlement processes efficient. We should constantly put pressure on the industry to reduce those costs and fees and help new homebuyers and others save so that we can have an efficient and competitive market. Therefore, I support the bill and conclude my presentation today. Thank you.

HON SUE ELLERY (South Metropolitan — Leader of the House) [6.19 pm] — in reply: I thank Hon Neil Thomson for his contribution. I note that the opposition will be supporting the Transfer of Land Amendment

Bill 2021. The honourable member made the point during his contribution that this legislation is effectively a technical upgrade. He is certainly supportive of the provisions in the bill, which will go towards reducing red tape. With that, I might continue my remarks tomorrow.

Debate adjourned, pursuant to standing orders.

STATE EMERGENCY SERVICE — WEAR ORANGE WEDNESDAY

Statement

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Emergency Services) [6.20 pm]: It is my pleasure to rise this evening and take the opportunity to acknowledge that today is "Wear Orange Wednesday", more commonly known as WOW Day. I acknowledge the many members in this place who have chosen to wear either a ribbon or an orange tie today or those in the other place who have orange jackets. It is great that we are all here to acknowledge the wonderful work of our State Emergency Service volunteers. WOW Day is celebrated every May during National Volunteer Week. Over the past 12 months, SES volunteers have done some extraordinary things, not only locally in Western Australia, but they have also travelled further afield to help out in places such as New South Wales and Queensland, which experienced devastating floods.

On a daily basis, the SES goes above and beyond. It helps respond to emergencies throughout the state. The SES has about 2 100 volunteers in Western Australia. Over the past year, I am told that they dedicated more than 23 700 hours responding to emergencies or calls for help. They make an extraordinary contribution to our state and are a reminder of how important volunteers are to the safety of all Western Australians. It is important to bear in mind that many of these people have jobs. They go to work and sometimes get called out at the end of the day, in the middle of the night or during the day. They are grateful to their employers who allow them to go out and do a range of jobs. Whether it is storms, floods or cyclones that hit Western Australian communities, the SES answers calls for help, and it is available 24 hours a day, seven days a week, and it responds without hesitation.

A number of our SES units deployed volunteers to assist in the search for missing Carnarvon child Cleo Smith last October. That search lasted nearly three weeks. The volunteers involved provided valuable support to the WA Police Force. Volunteers were also called upon to respond to significant flooding in the Kimberley earlier this year when more than 320 millimetres of rain fell in a 24-hour period. The SES provided sandbags to locals to keep the floodwaters at bay. As I said, others dealt with the unprecedented floods that occurred in New South Wales and Queensland.

To show our appreciation for the SES, the state government arranged for various locations around the city to be lit up in orange tonight. I am told that a number of regional councils in places such as Broome, Busselton, Geraldton and the City of Kalgoorlie–Boulder will also light up important buildings in their communities.

I had the pleasure of meeting a number of SES volunteers in Kings Park this morning. They were volunteers from the Bassendean, Cockburn and Serpentine–Jarrahdale SES units. I was able to provide the keys to two new general rescue utilities to those units as part of the McGowan government's investment of $140 million into frontline emergency services vehicles. The new vehicles were kitted out in SES livery. It was great to be part of that event.

On behalf of all Western Australians, including members in this place, I wish to sincerely thank those SES volunteers for their ongoing dedication to our community and for the work they do in helping keep our community safe. I also want to acknowledge their families, friends and employers who support them. Thanks very much. Happy WOW Day.

Statement

HON MARTIN ALDRIDGE (Agricultural) [6.23 pm]: I also rise to attribute myself to the remarks of the Minister for Emergency Services, who has just delivered a very welcome ministerial statement during members' statements this evening. I also want to recognise the more than 1 790 State Emergency Service volunteers in Western Australia. Orange is not a natural colour of choice for me when one considers my English complexion, but I am proud to wear my orange tie and ribbon to recognise these orange angels in all the forms and functions in which they deliver service to our great state.

The SES has had an interesting history. It has transformed effectively from a civil defence function post–the Cold War era to what we have today—a diverse, modern and professional emergency service. From land search to flood, from cyclone to rescue, my first exposure to the SES was as a boarding student in Moora in 1999 when that town was devastated by three floods in a very short period. I remain amazed to this day at the paramilitary-like professionalism, capability and capacity of this service.

Most members would be aware of the SES's role in flood or land search. Many may not know that it plays an important role in incident management, logistics, planning, transport and many other functions, not only in traditional areas of natural disaster such as cyclones or floods, but also in fires and other emergencies. In 2021 alone, the SES responded to 5 175 requests for assistance, which is quite a staggering number. When we reflect on the logo of the State Emergency Service, we see that it bears a swan and the words "we serve". President, today I thank the SES for its service and the service to the people of Western Australia.

Members: Hear, hear!

WETIKO

Statement

HON SOPHIA MOERMOND (South West) [6.26 pm]: Tonight I am going to talk about a term that I suspect not many people have come across. When I first heard it and found out what it meant, it resonated on such a deep level that I have referred to it regularly over the last five or six years. It just makes so much sense. The term I am referring to is Wetiko, an Algonquin word for a cannibalistic spirit that is driven by greed, excess and selfish consumption. It deludes its host into believing that cannibalising the life force of others and others in the broad sense, including animals and other forms of Gaian life, is a logical and morally upright way to live. It describes the opposite of what our local Indigenous peoples would refer to as a connection to land and spirit.

From my perspective, Wetiko is visible in us as a species where we are driven to destroy for greed and power. The suffering of others means very little, and it is easily dismissed, especially through othering. We have viewed earth as our resource, not something that we share with other beings, with other consciousnesses, unlike ours; it is simply ours, a resource that we can manipulate, use, adapt to our wants, exploit, pollute or destroy as we see fit. We are the only species that is so lacking in understanding that we are destroying our own habitat. No other species does that. No other species is so lacking in insight that it actively works against its own survival instinct. We are the only ones. We derive pleasure from the suffering of others, cruelty to each other and cruelty towards animals. This is not seen in other species. We are the only ones that have wars, sold to us as a way to keep us safe. The fact that money spent on weapons for defence are those exact same weapons of attack seems lost in some sort of linguistic obfuscation. Why are we like that? To be honest, I have no idea. I find this self-destructive urge incomprehensible. So when I found this term "Wetiko", like I said, it made a lot of sense to me. It allowed me to describe a pattern of behaviour that we do not have accurate terms for in the English language.

Wetiko is best explained as a mind virus. Members may dismiss this line of thinking as some kind of New Age woo-woo or, worse, a leftist conspiracy theory, but this approach of viewing the transmission of ideas as a key determinant of the emergent reality is increasingly validated by various branches of science, including evolutionary theories, quantum physics, cognitive linguistics and epigenetics.

Richard Dawkins was one of the first to describe this phenomenon and coined the term "meme" in 1976. Another common term is earworm. We have all seen the power of meme or an earworm and how they can shape our reality. Understanding earworms and memes gives credibility to the idea that we might be prone to a mind virus like Wetiko. In the end, though, it does not matter. The fact remains that we are the most destructive species on this planet, the most selfish, self-involved and sufficiently arrogant to think that we can control nature. For our fear to survival, it is imperative that we recognise our flaws, our arrogance and our ignorance. One way to tackle that is through changing some of the paradigms that we live with. In an interview several years ago already, an economic expert spoke about a new concept at the time. He stated that the best way forward is not aiming for a win–win situation but aiming for a win–win–win situation in which equal value is given to the environment and to the health and happiness of people as well as being economically viable. That is a noble goal to work towards.

House adjourned at 6.31 pm