



Parliamentary Debates

(HANSARD)

FORTY-FIRST PARLIAMENT
FIRST SESSION
2022

LEGISLATIVE COUNCIL

Thursday, 17 November 2022

Legislative Council

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THE PRESIDENT (Hon Alanna Clohesy) took the chair at 10.00 am, read prayers and acknowledged country.

JOINT STANDING COMMITTEE ON THE COMMISSIONER FOR CHILDREN AND YOUNG PEOPLE

*Inquiry into the most effective ways for Western Australia to address food insecurity for children and young people affected by poverty — Extension of reporting date —
Statement by President*

THE PRESIDENT (Hon Alanna Clohesy) [10.02 am]: Good morning, members. I have received some correspondence. It states —

Dear President

Inquiry into the most effective ways for Western Australia to address food insecurity for children and young people affected by poverty — Extension of reporting date

On the 16th of November 2022 the Joint Standing Committee on the Commissioner for Children and Young People resolved to extend its inquiry into the most effective ways for Western Australia to address food insecurity for children and young people affected by poverty.

Consequently, the Committee intends to report to Parliament the outcomes of this inquiry by the 30th June 2023.

Yours sincerely

MRS R.M.J. CLARKE, MLA

CHAIR

REPORT OF THE NATIONAL INQUIRY INTO THE SEPARATION OF ABORIGINAL AND TORRES STRAIT ISLANDER CHILDREN FROM THEIR FAMILIES

Petition

HON DR BRAD PETTITT (South Metropolitan) [10.03 am]: I present an e-petition containing 1 310 signatures, couched in the following terms —

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

We the undersigned are concerned that the Parliament of Western Australia has not taken action in accordance with Recommendations 3 and 4 (Components of reparations) of the Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families (1997). We therefore ask the Legislative Council to undertake an Inquiry into Compensation Schemes in other States and Territories in Australia for those who suffered because of forcible removal policies and make recommendations to the Government of Western Australia in relation to the establishment of a Compensation or Reparation Scheme in that regard in Western Australia.

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

[See paper 1848.]

PAPERS TABLED

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

FOOD SECURITY

Motion

HON SANDRA CARR (Agricultural) [10.05 am] — without notice: I move —

That this house —

- (a) recognises the rapidly changing and developing issue of food security;
- (b) acknowledges the efforts of the McGowan government to address the broad and developing issue of food security; and
- (c) commends the work and continuing efforts of community groups and not-for-profit organisations in addressing issues around food security.

Tomorrow, 18 November, is National Agriculture Day. I also note that this week somewhere in the world the eight-billionth person was born. By 2050, we will need to feed an additional two billion people. The pressure on our agriculture and water supply is significant. The agricultural industry already uses 70 to 75 per cent of the global water supply. That paints a global picture that will be under significant pressure and will need significant thought, planning and consideration. I argue that Western Australia is very well placed to be on the front foot to address what is a global issue and problem. We are facing issues of climate change, global geopolitical instability and the rising cost of living, along with the looming risk of a global recession. Locally, floods, fires and cyclones have definitely had an impact on our supply chain, and the geopolitical situation has certainly impacted the cost of fuel and the cost of and access to fertilisers for our primary producers. We can see it driving up the cost of our fresh produce. Recent crises and Russia's war on Ukraine has had an impact on what is an already vulnerable food system. We are increasingly seeing people experiencing bill shock and financial crises that are making them face food insecurity.

This is the first food crisis that we have all confronted in which 90 per cent of the world is facing high food prices and inflation. Additionally, the environment is not invoicing us for those costs. It was recently estimated that the natural environment's contribution to our food production is approximately \$3 trillion. Our impact on the ecosystem and natural environment and how that impacts the food produced and the nutrient value of what we consume is significant, and we must factor that into our economics and planning. The next transformation of our food system needs to be aimed squarely in the space of facing the issues of climate change and soil degradation.

When I talk about food security, it is without doubt the core issue of our time and one that seems to have been given limited attention in the past. During the COVID-19 pandemic, a statement on then federal Liberal-National government's website said that there was no food security crisis in Australia. When we look at the quantity of the food that Australia produces, 70 per cent of which we export, we can see that on the face of it that is probably true. However, it failed to recognise the core definition of food security and what that means for everyday people on the ground. Food security is not just about how much food is produced. There are four pillars to food security: availability, access, utilisation and stability. Food security means that all people at all times have physical and economic access to sufficient, safe and nutritious food that meets their dietary needs and food preferences so they can live an active and healthy lifestyle.

I am pleased to note that federal minister Murray Watt has recently announced an inquiry into food security. This is important because one-sixth of all Australians do not have enough food. Another alarming development is that 64 per cent of people who are seeking food relief have a job. Our notions of who is seeking food relief are not necessarily those clichéd notions of the homeless or people who are unemployed or experiencing other life challenges.

We also waste a lot of food; \$36.6 billion worth is wasted. Food waste is closely connected to food security. We can think about our supermarket duopoly of Coles and Woolworths and the standards they set around the produce that they will present in their stores and how that equates to food waste. Sheds of farmers produce in Western Australia are considered unsuitable for delivery to the consumer. There is definitely work to be done in this space to ensure that we are creating and delivering a sustainable and food-secure service to all people so that they can have food at all times.

I am going to focus on the issue of food waste very briefly and talk on some of the work that is being done to consider how we can address food waste. One of the ways that we can consider food waste is to ensure that people are aware of, and connected to, the source of their food—where their food is coming from—and eating food that is in season. I recently had the opportunity to participate in the Farmer on Your Plate event supported by Buy West Eat Best, a state government initiative to support our local producers. That connection to our producers ensures that people buy appropriate food, food that is in season and food that supports our local producers, allowing them to deliver sustainable well-utilised food supplies—rather than finding their supplies wasted because they do not meet the size and shape expected by a large supermarket chain.

I would also like to speak about some of the issues faced by our farmers in terms of addressing climate change to ensure food security. Our farmers have historically been highly adaptable and efficient. We have some of the best farmers in the world. That is most certainly the case in Western Australia. Our farmers produce high-quality produce that is in high demand. However, they also face the challenges of climate change and the impacts of a changing environment, increased natural disasters and an evolving consumer demand that is increasingly developing the expectation of sustainable food with minimal environmental impact. If we look to the recent free-trade agreement between the European Union and New Zealand, we see that part of that agreement focuses on a commitment to regenerative agriculture. There is clearly a demand across the world for us to be focused on our practices. We all need to continue to focus on, and pivot in, that direction.

Recently, in June of this year, we amended the Soil and Land Conservation Act to allow for a skills-based membership of the advisory council. Six new members have been appointed to that council. The changes were made in consultation with industry, government and academic research. These are really important developments because they ensure that we are looking at our soil biodiversity. We can consider how research and policy can impact the soil that farmers use to produce the food and ensure that it is well cared for and sustainable. As a result, we can feed

the best possible research and information to our farmers to allow them to incorporate it into their practices, where they are at and willing, to ensure that we have great soil biodiversity and longevity. What we do know for farmers at the moment is that access to fertilisers is becoming more complex and the price is incredibly high. Ensuring that our soils are robust, healthy, have good biodiversity and that we are looking after the carbon and nitrogen levels in the soils will enable our farmers to produce more and decrease their reliance on some of those synthetic components. Obviously, the chances of us never needing those again is a bit pie in the sky, but having a council that is putting in some really strong work, informing policy and practices, will ensure that our farming practices improve and have longevity for the future.

Western Australia is in an excellent position to ensure this given that a lot of work has been put back into research and development since around 2019. That has been a significant contribution to agriculture. For those who are willing, there has been work around soil masterclasses—which I was fortunate enough to attend in Northampton—carbon sequestration for interested farmers and diversifying the economic possibilities for farmers in terms of utilising things such as solar and wind farms to create multiple streams of income. These all feed into improving electricity supplies and fuel supplies and enhancing the practices on farms and the possibilities for farmers as they incorporate other practices.

I am going to shift away from farming and speak briefly on food security. These 15 minutes have moved much faster than I thought they might. I want to speak briefly on the Premier's round table held on food insecurity and the work that was done to bring a whole heap of core organisations together to look at the way that food can be delivered to reach the right people at the right time and provide nutritional and appropriate foods for those groups. One of the things they have done that is particularly impressive is provide a website to allow people with an ABN or Australian Company Number to log in and deliver surplus supplies to core agencies. It can be delivered in a way that is strategic and planned. It does not necessarily need to be a surplus supply of good food; it can also be a surplus of logistics, such as transport. It is an outstanding initiative that was launched by Minister McGurk. It is one that is being investigated and replicated in Victoria. I also note that President Joe Biden seems to have recently replicated it in the United States. We are looking at the way that we can bring agencies together so that they are not all delivering, replicating and reinventing the wheel.

We want to ensure that we can provide food security and supply the people experiencing things like bill shock, temporary food insecurity and crisis. What is seen over times of crisis or natural disaster—which we are seeing increasingly more of—is that people are very willing to help and deliver services. The result of an opportunity like this that has been created as a result of the Premier's round table is that it can bring all those groups together and ensure that they are delivering in a timely way.

The Western Australian Council of Social Service has also created a prototype that maps all the key demographics of Western Australia and where people are most likely to experience food insecurity. The excellent thing about that is that it ensures that all the efforts of the not-for-profits and groups, which are predominantly funded by Lotterywest—I note that the Premier has also committed \$10 million a year for two years to ensuring that those groups can continue to deliver those services —

Hon Donna Faragher: It's not government funding; it's Lotterywest funding.

Hon SANDRA CARR: It is still committed to by the Premier and he signs off on that funding. It is an outstanding contribution to those groups to ensure those services continue to be delivered. It is important there is a focus on these issues and we work towards ensuring there is food security. It is a complex picture. That is why I have skipped from one subject to the next, from food waste to food security. We need to support our farmers and invest in research and development to allow farmers to focus on the practices that they are comfortable with and competent in.

Several members interjected.

The PRESIDENT: Order!

Hon SANDRA CARR: We need to allow other farmers, if they wish to, to look at regenerative agriculture and sustainable agriculture, participate in soils masterclasses and look at grazing as a potential way to improve carbon sequestration. Research is important. Thank goodness the McGowan government in around 2019 stepped back in to reinvigorate agricultural research and development for our primary producers. Without that research, our producers would not be in an excellent position to harness the opportunities presented by the challenges of climate change and food insecurity. We need to be on the front foot to embrace this new significant economy. Our agricultural economy is the second-largest contributor to our economy, and it has the potential step up and compete against fossil fuels, which is exactly where we need to be. Food security is the issue of our generation.

HON COLIN de GRUSSA (Agricultural — Deputy Leader of the Opposition) [10.21 am]: I rise on behalf of the opposition to speak to the important motion brought before us today by Hon Sandra Carr. It is important that we as a chamber consider the issues of food insecurity and food security in Western Australia and across our nation. It is somewhat of a contradiction, I guess, that in a nation with such a rich history of agricultural production and food production, there are still people who do not have access to food, and food insecurity is an issue in our thriving

modern Western society. That is worthy of some discussion. I intend to talk to parts (1) and (3) of the motion. I am not sure that there is a lot to say about part (2). Indeed, I note that the member did not really address to any degree that particular aspect of the motion.

I want to start by talking about the cost of living, in particular the *Regional price index 2021*. The report was published in 2021, so it is not new, but it still gives an indication of some of the differentials in the price of food around Western Australia. This is the tenth biannual report. Interestingly, the 2021 report was the first to use the community resource centres network to collect data on prices. I find it interesting that the government that came to power in 2017 looking to close down the very important CRC network, which had been established some years ago, is now using that wonderful network of organisations to do this important work. Where would we be without the royalties for regions funding that keeps that network going?

Hon Kyle McGinn interjected.

The PRESIDENT: Order! One moment, member. It goes for both sides of the chamber that if there is constant mumbling, the chair will call members to order.

Hon COLIN de GRUSSA: Thank you, President.

Let us have a look at the 2021 results in this excellent survey on the cost of food, in particular. The survey is based on Perth being the 100 per cent marker. The survey shows that areas outside the Perth metropolitan region have significantly higher food prices. Obviously, that is not a surprise. There are vast distances to cover in the state of Western Australia, and the transport and logistics costs to deliver food to those communities are great. Obviously, that places a great deal of pressure on the price of food in those communities. As recently as yesterday, we learnt retailers in some parts of Western Australia have been advised by email that they will have to now pay a 35 per cent levy on the cost of transporting food products to their businesses because of issues around the floods in the east and the derailment in Victoria. That is a significant impost on regional businesses—on any business—in Western Australia. As a nation, we really need to have a good look at ensuring that our transport and freight networks have some redundancy in them in case of events like these. The honourable member talked about climate change and the issues that that will create and is creating already. It is one of the great challenges that our society has to deal with at global and national levels. With an increasing number of floods, fires and other such events, we need to ensure that our freight and logistics networks—our food distribution and production networks—have some sort of redundancy in them. That requires states and territories to work together to ensure we are addressing critical infrastructure needs as we go forward.

I have talked about the *Regional price index 2021*. An obvious impact on regional prices is the economic circumstances; we are facing inflationary pressures. That is a global issue. As Hon Sandra Carr said, we are perhaps heading towards a global recession and that will have an impact on all sorts of products that we import and export. In turn, that will impact consumers' ability to pay for the products they need. Obviously, that will affect what people can purchase and, therefore, their food security. As I said before, Australia is somewhat of a contradiction. It is a very food secure nation. In fact, we are ranked twelfth of 113 nations for food security. We produce more food than we need and we export most of it. That is not new; it has been the case for a very long time. Nevertheless, despite our agriculture industry's great work producing food and fibre for the world, we still see local challenges ensuring consumers have access to and can afford quality food.

Most of the issues we saw during the COVID pandemic related to local supply chain issues. The empty shelves we saw in our supermarkets were driven largely by supply chain issues, not production issues. Our agriculture industry has a wonderful ability to produce food very economically from limited resources compared with many other nations. I want to give a shout-out to our agricultural industry, which is always innovating and adapting, and has done for many years. The industry changes its production methods somewhat gradually but it is always adapting to new challenges, including the challenge of a changing climate.

One of the concerns I have around agriculture and the security of agricultural production in this country is the push, if you like, for regenerative agriculture and biological production systems. I have no problem with those systems, but on a wide scale they simply will not produce enough product to ensure that our agricultural industry is sustainable in the long term. They will be a part of the system, but they are not the solution to food security issues, for sure. Certainly, we need to be less reliant on imported fertiliser. Projects in this state are looking at producing fertiliser at a local level. Potassium is one of those great products with important nutrients needed by agriculture in this state. A number of companies are looking to produce it; however, the government has seen fit to set a very high royalty on those producers, such that they may not be viable. That is extraordinary when we consider that that is one of the most important nutrients in agriculture and we should be doing all we can to make those sort of things accessible.

In the brief time that I have available, I want to talk about the *Foodbank hunger report 2022*. Foodbank is a wonderful organisation. I am sure that just about every member in the chamber has visited their local Foodbank and spoken with it at length about the work it does. It is an incredible resource for those people who struggle to get food on the table. The most recent *Foodbank hunger report* of 2022 refers to the issue of food security in the Australian

context; in fact, it states that 21 per cent, or two million Australian households, have experienced food insecurity over the last 12 months, which is a huge number. Collectively, we need to ensure that we do something to address that issue. Food waste is one of the contributors but recovering that waste before it is disposed of is obviously incredibly important, and that is why organisations such as Foodbank are very important. Indeed, 23 per cent of Australian households now perceive that they struggle financially to access food. As inflation continues and cost pressure rise, more and more Australian households are struggling to put food on the table, which is extraordinary. Hon Sandra Carr said that it is not only those stereotypical households with employment issues that experience food insecurity; rather, it all sorts of households, including the nicest, wealthiest household in a street.

HON KYLE MCGINN (Mining and Pastoral — Parliamentary Secretary) [10.31 am]: I thank Hon Sandra Carr for bringing this motion to the house; it is very timely and relevant to my electorate of the Mining and Pastoral Region. Ten minutes goes by very quickly, so I will get straight into it.

Aboriginal communities are very vulnerable to food supply issues and price gouging. Members in this place would be aware that in the last federal government, there was a Senate inquiry into price gouging in Aboriginal community stores. Not much has come out of that inquiry because not too much has changed. People who have been out to an Aboriginal community can understand how easy it is for a greedy shop owner to gouge a community, particularly on pay day, and then change their mind the next week. For example, roo tails are a staple in some Aboriginal communities and often that is the most expensive meat in the freezer, not solely because of what it costs, but because shop owners are very well aware that Aboriginal people will buy roo tails. That type of operation is insulting and absolutely attacks the vulnerability of Aboriginal communities, which is not right.

I want to talk about something that is relevant to this motion, which also touches on a little of what Hon Colin de Grussa said but, as always from the Liberal–National government —

Hon Neil Thomson interjected.

Hon KYLE MCGINN: There is a long, long time before that comes, buddy—a long time before that comes, Stimp!

Hon Neil Thomson: You act like you're in opposition—do something about it.

Hon KYLE MCGINN: It is funny because I am standing here talking about a federal responsibility and Hon Neil Thomson is yelling at me to do something about it! You know what; Hon Neil Thomson should listen. I have told him many times that he should listen, not talk.

Hon Neil Thomson interjected.

Hon KYLE MCGINN: Just like the member spoke to his colleagues about the GST fix? Do not talk to me about the former state Liberal–National government working with the federal government—what a disgrace. Let us get back to the motion instead of listening to gibberish.

Hon Colin de Grussa spoke about the East Coast Main Line going down. It is a bit disappointing that he did not mention a key integral supply chain option—shipping. Members opposite can say that I bring this up all the time and that it is my pet project, but let us look at the realities. At one stage about three or four years ago, Norseman was on fire and Eucla Road was closed so we could not get through to South Australia. There was a flood in the Kimberley so we could not get through the Northern Territory border. We all know that Outback Way is not ready.

Hon Neil Thomson interjected.

The PRESIDENT: Order!

Several members interjected.

The PRESIDENT: Order, members!

Hon KYLE MCGINN: The immaturity that comes from members on the other side of the house —

Hon Tjorn Sibma: You're leading with your chin on that one.

Hon KYLE MCGINN: Okay; let us just cancel the Indigenous week of football, Hon Tjorn Sibma.

Let us be moderate. Let us talk about pre-selections on that side—would that not be interesting?

Kununurra and the Northern Territory were cut off. There was no ability for anything to come in or go out of the state. Shelves were empty, which put more pressure on Aboriginal communities. When we attempted to use shipping to bring food from the east coast, it was all foreign-flagged, which meant that there was no responsibility to the Western Australian people. So what happened? The federal government did not provide us with shipping space and we were unable to bring anything in by rail and road. We were really lucky that the ramifications that we experienced were not worse. It was months before shops were refilled with product. This government had the vision to say, "This is a big problem." It established—I am very proud to be its co-chair—the Western Australian shipping and supply chain task force, which is designed to ensure that there is another supply chain so that we do not find ourselves in another vulnerable situation. I am not talking about the 1970 state shipping model; rather, I am talking about Australian coastline waters in which flag-of-convenience ships do not operate.

The chirpy and smiley opposition member over there might frown when he understands that for 10 years, the former federal Liberal–National government destroyed shipping. Does Hon Neil Thomson know what his team’s shipping legacy is? It is walking onto *MV Portland* at 1.00 am and dragging Australian seafarers down the gangway by the scruff of their collars and replacing them with \$2-an-hour exploited foreign workers—what a disgrace! Where did that get us in calling on that ship to assist us during a crisis? It got us absolutely nowhere. I do not know whether Hon Neil Thomson knows this, but we are an island nation. We have a history of seafaring in this country. The supply chain needs to be reinvigorated to ensure that there are more options. Hon Neil Thomson asked what the government is going to do. That is what we are doing. We are getting to work on it, whereas the former federal Liberal–National government destroyed it. The person here in the west who was its architect, Senator Michaelia Cash—geez, she was the Minister for Employment—had absolutely no respect for Australian workers. She had no hesitation in giving handouts to Alcoa but she did not ensure that Australian workers were on those vessels. *MV Portland* operated for 27 years without one industrial dispute, but the former federal Liberal–National government destroyed this Australian vessel. The supply chain we are talking about —

Hon Colin de Grussa: What about tugs?

Hon KYLE McGINN: Okay; so Svitzer does a lockout and that is the workers’ fault, is it? The former Liberal–National government only cared about destroying Australian workers. That is all it cared about, let us be honest. Let us talk about when happened when Qube had its dispute.

Hon Colin de Grussa interjected.

The PRESIDENT: Order! Settle.

Hon KYLE McGINN: Thank you, President. Hon Colin de Grussa should get the facts before he starts spurring off. I remember when the Qube dispute was going on and farmers were dealing with issues. Where did those issues come from? They came from the employer; it created the issues. Let us be honest. If opposition members want to start talking about who is at fault, they should go back to 1998, when they conspired to kick workers out of their own workplaces. Let us be honest.

Some other good initiatives in my electorate need to be mentioned. Food for the Mob was a really good initiative that was done in Carnarvon through Lotterywest. That initiative fed many children during COVID, and over \$250 000 was put through that program.

Did the honourable member buy one?

Hon Donna Faragher interjected.

Hon KYLE McGINN: I am not standing here denying that. I am talking about a great initiative that came out of the Lotterywest program. I think there should be more of that.

Another really good organisation that operates well is Feed the Little Children in Broome. I hope the opposition agrees with me on that one. It would if it knew its own electorates.

Another one I want to touch on is Foodbank, as Hon Colin de Grussa mentioned. I am a member who works very closely with Foodbank, and we have to in our electorates. Foodbank is critical. One thing that I suggest members do is talk to Foodbank and find out whether there are little things we can do better. In Kalgoorlie, we found out there was no bus stop near Foodbank, so we managed to get Transperth to change the bus stop location so buses stop directly in front of Foodbank. That is a huge benefit because a lot of the people who access Foodbank do not have access to their own vehicles. That change has made quite a big difference over the years.

I want to give a shout-out to the women’s hostels right across Western Australia. The women’s hostels and short-stay and crisis accommodation manage to get food off the smell of an oily rag with their budgets. They find food from amongst the community. I want to send a big thankyou to all Western Australians, particularly in my electorate, who put their hands in their pockets, donate, assist and volunteer to these types of organisations to ensure that our most vulnerable, such as women in crisis, are looked after and have food security.

HON SHELLEY PAYNE (Agricultural) [10.41 am]: I thank Hon Sandra Carr for bringing us this important motion today.

As a number of members have said, we are a net exporter of food, which is really great. We export approximately 70 per cent of what we produce, but that does not make us immune to things like climate change. For example, in Esperance, we have had a couple of really good grain seasons, but I have been watching the farmers over the last couple of weeks, and I am not envious of them. The weather conditions have meant hail east of Esperance and rain, and farmers are still waiting to start their harvest. This is a shout-out to all the people who make our food.

I want to talk about what our government has done to put money into research for creating efficiencies in our production systems. I particularly note some of our partnerships with the Grains Research and Development Corporation, which have really been good for our grains and pulses industry. Minister MacTiernan has done a huge amount of work on her goal of value-adding to a lot of our agricultural production. For instance, the really great

value-add investment grants are on the second round, which has had \$7 million. In the first round, we provided over \$17.6 million to food and beverage manufacturing and processing investment in Western Australia in the past three years. That in turn attracted private capital, so \$152 million of private capital went in and generated more than 900 full-time jobs. This is really great for building resilience, growth and diversification in the sector. We have been doing a lot of smaller things as well. The food and beverage voucher program has helped food and beverage businesses get the support they need to grow and plan their businesses. We have heard that Minister MacTiernan was at the oat conference last month. Oats are a great area that we have helped invest in significantly. Wagin, in my electorate, may be the site of an oat-processing facility. We can now all buy local oat milk, which is really great.

I am pleased that Hon Kyle McGinn brought up issues with Aboriginal communities, because this is one of my concerns, particularly about fresh fruit and vegetables getting out to the regions and health issues, such as diabetes, in our regional areas. Regional Western Australia is a huge area, and getting good, proper food out to everyone is really challenging. I would like to commend some of the groups that are working in that area. Recently, I was lucky to catch up and have lunch with Kate O'Hara, the CEO of Foodbank. Earlier, I had met with Julie Hayden from the Badgebup Aboriginal Corporation, who raised concerns about how the Foodbank boxes did not have appropriate food that Aboriginal people wanted to eat. I had a good chat with Kate about that, and there is now a variety of Foodbank boxes. If Aboriginal people do not like the cans of spaghetti, they put different things in the boxes.

I want to shout out to some of the community resource centres that are operating in the regions. They help Foodbank and deliver the boxes to the small communities that do not have Foodbank depots that people can go to or catch the bus to. I met Craig Cooper in Wyalkatchem, who started getting the Foodbank box deliveries. Obviously, this service has to be on a cost-recovery basis, so the boxes are charged out at \$5, but people can come in to their local community resource centre and get one of these boxes. It has been great for me to go around and spread the word to some of the other community resource centres. Zac in Wagin is really great and has taken on that initiative. When the Albany-based Foodbank does its routes, it now drops off and works with the community resource centre in Wagin. I thank all the community resource centres that are helping out with that.

I was lucky to go on a bus tour recently with Jan McKenzie, who runs the Restore Hope Foundation Esperance. That organisation has its own bus and goes out delivering to 29 needy families in Esperance. It is a really great collaboration with the Esperance community. Many Esperance businesses donate their food, such as BJ's Fruit and Veg, which provides fresh fruit and veg; the IGA, which provides bread; and a whole bunch of other food and veg places in Esperance. Zen Frost, who runs Domino's Pizza in Esperance, has been amazing with donations to his community. He gives out pizzas every week so that Jan can rotate those amongst the community; everybody gets some pizza once a month, or something like that. Some of the farmers come in; Gillian Inkster provides her eggs every week so they can have fresh eggs. I wanted to do a shout-out to Jan and Restore Hope for the work it does providing food to the needy people. One of its issues is that although it is quite easy to get government grants for things like buses and projects, but Restore Hope really struggles to get money for all the usual running costs, such as rent and electricity for the freezers and fridges it keeps its food in. I am thankful to people in the community who have been helping out with that.

Esperance Care Services is another organisation in Esperance that has been really great working with Foodbank. It has been the first port of call for the really needy and homeless people in our community. I thank Esperance Care Services.

In Narrogin, Sister Sahaya is a lovely lady whom Hon Darren West would know. We gave an election commitment to her and her Divine You organisation. It is really helping out by providing food and working with places like Coles in Narrogin to provide food to the needy people. I send a shout-out to Ilija Stajic, who passed away earlier this year. He provided his house for them to run this organisation from. I was very sad to hear of his passing.

I want to mention some of the vulnerabilities with our food chain that COVID showed us. In Esperance, it was months before we could buy flour again, because of COVID issues and the fact that we do not create our own flour here in Western Australia. Members mentioned the rail line and the flooding. In Esperance, we were waiting for weeks to be able to buy a block of butter. We have seen the rising cost of food that has resulted from flooding in the east. A lot of people in our community are really struggling to afford their food, especially with inflation, so I am thankful for all the organisations that are helping out.

HON DARREN WEST (Agricultural — Parliamentary Secretary) [10.49 am]: It is with great pleasure that I give the response on behalf of the government to this excellent motion brought to the house by Hon Sandra Carr. I clearly remember the time I sat down with Hon Sandra Carr and said to her she might think about having a run at politics and I see how well that has turned out for the people of the Agricultural Region and state Parliament. It is a great motion today about a subject that we as a government, and I as a member for the Agricultural Region, are very passionate about. It is with some level of bitter-sweetness that I get to give the government response today because I am doing so on behalf of our fabulous minister, Hon Alannah MacTiernan—the best Minister for Agriculture and Food this state has ever seen and the person most committed to the subject of food security and fairness and equality for all in accessing food. She is a great legend of Western Australian politics and has achieved so much over her 26-year career. She will be a great loss to this Parliament after her recent announcement to retire.

We all love and respect Alannah. It is a shame that not everybody in the agricultural sector does, but the vast majority of people have no doubt that she is a hardworking, dedicated achiever, and she gets things done, as she has done in this portfolio.

Food security is obviously a very important topic for governments. It is politically bad for a government if its people cannot access food. As has been pointed out, Western Australia is a net exporter of food. We produce plenty and we assist other countries with their food security issues and ensure there is enough food for not just our country, but the world. Having said that, it is an increasing challenge to feed such a large population, eight billion people, and our resources are being stretched. Hon Sandra Carr made the very good point that we do not own the climate and the environment does not invoice us; we have to pay back. Our industry is facing challenges dealing with climate change and those costs that we have never needed to pay back before will need to be paid in the future; therein lies a great challenge.

With regard to emissions, Minister MacTiernan is doing some wonderful work to reduce methane produced by ruminants and is looking at research. It comes back to research. The minister reinstated research in the department that was cut by the coalition and rebuilt the department that had been gutted by the coalition. This great minister has put money back into research where public investment should go. There is a direct correlation between publicly funded research into agriculture and an increase in productivity in agriculture. The state will need that increase in productivity in agriculture because it will have to offset its emissions and pay the cost.

I give a shout-out to Hon Shelley Payne who made some good points about the wonderful people in our community who ensure that everyone has equal access to good quality food. We have worked with numerous organisations and wonderful people across not only the Agricultural Region, but also the state to ensure that everybody can get access to food. I acknowledge the work of Divine You in Narrogin and the late Ilija Stajic, and also Carol Jones and her team at Share and Care Community Services in Northam that provide emergency relief across the wheatbelt. That is a challenge as it is such a vast area. I had the great pleasure of being the work experience kid, for want of a better term, at Share and Care for a couple of days last year and I will do it again next year to get in among the day-to-day lives of the people who work in that sector and to see the challenges their clients face. We live in a disparate society and people have different needs. For some in the Agricultural Region it is the basic need of food and shelter. The government is glad to support the organisations that help in that regard. I say to Hon Donna Faragher that Lotterywest could be channelled in many ways, but the government channels a lot of it back into human services and community services.

Hon Donna Faragher: And I have no problem with that.

Hon DARREN WEST: Of course she does not.

Hon Donna Faragher: What I say is that the government cannot claim —

Hon DARREN WEST: Well, we are the only state that runs its own lottery and we will keep it that way so we can decide where the profits need to go.

Hon Donna Faragher: It does not come from the government.

Hon DARREN WEST: It does; it is a government-run organisation.

Hon Donna Faragher: That is where you get cute.

Hon DARREN WEST: We will argue about that another day. I look forward to Hon Donna Faragher's motion about Lotterywest.

We all know that supply chains have been stretched in recent years. Hon Kyle McGinn made some very good points and said how good it would be if we could call on localised shipping in a crisis, and Hon Colin de Grussa raised the tugboat dispute. What a disgrace it is by the company, Svitzer, to hold the national interest of Australia to ransom over a pay dispute or something that could ordinarily be worked out by a third umpire, by other means. That situation should not have been allowed to happen. There is a great opportunity here for the federal government to step in and say that in the national interest this is not on. Our farmers and the importers and exporters will all be held hostage by that overseas Danish-owned company. That is disgraceful. I do not blame the workers at all for this; I blame the company fair and square. It is affecting my industry and it is affecting food security not just here, but around the world. It needs to call off that lockout and get back to work. It needs to do what it is there to do—keep our ports operating and our goods and services flowing around the world. I call on Svitzer to stop it.

Hon Sandra Carr also touched on imports such as fertiliser and fuel. Members must remember that the world is in an advanced inflation state and that is caused by war. It is not caused by wages growth or by many of the things that cause inflation; it is caused by war. The impact on energy and food prices around the world —

Hon Wilson Tucker interjected.

Hon DARREN WEST: Energy prices and food prices are driving this inflation, member. We have stretched supply chains and we have stretched a range of things that are not normally stretched in such a way because of the economic circumstances in which we find ourselves. We recently commemorated Remembrance Day to remember those

who fell in war 100 years ago. Here we are 100 years later still with war in Europe. We do not seem to learn that when there is a war, the rest of the world is affected, not only those who are immediately impacted. We all feel for the people of Ukraine and what is happening, but supply chains across the world are affected, and that affects the most vulnerable in every corner of the world. Fertiliser and fuel costs are high because of this unusual occurrence. We need those inputs to power our agricultural sector, but we need to look at new methods. If we can regenerate the soil naturally without the need to rely on imported fertilisers, why would we not do that? Why would we not do a little research into that? Why would we not encourage people who want to go down that path to do that? There seems to be a reluctance from some corners of the agricultural sector and the opposition to think outside the square. I again acknowledge our wonderful minister for having the capacity to do that.

We need to look at improving soil carbon. There could be two very good benefits from that: we could remove the carbon dioxide from the air and put it into the soil—remove it from the air to remove the parts per million that keeps increasing and causing climate change—and also increase the water holding capacity of our soil. Science tells us that more carbon in our soil increases its capacity to hold water.

As Hon Sandra Carr pointed out, the agricultural sector is the second biggest sector in Western Australia. It is a very big employer and a major industry. We take that industry very seriously. If we ran out of iron ore tomorrow, that would be a big problem. If we ran out of gas tomorrow, that would be a very big problem. If we ran out of food tomorrow, that would be catastrophic; humankind as we know it could not continue. It is a very big and very important sector that is increasing in value. I believe we will get over a \$10 billion agricultural sector this year. We have had a couple of good seasons and prices are high and demand is strong.

There are many facets to that sector and I will touch briefly on those in the time I have left. I give a shout-out to the horticultural sector, a \$3 billion industry by the time it reaches consumers. It imports about only 60 million tonnes of fresh produce for seasonal reasons; for example, people wanting oranges out of season. The competition for land to grow those crops has become significant. The cost of land is becoming a major inhibitor to our sector. The vulnerabilities in our supply chain, such as flooding, have been mentioned. Hon Kyle McGinn has a solution that we should look at seriously in the future. The war in Ukraine is having an effect internationally. There was a time when we could not get export hay out to our markets around the world because we could not get shipping containers, such were the shortages. The government is working closely with the Department of Primary Industries and Regional Development to find ways to better adapt to climate change and put money back into research. For all the flak the minister copped over biosecurity, the government kept out of Australia the foot-and-mouth disease that was in Indonesia. I congratulate the Minister for Agriculture and Food and federal Minister Murray Watt on that important development. We had a success there. We take biosecurity very seriously. This is a great motion by Hon Sandra Carr and it was a pleasure to give the response on behalf of the government.

HON DR BRIAN WALKER (East Metropolitan) [10.59 am]: I thank Hon Sandra Carr for bringing this wonderful motion, with which I can heartily agree. I am sure that we are all well aware of the issues around food security. On one hand, we are a national producer and exporter of food, and that is wonderful, but on a personal level there is great concern. It was mentioned earlier that around 23 per cent of the population is experiencing food insecurity.

I had the great privilege earlier this year of being briefed by Kate O’Hara, the CEO of Foodbank. In fact, I visited Foodbank on Tuesday. What a wonderful organisation. I could mention many of its services, but one in particular is the school breakfast and lunch service. The sad fact is that the number of children attending school without food in their stomach is increasing. There are 119 000 individual meals being provided on a weekly basis for children who come to school without food in their belly. If they go to school empty of food, they cannot possibly work hard; they cannot concentrate or function well, and as a result the whole outcome of their life will be negatively impacted upon. The same is true for lunch. If there is food insecurity at home and parents are unable to put food on the table for them, they are going to suffer and that will lay the foundations for poor social functioning which can turn into crime and other activities that are not helpful to society. The very underpinning of society is dependent on giving our most vulnerable people an adequate amount of good quality food so that they can survive. That is what Foodbank is doing, to a great extent. I also thank the government for supporting the wonderful initiative of helping to supply schools with the food that children—and, on occasion, their parents—need.

I have only one negative comment to make here: we need more funding for this. There is never enough. With a \$6 billion surplus, I am hopeful that we can provide more funding to organisations like Foodbank and others that are doing such wonderful work in our society. There is hunger and fear in our community, quite apart from the shame of those who have never previously required assistance, but who now need to hold their hand out and say, “Please: we are in fear of not having enough food to feed ourselves and our children.”

I think it is actually a societal catastrophe for such a wealthy country to be in a situation in which this can be happening. It is only going to get worse. Inflation is increasing, the cost of goods is increasing and the cost of petrol is increasing. We are also going to find that electricity costs will increase. We are facing a time when it is going to be very hard for people to keep their head above water. The cost of mortgages and many other things are impacting upon our ability to feed ourselves. As has already been pointed out, we can live without many things, but without water and food we are in dire need.

It is not an option to not do anything about food security; it is something that we must do. We owe it to the population. As was mentioned by Hon Sandra Carr, that also links to food production. Hon Darren West talked about thinking outside the box, and we absolutely must do that. I am thinking of my time in the wheatbelt and those expanses of wide-open acreage. That is fantastic for producing export trade, but does it do our soil any good? Are we using our land for the best possible outcomes? I fear not. Although I certainly would not support the idea of banning all broadacre farming, we ought to consider the option of permaculture and similar out-of-the-box thinking. That could transform not only the amount of food available but also the quality of our soil and, indeed, even microclimate change. Working on that and using our farmers and their wonderful skills for the development of new approaches to managing our agriculture is a fantastic idea.

Yesterday I dined with a colleague from China who is very much involved in innovative approaches to managing farming conditions in areas of the north of China that are barely arable. There have been wonderful successes in that area; can we import that knowledge and those machines into our country? Why do we not think about that? I am hopeful that we can work with organisations with an open mind, look at this with new eyes, and think outside the box to improve upon the already wonderfully scientific approach that our farmers take to farming.

As I walk through the streets of Perth and see the wonderful lawns that are laid out and the beautiful European plants we grow, all watered with our valuable water, I wonder why we are emulating Middle Ages French cultivation when we live in Australia. Why are we wasting space? We know, for example, that if one original quarter-acre suburban block is farmed properly using permaculture, it can feed a village. I think back to the efforts made in Britain during World War II when people had food rationing. What did they do? They grew their own vegetables and they kept chickens. They had local supplies; they were unable to import, because the Germans were busy torpedoing the ships that brought food in. The supply chain, then as now, was very important. We need to pay attention to that; I thank Hon Kyle McGinn for pointing it out. If we, as a nation, were to place more emphasis on growing our food locally, we would benefit.

There is so much more that I could say, but in the limited time I have available, I will make one medical point. Gut health is the basis for wellness. Lacking gut health with good food will destroy us.

Motion lapsed, pursuant to standing orders.

DISALLOWANCE MOTIONS

Discharge of Order

Hon Lorna Harper reported that the concerns of the Joint Standing Committee on Delegated Legislation had been addressed on the following disallowance motions, and on her motions without notice it was resolved —

That the following orders of the day be discharged from the notice paper —

1. City of Fremantle Cat Management Amendment Local Law 2022 — Disallowance.
2. City of Joondalup Health Amendment Local Law 2021 — Disallowance.

WORKING WITH CHILDREN (CRIMINAL RECORD CHECKING) AMENDMENT BILL 2022

Committee

Resumed from 16 November. The Deputy Chair of Committees (Hon Dr Sally Talbot) in the chair; Hon Matthew Swinbourn (Parliamentary Secretary) in charge of the bill.

Progress was reported after clause 5 had been agreed to.

Clause 6: Section 6 amended —

Hon MATTHEW SWINBOURN: Those watching at home may realise that I am not the Leader of the House— not anytime soon! I am stepping in for the Leader of the House who is away on urgent parliamentary business, and so I shall take up where she left off last night. A number of matters were taken on all notice for Hon Nick Goiran that I will try to address for him, the best that I can.

I will start with the issue that the member raised about the divergence between people who have reporting obligations under the Community Protection (Offender Reporting) Act, or CPOR as it is known to those who are familiar with it, and those persons who will be captured under what will be class 1 and class 2 offences. I think the member expressed the hope that there was no divergence and that all those matters have been covered and there is no gap, which in the case of class 1 offences, moving forward, people will automatically receive a negative notice. I think I paraphrased the member reasonably accurately there. The question, really, is: what type of person would, under a reporting obligation under the CPOR act, have committed a class 1 or class 2 offence under the bill?

Apart from two offences in the CPOR act, all other offences in the schedules of the CPOR act are captured as either class 1 or class 2 offences in the bill. These two offences in the CPOR act that are not captured as class 1 or class 2 offences —

[Interruption.]

The DEPUTY CHAIR: I have noted the interruption.

Hon MATTHEW SWINBOURN: Thank you, deputy chair. I believe it was a practice in the past for the Presiding Officer to confiscate said offending device, but anyway!

Let me start again with section 557K(6) of the Criminal Code, which is an offence of a child sex offender being in or near a place where children are regularly present, and section 17(1) of the Criminal Law (Unlawful Consorting and Prohibited Insignia) Act 2021, which is an offence of unlawful consorting if the offender has a conviction for a child sex offence as defined in that act, and has consorted with another person who has a conviction for a child sex offence in the course of committing the offence. The member will note that both those offences, which are not picked up from the CPOR act in this bill, are offences whereby the person concerned is already an offender, so the field is covered.

Hon Nick Goiran: The offence is not covered but the person is covered.

Hon MATTHEW SWINBOURN: They would be covered, in any event, because they are already an offender.

I turn now to the hot-button issue regarding the seven people who currently have a working with children card and have offences that are moving to schedule 1. The member asked: can the minister or someone in a position of authority say they are satisfied that for each of those seven, there is no concern to children? I have quite a bit to say here, so I will work my way through it.

Regarding the seven working with children card holders with a conviction for an offence committed when an adult, which will move from class 2 to class 1, the request was made yesterday by the honourable member that a list be made available of those offences, including sufficient detail for the house to be sure that the minister or other person in a position of authority is satisfied that they have been properly reviewed and they present no concern to children. I can advise that the offence descriptor for the seven persons captured by the transitional provisions is able to be identified; however, the Department of Communities is not able to provide the details of the offending behaviour or further information considered as part of the assessment process or the reasons for the decision to issue an assessment notice, known as a working with children card. It was this circumstance of information to which Minister Ellery was referring yesterday. It is not currently available and would be a difficult and time-consuming exercise for the Department of Communities to produce an appropriate report, especially since it was raised yesterday and we are dealing with it today. It is also important to be aware that we cannot divulge detailed information about the offences or other details, as that may lead to the identification of the individual card holders or the victims of the particular offences, which would be an offence of unlawful disclosure under the act.

Of those current seven working with children card holders, one, in fact, just recently expired in September, so there are now only six such persons. Four of these persons have been working with children over successive applications and reassessment periods. The member has requested confirmation that the minister or someone in a position of authority is satisfied that for each of those seven persons that there is no concern for children. There will never be a case in which there is no concern regarding the safety of children. There will always be a level of risk inherent in granting a working with children card and allowing a person to work with one of the most vulnerable cohorts in our society. The appropriate test is determining whether a person is an acceptable risk of harm to children.

It is important to understand that the assessment of risk, or, more relevantly, establishing an unacceptable risk of harm to children when undertaking child-related work is a very complex and detailed assessment task, which is undertaken by trained, professional staff. Officers engaged in undertaking the assessment task are required to have qualifications in social work, psychology, criminology or similar fields. In addition to this, they need a proper understanding and experience in offender and sexual offence behaviour and the broad range of human behaviours, including the difference between what a person may be convicted of and that of the actual harm and sexual behaviours of that offending, when considering the risk to children when undertaking child-related work. The psychology of human behaviour and patterns are key elements to properly understand and determine unacceptable risk. These are key and necessary attributes to officers being engaged to understand this work. These specialist roles are established in the regulation and quality directorate of the Department of Communities.

In relation to the seven—now six—card holders, identified as having convictions for offences committed when an adult, who will be moved into class 1 by this bill, the minister accepts the advice that sufficient assessment was undertaken by these specialist officers in the determination of unacceptable risk. They have done that work, and the minister is satisfied that appropriate consideration has been given when considering all the information available to them, these officers did not establish that these seven people were an unacceptable risk of harm to children when undertaking child-related work.

The member also raised an issue about the suspension, disqualification or cancellation of teachers' registration under the relevant sections of the Teacher Registration Act, and adverse outcomes under which we intend to prescribe in the Working with Children (Criminal Record Checking) Amendment Bill to trigger a reassessment of their working with children card. I note that we currently intend to prescribe adverse outcomes, including the decisions of the disciplinary committee, wherein registration is suspended under 71(d), or the State Administrative Tribunal

wherein a person who is no longer a teacher is disqualified for applying for registration under section 84(a)(ii), or an order is made suspending a teacher's registration under section 84(1)(b)(i) wherein the outcome is in accordance with section 71(d) and an order is made to cancel registration under section 84(1)(b)(ii).

The reportable conduct scheme to be administered by the Ombudsman will contemplate the reporting of both reportable allegations and reportable convictions. The kind of reportable conduct to be contemplated in this scheme are sexual offences against, with, or in the presence of, a child; sexual misconduct against, with, or in the presence of, a child; physical assault against, with, or in the presence of, a child; significant neglect of a child; and any behaviour that causes significant emotional or psychological harm to a child. Notably, sexual misconduct, under the reportable conduct scheme, captures a broad range of inappropriate behaviours of a sexual nature that are not necessarily criminal. Sexual misconduct may include, for example, descriptions of sexual acts without a legitimate reason to provide the descriptions; comments to a child that express a desire to act in a sexual manner towards the child or another child; inappropriate touching; inappropriate relationship attention or focus; grooming behaviour; sharing pornography; voyeurism; or crossing professional boundaries to the extent that the crossing of professional boundaries is sexual in nature but is not a sexual offence. In this light there is clearly a strong relationship between the kind of conduct that would be the subject of a referral to the Ombudsman by an employer under the reportable conduct scheme and the kind of conduct that would lead to a referral by the Teacher Registration Board of Western Australia to the State Administrative Tribunal seeking a high-level disciplinary outcome.

The DEPUTY CHAIR (Hon Dr Sally Talbot): The parliamentary secretary.

Hon MATTHEW SWINBOURN: I will pick up where I left off. Perhaps I will re-read the paragraph. In this light, there is clearly a strong relationship between the kinds of conduct that would be the subject of a referral to the Ombudsman by an employer under the reportable conduct scheme and the kinds of conduct that would lead to a referral by the Teacher Registration Board of Western Australia to the State Administrative Tribunal seeking a high-level disciplinary outcome, including the cancellation of the person's registration as a teacher or a disqualification from applying for registration for a period. It is important to note, though, that the obligation for an employer to report to the Ombudsman under the reportable conduct scheme relates only to current employees.

The Teacher Registration Board would have an interest in current and formerly registered teachers who may not be currently employed in instances when there is evidence supporting allegations of serious misconduct, including serious misconduct, the nature of which renders the teacher unfit to be registered. This would include evidence, for example, of grooming-type behaviour by a teacher. Similarly, there may be examples that demonstrate the teacher may not be of good character or does not satisfy a standard of behaviour generally expected of a teacher that, due to the circumstances of the case, may not fall squarely in the realm of the reportable conduct scheme. For example, information concerning a registered teacher who has been the subject of a high-level disciplinary outcome in another jurisdiction may be brought to light. This may lead to a referral by the Teacher Registration Board to SAT. There may also be high-level examples of serious incompetence by a teacher that may not fall squarely in the realm of the reportable conduct scheme but may nevertheless lead the board to seek the cancellation of the teacher's registration or disqualification from applying for registration for a period of time.

I think that the final matter the member raised was on the interaction of the act with the privacy principles and whether or not any work had been done on that.

Hon Nick Goiran: We were told there had not been.

Hon MATTHEW SWINBOURN: No, and I can confirm that no work was done on that.

Hon NICK GOIRAN: At the outset, I thank the parliamentary secretary for standing in for the Leader of the House as we progress this matter, hopefully today. These are important reforms to the working with children check scheme. I thank him for the comprehensive response that has been provided to the matters taken on notice yesterday. Of those four matters that the parliamentary secretary addressed, I wish to pursue two a little further. One is the Teacher Registration Board, which I will deal with now, and the other is the matter of the seven—although, interestingly, now six—Western Australians who will have the protection of the old scheme, but I think that is perhaps best dealt with at clause 7.

While we are on clause 6, with the parliamentary secretary's concurrence, I will wrap up this issue of the Teacher Registration Board to clarify the scenario that was put. It seems to me that the main element it turns on is whether a teacher is a current employee or a former employee. If the teacher is a current employee who has committed what is described as reportable conduct, it will be captured by the Ombudsman in any event. As I understand it, the government is indicating that the benefit of prescribing the Teacher Registration Board—I will get the language correct—as the conduct review authority, is that the Teacher Registration Board will still have the capacity to deal with a former teacher. Will that be a former teacher who applies for registration? Is that the scenario we are intending to capture here? I might just clarify that. In other words, we are not suggesting that the Teacher Registration Board has some disciplinary capacity over former teachers who are not employed, but it has a capacity over currently registered teachers and those who apply for registration, including former teachers.

Hon MATTHEW SWINBOURN: The member's characterisation at the end is correct, but the board may also raise historical matters. Obviously, if someone stopped being a teacher some time ago but the Teacher Registration Board retained information and records about the teacher, the board could use that information.

Hon NICK GOIRAN: I note that clause 6 was examined and scrutinised by the Standing Committee on Uniform Legislation and Statutes Review in its 139th report. Members who are interested in this bill will find the committee's analysis at pages 9 and 10. In essence, it has been confirmed that the provisions within the clause are Henry VIII clauses that erode the Western Australian Parliament's sovereignty and lawmaking powers and that at least one of the two provisions is a broader regulation-making power than presently exists. Nevertheless, the committee has indicated that proposed section 6(3) can be justified on the basis that protecting children's safety by identifying exemption preclusions requires a quick regulatory response.

I found it interesting that the committee, for reasons known only to it, has commented that proposed section 6(3) can be justified but the committee was silent on proposed section 6(4). At finding 4, the committee has said that proposed section 6(4) is a Henry VIII clause, but it has not said it is justified. Why does the government say that proposed section 6(4), which is found at clause 6, is justified, given it is a Henry VIII clause?

Hon MATTHEW SWINBOURN: The advice I have been given is that this provision is an existing provision in the act and that the bill does not propose in any way to expand it. That may not satisfy the member's direct question of why it is justified. I think it is a case of us just not disturbing it by what we are doing with this bill, other than that it is now incorporated into the drafting of proposed sections 6(3) and (4).

Hon NICK GOIRAN: When was the existing Henry VIII provision that is being retained introduced?

Hon MATTHEW SWINBOURN: I am told it was introduced in the original bill in 2004.

Hon NICK GOIRAN: I will make a political observation and then move on to my continuing analysis of the bill. I observe that Labor was on the Treasury bench and had carriage of these bills, as was the case with the original bill, and that the Labor Party seems to have form on the introduction of Henry VIII clauses. The Henry VIII clause passed at that time in 2004 and the damage is going to continue by leaving it in now. That, to me, is an unsatisfactory response to a matter that has been raised by the standing committee. The committee has said that this is a Henry VIII clause that erodes the Western Australian Parliament's sovereignty and lawmaking power. This committee went out of its way, at least for clause 6, to identify that one of those provisions is justified. That was good work by the committee and that is why these matters need to be considered by parliamentary committees, as I have said on multiple occasions. But it is not satisfactory for the government to simply hide behind the excuse that the Henry VIII clause is already in the act. That may well be the case, and apparently it is the case since 2004. If it has been identified by that committee, a wholesome response needs to be provided, as was obviously provided to the satisfaction of the committee for proposed section 6(3). I note in passing, that the same cannot be said for the Henry VIII clauses found at clause 7, which we will look at in a moment. I note that the government has a number of proposed amendments to deal with those points.

Having made those observations, a few more questions arise about clause 6. The Standing Committee on Uniform Legislation and Statutes Review's report at page 9 paragraph 6.10 cites the explanatory memorandum that accompanied the bill —

The regulation-making power will allow sufficient flexibility to further qualify access to exemptions from child-related work following consideration of the categories of child-related work and the appropriate exemptions from that work, which are aimed to address remaining WWCC Report and Statutory Review recommendations as part of a future phase or phases of reforms.

With all due respect to the authors of the explanatory memorandum, it takes the ordinary reader a few moments to properly comprehend what that sentence is trying to communicate. As I understand it, it says in part that once this bill passes, there will be situations in which people will be exempt from the child-related work regulatory regime because the government is yet to address the remaining recommendations. If my understanding is correct, what are those situations in which people will be exempt simply because the government has not yet addressed the remaining recommendations?

Hon MATTHEW SWINBOURN: Member, to be blunt, we do not know what they will be yet because the work is yet to be done. I want to be very straight with the member and not lead him down the garden path with an answer that is not reflective of where, at this time, the department and the government are at. Obviously, it is a facilitative arrangement so that when they do the work they will know what fits within those current scenarios.

Hon NICK GOIRAN: The explanatory memorandum says it is "aimed to address remaining WWCC Report and Statutory Review recommendations". I take that to mean that the government is aware that a certain number of report and review recommendations have not been addressed, but they will be addressed during a future phase and this regulation-making power will enable sufficient flexibility to incorporate those particular recommendations.

Hon Matthew Swinbourn: By way of interjection, you are correct, member.

Hon NICK GOIRAN: Okay. Is the parliamentary secretary able to identify the recommendations in the working with children check card report and statutory review that were referred to or are implied at this point?

Hon MATTHEW SWINBOURN: I am advised that it is recommendation 2(b) of the statutory review and recommendations 5, 8, 12, 13, 14(a) and (b), and 15 of the Royal Commission into Institutional Responses to Child Sexual Abuse.

Hon NICK GOIRAN: I understand that we have already addressed the matter with regard to statutory review recommendation 2(b). It was about the Community Protection (Offender Reporting) Act 2004. We have already identified that everything will be captured with the exception of the two offences that the parliamentary secretary referred to earlier. One was the consorting provision. I would have to look back at my notes for the other one. In any event, we identified that the offenders will be captured anyway. It is not immediately apparent what remains to be done with regard to recommendation 2(b).

Hon MATTHEW SWINBOURN: Perhaps it might help if I read out recommendation 2(b). It says —

Consideration is given to whether persons with reporting obligations under the Community Protection (Offender Reporting) Act 2004 should be precluded from accessing the parent volunteer exemption under the Act.

We are talking about the parent volunteer exemption.

Hon NICK GOIRAN: Under this bill, I understand it is the case that certain individuals will be precluded from accessing the parent volunteer exemption under the act.

Hon Matthew Swinbourn: Yes.

Hon NICK GOIRAN: Therefore, by virtue of which provision in the bill will those persons be precluded from accessing the parent volunteer exemption under the act?

Hon MATTHEW SWINBOURN: It will be the regulations that will be made under proposed section 6(4).

Hon NICK GOIRAN: That is the clause we are on presently. Clause 6(2) seeks to delete sections 6(3) and (4) and insert proposed sections 6(3), (4) and (5). The parliamentary secretary kindly and correctly has drawn to our attention proposed section 6(4), which states —

Subsection (1) does not apply to work that is carried out in circumstances, or by a person of a class of persons, prescribed by the regulations.

By virtue of those regulations that are yet to be drafted—that will be done over the course of the next three to six months as I understand it—these people will be precluded from accessing the parent volunteer exemption under the act. Why is it that recommendation 2(b) in the statutory review will not be addressed when the regulations are made under proposed section 6(4)?

Hon MATTHEW SWINBOURN: I am advised that it is not practical at this time, and that is because work continues to be done between the Western Australia Police Force and the Department of Communities.

Hon NICK GOIRAN: I do not understand that, parliamentary secretary, because earlier I thought we identified that all these people are captured as an offender one way or another. There is either a gap in the system or there is not—that is what I want to understand. Have we sufficiently captured the spirit and intent of recommendation 2(b)? There may be no reference in the regulations or the act to the Community Protection (Offender Reporting) Act 2004. I am not too concerned about that. The intention of the authors of the statutory review at recommendation 2(b) was to refer to that class of persons that should be precluded from accessing the parent volunteer exemption under the act. My understanding from everything that I heard yesterday and today is that, one way or another, those people will be precluded from accessing the parent volunteer exemption under the act. It might not be because of specific reference to the Community Protection (Offender Reporting) Act 2004, but they will be captured.

Can I get confirmation that that is indeed the case? If it is not the case, what class of persons will continue to access parent volunteer exemptions under the act?

Hon MATTHEW SWINBOURN: I will do my best to address the issue raised by Hon Nick Goiran. The first thing to note is that the people who we are talking about are not doing child-related work under the act. In that regard, they do not have to apply for a working with children card. When we talk about an exemption applying to them, they do not make an application to be exempt; they are just exempt because of the way the act operates. They are a parent and a volunteer and, therefore, on that basis, they are not covered by the provisions of the act. The statutory review recommendation is about whether it places the onus on them to apply for a working with children card.

I am not sure how familiar Hon Nick Goiran is with the CPOR act and the disclosure restrictions placed on Western Australia police about who is covered, but one of the issues is that it would require an amendment to the CPOR act for what the member is talking about and the mischief that we are trying to deal with here so that the police can disclose the information to the Department of Communities, which would then trigger the requirement for

them to get a working with children card to be a parent volunteer. It is a significant amount of work. This agency is obviously not responsible for the CPOR act; it is a Western Australia Police Force act. It is an important issue. I am told that work is being done in conjunction with that. That is where we are at and why further work needs to occur. I hope that addresses the member's issue. I appreciate his concern about people subject to the mandatory reporting requirements of the community protection offender register not having a working with children permit and being in contact with children. If they are on that register, I suspect that they would be strictly observed by the police. That is an element of which we can have some appreciation. Having said that, people who are on the register are on the register for life. It depends on the range of offences. Their reporting obligations under the act may have expired years and years ago. There is a balance of things to take into consideration.

Hon NICK GOIRAN: It is interesting that the parliamentary secretary said that a substantial amount—I am using the word “substantial” because that is the impression I am getting—of work needs to be done. The parliamentary secretary drew to our attention that the Department of Communities is not responsible for what is referred to as the CPOR act. For the benefit of *Hansard*, CPOR is otherwise known as the Community Protection (Offender Reporting) Act 2004. All of that is true—a lot of work still needs to be done.

When was statutory review recommendation 2(b) made?

Hon MATTHEW SWINBOURN: It was made in 2012.

Hon NICK GOIRAN: We see that this matter has been with us for more than 10 years. Of course, the partisan observer will note that that means that it has occurred across two types of government and that would be true. Here we are, 10 years later after a statutory review has made a recommendation about these persons with reporting obligations, and we are now told that a substantial amount of work still needs to be done. One wonders whether we will see it before all the honourable members of this chamber have retired. That said, returning to clause 6, what is the proposed class of children that will be prescribed by the regulations in proposed section 6(3)?

Hon MATTHEW SWINBOURN: I am advised that it is those children with an interim negative notice or a negative notice, both of which notices are current.

Hon NICK GOIRAN: Is it fair to describe the intention of proposed section 6(3) to be capturing persons who have an interim notice or a negative notice? I would describe that those are the two classes of persons, irrespective of whether they are a child—no, proposed section 6(3) applies only to children. Is a child with an interim notice or a negative notice the type of person who is intended to be captured by proposed section 6(3)?

Hon MATTHEW SWINBOURN: Yes, member.

Hon NICK GOIRAN: To be clear, does the government still want the extra flexibility? Rather than putting this into the act now and saying that those are the two classes of person—those who have an interim negative notice or a negative notice, which will continue to be the scheme moving forward—does the government still want the flexibility to prescribe other classes of children?

Hon MATTHEW SWINBOURN: I am just trying to remember the precise terms of the member's question off the top of my head. He is now having trouble remembering it as well, is he not? I think it was about the flexibility that the government still wants to retain —

Hon Nick Goiran: Other than the interim negative notices and the negative notices.

Hon MATTHEW SWINBOURN: Yes. The answer to that is that the government wants to retain that flexibility in the event that future classes are identified.

Hon NICK GOIRAN: It will be certain unknown classes of person. Is proposed section 6(4) then, if you like, a near mirror of proposed section 6(3), insofar as while proposed section 6(3) intends to capture children, proposed section 6(4) intends to capture adults—that is, adults with an interim or negative notice?

Hon Matthew Swinbourn: Yes, member.

Hon NICK GOIRAN: Right. Again then, does the government want the flexibility to prescribe other classes by regulations and thereby potentially include these reportable offenders under the CPOR act or will that need to be dealt with by substantive changes to the act?

Hon Matthew Swinbourn: Potentially, yes.

Hon NICK GOIRAN: Okay, it is subject to amendments to that act dealt with by that particular agency. That said, to conclude my comments on clause 6, I again note that it has been subject to some examination by the Standing Committee on Uniform Legislation and Statutes Review. I thank it for its comprehensive work. It has noted that it is a provision with two Henry VIII clauses. It has said that it is justified on one occasion, but it is silent on the other. I made my observations earlier about the government's purported justification for the second one simply being that it already exists.

Clause put and passed.

Clause 7: Section 7 replaced —

Hon NICK GOIRAN: I am relaxed on how we propose to deal with the amendments to the clause. To kick things off, can the parliamentary secretary indicate the genesis of the amendments that are found on the supplementary notice paper? Particularly, are they intended to address any of the findings and recommendations made by the Standing Committee on Uniform Legislation and Statutes Review?

Hon MATTHEW SWINBOURN: I think that is correct. If I recall correctly, I do believe that the Leader of the House in her reply flagged the government's intentions to move amendments. The committee's report was concerned with the four Henry VIII clauses in clause 7 of the bill. Proposed sections 7(1)(a) and 7(2)(a) include new regulation-making powers that allow for the prescription of conditions to be imposed on offences listed in schedules 1 and 2 of the act. We acknowledge the committee's concerns on the express need for these regulation-making powers. I also acknowledge the committee's concern that proposed sections 7(1)(b) and 7(2)(b) are broader regulation-making powers than those currently in the act, as they allow for the prescription of WA class 1 and 2 offences, rather than just offences in other jurisdictions.

I advise that the government will support amendments to this clause to address the committee's concerns. The proposed amendments to clause 7 will remove from the bill the power to prescribe conditions for offences listed in schedule 1 or schedule 2 of the act, and the power to prescribe offences under a law of this state to be either a class 1 or class 2 offence under the act. For what it is worth, I also provide my thanks to the committee for its work, of course, and for providing the report in an expeditious fashion to assist the passage of the bill.

I refer to supplementary notice paper 81, issue 1. I move —

Page 9, lines 10 and 11 — To delete “Schedule or prescribed by the regulations); or” and insert —
Schedule); or

Hon NICK GOIRAN: I indicate on behalf of the opposition that we will be supporting the amendments, not only this one, but all four. I thank the government for moving them. I also thank the Standing Committee on Uniform Legislation and Statutes Review for its excellent analysis of clause 7, which has provoked these amendments. I encourage all members to support all four amendments in quick sequence.

Amendment put and passed.

Hon MATTHEW SWINBOURN — by leave: I move —

Page 9, line 12 — To delete “this State or”.

Page 9, lines 29 and 30 — To delete “Schedule or prescribed by the regulations); or” and insert —
Schedule); or

Page 10, line 1 — To delete “this State or”.

Amendments put and passed.

Hon NICK GOIRAN: Thank you, deputy chair, for the expeditious chairing of those amendments.

Clause 7 deals with what is referred to as a class 1 offence and a class 2 offence. Yesterday, the Leader of the House helpfully tabled a document that provides a comparison between the existing act and the act as it will be once this bill passes, specifically with regard to class 1 offences—that is, to identify those offences that are not currently class 1 offences but will be once the bill has passed. At clause 7 we see the intention to replace the existing section 7 of the act with proposed section 7(1), which defines “Class 1 offence”. This takes me to the concern that the opposition continues to have with what we understand to be seven Western Australians who have committed what will become class 1 offences. To be clear, we were told that those seven Western Australians have not committed existing class 1 offences, but have committed class 2 offences that will shortly be considered a class 1 offence. The parliamentary secretary has indicated that of those seven Western Australians, one person's working with children card check has expired. I do not necessarily need the precise date when the card expired, but can the parliamentary secretary give an indication of how recently that occurred?

Hon MATTHEW SWINBOURN: I can be precise. It was 22 September.

Hon NICK GOIRAN: Since 22 September, the cohort that is of particular concern to me is now a cohort of six. I refer to the one person whose card expired in September of this year. I take it that person does not presently have a card as their card has expired.

Hon Matthew Swinbourn: They do not have a card.

Hon NICK GOIRAN: They do not have a card at the moment. If that person were to apply tomorrow, they would be doing so under the existing scheme, because we know that even if this bill were to pass today and we rushed it off to the Governor tonight to get it signed, it is going nowhere, because we need another three to six months to prepare regulations. This person who has an expired card who we know has committed a class 2 offence that is

shortly to be prescribed as a class 1 offence could apply any time in, let us say, the next three to six months and would have what I would describe as the protection or the luxury of the old scheme and not yet be subject to the new scheme, which would mean that the person would mandatorily receive a negative notice.

Hon MATTHEW SWINBOURN: That is correct, member. This person is entitled to apply under the law as it applies at the date of application. That is the rule of law in this country and in this state.

Hon NICK GOIRAN: I thank the parliamentary secretary for that response and confirmation. I wanted to identify that. I am going to continue to refer to the concerning cohort as seven people, because the fact that one of them does not currently have a card because it has expired does not change the concern. It is easier to continue to refer to the seven individuals for the purpose of our examination of the bill. Of course, I accept that at the present time, only six Western Australians in this category are authorised to work with children with a card that has been given to them by the department, because the seventh person's card has expired. Nevertheless, I refer to that cohort.

The parliamentary secretary indicated this earlier in his substantial response at the start of our consideration of clause 6 today. If I understand correctly—I do not have the benefit of the uncorrected *Hansard*—the offences that have been committed by those seven Western Australians are currently class 2 offences. We know that. We know that they will be classified as class 1 offences moving forward. We know that the department knows what those offences are but cannot presently provide that information to the chamber. I put aside the issues of identification and going into a great level of detail that would possibly identify people, because there are ways in which that could be addressed. However, as I understand it, precise information about the offences that were committed is not presently known. Would further work need to be done to ascertain that?

Hon MATTHEW SWINBOURN: We know what the offences are, but the context of the offending behaviour is not available to us. That is what I said.

Hon NICK GOIRAN: That is an important distinction; I thank the parliamentary secretary for making that. To be blunt, I am totally disinterested in the circumstances in which the offences occurred. The reason I am totally disinterested is that in approximately six months' time, when this law passes, for any other Western Australian who has committed one of these offences—for example, carnal knowledge of an animal; facilitating a sexual offence against a child outside of Western Australia; would you believe, murder—who applies for a working with children check card, the circumstances will be utterly irrelevant, because, mandatorily, they will receive a negative notice. That strengthening of the working with children check system is what has brought about the support of the opposition. We make no apologies for supporting the government's intention to strengthen the system at this time. We take objection to the fact that these seven Western Australians continue to be shielded by the old system.

If one of these seven Western Australians is a murderer, I do not care about the circumstances in which the matter occurred, and I am not going to spend any time interrogating the circumstances in which the department made the decision. The parliamentary secretary said earlier that Hon Simone McGurk, the Minister for Child Protection, is satisfied—I am paraphrasing—that the original decision was made adequately and appropriately. I am not disputing that. That is absolutely not the point of the opposition at this time. Our point is that the Minister for Child Protection needs to be satisfied that it is okay for a murderer in Western Australia to be able to continue to have contact with children. Evidently, the Minister for Child Protection and the member for Rockingham, every other cabinet member and every other member of this house does not think so, because we have all agreed to the passage of this bill at the second reading. There was no dispute whatsoever. We all said, "If you're a murderer in Western Australia, sorry, you don't get to work with children." We make no apologies for it. Yet the minister is not telling us in the house whether one of these seven people who will continue to be able to work with children is a murderer. She will not tell us that. She will not tell us whether the person has had carnal knowledge of an animal, or has facilitated a sexual offence against a child outside of Western Australia, or has been convicted of involving a child in child exploitation, or myriad other heinous offences.

I will park that to one side. I reviewed this list yesterday—I thank the Leader of the House for providing it—and I still find it unbelievable that some of these offences were not included in the original list, but that is another irrelevant point. What is within our control and the control of the government right now is to do something about those seven people. It may bring some satisfaction to those who are concerned about this point, not least of all me, if the parliamentary secretary were to give us the list of the offences committed by those seven people. It would not identify one person. It would be saying that this cohort of seven has offences for murder, possession of child-exploitation material or distributing child-exploitation material. Why could that group list not be provided at this time? It would not cause any problem by identifying an individual.

Hon MATTHEW SWINBOURN: I do not have that information. Obviously, people at the table have access to it, but I cannot give it to the member. My advice is that the list or the cohort is so small that identifying the offences presents a potential risk of identifying individuals and, therefore, identifying victims, so we are not in a position to provide that.

Hon NICK GOIRAN: I strenuously disagree with the parliamentary secretary on this point. I draw to the attention of the parliamentary secretary, the advisers and anyone else who is interested in this matter—hopefully, also the

Minister for Child Protection—that it is a common practice of not just this government, but also many governments. I think it is an established principle for research that the relevant number is five. If information is given for a cohort of fewer than five, it is an established principle that one might risk identifying the individual.

In passing, I add that that principle is one that I have spoken against on many occasions because information can be provided in other ways without identifying an individual. I routinely ask questions in Parliament of the Minister for Child Protection, through her representative, about how many children in the care of the CEO have been reported as a missing person to police. Since the winter recess, the answer has typically come back that one child in the care of the state is missing. We should remember that about 5 000 children are in the care of the state. Usually, one is missing at any point in time and has been reported to police. On one occasion, two were missing and—thankfully, as we would hope—on one occasion when I asked the question, the response was zero. It would be wonderful if the answer were zero all the time. Interestingly, the other day, possibly Tuesday, during question time, the response was provided that it was five. We should remember that this is the same department—the Department of Communities. The department is quite happy to routinely tell me that one child in the care of the state is missing at the moment, and apparently that does not risk identifying the child. Incidentally, I agree with that, and I encourage the department to continue to provide this information. If there is a child whose personal circumstances at home were so bad that the state had to intervene, take them and become the stand-in parent, and the state has lost the child or the child has absconded and become a missing person, that information should be provided. If it is good enough for the community to know that little Cleo was missing, it is good enough for the community to know that a child in the care of the state is missing. I encourage the Department of Communities to continue to be transparent on this point, as it has been.

My point is that the same department cannot now say that it cannot tell us the list of offences of a larger cohort. Seven people in Western Australia are working with children at the moment—sorry, I will correct the record. Six people working with children at the present time have committed a range of offences that were formerly or presently known as class 2 but will be, in due course, referred to as class 1. I see no good reason why that information cannot be provided, given what I have just said.

The department is happy to disclose that there is a child whose whereabouts are unknown and who is a missing person. When it does that, it does not say the name of the child, and nor should it—absolutely not. To be clear, I am not asking for the names of the six Western Australians; their names are not material at this present time. What is material is the type of offences they have committed, which we will be allowing. It is important, and I will continue to make the point for a little longer as we continue to examine clause 7, because it is within our power to do something about this. The government could put an amendment on the notice paper now to address this situation. Instead, we are rolling out the red carpet to these seven Western Australians, six who currently have a card and one who does not have a card yet but could quickly act to sneak into the old system.

We do not want to know who they are, but we want to know what kind of offences they have committed. Are they murderers? According to the schedule provided by the Leader of the House yesterday, murder is a class-2 offence at the moment. Strange and shocking as it might be for members of the chamber to hear, at the present time murder is not an automatic reason for a negative notice for the working with children check under Western Australian law. It will be once this bill passes, and we support that. Do we have seven murderers, six of whom are working with children, running around Western Australia? Are we not prepared to do anything about that at this moment in time? Will we just roll out the red carpet and say that is okay? Yesterday, when I was interrogating the Leader of the House about this matter, it was revealed that these persons have the potential to operate under the old scheme for a lifetime. Why? If they are clever enough to make sure that they renew—unlike the person who allowed theirs to lapse—they will be able to continue to do this in perpetuity. Why are we supporting this?

We are supporting the bill as a whole because it will massively improve and strengthen the system. We are supporting the bill because all these people—murderers, people who commit indecent assault or aggravated indecent assault, and people who have conducted a business involving sexual servitude and the like—will automatically no longer be eligible for a card. That is a good thing. Why is it okay for these seven Western Australians to not be in that cohort?

I accept that the parliamentary secretary is personally unaware of the information. I want to reiterate the comment I made at the start of today that I thank him for standing in for the Leader of the House. The parliamentary secretary is in a difficult situation. He not only is not in his ordinary portfolio, but also had to pick up this work halfway through its consideration by the chamber. I make no personal reflection whatsoever at this time. As a Legislative Council, we have it within our power to do something about this. Even though he does not personally know the offences that have been committed, I would like to think that one of the offences is not murder. Why can we not rule that out? Is it possible to do that at least? The information is available; people know the information, even if the parliamentary secretary does not have the information. Can we rule out whether the seven people have been convicted of murder?

Hon MATTHEW SWINBOURN: A couple of things: I do not accept that we are shielding those people or that the system is shielding those people, and we are not rolling out the red carpet. I know that is the member's rhetoric, and I share his concerns about the need to protect children. The member knows that I am a father, I have children, and the member is also a father and has children. Any risk to children in the community is of serious concern to me

and to the government, but we are not shielding those people. They were assessed under the system, and I explained that when I made my opening remarks. It is not the case that they are simply being given a free pass; that is not the case at all. They fall under the existing system, which is the current lawful system. When the department did its work it did not—it is strange wording—establish that these seven people were an unacceptable risk of harm to the community when undertaking child-related work. Under the current system, they were eligible to get a working with children permit. That work has been done.

We propose, under the Working with Children (Criminal Record Checking) Amendment Bill 2022, to change the system to raise the bar appropriately. I cannot disclose to the member anything about the offences, including or excluding whether it is murder. I cannot do that. My instructions are that I cannot provide the member with any information on the offences; I do not have that information. I can say that the most recent offence dates back to 2004, and that most of the offending happened in the 1990s. That is the extent to which I can carry this matter. The member has a very strong view on this matter, and I think that view is reasonably and faithfully held, but I am not going to be able to take it a lot further. The member will want to make a number of points, but I am in a position in which I cannot take this matter any further to provide him with the details he is seeking.

Hon NICK GOIRAN: I accept that the parliamentary secretary has indicated that he does not know what the offences are, but he has kindly drawn to our attention that the most recent of the offences committed by these seven Western Australians was in 2004, and that in large part the other offences occurred in the 1990s. I accept that the parliamentary secretary does not know what specific offences they were convicted of. Does the Minister for Child Protection know?

Hon MATTHEW SWINBOURN: The minister knows the offences, but she does not know any of the circumstances of the offending.

Hon NICK GOIRAN: Will the minister know whether one of the seven is a murderer?

Hon MATTHEW SWINBOURN: This is a reductive process that the member is going through.

Hon Nick Goiran: I give an undertaking that I'm not intending to go through every single one of the offences; I'm just trying to establish this point clearly.

Hon MATTHEW SWINBOURN: Logically, if the minister is aware of the offences, she is going to know which offences they are not. In that instance, she has that information. Again, I am not going to keep narrowing this down—the member has indicated that he does not intend to do that—but I have indicated to the member that if the minister knows what the offences are but not the circumstances of the offending, then she will, by logical deduction, know the range of offences that they are not.

Hon NICK GOIRAN: I accept that we cannot take this any further with the limitations we have. I do not have the numbers in the chamber to change the effect here, and the parliamentary secretary does not presently have the authority to move any amendments on this point, not least because he is not privy to the particular offences. However, the minister who has overall responsibility for this matter is Hon Simone McGurk. It is now on the parliamentary record that she knows what the offences are and she knows whether these seven people have committed aggravated indecent assault; sexual offences against a child of or over 16 years of age by a person in authority; a sexual offence against a child of or over 13 and under 16 years of age; or, indeed, whether the person is a murderer, amongst other things. This is the person who has responsibility for this; it is not the parliamentary secretary who ordinarily represents the Attorney General in this place, it is the Minister for Child Protection, Hon Simone McGurk. In my view, she is rolling out the red carpet to these seven Western Australians to allow them to continue to work with children in perpetuity—not just for the next five minutes, or for as long as their working with children card is valid, which will be, at best, the next three years; no, she is rolling out the red carpet indefinitely. We know that from the response that was provided yesterday.

I accept what the parliamentary secretary said about being unable to take this matter any further at this time, but there are 95 members of Parliament, and only one can do something about this, and that is Hon Simone McGurk. She can make sure that these seven Western Australians, whether they are murderers or people who have had carnal knowledge of an animal —

A government member: Oh, for God's sake.

Hon NICK GOIRAN: It is uncomfortable, is it not?

Hon Lorna Harper: It is when you keep saying it.

Hon Sandra Carr: Especially when there are students in the room, or there were, earlier.

Hon NICK GOIRAN: I take the point made by honourable members. Since it is now on the parliamentary record, I indicate that I was unaware that there may have been some students in the chamber at that time. I think the members make a fair point. In actual fact, the irony is that they are underscoring the problem here. We have a Minister for Child Protection who is rolling out the red carpet with regard to these offences committed by these Western Australians. It is known to her what the offences are. If it is making people uncomfortable, it is making

me uncomfortable, and that is why I keep raising the point. I reiterate at this point that the opposition supports the intent of the bill. The opposition supported the bill in the second reading debate, and if there are no further amendments, we will support it in the third reading. Why? It is because, on the whole, it is a good bill. It will ensure that any other murderers or any other person who has committed one of these offences will not be able to get a working with children check card.

The parliamentary secretary, when raising the government's defence on this point, drew to our attention that at the time the decision was made to allow these people—whether they were murderers or not—to have one of these cards, it was the view of the people who made the decision that they did not pose an unacceptable risk. That was the test that was applied. The actual test is: is there acceptable risk of harm to children? They said that it was a not unacceptable risk; that was the decision that was made. I accept that that was the decision that was made, whenever it was made, whether in the 1990s or in 2004. It must have been made after 2004, when the system began. I accept that that decision has been made by one or more persons at some time over the last 18 years, but we as a Parliament are presently saying that it is an unacceptable risk if the applicant is a murderer. That is what this bill is saying. The risk is so unacceptable that we do not want the decision-makers to spend a moment of time contemplating the circumstances around the offence; we are saying to them, as the Parliament, “You, the decision-maker, will as a matter of law automatically issue a negative notice”, such is the strength of our feeling about the unacceptable risk. However, the Minister for Child Protection is giving a free pass to these seven Western Australians.

I understand the point made by the parliamentary secretary: the government does not accept that it is a free pass or that it is rolling out the red carpet, but I put it to the government that that is the effect of what is happening here. It might not be a description that the government is comfortable with, but that is what is occurring. As the parliamentary secretary said, we will not be able to take this matter any further while we are considering clause 7. These are matters that the Minister for Child Protection will have to defend in public. After this bill passes, she will need to explain to the people of Western Australia why is it okay that there are, potentially, seven murderers in Western Australia running around with the capacity to be able to work with children—six have a current card and one can slip in an application at any time in the next three to six months. She will need to explain that, and if she says that they are not murderers, she will have to explain what offence they committed that she is comfortable and satisfied with that justifies them continuing to have a card.

The reason I have made some effort to labour this point is that when it was first drawn to my attention, when the opposition received the briefing—an excellent briefing, it must be said, that was held by the government and the advisers—that this was a possibility, I was deeply concerned. I spent some time trying to understand what would be the rational basis for this. That was some time ago—remember the bill was introduced in August, as I recall. The briefing for the opposition would have been held, most probably, in that same month. Since that time, I have been unable to contemplate what would be the rational basis for it. There have been multiple opportunities for the government to respond to this point. I might add that this point was raised when this bill was considered in the other place. The response by the Minister for Child Protection was almost indicative of a minister who was not even across the point. At least the Leader of the House yesterday and the parliamentary secretary today have made some effort to try to explain why we will allow this to occur, but I must say that it is not persuasive, and I would welcome any members who feel that it is persuasive to go and communicate it to the people of Western Australia—that is, explain to them why it is that we will allow these seven Western Australians to be treated specially in this way.

We are saying to anyone else that if they are a murderer who is Western Australian, they pose an unacceptable risk and are an unacceptable risk to children, and so they will not be able to work with them—except for these seven. These seven will have a different scheme. For the duration of their lives, they will have that benefit as they managed to sneak into the system at an earlier stage.

I will conclude on this point before we continue our further examination of clause 7. This matter could easily be put to bed because if it is the case that these people do not pose an unacceptable risk and that their breach of the law—we are told mainly occurred in the 1990s—was what must be described, then, as of a minor nature, then just say what it is. It is obviously not going to be murder. I mean, it would be extraordinary to think that that would be the offence that one of these people committed in the 90s and then somebody said, “That is okay. They do not pose an unacceptable risk.” It is obviously not going to be murder, so what is the offence that occurred?

The DEPUTY CHAIR: Hon Nick Goiran.

Hon NICK GOIRAN: What is the offence that has taken place so that we say, “Well, it is an acceptable risk of harm to children if you have committed one of those offences in the 90s.” But if a person has committed it in 2022, that is not acceptable. I would be fascinated to know what that particular offence is. What is apparent is that it must be an offence that existed in the 90s and not one that has been in place since then, so it probably rules out any of the child exploitation matters because those offences, as I understand it, did not exist in the 90s. Child exploitation material was a concept that was introduced, as I recall, in the thirty-eighth Parliament, so that was not in the 90s. Nevertheless, as the parliamentary secretary says, we are not able to take it any further.

This will now need to rest with the Minister for Child Protection, Hon Simone McGurk, who will need to explain to the people of Western Australia why it is okay for, potentially, seven murderers to be able to work with children.

If it is not murder, what is the offence that these people have committed? Was it facilitating a sexual offence against a child outside of Western Australia? One would assume not, because how then could a decision-maker make a decision to say that that person is not an unacceptable risk when they have been found guilty of a sexual offence against a child in another jurisdiction? It does not leave too many options, it must be said, as to what would be this class 2 offence, performed in the 90s, that would justify this moving forward.

This is a question that the Minister for Child Protection will need to respond to in the public domain given that there is an unpreparedness by government to shift on this, I think, overt mistake that has been made here—one that can be fixed. I accept that there is no malice on the part of the minister or any of the government members or any members of this place. I accept that there is no malicious intent in allowing these seven Western Australians to have a free kick here, but it is quite extraordinary that these seven Western Australians will have better rights than other Western Australians once this bill has passed. They will have first-class rights and everyone else will be, effectively, treated like a second-class citizen in comparison with these people who have committed these types of offences. I find that repugnant. I distance myself from it completely and will continue to prosecute this argument with the Minister for Child Protection outside the chamber.

I turn to clause 7—a very substantial clause that defines a class 1 and class 2 offence. The end of proposed section 7 states —

(3) For the purposes of Schedules 1 and 2, an offence falls within the ambit of this subsection if —

(a) the victim of the offence is a child who has reached 14 years of age; and —

There is a second qualifier here —

(b) the age difference between the victim and the offender does not exceed 5 years.

The explanation, as I recall, that was provided by the Leader of the House in the reply to the second reading debate seemed to indicate that this was not the term that she was using—this was the impression that I got from the response—but that this was the way in which the government was trying to futureproof the bill in the event that we achieve some form of national consistency, because using 14 years as the minimum age of the victim would assist in the national consistency aspiration. That is my recollection of what the minister said yesterday.

We have said “murder” a few times today, so I will use that as the example. What happens if a murder victim is a 13-year-old child? Murder will be class 1 offence. Does that mean that the person who is applying for a working with children check will not automatically receive a negative notice?

Hon MATTHEW SWINBOURN: In answer to the member’s question, I am advised—if I can get this correct—that it does not apply to murder in the sense that murder does not fall within the category of things that would be covered by this clause. I take the member to clause 45, “Schedule 1 — Class 1 offences”. That refers to section 275, the offence for which is murder and the condition of which is that the victim is a child. I am told that if the victim is a child, the provision at proposed section 7(3) will not apply. Does that make sense?

Hon Nick Goiran: Not really.

Hon MATTHEW SWINBOURN: Is that correct? Sorry, I am jet lagged. Perhaps the member can repeat his question and I can answer it with a simple yes or no, if it is a yes or no answer. I do not want to say no when I mean yes and yes when I mean no because of the way the member phrased the question.

Hon NICK GOIRAN: Why do we not deal with it this way, parliamentary secretary: we can go to clause 45, “Schedule 1 — Class 1 offences”, which the parliamentary secretary has kindly drawn to our attention. I agree with the parliamentary secretary that at page 87 of the bill we can see that one of the schedule 1, class 1 offences is section 279 of the Criminal Code, which is the offence of murder. I agree that the condition put on that is that the murder victim must be a child. Are we to read proposed section 7(3) as a limitation on what is in schedule 1 so that for section 279, the offence for which is murder and the victim is a child, we could say that the victim was a child of at least 14 years of age?

Hon MATTHEW SWINBOURN: No.

Hon NICK GOIRAN: I will return to proposed section 7(3), which says —

For the purposes of Schedules 1 and 2, an offence falls within the ambit of this subsection if —

(a) the victim of the offence is a child who has reached 14 years of age ...

A 13-year-old victim would not fall within the ambit of that proposed subsection, according to the bill. I do not know how else it could be read. It states that the victim of the offence is a child who has reached 14 years of age. Therefore, a 13-year-old, a 12-year-old, a 10-year-old or a five-year-old child who is murdered would not fall within the ambit of the proposed section. Is that right?

Hon MATTHEW SWINBOURN: We have to read proposed section 7(3)(a) and (b) conjunctively.

Hon Nick Goiran: Yes, but the starting point is the age. You don’t even get to the second point about the five-year age difference until you first of all establish the age of the victim, and the victim has to be at least 14 years of age.

Hon MATTHEW SWINBOURN: Right, and the age difference between the victim and the offender does not exceed five years. Let me just get some more advice. Because we are talking about murder, I am told that this provision will not apply because it is not a condition specified in here. If we look at the table at clause 45, we can see that above “murder” is a reference to section 220 of the Criminal Code, which is possession of child exploitation material. The condition is that “The offence does not fall within the ambit of section 7(3)”. The bill makes a specific reference there, but proposed section 7(3) is not specified for the section 279 offence of murder, the condition for which is that the victim is a child. Does that make sense to the member?

Hon Nick Goiran: Sort of.

Hon MATTHEW SWINBOURN: It is not making much sense to me!

Hon NICK GOIRAN: I have to say that it is a rather convoluted way of drafting.

Hon Matthew Swinbourn: We will blame that agency we never name. It never appears.

Hon NICK GOIRAN: That is right. I think the parliamentary secretary is saying that the schedule on page 87 states that the condition is “The offence does not fall within the ambit of section 7(3)”, and that phrase is defined as what we see here at proposed section 7(3); that is, the victim of the offence is a child who has reached 14 years of age and the age difference between the victim and the offender does not exceed five years.

Hon Matthew Swinbourn: That’s correct.

Hon NICK GOIRAN: I have to say that that is not readily apparent, with all due respect to the drafters. Why they have chosen to do it that way is curious. Nevertheless, at least we have clarified it now, which is part of our job. Some of the other offences in the schedule include procuring a person to be a prostitute; procuring a person to have unlawful carnal knowledge by threat, fraud or administering a drug; murder, which we have discussed; and an act intended to cause grievous bodily harm or prevent arrest. The condition for those offences is simply that the victim is a child. Why are we taking a different approach to those offences and not imposing this 14-year age minimum?

Hon MATTHEW SWINBOURN: I hope this helps the member; I think I might have had an epiphany. This is a very complicated way of dealing with peer-to-peer offending in relation to child pornography issues so that we are not treating peer-to-peer offending as seriously by classifying it as a class 1 offence when the victim and the offender have proximate ages. Offences like child murder will not apply because we clearly do not want to have different categories for those serious offences. Peer-to-peer offending in relation to child pornography is a modern problem because of mobile phones. Peer-to-peer offending is not, for example, necessarily considered to be paedophilia, as it might be when the victim is a 14-year-old child and the offender is 45 years. That is why we want to treat children and young people differently from the way we want to treat a mature adult and the young victim. Does that make sense to the member now?

Hon NICK GOIRAN: Yes. I can understand the intent. If the victim of the offence were a six-year-old, the offence would fall within the ambit of the subsection.

Hon Matthew Swinbourn: I am being told that if the victim were a six-year-old, that would not fall within the ambit.

Hon NICK GOIRAN: That is what I want to tease out here. We are concerned about all child victims. Let us say, for instance, that the child is as young as six, five, four or three years. Let us make sure that there will be no unintended consequences. If a six-year-old child is the victim, not the offender, and they have been involved in producing child exploitation material, as an example, or just involved in child exploitation and the offender is an adult—an adult has involved a six-year-old in producing child exploitation material—will the adult be captured by schedule 1 class 1 offences?

Hon MATTHEW SWINBOURN: Yes, they will be captured. It will remain a class 1 offence. There will be no modification.

Hon NICK GOIRAN: Is that because the offender in that situation with a six-year-old is more than five years older than the victim?

Hon MATTHEW SWINBOURN: Neither condition is satisfied. The victim of the offence is a child who has reached the age of 14 years. The member used the example of a six-year-old; they would not have satisfied that condition. It is conjunctive, and the age difference between the victim and the offender should not exceed five years. If the circumstance were that the age difference is five years—for example, if one contemplates a situation in which the victim is 10 years and the offender is 15—they would not be captured by either condition because they do not satisfy the first limb, which is that the victim has to be a child who has reached the age of 14 years. This provision is to deal with that cohort of peer-to-peer offenders who are 14 years to—if my sums are right—19 years. It is debatable when it is a 14-year-old and 19-year-old, but a line has to be drawn somewhere. Obviously, this department probably deals with a lot of children and young people who fall within that category because 18-year-olds and 19-year-olds are adults but they are still young people. It does not mean they will get a working with children permit; it will just move them from the category of class 1 offences for which, as we have already identified, they will not get the permit to a category for which a discretion can be used to determine whether they can obtain a permit.

Hon NICK GOIRAN: Is it intended that the word used in proposed section 7(3)(a) on page 10 line 17 of the bill is “victim” rather than “offender”? Why is the threshold used the age of the victim rather than the age of the offender? As I understand it, we are trying to carve out certain circumstances in which class 1 offences will not apply. When we are carving them out, we are intentionally trying to ensure that we do not capture peer-to-peer offences by young people. Should the section read: the offender is a child who has reached 14 years of age and the age difference between the victim and the offender does not exceed five years?

Hon MATTHEW SWINBOURN: I may not answer the member’s question directly but this might help. The question was asked whether the carve out is relevant to child offenders. The carve out will be relevant only to class 1 offences committed by an adult. Stay with me here. Under section 12 of the current act, when the offender is under the age of 18, they are charged or convicted as a juvenile and an automatic negative notice is not triggered. That provision deals with juvenile offenders. In this instance, we are talking about people aged 18 or 19 years. It is a reasonably small cohort. Why the word “victim” was used rather than “offender” and why it was not drafted differently to make it more apparent that it applies only to 18-year-olds or 19-year-olds is probably a mystery for the ages. I am trying to give the member a clear understanding of who this provision will actually apply to. The first is adult offenders who are either 18 or 19 years when the victim of the offence is a child who has reached 14 years—the maths of that. If the offender were 17 years, they would be dealt with under section 12 of the act, not this provision.

Sitting suspended from 1.00 to 2.00 pm

Visitors — Montessori School Kingsley

The DEPUTY CHAIR (Hon Peter Foster) Welcome back, everybody. I hope we are all refreshed and ready for the afternoon. I was going to acknowledge school students; however, they appear to have left. We did have some year five students from the Montessori School Kingsley here. I hope they enjoyed their very brief stay with us.

Committee Resumed

Hon MATTHEW SWINBOURN: Before we suspended for lunch, we were trying to unpack proposed section 7(3). As I indicated to the member behind the chair, I have something to hopefully make apparent what the proposed section will try to do and its limitations. Proposed section 7(3) has been included to cater for peer-to-peer sexual offending by young people. It will provide discretion to the CEO to conduct an assessment when offences that would otherwise trigger an automatic negative notice were committed in a peer-to-peer scenario. Proposed section 7(3) is only relevant to offences that have the appropriate specified condition in proposed schedule 1 or proposed schedule 2. These are sexual offences only. For example, proposed section 7(3) is not referenced as a condition for murder or any violence-related offending.

If the offence in proposed schedule 1 has a condition listed against it that does not fall within the ambit of proposed section 7(3), then if that condition is satisfied and proposed section 7(3) does not apply, the offence remains as a class 1. Is that clear to the member? I am just trying to make eye contact with him so I can get an understanding. If the offence in schedule 2 has a condition listed against it that does not fall within the ambit of proposed section 7(3), then if the condition is satisfied and proposed section 7(3) does apply, the offence is a class 2.

Proposed section 7(3) applies only when the child victim is 14 years or older. Fourteen years was chosen partly for national consistency, as previously identified, but also because any sexualised offending, whether peer-to-peer or not, with a child younger than 14 years should be considered to be automatically unacceptable. Proposed section 7(3) applies only when the two parties are of a similar age cohort of no more than five-year age difference. Five years was chosen as a logical cut-out for two people to be considered peers. I have to make a slight correction to what I have said before in saying that it applies only to 18 and 19-year-olds. Although that is correct, it is not entirely correct. Due to the five-year gap, we can think about it this way: if the victim was aged 14 years, the upper limit would be 19 years; if the victim was 15, it would be 20; if the victim was 16, it would be 21; and if the victim was 17, the upper limit would be 22. Obviously, a 22-year-old offender committing an offence relating to any child below the age of 16 years would not receive the benefit of the CEO having a discretion.

Hon Nick Goiran: They would automatically receive the negative notice.

Hon MATTHEW SWINBOURN: That is correct, yes. If either of the elements of proposed paragraphs (a) or (b) are not met, proposed section 7(3) will not apply and the offence will not fall within the ambit of proposed section 7(3), and the offence will remain as a class 1. I think this is an important protective element here: if proposed section 7(3) does apply, and the offence is therefore a class 2, an assessment would be conducted and a working with children card could be issued only if the CEO found exceptional circumstances that indicated that a negative notice should not be issued. I think it would be fair to say that the provision that we are trying to create here is to avoid an unjust outcome in a particular circumstance. I cannot imagine that we are talking about a large cohort of offenders who would benefit from this provision. However, I do think that we should always be trying to mash everything with a big sledgehammer. Having discretion and the exceptional circumstances test are reasonable, and they will still provide an exceptionally high level of protection to children, and not allow a gateway for inappropriate people to attain a working with children card.

Hon NICK GOIRAN: I thank the parliamentary secretary and those assisting him for the explanation. He mentioned a type of element that we find here in proposed section 7(3). When we look at proposed schedule 1, I think the parliamentary secretary said it is intended to apply to sexual offences, and that it is not intended to apply to what we would describe as other violent crimes like murder.

Hon Matthew Swinbourn: Yes. Correct.

Hon NICK GOIRAN: I note on page 88 of the bill, in clause 45, consistent with what the parliamentary secretary has said, a number of what I would describe as sexual offences are listed. It reads relating to provisions of the Criminal Code —

s. 321	Sexual offences against child of or over 13 and under 16	...
s. 321A(4)	Persistent sexual conduct with child under 16	...
s. 323	Indecent assault	...
s. 324	Aggravated indecent assault	...
s. 325	Sexual penetration without consent	...
s. 326	Aggravated sexual penetration without consent	...

When turning to page 89, the first item is sexual coercion. Why does that not have the condition relevant to proposed section 7(3)?

Hon MATTHEW SWINBOURN: The advice was that when considering the elements of the offence for that particular one, it was not considered appropriate to include that particular provision.

Hon NICK GOIRAN: I can understand that, parliamentary secretary. In other words, when we are talking about this group of offences, which have been referred to this afternoon as peer-to-peer offences—it is really a reference to what could be described as older young people—we are trying to carve out a situation in which it will not be a mandatory negative notice, but there will still be a discretion to give a negative notice —

Hon Matthew Swinbourn: With the exceptional circumstances.

Hon NICK GOIRAN: — with the exceptional circumstances. But we are saying that in the case of sexual coercion, there is nothing to discuss; there will be no exceptional circumstances. If someone is guilty of sexual coercion, that is it; they are not working with children.

Hon Matthew Swinbourn: Yes.

Hon NICK GOIRAN: When the victim is a child, it has to be said.

Hon Matthew Swinbourn: Yes, that is right.

Hon NICK GOIRAN: Help us understand why we will be allowing aggravated sexual penetration without consent to have the benefit, shall I say, of this peer-to-peer exception?

Hon MATTHEW SWINBOURN: We do not have the definition of “aggravated” before us. My understanding is that it is defined in the Criminal Code. The general explanation of why this was included is that when elements of that offence were looked at, circumstances were contemplated that could justify, even if that offending had occurred, the CEO having discretion. I cannot give the member details, but that is the general thrust of it. As the member can see, there is a long shopping list of offences here, but that is the explanation. I know it is hard to imagine, but it was thought it would be appropriate for the CEO to still have a discretion with exceptional circumstances, noting that it is a presumption against rather than for the issuing of a working with children card.

I think there was a line drawn with these offences in that they must—I am sure the advisers can tell me otherwise—give consideration to whether it falls into the exception camp or not, and there would have been ones that were a yes, a no or a maybe. At the margins, we are going to find that reasonable minds will disagree about whether they should be exceptions. We will always come back to the point that this does not open the gate for a working with children card because of the other protections provided in the act, which are the presumption that they would receive a negative notice and it would be only in exceptional circumstances that it could be issued. Again, as I said, I can see why the member is asking, because it seems on the face of it to be a very serious offence, but we are talking about actions between two children who might be very close in age and, not knowing the circumstances of the aggravation, I think it is appropriate to err on the side of providing a discretion rather than a flat out no. We are talking about, as the member identified, older children or I presume the member meant young adults. The consequences for them not receiving a working with children card could be lifelong and so, obviously, retaining the discretion in those circumstances is appropriate as opposed to a much older person who has the benefit of maturity and experience, and less impulsive decision-making. If a person is 55 years old and they have engaged in behaviour like that, I have no problem whatsoever with there being no discretion in that regard. There is a balance. If the member wants to push this issue more, he can, and we can try to get a more precise answer, but that is the general view at the moment. It will just take a little time to formulate the exact reasons why that particular offence was included on the discretion side.

Hon NICK GOIRAN: Yes, parliamentary secretary, I think we should pursue this a little longer because the victim of the cohort that we are considering is at least 14 years of age. We have established that if the victim is less than 14 years of age, we do not need to concern ourselves with regard to what I describe as a carve-out provision, in the sense of shifting it from a mandatory negative notice to a discretionary negative notice. I take the point that the parliamentary secretary made, that it is not that there will be no protections. I would probably disagree with him about whether the gate is open. I think the gate will be opened as a result of this, but I accept that there will be a gatekeeper.

The gate will be completely shut in the circumstance of, for example, sexual coercion or aggravated sexual coercion. We are saying that as soon as the victim is a child of any age, it does not matter whether it is 10 or 15 years, the fact that there has been sexual coercion or aggravated sexual coercion means that they would be immediately ineligible for a working with children card. When it comes to sexual penetration without consent, irrespective of whether it is aggravated or not, in sections 325 and 326 of the Criminal Code, as found on page 88 of the bill, I note that one of the other qualifiers is that the victim is a child. That is one and the same qualifier as exists with sexual coercion and aggravated sexual coercion. We are always talking about a person who is applying for a working with children check. They are applying for that and they have been guilty of a crime against a child. That is consistent, irrespective of these provisions.

The distinction, however, is that if the child is older than 14 and it is sexual coercion or aggravated sexual coercion, too bad—mandatory negative notice. But if it is sexual penetration without consent or aggravated sexual penetration without consent, we will be opening the gate, albeit with a gatekeeper. An offender applying for a card, also an applicant in this situation—we could use the terms interchangeably at this time, but I will refer to them as an offender because that probably heightens the concerns I have here—could be 20 years of age and their victim 16 years of age. That is a child, albeit a child who is able under the laws of Western Australia to consent. In this particular instance, notwithstanding the fact they are qualified under our law to give consent, they have not given consent under section 325 and 326 of the code.

Let us not be concerned at this point in time whether there were circumstances of aggravation. The point is that the victim is 16 years of age and they have not consented to sexual penetration by a 20-year-old. As I understand it, it will be possible for that person to obtain a card, but if the 20-year-old sexually coerced the 16-year-old, they would not be able to.

Hon MATTHEW SWINBOURN: That is correct. I want to add to that. I had the advice but I must have missed the context. It does not change the points the member has made but it qualifies what I said previously. If the victim of an act of aggravated sexual penetration without consent is below the age of 16, they cannot give lawful consent. There are circumstances in which there is willing sexual conduct. It may involve acts of aggravation but it may also be willing between peers—if I can use that term. However, under the law consent cannot be given. We have to make the distinction between “consensual” as a legal concept and “willing” as the act between two people. In that scenario, we are talking about 14 and 15-year-olds because they are unable to give lawful consent to sexual activity, but the example that the member gave in which the person was 16 years old and the offender was 20 years old does not fall within that category because the 16-year-old can give lawful consent but refused to in that scenario. I think those circumstances would be considered much more serious when the chief executive officer makes the assessment. I will use this example because it helps my argument and it is probably realistic. Even without aggravation, it is an offence for a 15-year-old and a 16 or 17-year-old to engage in willing sexual behaviour. It may involve aggravation but there is still no ability for them to provide consent so that scenario will occur without consent because consent is a lawful concept rather than a state-of-mind concept.

I think the Department of Communities kept that in mind when it was making the distinction between these two offences because of the field that is covered. Those who engage in non-consensual sex with a person who is 16 years or over get the benefit of that. Again, I come back to that point. I do not want to labour the analogy but the member said that the gate is open. I agree that there is a gatekeeper but I would say that the gate is closed and the gatekeeper has to open it. In the other scenario, there is no gate because there is no possibility. I do not want to labour the metaphor but there is no gate in those instances. In this instance, the gate is there and it is closed, and it is going to take a lot of convincing for it to be opened on the victim’s behalf.

Hon NICK GOIRAN: I will conclude my questions on clause 7. Once this bill is passed, we will see a number of applications that will be mandatorily refused. That refusal will be expressed in the form of a negative notice. Has there been any modelling on or is there an expectation of how many applications will require the CEO to assess the risk and exercise discretion? This goes to the issue of resourcing because that is obviously more intensive work than simply checking a person’s criminal record to find out whether they have actually contravened one of these particular provisions and saying, “This is a mandatory provision; here is a negative notice.” Is there any data or modelling that can shed light on that?

Hon MATTHEW SWINBOURN: No modelling has been done on that but the department has thought conceptually about how this will impact on its work. I believe an answer was provided yesterday that mentioned that the Department of Communities will go to Treasury for more resources to deal with the reportable conduct scheme.

I do not have a recollection of that contribution; the member was here but perhaps I was not. The department assesses 146 000 applications a year. Only a small portion of those applications require assessment. Obviously, a range of those that might have previously required assessment will now be mandatorily rejected, which will free up some resources, but the impact of discretionary costs is something it will monitor to see how it goes. As the member knows, when new legislation is introduced there is a bedding-in period so that we can see where changes sit on these particular things. As I say, the bill will certainly make it a lot simpler to deal with those who commit a class 1 offence—what is the word I am looking for?—very directly.

Hon NICK GOIRAN: This is my final question on clause 7. By virtue of the amendments that have been moved, because we now have clause 7 before us in an amended form, do any provisions remain in clause 7 that can be modified in any way by regulation?

Hon MATTHEW SWINBOURN: Proposed sections 7(1)(b) and 7(2)(b) state —
an offence under a law of this State —

The amended bill will not include “this State or” because that was removed. The amended clause provides for —

An offence under a law of ... another jurisdiction prescribed by the regulations ...

When other jurisdictions change their laws, this will essentially allow the legislation to be prescribed under our regulations, if appropriate. Does that answer the question?

Hon Nick Goiran: Yes.

Hon MATTHEW SWINBOURN: I do not have the amended clause in front of me but we removed the words “this State or” so the new sections are restricted to legislation from other jurisdictions.

Clause, as amended, put and passed.

Clause 8 put and passed.

Clause 9: Section 9A amended —

Hon NICK GOIRAN: Clause 9 inserts proposed section 9A(2)(a) that states —

... does not apply and the approved form may include provision for information about the student’s education provider ...

Was consultation undertaken with education providers specifically about this provision?

Hon MATTHEW SWINBOURN: No. Education providers were not consulted because this provision is more facilitative for their existing role by allowing it to be done online. The member might argue otherwise, but in this instance I think that education providers will be happier with the more streamlined process that will be available to them.

Hon NICK GOIRAN: What process is currently undertaken for students in child-related employment, and how will that change as a result of this provision?

Hon MATTHEW SWINBOURN: It is currently a paper-based system. This bill will facilitate the development of an online system. I am advised that the paper-based system will still be available to those who are not online—it is hard to imagine—so that they will still be able to access their certifications.

Hon NICK GOIRAN: Is the online application system ready to go or is this one of those things that needs to be worked on over the next three to six months?

Hon MATTHEW SWINBOURN: It is still being developed but it is anticipated that it will be ready to come online when these provisions come into force.

Clause put and passed.

Clause 10: Section 9 amended —

Hon NICK GOIRAN: Clause 10, amongst other things, inserts proposed section 9(3A), which reads —

The approved form may require the provision of any other information the CEO thinks fit.

What type of information are we talking about here?

Hon MATTHEW SWINBOURN: My advisers are not sure at this point in time, but it will be limited to the information relevant to the purposes of the act. I am sure that that will give the member great comfort.

Hon NICK GOIRAN: To the extent that there is any fetter on the discretion of the CEO to require this information, it is limited to whether the information is relevant for the purposes of the act. If there were a disagreement between the CEO and the applicant in respect of this requirement to provide any information, what remedies would be available to resolve the impasse?

Hon MATTHEW SWINBOURN: I am pretty sure that the member knows the answer to this already, but I know that he is asking the question for the purposes of *Hansard*. In the first instance, if somebody were to say that this is outside the ambit of the act, they could go back to the department and try to have that argument. However, the member is contemplating circumstances in which the department or the CEO says, “No, that is what I want.” In that instance, like with all administrative action, and it is probably a big hurdle, a person could go to the Supreme Court to seek a prohibitive writ of either mandamus or certiorari, whichever is required. It is not my particular area of expertise, but those prerogative writs will remain available. As I say, from a legal perspective it is a big hurdle to jump. Of course, under these circumstances if they wanted to, they could also—this has not come from the advisers but I know that it is a matter of fact—seek the assistance of the Ombudsman because this is an administrative act and the Ombudsman might be in a position to engage on the matter and form a view, and that might resolve the matter. Those are the kinds of avenues that will be available to someone.

Hon NICK GOIRAN: Are any special measures in place to ensure that the information that will be required by the CEO and then provided by the applicant is safely stored and used only for the purposes for which it was originally provided?

Hon MATTHEW SWINBOURN: I do not know whether we can call the measures special, as such, but they are used throughout government to ensure that people’s information is kept as securely as is practical in a modern world in which criminals spend a great deal of time trying to access people’s personal and private information.

Hon Nick Goiran: You’re not with Medibank by any chance, are you?

Hon MATTHEW SWINBOURN: No, I am not, fortunately, but my sympathies to anybody who is. The Office of Digital Government is the agency that has overarching responsibility. This provision has been designed in conjunction with that office to ensure, to the extent that we can, that that information is held safely and securely. If anyone misuses the information, it is an offence under section 39 of the existing act with a penalty of \$24 000 and imprisonment for up to two years. If someone misuses that information, for that kind of offence, there are—I would not say harsh—significant penalties.

Hon NICK GOIRAN: I presume that if the CEO were aware of this misuse then, amongst other things, they would report the matter to the Corruption and Crime Commission.

Hon Matthew Swinbourn: If it is misconduct, they are obliged to do so.

Hon NICK GOIRAN: For misconduct of that sort, they may even directly report the matter to the police.

I see here in new section 9(3)(b) that the approved form must include the provision for —

information about the person who employs, or proposes to employ, the applicant in child-related employment.

Is that consistent with the existing provision or is that a change to the existing provision?

Hon MATTHEW SWINBOURN: It is a change, but I think it will make sense to the member when I explain it. The reason for the change is that currently the hard-copy form provides information for the employer to be —

Hon Nick Goiran: Certified.

Hon MATTHEW SWINBOURN: Yes. It is put down and then the employer certifies that form. This provision is to facilitate moving online. When a person completes the form and provides it to the CEO, they are able to go to the employer to seek the employer’s verification of that information online.

Hon NICK GOIRAN: I thank the parliamentary secretary for that explanation. My last question about clause 10 refers to the intention to insert new section 9(5) —

The regulations may prescribe other requirements that apply in relation to an application or the consideration of an application.

What types of requirements are intended to be prescribed?

Hon MATTHEW SWINBOURN: At the moment, nothing is being proposed. It is a facilitative provision in the event that it will be required.

Hon NICK GOIRAN: Can the parliamentary secretary explain the rationale behind including proposed sections 9(3A) and 9(5)?

Hon MATTHEW SWINBOURN: The online application process is still being designed, so it is not known whether any further administrative steps or addendums to the application will be required to satisfy the administrative requirements for processing applications online. As I say, the online application process is still being designed, and it is not known whether the applicant will be required to provide any further information to the CEO for the application process. This provision will act as a safeguard in case any additional requirements for applications are determined. As I said previously, the provision will facilitate asking for extra information for the application process, but it will be limited to what is relevant for the purposes of the act. Essentially, it is a mechanism to deal with unknowns, because we will be moving to a new process.

Hon NICK GOIRAN: I understand that, but is proposed section 9(5) not a duplication or unnecessary in light of 9(3A)? If the CEO will be able to require whatever information he or she thinks fit, why do we need to have this extra regulation-making power?

Hon MATTHEW SWINBOURN: Proposed section 9(3A) is about the application process and obtaining that information, whereas new section 9(5) relates to further administrative steps, so there is a difference. One is about the application from the applicant and the information required in the application; the other, 9(5), is about the administrative steps required.

Hon NICK GOIRAN: At the moment, does the CEO not have any discretion to require the provision of such information and do they not have a general regulation-making power in respect of administrative steps?

Hon MATTHEW SWINBOURN: These will be new powers that do not currently exist. In the current provisions, which the member might have before him, section 9(4) says that the “CEO may ask the applicant” but that is only after the application has already been received, rather than being prescribed from the outset in the actual form. The word “may” means the information cannot be required. If someone does not provide information to the CEO, their application would still be dealt with according to the law, but the CEO might say that they have not provided sufficient information if it is important. It does not give that up-front requirement. What we are proposing in these two provisions will provide clarity about what can and cannot be asked for.

Hon NICK GOIRAN: The concept of an approved form is not a new one; it is already in the existing act. Who approves the form?

Hon MATTHEW SWINBOURN: It will be the CEO, but there is a delegation power, so the CEO can delegate that to someone else to do. That delegation power is already in the existing act.

Hon NICK GOIRAN: If the CEO is the person who approves the form, why will we be giving them the power under new section 9(3A) —

The approved form may require the provision of any other information the CEO thinks fit.

Does that not already exist?

Hon MATTHEW SWINBOURN: I will be accused of furthering our bromance here, member, but it is an excellent question.

Hon Nick Goiran: Thank you. Hon Dan Caddy is away on urgent parliamentary business, so he’ll be disappointed to have missed it!

Hon MATTHEW SWINBOURN: Of course! What a shame. He is probably following closely behind the scenes.

All I can add is that it is a belts-and-braces provision. It will make it very clear what the CEO’s power is. If the member looks at the blue bill, he will see how it is currently indicated. The act does not make it clear that the CEO has that power, because subsection (1) does not create a power. As I say, this will put it beyond doubt. I am not sure that I can take it much further than that.

Clause put and passed.

Clause 11: Section 10 amended —

Hon NICK GOIRAN: Clause 11 will amend section 10 of the act. The section that has just been amended will be entitled “Application for assessment notice (child-related employment)”, whereas the section that this clause will amend will be entitled “Application for assessment notice (child-related business)”. Once again, this clause includes similar amendments insofar as it will insert new subsection (3A), which states —

The approved form may require the provision of any other information the CEO thinks fit.

It will also insert new subsection (5), which states —

The regulations may prescribe other requirements that apply in relation to an application or the consideration of an application.

The same questions arise as per the previous clause. The parliamentary secretary has already answered the question about the CEO by referring to the so-called belts-and-braces approach that will be undertaken by the entity that is often mentioned but never present. Perhaps he could indicate what type of regulations are intended to be prescribed under proposed section 10(5).

Hon MATTHEW SWINBOURN: Again, not surprisingly, it is the same answer as I have previously given. No regulations are currently proposed under this section of the act. The online application process is still being designed and it is unknown whether any further administrative steps or addendums to the application will be required to satisfy administrative requirements for processing applications online. There is also some commentary about the Joint Standing Committee on Delegated Legislation, but I do not need to repeat that.

Clause put and passed.

Clause 12: Section 11 amended —

Hon NICK GOIRAN: I have some questions on clause 12. I indicate that I have questions on each of the following clauses up until and including clause 17, at which point we will be able to, from my perspective, rapidly go to clause 19! In clause 12, there is reference to activities occurring “within a period determined by the CEO to be reasonable in the circumstances”. What period is intended to apply?

Hon MATTHEW SWINBOURN: I will map this out a little for the member. It might raise further questions in itself, but I hope to deal with it from the CEO’s point of view. Once someone has lodged their application for a working with children card, they have an entitlement to work on lodgement. Currently, it is a paper-based system so that when they lodge it, the employer —

Hon Nick Goiran: It is for certification.

Hon MATTHEW SWINBOURN: That is right; they have already certified it. It is expected that, over time, the vast majority of it will move online, so they are contemplating circumstances in which they get no verification from the employer. We cannot have an open-ended situation and the application remaining pending.

Hon Nick Goiran: Because they can still keep working.

Hon MATTHEW SWINBOURN: That is right; there is an entitlement to work. There has to be a period in which the CEO, as the person responsible for this, can say that the application is no longer pending and it will essentially—I do not want to use the word “fail” because that is not the word used here, but the member knows what I mean—not progress. Therefore, the entitlement to work will fall away if the work falls within the ambit of the act. That is what it is. The member’s next question will probably be: what will that period be? That has not yet been determined. It will be under consideration during the period between when the bill is passed and when it comes into force. They will work out what that particular time is in the process. They do not anticipate that there will be a lot of applications that fall within this particular field. I am only opining here, but it might help to identify when people genuinely know that they have to get a working with children card. They will make the application, but there might be employers who are not doing their part. They are probably the recalcitrants out there who are identified to the department as engaging in behaviour they are not supposed to be engaged in, because they are supposed to be certified as well. I am thinking of home-based child care and those sorts of things, situations in which employers do not have their matters in order. It might actually be a useful tool to help identify those other areas, if people are working outside the system.

Hon NICK GOIRAN: Proposed section 11(3A) says that the application will be taken to have been withdrawn if the preconditions in subsections (a), (b) and (c) have been met but also, under subsection (d), if the CEO gives the applicant a written notice stating that the applicant is taken to have withdrawn the application. In other words, it is not the case that a person will put in an application, the employer will fail to respond to the department, and the applicant will have no idea that their application has been lost. I use the word “lost” in the sense of it having been withdrawn. They will be given notice, but that will be little comfort if the application has already been withdrawn.

I take it that nothing would stop them from making a fresh application. Rather than them having to make a fresh application and the department having to go through that process as well, will there be some kind of warning letter to the applicant to say, “You might like to get into touch with the employer and get them to comply with their requirements”?

Hon MATTHEW SWINBOURN: The provisions in proposed section 11(3A) set out the process. The first part, subsection (a), says —

- (a) an employer or proposed employer identified by the applicant for the purposes of the application fails, within a period determined by the CEO to be reasonable in the circumstances, to verify that they employ or propose to employ the applicant in child-related employment —

That is the first element, allowing the CEO to create a post-lodgement period in which a verification must come from the employer. If we get to the end of that period, subsection (b) will kick in, which states —

- (b) the CEO gives the applicant a written notice that informs the applicant that if a verification of the kind referred to in paragraph (a) is not provided to the CEO within a reasonable specified period then the applicant’s application will be taken to have been withdrawn —

That will add an additional period, which puts the applicant on notice that the CEO has not received the verification information from the employer or proposed employer. If I were a self-helping applicant, I would then trot off to my employer—the human resources department or whoever is responsible—and say, “Hey, I’m not going to be able to work here anymore unless you do your job.” Hopefully, in an overwhelming number of instances, the employer will then do their part. If that does not happen, subsections (c) and (d) will kick in, which state —

- (c) the verification is not provided to the CEO within the specified period under paragraph (b); and
- (d) the CEO gives the applicant a written notice stating that the applicant is taken to have withdrawn the application.

The term “withdrawn” is used, rather than “failed” or “rejected”, to avoid giving rise to the negative consequence of not being able to get the working with children card. We do not want that for the people who come under this category. We want to have the right people getting the right certification to work with children, and we want employers to have a system that is as efficient, secure and safe as possible. We have a lot of things to consider. There are many competing but important interests, one of which is not to punish people whose employers or prospective employers do not do the right thing. There are a number of situations in which these circumstances might arise. The employer might not be acting in good faith, or they might have decided not to employ the person but not notified them of the fact. There could be any number of different reasons.

The other thing that I am advised is that, before an application is withdrawn, it will be able to be updated. Say an early childhood educator wants to work in early childhood education. They have made an application for a working with children card for a particular job but the employer has not verified it. They have then found another job. In that case, the CEO will allow them to update their application without having to lodge an entirely new application and pay a new application fee. I think that is an important protection for the overwhelming majority of the 140 000 people per year who apply for these cards. They will not have to start again from point zero.

I am also advised that, even if the application is withdrawn, the CEO will still retain discretion to refund an application fee. In a circumstance in which somebody has made an application in good faith, provided all the correct information and acted judiciously and expeditiously but their employer or prospective employer has not done their part, it would be open to them to ask for a refund of the application fee.

Hon Nick Goiran: Will it be possible to waive the fee for the fresh application?

Hon MATTHEW SWINBOURN: Yes.

Hon NICK GOIRAN: The parliamentary secretary indicated that the period of time that the CEO will give the employer to respond will be determined over the next three to six months. Will the period be the same as the period given to the applicant in what I am referring to as the reminder or warning notice described in proposed section 11(3A)(b)?

Hon MATTHEW SWINBOURN: No, it will not necessarily be the same period of time. We can think about the scheme in its entirety and the different kinds of employers. I have already indicated that the department has not yet turned its mind to the finer details of these points. Again, we are talking about very large employers like the Department of Education, which employs more than 30 000 people—it might be closer to 50 000—who work with children. It will have a lot to go through. Then there are employers like small kids’ karate clubs, which will be mum-and-dad-type operations. The demands will be different for those groups. In most instances, the next step—the notification—is likely to involve a shorter period of time. We also need to keep this in the context that the person will not yet have had their application fully assessed and we do not want people to work in the interim. The department will turn its mind to the specifics and minutia of those things following the passage of the bill.

Clause put and passed.

Clause 13: Section 12 amended —

Hon NICK GOIRAN: Clause 13 will make some amendments to section 12 of the Working with Children (Criminal Record Checking) Act 2004. I specifically draw to the attention of the parliamentary secretary section 12(8), which will be amended to read —

If subsection (5) or (6) applies in respect of an offence or a conduct review finding or outcome, the CEO must decide whether the CEO is satisfied in relation to the particular or exceptional circumstances of the case ...

A number of matters are listed below subsection (8) in the act that the CEO must take into account, including, but not limited to, the best interests of children. Will the information that is being taken into account—that is, the findings—be put to the applicant?

Hon MATTHEW SWINBOURN: The answer is yes. I refer the member to proposed section 13, which will provide for the CEO to give notice of an intention to issue a negative notice. That proposed section deals with the obligations of the CEO.

Hon NICK GOIRAN: I turn to the earlier provisions in section 12, entitled “Deciding applications for assessment notice”. Item 11 of the table will be amended to read —

The CEO is aware of a Class 1 offence (that was not committed by the applicant when a child) —

I will pause there for a moment. In other words, the CEO will be aware of an adult having committed a class 1 offence when they were an adult. It goes on to say —

of which the applicant has been convicted, other than where the applicant has been granted a pardon in respect of that offence.

That latter part—the introduction of the granting of a pardon—appears to be new. That is certainly apparent from the blue bill. What is the justification for that?

Hon MATTHEW SWINBOURN: The member referred us to item 11, as amended, but it must be read in conjunction with proposed item 10 A. In this instance, we have obviously carved out an exception for a class 1 offence for someone who has been issued a pardon. The member would be as aware as anyone how exceptionally rare are pardons and the circumstances in which they are granted. I think what has happened here is that it was considered appropriate that section 12(6) apply in circumstances in which a pardon is issued. Section 12(6) states —

If this subsection applies —

Which it will in relation to a pardon under proposed item 10A —

the CEO is to issue a negative notice to the applicant unless the CEO is satisfied that, because of the exceptional circumstances of the case, an assessment notice should be issued to the applicant.

There might be circumstances in which a pardon is granted for any number of matters of mercy, but the behaviour of that person —

Hon Nick Goiran: They will still have been convicted of an offence.

Hon MATTHEW SWINBOURN: Yes, that is right. The facts of the case might still be such that it would be completely inappropriate for them to work with children; however, they may be granted a pardon because of circumstances of —

Hon Nick Goiran: Possibly age and illness. They might be at the end of their life.

Hon MATTHEW SWINBOURN: Possibly. Again, it is predicated on the basis of a presumption against the granting of a working with children permit, unless there are exceptional circumstances that satisfy the CEO. It will still be a very high bar. As I said, pardons are extremely rare. I am just trying to think of the last time one was issued.

Hon NICK GOIRAN: It is that rareness that has piqued my interest. Item 11 in the table is not new; it is an existing provision. Although a lot of the reforms in the bill could be described as strengthening the system, it appears that this amendment will, in one sense, loosen the system. At the present time, if the CEO is aware that someone has committed a class 1 offence, what do they do? Section 12(7) of the act states —

If this subsection applies, the CEO is to issue a negative notice to the applicant.

No correspondence is entered into; they will get a negative notice. All of a sudden, we will introduce for the first time the notion of a pardon. It will not guarantee that the person will be issued a card, but it will open the door, albeit with a gatekeeper, as we described earlier. What triggered this provision? Did it come from a recommendation of the royal commission, the statutory review or the Auditor General?

Hon MATTHEW SWINBOURN: It came from the department itself. The rationale I am given is that, given that the additional offences that the bill proposes will become class 1 offences—a whole heap of offences will move into this new category—an avenue for treatment of pardons is appropriate for insertion into the act. Essentially, because we have changed a range of matters, consideration was given to those rare circumstances in which pardons are issued and what should happen in those circumstances. Should it remain as it is in item 11, and if the person is convicted, is it automatic, or would there be other circumstances? The department has given thought to this situation but it has not come from an external recommendation from the royal commission, the statutory review or the Auditor General's inquiries. That is what gave rise to it. The member might not agree with me but, from my point of view, I think this is a demonstration of the thorough thought that has been given to the entire situation. Although, as the member said, the whole act is about strengthening the provisions, we also have to think about the consequences of that. In this particular instance, I think it is appropriate.

We might disagree on that but I think it is appropriate in the limited circumstances in which a person has been pardoned. For example, I am thinking of those circumstances in which women have been convicted of murdering their abusive partner. In hindsight, we have taken the view that the values of society have changed. Although under the law their conviction was completely justified, the values of society have significantly changed and therefore a pardon has been issued. In that circumstance, that woman may be an appropriate case if they choose to still work with children. People would disagree with that but I am more comfortable with there being a presumption against the issuing of the card and the requirement to satisfy the extenuating circumstances. As the member said, pardons are often issued because of ill health and age. In those circumstances, we would say their offending was so abhorrent that we would still not give them a working with children card.

Hon NICK GOIRAN: I would agree with the parliamentary secretary that it is indicative of the thoroughness of the work that has been undertaken in the preparation of the bill. I am not sure that the example that was given would be applicable because, as I understand it, a conviction for murder, to be a class 1 offence in this situation, is limited to a murder of a child.

Hon Matthew Swinbourn: I was thinking on my feet.

Hon NICK GOIRAN: I understand the spirit of what was being expressed at the time. The department would not have been inundated by applicants who have a pardon. Have any current cards been issued to a person with a pardon and that is why this has been triggered?

Hon MATTHEW SWINBOURN: Not that the advisers are aware of. As the member knows, the department issues over 140 000 cards a year. Although somebody who has been pardoned might stick out like a sore thumb, there are none they are aware of.

Hon NICK GOIRAN: This has just been brought about by some exceptional intellectual and academic thinking about the various scenarios that might unfold rather than making the point, without jest, that it is not because of a known, practical case.

Hon Matthew Swinbourn: It is not to accommodate someone in particular, no.

Hon NICK GOIRAN: With respect to the table of 11 items, we have previously discussed at some length—and I do not intend to re-litigate those arguments—the seven Western Australians who had a working with children check card, six of whom continue to have one. One recently expired in September. Of those seven, if the seventh one—if I can call the person with the expired card “the seventh one”—were to apply for a renewal any time prior to all the operative provisions in the bill coming into force on the date fixed by proclamation, which we estimate will be some three to six months away, and the other cohort of six apply for a renewal any time into the future, which of these categories will those seven people fall under?

Hon MATTHEW SWINBOURN: Let me just get the framing right. Until the bill comes into force and passes the house, the existing law applies. Following the commencement of the operation of the bill, transitional provisions will take effect. Regarding the individuals we are talking about, their current cards will expire and they must apply for a new card. For the six who have existing cards, they will be dealt with post the commencement of the provisions under the transitional arrangements, which means that they will fall under item 9 —

The CEO is aware of a Class 2 offence of which the applicant has been convicted.

Their current offences will be grandfathered, for want of a better word, as class 2 under the transitional provisions, so if their card is coming towards the end of its three-year expiry, and they have made an application for a new card —

Hon Nick Goiran: It is a new application as distinct from an application for a renewal.

Hon MATTHEW SWINBOURN: Yes, there is no renewal application as such. I tried to make this distinction. If we think about drivers’ licences, we get a renewal notice that says if we do not pay the fee the licence will expire. It is not the same process. Every three years, people must make a new application for a working with children card, and that application must be assessed every three years.

Hon Nick Goiran: The person whose card has expired has not necessarily done anything wrong or been slack in any way. Everyone’s expires, and if they want to, they make a new application.

Hon MATTHEW SWINBOURN: That is right, yes. It is an important difference. As I said, with a driver’s licence, people do not have to resit the test to say that they are competent—though arguably, that might be appropriate for some drivers; I know of a couple whose names shall remain secret to protect my wellbeing! However, when it comes to these matters, a card is issued for a period of three years and if no events during those three years give rise to their eligibility being reassessed—for example, they are convicted of an offence during that period—they will have that card for that period. Three months prior to the end of that period, they will be invited to make a new application. For the six who still have their working with children cards, they will make that application and because of the transitional provisions, their offence will remain in class 2. If the individual we are talking about whose card has expired makes the application for a new card post the commencement of these provisions, they will not be the beneficiary of the transitional provisions because they will not have a card and they will fall under item 11. They will automatically be refused the card, because their offence will be in class 1. I am sure that will create issues for the member and I think I know what he will say.

Hon NICK GOIRAN: It seems then that the transitional provisions turn upon the date that a card expires. We have been describing the person whose card expired in September as the seventh person. They could apply at the moment; they could apply tomorrow and they will have the benefit under the new application of being considered under item 9. But if they apply once the operative provisions of this bill come into full force, they will not be considered under item 9. I take it they would be considered under item 11.

Hon Matthew Swinbourn: That is what I said, yes.

Hon NICK GOIRAN: Do any of the cards of the other six individuals expire in the next six months?

Hon MATTHEW SWINBOURN: We are going to have to take some time to get that answer.

We are trying to get that information, but it is not at hand. We obviously have the interruption for question time and we will come back for 20 minutes. I cannot say whether I am allowed to provide that information to the honourable member yet, but we will try to find that information by the end of the day. I will see what my instructions are.

Hon NICK GOIRAN: Regarding these seven offenders, it seems to me that three scenarios are at play here. To be clear for the purpose of this exercise, when I refer to commencement, I am referring to the commencement of the rest of the act—that is, the bill that is before us—on a day before proclamation. In scenario 1, if their card expires

before commencement and they apply pre-commencement, they will fall under item 9; that is, their offence will be considered to be class 2. We know that is a live option for at least one of the offenders, the one whose card expired in September. Scenario 2 is that if their card expires before commencement and they apply post-commencement, they will then fall under item 11. That is also a possibility for one of these offenders. Both of those scenarios may apply to others in that group of six, hence, if we can, we will find out in due course when their cards expire. Scenario 3 is if their card expires post-commencement and an application is made post-commencement, they will be considered under item 9—that is, a class 2 offence. They seem to me to be the three scenarios at play with this group of seven offenders.

Hon Matthew Swinbourn: By way of interjection, there is probably a fourth scenario. If any of those individuals commit an offence, then they are not entitled to the transitional provisions.

Hon NICK GOIRAN: Absolutely. That is what I would describe as a change of circumstances. When some, shall I say, fresh information comes forward, they will be dealt with accordingly, as is the case with everybody else. The reason I have not included that in the scenario is because, in many respects, there is nothing special about that. That applies to every Western Australian. I am just trying to define here what I am describing as the special treatment that is being allowed for these seven offenders. Those three scenarios are live. We will see to what extent they apply to each of the seven offenders in due course, if we can get the information on when their cards are due to expire. What provision is it in the bill before us that facilitates this particular scenario unfolding?

Hon MATTHEW SWINBOURN: We are working on the details of the provisions the member is talking about. They are all contained in the transitional provisions, but we are trying to get more specific ones. I have got information about the cards. I do not have precise dates—I think the member can appreciate that—but I can give him an indication. One will expire prior to the end of December of this year, another will expire prior to 1 July 2023 and the others will all expire post the end of 2023. We have got one offender who does not have a card currently, and another two cards, meaning four will be post 2023, once the bill —

Hon Nick Goiran: Post 31 December 2023?

Hon MATTHEW SWINBOURN: That is right. I am advised that the specific provisions are contained within clause 44 of the bill, specifically within proposed subdivisions 1 and 2 of the proposed division 2 and the proposed sections 62 through to 74. Did the member need me to repeat that?

Hon Nick Goiran: No. I have got that.

Hon NICK GOIRAN: The proposed sections that the parliamentary secretary refers to, proposed section 62 through to 74, encompass the entirety of proposed subdivisions 1 and 2 of proposed division 2, and are all contained within clause 44 of the bill. What will be the consequence of the deletion of all of those provisions?

Hon MATTHEW SWINBOURN: I think the member asked what would be the impact of the deletion of proposed subdivisions 1 and 2. I understand what the member is probably getting at, which is —

Hon Nick Goiran interjected.

Hon MATTHEW SWINBOURN: Yes, but this is what the impact of that would be. It would impact persons with a pending application on commencement day; persons with a pending application to cancel a negative notice on commencement day; persons with a review of appeal process on foot at the State Administrative Tribunal or a court on commencement day; or any reassessments on foot on commencement day. Our view is that a significant number of very ordinary people will benefit from the transitional provisions. In fact, those provisions were overwhelmingly drafted for the benefit of those particular people. If we were to delete any of those particular provisions, the consequences, as I read out, would be significant.

Hon NICK GOIRAN: I accept that if all of proposed subdivisions 1 and 2 of proposed division 2, as found in clause 44, were to be deleted, it would create undesirable consequences. However, can I get the parliamentary secretary to specifically consider at this time the provision set out at proposed section 63, the first of the proposed sections under proposed subdivision 2? Is it proposed section 63, “Current assessment notices”, that will, as the parliamentary secretary referred to, grandfather the arrangement for the seven individuals whom we referred to earlier?

Hon MATTHEW SWINBOURN: The member essentially asked whether this is the provision that grandfathers the arrangements for the seven individuals that we were talking about. The direct answer is: yes, it is. I draw the member’s attention to proposed section 69, which facilitates the making of the applications once a person’s current card is about to expire. Those provisions have to be read in conjunction with each other to understand the full picture.

Hon NICK GOIRAN: Proposed section 63 applies to many more people than just the seven in question?

Hon Matthew Swinbourn: Yes.

Hon NICK GOIRAN: But the point of contention is that those seven people, of the many who will benefit from proposed section 63, are of particular concern because the nature of their offence is unlike that of the remaining cohort. It appears that the point of contention is the use of the phrase “until the person ceases to have a current

assessment notice.” At first blush, if one does not have regard for proposed section 69, at some point in time everyone’s assessment notice will cease, as we described earlier. There is nothing strange about people’s cards expiring, albeit that people then make an application for a new card. That is the normal course and will continue to be the course moving forward. But does proposed section 69 apply to applicants other than the six to whom we referred? I am not going to refer to the seventh one at this time because the seventh’s card has already expired. It seems that if the seventh person wants to do something, they will have the opportunity to do so under proposed section 64, in what is referred to as a “pre-commencement assessment application”, and they will be dealt with accordingly. Of course, they might then benefit from this particular provision. Ultimately, that card itself will expire three years later, but they will not then have the benefit of the extra protection under proposed section 69. It seems that only six of the individuals to whom we referred would benefit from proposed section 69. Is that right or does it apply to a greater cohort?

Hon MATTHEW SWINBOURN: If I understand the question correctly, the member asked whether proposed section 69 is relevant to all the persons covered by subdivision 2.

Hon Nick Goiran: Yes, which, of course, includes those six, but then everybody else.

Hon MATTHEW SWINBOURN: The answer is yes. Section 69 is relevant to everybody else—that is, the beneficiaries of the transitional provision. It is not just the six.

Hon NICK GOIRAN: I am thinking—because of course I would be—that we are still considering section 12.

Hon Matthew Swinbourn: Clause 11, isn’t it?

Hon NICK GOIRAN: Clause 11, which amends section 12.

The DEPUTY CHAIR (Hon Jackie Jarvis): Section 12 in clause 13.

Hon NICK GOIRAN: Clause 13 amends section 12. Proposed section 69 deals with section 12.

Hon Matthew Swinbourn: Yes. There is no truck about this.

Hon NICK GOIRAN: No. That is why we need to take a little bit of extra time reading the bill and its interconnecting parts. I want to make sure that there would be no unintended consequences if the chamber were minded to delete section 69. I can totally accept the parliamentary secretary’s earlier point that there would be some undesirable consequences if the chamber were to delete all of subdivisions 1 and 2. Let us take proposed section 71, “Proceedings before State Administrative Tribunal or court”, as an example. Matters are underway that are, if you like, being litigated, and there are other applications in train but we do not want to create any chaos around a well-intentioned reform that, on the whole, will strengthen our working with children check systems. I accept that it would be undesirable at this time to delete all of proposed subdivisions 1 and 2 in proposed division 2, as contained in clause 44, but I wonder whether the government might consider the deletion of proposed section 69. That might address the impasse between the opposition and the government, because it appears to me that the only people who would be materially affected would be the six offenders. Of course, the number may not even be as high as six because, as the parliamentary secretary has identified, the card of one of the six will expire by the end of December this year, and there is little prospect that the operative provisions will come into effect prior to that time. Indeed, a further person’s card will expire on 1 July 2023, so it may not even be applicable to them, either. In either case, they would be the beneficiaries—like person 7, as I refer to them, whose card expires in September—of what I would describe as a generous provision under proposed section 64. That is, they could make an application and they could still come under the old classification system rather than the new one, but when that card expires, that will be the end of it.

Maybe we will just get clarification on that. In the case of person 7, if they make an application now, pre-commencement, under proposed section 64 and they receive a working with children card, that in turn will expire in three years’ time. I take it that when that card expires, they will no longer be considered to have a current assessment notice and that at that point, in three years’ time, the new classification system will apply to them.

Hon MATTHEW SWINBOURN: The member’s specific question got a bit lost at the table.

Hon Nick Goiran: In fairness, there were a few thrown in there.

Hon MATTHEW SWINBOURN: Yes. I think it was just a point of clarification that the member was seeking. One of the issues that has been under discussion at the table is the member’s invitation to give consideration to the deletion of proposed section 69. As he would know, I am in no position to agree to any deletion or amendment to the clause. I am a parliamentary secretary representing a minister representing a minister. However, given the time and where we are at, the bill will not be passed today under any circumstances. We would be lucky if we had maybe half an hour of debate left on this matter. The proposed section is much further on in the bill. Discussion with the advisers at the table indicates that consideration will be given to the member’s request for consideration, if I can put it in those terms, because there is time to do that. When debate on the bill resumes, if it is number one on the list for debate on Tuesday, they will be able to respond to him in much greater specificity on why his proposal either is impractical or would have the unintended consequences that we are trying to avoid. I take it that the member

made the proposition in good faith. Alternatively, perhaps they will be persuaded by the member's very persuasive arguments and, therefore, have a different proposition. I do not think that will stop us from proceeding further with other elements of the bill because, whilst we are jumping somewhat ahead, it is connected to the clause that is currently the question before the chamber, so I am sure that we can get on with that.

The member often says that the opportunity to reflect overnight is a benefit. Perhaps this will be a couple of nights. I think that is appropriate. I do not think that in the member's own mind—if he does not mind me venturing an opinion—he is satisfied that the deletion of clause 69 in itself will be the solution to the mischief that he is talking about.

Hon Nick Goiran: By way of interjection, I say that it would not be a complete solution, but it would be a significant improvement. It would ensure that the problem that I am referring to probably has a life span of no more than three years.

Hon MATTHEW SWINBOURN: I have given the member the undertaking to consider what he has proposed in that particular period. One of the reasons that will be useful is that some of the issues he is putting to us are complex. There is no question about that. There are complexities about how they will interact. The advisers will also have the opportunity to review the *Hansard* for the last two hours or so and perhaps narrow that down.

Hon NICK GOIRAN: I will have one further question on clause 13, which seeks to amend section 12.

I thank the parliamentary secretary for agreeing to take, effectively on notice, my question about whether the government would agree to deleting proposed section 69, which is contained within clause 44. I encourage those who will be responsible for being part of that deliberative process and, ultimately, making the decisions to understand the request in the spirit that it is intended. In my view, this is really the only major sticking point in what is otherwise an excellent bill and a significant improvement to our system. I hope we can deal with the situation of these seven offenders, as I have referred to them. Even if there is an ongoing desire to grandfather the provision—which is not my preference, as I made perfectly clear earlier—at least limit the grandfathering to a period of three years so people cannot continue in perpetuity to take advantage of proposed section 69. That would be a good outcome. I think I can safely speak on behalf of the opposition when I imagine that at that point in time the bill will receive very speedy passage through the remaining clauses. I take it on board that my question has been taken on notice, and I am grateful to the parliamentary secretary for that.

Returning specifically to clause 13, which seeks to amend section 12 of the act, the parliamentary secretary will see that the amended section 12(8) will state, “If subsection (5) or (6) applies in respect of an offence or a conduct review finding or outcome”. Will the information be provided by the CEO to the minister?

Hon MATTHEW SWINBOURN: I am a bit confused. The member said “to the minister”.

Hon Nick Goiran: Yes. The chief executive officer will be exercising some discretion. Under sections 12(5) and (6), the CEO will have to determine whether there are particular or exceptional circumstances. Will the minister be informed of the outcome of that use of discretion?

Hon MATTHEW SWINBOURN: No.

Hon NICK GOIRAN: We can see the distinction between that and the other provisions, in which there is no discretion on the part of the CEO; the CEO will either approve the application or issue a negative notice. I am not looking for precise numbers or percentages, but is there any data that would give an indication of the proportion of matters that come before the CEO and fall under section 12(4)—the CEO issues an assessment notice—and section 12(7)—the CEO issues a negative notice? They are the two non-discretionary matters. To compare and contrast that, what is the proportion of matters that fall under sections 12(5) and (6)? I am trying to get to the heart of whether there are a lot of matters that come before the CEO and require the use of discretion on particular and exceptional circumstances.

Hon MATTHEW SWINBOURN: I can give an answer for the proportion of matters that come under section 12(4), which is 84 per cent of all applications.

Hon Nick Goiran: They are, effectively, approved and granted?

Hon MATTHEW SWINBOURN: Yes. They are people who have a completely clear criminal record and their application is granted. Unfortunately, I cannot break down the proportions for the rest of the categories. The department does not keep the data separately for matters that fall under sections 12(5), (6) and (7). My advisers indicate that it is quite complex because of the decision-making process and the different factors, but I think that the 84 per cent indicates that a lot of work is happening on the 16 per cent that fall within subsections (5), (6) and (7).

Hon NICK GOIRAN: I thank the parliamentary secretary. Obviously, the total proportion of matters relating to sections 12(5), (6) and (7) is 16 per cent. It would be interesting to know how many mandatory negative notices are issued under section 12(7).

Hon Matthew Swinbourn: We do not have that.

Hon NICK GOIRAN: I take the point that that data is not available, but over the next three to six months, as the department considers the finalisation of this matter, it might like to collect that data from here on in because it also goes to the issue of resourcing. If the CEO has to spend a lot of time considering particular circumstances and exceptional circumstances, that is quite different from issuing an automatic negative notice. Although it would take a little bit more work to collect that data than the issuing of an assessment notice, it would not be too much more work than that.

That said, I just offer that as a helpful suggestion during the next three to six-month period, but I have no further questions on clause 13.

Clause put and passed.

Clause 14: Section 13A amended —

Hon NICK GOIRAN: There is a definition of “other person” in the explanatory memorandum for this provision, but is “other person” defined anywhere else in the bill?

Hon MATTHEW SWINBOURN: The simple answer to the member’s question is no, it is not defined anywhere else. I have the EM here. We were thrown a little bit because the member said that the EM gave a definition, but all it says is “to give a copy of the notice to the other person” and in parentheses it says “(this being a person who employs or proposes to employ the applicant in child-related employment)”, which obviously is used for the purposes of further interpretation of the clause, but it is not elevated significantly high enough —

Several members interjected.

Hon MATTHEW SWINBOURN: That is all right; some of us are doing the work of the Council while others are doing —

Hon Tjorn Sibma: Some of us are doing the work of the government!

Hon MATTHEW SWINBOURN: Not you!

Committee interrupted, pursuant to standing orders.

[Continued on page 5507.]

QUESTIONS WITHOUT NOTICE

STATE FINANCES — DEBT REDUCTION ACCOUNT

1151. Hon Dr STEVE THOMAS to the minister representing the Treasurer:

I refer to Labor’s 2017 election commitment that promised that “a McGowan Labor government will protect future iron ore windfalls from being exploited by future governments, by bringing in laws to allocate 50 per cent of iron ore royalties into a new debt reduction account”, and to evidence given to the Standing Committee on Estimates and Financial Operations yesterday that of the \$2.7 billion that cycled through the debt reduction account in 2021–22, only \$589 million was actually used to pay down existing debt.

- (1) Was the other \$2.1 billion in the account simply spent in 2021–22 on normal government activity and is it now being described conveniently as an “alternate source of funding”?
- (2) Is the commitment to allocate 50 per cent of iron ore royalties to the debt reduction account dead in the water, and thus represents another broken Labor promise?
- (3) Given that, even with this broken promise, \$6.1 billion has passed through the debt reduction account over the last four years, why had the government reduced actual total public sector net state debt from \$32 billion when it came to government in 2017 to only \$29 billion by the end of 2021–22?

Hon STEPHEN DAWSON replied:

- (1)–(3) The debt reduction account is used to pay back borrowings and reduce the need for new borrowings. As Hon Dr Steve Thomas has previously acknowledged, the McGowan government inherited a budget with net debt heading to \$43.7 billion. Since coming to government, we have reduced debt by a third, to \$29.2 billion.

Several members interjected.

Hon STEPHEN DAWSON: In 2021–22 alone, net debt reduced by \$4.3 billion—the largest decline in debt on record.

Hon Dr Steve Thomas interjected.

The PRESIDENT: Order! Let the member answer the question.

Hon STEPHEN DAWSON: Thanks, President.

In contrast, the previous Liberal–National government did not reduce net debt at any point during its term. Western Australia is the only state in Australia in which debt is declining, with three consecutive years of reduction and net debt at its lowest level since 2014–15.

FORRESTFIELD–AIRPORT LINK — SOIL CONTAMINATION

1152. Hon Dr STEVE THOMAS to the Leader of the House representing the Minister for Transport:

That previous answer was almost given with a straight face, President.

I refer to question without notice 1083 asked on 14 October 2020 and question without notice 182 asked on 27 May 2021.

- (1) As at 14 November 2022, what is the current volume of spoil extracted from the Forrestfield–Airport Link project and stockpiled at 777 Abernethy Road, Forrestfield?
- (2) Has any of the 110 000 cubic metres of spoil stockpiled at Perth Airport now been re-used; and, if so, where?
- (3) How long can the government store FAL spoil on temporary sites before it is considered a waste?
- (4) How much of the stockpiled soil from the FAL is contaminated with perfluoroalkyl and polyfluoroalkyl substances, and at what concentrations?
- (5) What contamination oversight and testing regime has the government applied to monitor stockpiled spoil from the FAL project?

Hon STEPHEN DAWSON replied:

I thank the honourable member for some notice of the question. I provide this answer on behalf of the Leader of the House, who provides it on behalf of the Minister for Transport.

- (1) It is approximately 600 000 cubic metres of soil.
- (2) Perth Airport owns this soil and is responsible for its use.
- (3) The material is not considered waste.
- (4) The most commonly detected PFAS compound in the Forrestfield–Airport Link project’s excess fill is perfluorooctane sulfonate, of which the highest concentration measured has been 0.007 milligrams per kilogram. This is below the human health and ecological assessment criteria in the *PFAS national environmental management plan*.
- (5) The soil being re-used meets the strictest health standards in the *PFAS NEMP*. Soil testing is undertaken in accordance with a suite of project-specific environmental management plans that have been endorsed by a contaminated sites auditor accredited by the Department of Water and Environmental Regulation.

RABBIT POPULATION — ESPERANCE DISTRICT

1153. Hon COLIN de GRUSSA to the Minister for Agriculture and Food:

I refer to reports that the rabbit population throughout the district of Esperance has increased to the extent that it is impacting farmers and the community.

- (1) On the basis that the Biosecurity and Agriculture Management Act 2007 requires landholders to control pests on their own land, what activities are being undertaken by Main Roads WA to control rabbits located on road reserves that fall under its control?
- (2) Has the Department of Primary Industries and Regional Development been made aware of the rabbit problem in Esperance; and, if so, what work has been undertaken by DPIRD to determine the extent of the problem?
- (3) What activity has been undertaken by DPIRD to convene local stakeholders, such as the Shire of Esperance, the Esperance recognised biosecurity group, relevant state government agencies and local landholders and farmers, to assist in developing a coordinated response?

The PRESIDENT: I was about to comment on the length of the question, but I will allow the parliamentary secretary to answer.

Hon DARREN WEST replied:

I thank the honourable member for the detailed question. On behalf of the Minister for Agriculture and Food, I provide the following detailed answer.

- (1)–(2) Rabbits are a widespread and established pest and will always be present in the environment. Numbers will fluctuate depending on seasonal conditions and I am advised that there have been ideal breeding conditions for rabbits through winter and spring—who knew!

The Department of Primary Industries and Regional Development has released biocontrol in rabbit hotspots five times over recent months and confirmed through sampling that the biocontrol agent is causing mortality in rabbits. The Shire of Esperance and Tjaltjraak Aboriginal rangers have also been releasing biocontrol on lands under their management.

I have sought advice from the Minister for Transport on Main Roads’ pest control activity.

- (3) DPIRD supports a coordinated response to widespread and established pests through funding and support for recognised biosecurity groups. RBGs work with their communities to determine priority declared pests for control and then work with relevant stakeholders to coordinate this work at a landscape scale. Rabbit control may be something that the Esperance RBG could take up, should there be community support for it.

METRONET — PUBLIC TRANSPORT AUTHORITY OPERATING SUBSIDY

1154. Hon TJORN SIBMA to the Leader of the House representing the Minister for Transport:

Noting the Under Treasurer's advice in annual report hearings yesterday that three Metronet projects will increase the Public Transport Authority's operating subsidy by \$384.5 million over the forward estimates ending in 2025–26, what individual contribution to this overall increase will be made annually by operating the —

- (a) Forrestfield–Airport Link;
- (b) Thornlie–Cockburn Link; and
- (c) Yanchep extension?

Hon STEPHEN DAWSON replied:

I thank the honourable member for some notice of the question. I answer on behalf of the Leader of the House. The Minister for Transport has provided the following answer.

Operating subsidies for these projects were funded in the 2022–23 budget for the forward estimates period of 2022–23 to 2025–26. The individual contribution from —

- (a) the Forrestfield–Airport Link is \$213.6 million;
- (b) the Thornlie–Cockburn Link is \$87.98 million; and
- (c) the Yanchep extension is \$36.36 million.

OMBUDSMAN'S REPORT — LEGAL SERVICES COMPLAINTS COMMITTEE

1155. Hon NICK GOIRAN to the parliamentary secretary representing the Attorney General:

I refer to the Attorney General's verbal request to the Ombudsman that he consider the handling of complaints by the then Legal Profession Complaints Committee.

- (1) Was the Attorney General provided a briefing note or similar document prior to making the request?
- (2) What was the first document created by the Attorney General or his office relating to the request after it was made—for example, a file note, email, letter or any other document?
- (3) Further to (1) and (2), will the Attorney General table those documents?

Hon KYLE MCGINN replied:

I thank the member for some notice of the question. I answer on behalf of the Parliamentary Secretary to the Attorney General. The following answer has been provided by the Attorney General.

- (1) No.
- (2)–(3) The Attorney General clarifies his answer to question without notice 1090 in which he advised the member of his verbal discussion with the Ombudsman. During that discussion, he requested that the Ombudsman carry out an investigation into the processes and procedures of the then Legal Profession Complaints Committee. The Attorney General subsequently wrote to him on 29 August 2019 to confirm this request. This document is privileged—see section 23A of the Parliamentary Commissioner Act 1971.

WA COUNTRY HEALTH SERVICE — COMMUNITY CHILD HEALTH PROGRAM

1156. Hon DONNA FARAGHER to the Leader of the House representing the Minister for Health:

I refer to the Department of Health's community child health program. In the 2021–22 financial year, how many eligible children in regional Western Australia received a child health check via the WA Country Health Service, by number and in percentage terms, across the following age categories —

- (a) zero to 14 days;
- (b) eight weeks;
- (c) four months;
- (d) 12 months; and
- (e) two years?

Hon STEPHEN DAWSON replied:

I thank the honourable member for some notice of the question. I answer on behalf of the Leader of the House. The following information is provided on behalf of the Minister for Health.

- (a)–(e) The answer is in tabular form. It lists the contact type, the number of children who received a child health check, the number of eligible children, and the percentage of eligible children who received a child health check. I ask that the table be incorporated into *Hansard*.

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

Contact Type	Number of Children Receiving Child Health Check	Number of Eligible Children	% of Eligible Children Receiving Child Health Check
0–14 days	5803	6524	88.95%
8 weeks	4938	6586	74.98%
4 months	4776	6606	72.30%
12 months	3531	6267	56.34%
2 years	2166	6199	34.94%

POLICE — REGIONAL OPERATIONS GROUP

1157. Hon PETER COLLIER to the minister representing the Minister for Police:

I refer to the regional operations group.

- (1) How many officers are currently allocated within the ROG?
- (2) What is the operational base of the ROG?
- (3) To which districts is the ROG currently allocated?

Hon STEPHEN DAWSON replied:

I thank the honourable member for some notice of this question. The following information has been provided to me by the Minister for Police. The Western Australia Police Force advises the following.

- (1) There are 120.
- (2) There are operational bases at Neerabup, ROG north; Warwick, ROG central; and Rockingham, ROG south.
- (3) As at 17 November 2022, the ROG is allocated to the Joondalup, Mirrabooka and Mandurah districts. The ROG services all districts in the metropolitan area, with regular deployments into regional Western Australia.

WITTENOOM STEERING COMMITTEE — BANJIMA NATIVE TITLE ABORIGINAL CORPORATION

1158. Hon Dr BRAD PETTITT to the Leader of the House representing the Minister for Lands:

I refer to Minister Carey's meeting with the Banjima Native Title Aboriginal Corporation on 3 August 2022, and subsequent correspondence sent to Minister Carey's chief of staff on 17 August 2022.

- (1) Has the minister or his staff since responded to BNTAC's —
 - (a) questions in the briefing document sent on 25 July 2022 prior to the meeting on 3 August, at which a response was promised shortly; or
 - (b) follow-up email sent to the minister's chief of staff on 17 August?
- (2) Has an invitation to join the re-established Wittenoom steering committee been extended to BNTAC; and, if so, on what date was it sent?
- (3) If no to (2), why not?
- (4) Has the Wittenoom steering committee been re-established; and, if not, when can we expect this to happen?

The PRESIDENT: I was about to comment on the length of the question. I give the call to the Deputy Leader of the House.

Hon STEPHEN DAWSON replied:

Thanks, President. You will be pleased to know that the answer is more succinct. I answer on behalf of the Leader of the House. I thank the honourable member for some notice of this question. The following information is provided on behalf of the Minister for Lands.

- (1)–(4) The Minister for Lands met with the Banjima Native Title Aboriginal Corporation and advised at that time that a number of the questions related to historical actions undertaken by previous governments and ministers over many decades, which could not be responded to. Further, a large number of matters were not within the responsibility of the Minister for Lands. BNTAC was additionally advised that a number

of matters were best considered as part of the Wittenoom steering committee. The Department of Planning, Lands and Heritage intends to reconvene the Wittenoom steering committee in late 2022. BNTAC has been advised that it will form part of the steering committee.

CANNABIS — EDUCATION CAMPAIGN

1159. Hon SOPHIA MOERMOND to the Leader of the House representing the Minister for Health:

I refer to the McGowan government’s statewide campaign planned for December 2022 to increase awareness of the potential harms associated with cannabis use for people under the age of 25 years.

- (1) What is the budget for the campaign?
- (2) What costs to date have been spent on the campaign?
- (3) Will a similar campaign be run concurrently on the potential harms of alcohol consumption?

Hon STEPHEN DAWSON replied:

I thank the honourable member for some notice of the question, which I answer on behalf of the Leader of the House. The following information is provided on behalf of the Minister for Health.

- (1) The total budget for the Mental Health Commission’s new Drug Aware public education campaign, “The Growing Brain”, is \$605 808, excluding GST, for the 2021–22 and 2022–23 financial years.
- (2) The total spend to date has been \$206 000, excluding GST, over the 2021–22 and 2022–23 financial years.
- (3) The state government has funded delivery of the “Alcohol.Think Again” public education program since 2010. The program comprises three distinct campaign streams—alcohol and health; alcohol, parents and young people; and alcohol and pregnancy—that use a mass–reach social marketing strategy. The new parents, young people and alcohol “We all need to say no” campaign was launched on 3 July 2022, with statewide media scheduled to continue to May 2023.

CANNABIS CONTROL ACT — POLICE RESOURCES

1160. Hon Dr BRIAN WALKER to the minister representing the Minister for Police:

I refer the minister to the Cannabis Control Act 2003.

- (1) Is the government aware of any studies that were undertaken to examine the commitment of police time and resources to cannabis and cannabis-related offences in anticipation of the 2003 legislation being introduced?
- (2) Were any submissions received from the Western Australia Police Force or other interested parties, either at that time or since, on the allocation of police time and resources to cannabis-related offences?
- (3) If yes to either (1) or (2), will the minister table those reports and/or submissions; and, if not, why not?

Hon STEPHEN DAWSON replied:

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

A response to these questions cannot be provided within the required time frame. The honourable member may wish to place these questions on notice. Because the honourable member asked for information from 2003, it would require significant work to go back through the records. If the member puts the question on notice, he will get an answer at some stage.

CYCLONE SEROJA — DISASTER RECOVERY FUNDING ARRANGEMENTS

1161. Hon MARTIN ALDRIDGE to the Minister for Emergency Services:

I refer to the answer to Legislative Council question without notice 1022 asked on 25 October 2022 and answered on 26 October 2022, and my member’s statement on 27 October 2022 about cyclone Seroja recovery funding.

- (1) Can the minister confirm the accuracy of the answer provided that \$25.42 million of the \$104.5 million disaster recovery funding arrangements package has been expended to date?
- (2) Can the minister confirm that the funds dispersed and identified in part (2) of the question, including the Lord Mayor’s Distress Relief Fund, were all funded from the DRFA package?
- (3) If no to (1) or (2), when will the minister correct his answer and apologise to the Legislative Council?
- (4) Who advised the minister that \$25.42 million of the DRFA package has been expended to date?

Hon STEPHEN DAWSON replied:

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

- (1)–(2) The answer to Legislative Council question without notice 1022 is correct.
- (3) Not applicable.

- (4) No-one has ever stated that \$25.42 million of DRFA funding has been expended.

CORRECTIVE SERVICES — ON-COUNTRY RESIDENTIAL FACILITY

1162. Hon NEIL THOMSON to the Minister for Regional Development:

I refer to the answer to question without notice 459 asked on 18 May 2022 regarding the establishment of an on-country juvenile detention facility in the Kimberley.

- (1) Can the minister confirm whether this facility will be operational in early 2023, as indicated in the answer to question without notice 459?
- (2) Is the location for this facility finalised?
- (3) If yes to (2), what is the location?
- (4) How many young people will it accommodate?

Hon DARREN WEST replied:

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

- (1)–(4) An update on the project will be provided next week.

HOMELESSNESS

1163. Hon STEVE MARTIN to the Leader of the House representing the Minister for Homelessness:

I refer to the Office of Homelessness established earlier this year.

- (1) Does the Office of Homelessness know how many people were experiencing homelessness in Western Australia as at 31 October 2022?
- (2) How is the office measuring homelessness in Western Australia?
- (3) Does the office have a strategy to fund the by-name list on an ongoing basis?

Hon STEPHEN DAWSON replied:

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

- (1)–(3) Capturing accurate data on the number, location and demographics of people experiencing homelessness is difficult due to the hidden and highly transient nature of the homeless population. No one single data source is reliable in its own right and therefore each must be interpreted with caution. The Department of Communities uses a range of data sources to understand homelessness across Western Australia, including from the Centre for Social Impact at the University of Western Australia, census data, the by-name list and other sources that informed the *All paths lead to a home: Western Australia's 10-year strategy on homelessness 2020–2030*. The Department of Communities continues to work with the homelessness sector to support coordinated data collection.

FORESTRY — INDUSTRY SUPPORT

1164. Hon Dr STEVE THOMAS to the minister representing the Minister for Forestry:

I refer to the minister's answer to my question without notice 1118 asked on 15 November 2022. What is the amount that each of the 24 individual forestry businesses have been approved to receive under the business transition program in part (3) of my question?

Hon DARREN WEST replied:

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

As the process is still ongoing, the Minister for Forestry asks the honourable member to place the question on notice.

SVITZER AUSTRALIA — TUG OPERATORS

1165. Hon COLIN de GRUSSA to the Leader of the House representing the Minister for Ports:

I refer to the minister's response to question without notice 1124 asked yesterday.

- (1) Can the minister please provide the dates on which Svitzer was last appointed at each of the following ports —
 - (a) Albany;
 - (b) Bunbury;
 - (c) Fremantle;
 - (d) Geraldton; and
 - (e) Kwinana?

- (2) For each of the ports, were the appointments made following a public tender process?
- (3) Does each port currently have a business continuity plan, or similar, in place, and do those plans include a scenario such as a cessation of tug operations?

Hon STEPHEN DAWSON replied:

I thank the honourable member for some notice of the question. The following answer is provided on behalf of the Leader of the House representing the Minister for Ports.

- (1)
 - (a) 1 February 2011;
 - (b) 6 December 2021;
 - (c) 30 September 2020;
 - (d) 26 November 2018; and
 - (e) 30 September 2020.
- (2) For Albany, Bunbury and Geraldton, yes.
For Fremantle and Kwinana, no, the current licence was a renewal of the existing towage licence with Svitzer executed in 2013, following a full review of service performance.
- (3) All ports have business continuity plans in place.

CYBERSECURITY SERVICES

1166. Hon TJORN SIBMA to the Minister for Innovation and ICT:

I refer to a new dedicated home for the Cyber Security Operations Centre.

- (1) Has a shortlist of sites been finalised?
- (2) If no to (1), when does the minister expect to see a recommendation?
- (3) What factors are being considered by the government regarding site suitability?

Hon STEPHEN DAWSON replied:

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

- (1) The Cyber Security Operations Centre is currently operating effectively from its present location at Dumas House. A new dedicated facility will be established for the CSOC within Dumas House.
- (2)–(3) Not applicable.

VICTIMS OF CRIME ACT — REVIEW REPORT

1167. Hon NICK GOIRAN to the parliamentary secretary representing the Attorney General:

I refer to the report on the statutory review of the Victims of Crime Act 1994 tabled on 16 March this year and the Attorney General's statement made that same day.

- (1) Has the Attorney General received advice from the department on the recommendations made in the report?
- (2) If yes to (1), when did this occur and will the Attorney General table the advice?
- (3) If no to (1) or (2), when will the Attorney General table the advice?
- (4) Will the Attorney General expand the definition of "victim" pursuant to the report, particularly regarding children who witness a serious offence?
- (5) If no to (2) or (4), why not?

Hon KYLE MCGINN replied:

I thank the honourable member for some notice of the question and provide the answer on behalf of the parliamentary secretary representing the Attorney General.

- (1)–(5) The Department of Justice will provide advice to the Attorney General on the statutory review of the Victims of Crime Act 1994 following its consultation on the recommendations.

SUPPORTING COMMUNITIES FORUM

1168. Hon DONNA FARAGHER to the Leader of the House representing the Premier:

I refer to the answer provided to question without notice 1027 asked on 25 October 2022 regarding the Supporting Communities Forum.

- (1) Have any evaluations been undertaken, or are intended to be undertaken, to determine the impact and effectiveness of the Supporting Communities Forum since it was established; and, if not, why not?
- (2) Is the forum expected to continue after 2022?

Hon STEPHEN DAWSON replied:

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

The Supporting Communities Forum is a collaborative partnership between the communities —

Hon Donna Faragher: I know that. The answer is the same every time.

Hon STEPHEN DAWSON: Hang on; did you ask me a question?

Hon Donna Faragher: Yes, I am just hearing the same answer.

Hon STEPHEN DAWSON: Do you want the answer? Would you like the answer or not?

Hon Donna Faragher interjected.

The PRESIDENT: Order!

Hon STEPHEN DAWSON: The Supporting Communities Forum is a collaborative partnership between the community services sector and WA government agencies.

(1) No formal review is intended or planned at present.

(2) Yes.

Hon Donna Faragher interjected.

The PRESIDENT: Hon Peter Collier.

Hon PETER COLLIER: Are you all right?

Hon Donna Faragher interjected.

The PRESIDENT: Are you right?

Hon PETER COLLIER: Yes. I am right. I am just waiting for my colleague to be quiet.

The PRESIDENT: Good, I am glad we are all right. Can we continue with the questions?

POLICE OFFICERS — RECRUITMENT

1169. Hon PETER COLLIER to the minister representing the Minister for Police:

(1) Have any changes been made within the staffing profile at the training recruitment division at the WA Police Academy in Joondalup in 2022?

(2) If yes to (1), what is the nature of these changes?

Hon STEPHEN DAWSON replied:

I thank the honourable member for some notice of this question. The following information has been provided to me by the Minister for Police. The Western Australia Police Force advise —

(1) Yes.

(2) An international recruitment team of six officers has been formed to deliver the international recruitment commitments.

BANKSIA HILL DETENTION CENTRE AND UNIT 18 DETAINEES — OUT-OF-CELL HOURS

1170. Hon Dr BRAD PETTITT to the parliamentary secretary representing the Minister for Corrective Services:

I refer to youth detention.

(1) What was the average out-of-cell hours for detainees at Banksia Hill Detention Centre and unit 18, respectively, in October 2022?

(2) What is the average time out of cell—unlock time—for each young person who was held at unit 18 in October 2022?

Hon KYLE McGINN replied:

I thank the member for some notice of the question and provide the following answer on behalf of the parliamentary secretary representing the Minister for Corrective Services.

(1) Out-of-cell hours for youth facilities from 1 October 2022 to 31 October 2022 are Banksia Hill Detention Centre, 8.47 hours and unit 18, 3.56 hours. Average out-of-cell hours are not reflective of an individual young person's out-of-cell hours, which are varied and dependent on their circumstances. Out-of-cell hours are impacted by critical incidents occurring in the unit, including cell and unit damage, assaults on staff, refusal to follow instructions and other behavioural issues. Out-of-cell hours may also be impacted by detainee movements and arrangements made to facilitate social and official visits.

- (2) The department's data systems do not allow for this information to be readily extracted. We request that the member put this question on notice.

PLANNING — CAPE PERON

1171. Hon Dr BRIAN WALKER to the Leader of the House representing the Minister for Planning:

I refer the minister to her media release on planning investigation outcomes, dated 21 September 2022, in which it was stated that work is “progressing to create the first stage of a class A reserve at Cape Peron” and announcing the formation of a Cape Peron implementation group.

- (1) When was the Cape Peron implementation group established, and how often has it met since its inception?
- (2) What is the group's remit and membership, and when is it expected to report back to the minister?
- (3) What, if anything, needs to be achieved before formal sign-off on class A designation can be finalised?

Hon STEPHEN DAWSON replied:

I thank the honourable member for some notice of the question. I provide the following information on behalf of the Leader of the House representing the Minister for Planning.

- (1) It was established in December 2021 and has met eight times.
- (2) The committee was established to oversee the implementation of the working group's recommendations as endorsed by government. The committee is chaired by the Department of Planning, Lands and Heritage and its membership includes the City of Rockingham, the Department of Transport, the Department of Biodiversity, Conservation and Attractions, with the South West Aboriginal Land and Sea Council observing.
- (3) A deposited plan of the proposed class A reserve needs to be finalised and documents prepared for lodgement at Landgate.

FIRE AND EMERGENCY SERVICES — MEDIA AND CORPORATE COMMUNICATIONS

1172. Hon MARTIN ALDRIDGE to the Minister for Emergency Services:

I refer to Legislative Council question on notice 924 and question without notice 1150 and the minister's repeated refusal to provide a breakdown of staff within the Department of Fire and Emergency Services' media and corporate communications function, noting that the report that the minister has referred Parliament to does not contain the information sought.

- (1) Will the minister comply with section 82 of the Financial Management Act 2006?
- (2) Has the minister or any member of his office ever directed or encourage DFES to refer contact from the public to offices of members of Parliament; and, if so, please provide details?
- (3) Has DFES on any occasion referred members of the public to contact local members of Parliament when seeking information about fire and other emergencies or incidents' specific information?

Hon STEPHEN DAWSON replied:

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

- (1) I was going to provide an updated answer to Legislative Council question on notice 924 but only half of it is here so I will not provide it. I will send it in and provide an updated answer at the end of question time.
- (2)–(3) Not that I am aware of.

RENEWABLE ENERGY — SECTION 91 LICENCES

1173. Hon NEIL THOMSON to the Leader of the House representing the Minister for Lands:

I refer to question without notice 1001 asked on 17 November 2021 and request an update.

- (1) How many section 91 licences have been issued to renewable energy companies as per the Land Administration Act?
- (2) How many active applications for section 91 licences are being considered?
- (3) For those licences issued and under consideration in (1) and (2), will the minister please list the companies, the location of the section 91 licence and the area of land affected in hectares?

Hon STEPHEN DAWSON replied:

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

- (1) It is six.
- (2) It is 111.

- (3) NW Interconnected Power Pty Ltd, Pilbara, 660 000 hectares; NW Interconnected Power Pty Ltd, goldfields–Esperance, 1 750 000 hectares; Hydrogen Renewables Australia Pty Ltd, midwest, 120 000 hectares; Province Resources Ltd, midwest, 10 000 hectares; Province Resources Ltd, Gascoyne, 413 091 hectares; and WA Offshore Windfarm Pty Ltd, Myalup, offshore, 12 620 hectares.

The details of the proposals under consideration are commercial-in-confidence.

COMMUNITIES — BUILDING CONDITION ASSESSMENT PROGRAM

1174. Hon STEVE MARTIN to the Leader of the House representing the Minister for Housing:

I refer to the \$12.8 million building condition assessment program referenced in the Department of Communities' 2021–2022 annual report.

- (1) Did the BCA replace a similar program to identify property maintenance requests?
- (2) How many of the 196 homes have commenced maintenance works?
- (3) How many of the 196 homes have completed maintenance works?
- (4) Will the BCA be inspecting properties in regional Western Australia and not just metropolitan Perth?

Hon STEPHEN DAWSON replied:

I thank the honourable member for some notice of the question. I provide the following information on behalf of the Leader of the House representing the Minister for Housing.

- (1)–(4) The McGowan government is investing \$2.4 billion in social housing and homelessness over four years. Through this investment, we are delivering the new \$12.8 million building condition assessment program, which will see over 10 000 social housing assets assessed across Western Australia.

The information gathered during the BCA program is to future inform investment planning across the housing portfolio and help forecast future required works to keep housing stock viable and in the system for years to come. These assessments are in addition to regular property inspections undertaken by the Department of Communities when maintenance requirements are regularly reported.

MURCHISON HYDROGEN RENEWABLES

1175. Hon Dr STEVE THOMAS to the parliamentary secretary representing the Minister for Mines and Petroleum:

I refer to the media release of 21 December 2021 from the Minister for Hydrogen Industry granting lead agency status to the Murchison Hydrogen Renewables project on Murchison House station, north of Geraldton.

- (1) Does Toolonga Mineral Sand Pty Ltd have an existing exploration licence for the area on which Murchison Hydrogen Renewables proposes to put its project?
- (2) If yes to (1), what is the expiration date of that exploration licence?
- (3) Is the government seeking to advantage Murchison Hydrogen Renewables over Toolonga Mineral Sand Pty Ltd for the use of the location?
- (4) What negotiations has the government entered into with Toolonga Mineral Sand Pty Ltd on the issue?

Hon MATTHEW SWINBOURN replied:

I thank the member for some notice of the question. The following information is provided to me by the Minister for Mines and Petroleum.

- (1) No.
- (2) Not applicable.
- (3) No.
- (4) None.

PRINCIPALS' HOTLINE

1176. Hon COLIN de GRUSSA to the Minister for Education and Training:

I refer to the revelation in May this year that the minister would launch hotlines for principals and students.

- (1) Are they separate phone lines or the same number?
- (2) Are the calls being managed through a call centre or directly through the minister's office?
- (3) How many calls has the minister received to date from —
 - (a) principals; and
 - (b) students?

Hon STEPHEN DAWSON replied:

I thank the honourable member for some notice of the question. This answer is provided on behalf of the Minister for Education and Training, and I note that it is in her tense, so it is her speaking.

(1)–(2) I host the hotlines at an allocated time on different days, utilising either my ministerial or electorate office telephone number, depending on my location on that day. The calls are managed directly through my office.

(3) (a) There have been 11.

(b) There have been calls from students from 22 schools.

PUBLIC TRANSPORT — PATRONAGE

1177. Hon TJORN SIBMA to the Leader of the House representing the Minister for Transport:

I refer to the table showing total train boardings for the 2020–21 and 2021–22 financial years, by line, on page 17 of the Public Transport Authority's *Annual report*.

(1) When does the PTA expect patronage to return to pre-COVID levels?

(2) What is the basis for this expectation?

Hon STEPHEN DAWSON replied:

I thank the honourable member for some notice of the question. The answer is provided on behalf of the Leader of the House representing the Minister for Transport.

(1)–(2) The McGowan government is investing heavily in our public transport system through Metronet, and it is expected that this investment, including the opening of new rail lines to Ellenbrook, Yanchep, Byford and Thornlie–Cockburn, will increase patronage, as it did when previous lines opened.

HOME STRETCH PROGRAM

1178. Hon NICK GOIRAN to the Leader of the House representing the Minister for Child Protection:

I refer to the Home Stretch program and the government's commitment to invest \$37.2 million.

(1) How much of that total investment is allocated for 2022–23?

(2) How much of that total investment is earmarked for the Yorganop Association?

(3) How much of that total investment is earmarked for Anglicare WA?

Hon STEPHEN DAWSON replied:

I thank the member for some notice of the question. The following answer is provided on behalf of the Leader of the House representing the Minister for Child Protection.

(1) It is \$9.5 million.

(2) It is \$4.5 million.

(3) It is \$2.4 million.

ON-COUNTRY RESIDENTIAL FACILITY

1179. Hon Dr BRAD PETTITT to the Minister for Regional Development:

I refer to the \$15 million on-country residential facility announced in May 2023, and recent media reports that the facility would not be up and running in early 2023 as planned.

(1) Why has the opening of the on-country residential facility been delayed?

(2) Could the minister please provide an updated time line, including the expected opening date, of this facility?

(3) Could the minister please provide an update on the progress on the \$500 000 allocated to plan and develop other safe-space proposals?

Hon DARREN WEST replied:

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

(1)–(3) Work on the program design for the on-country facility has been completed and a fuller update will be provided next week.

HEALTH — CHILD HEALTH CHECKS REPORT

Question without Notice 1127 — Answer

HON STEPHEN DAWSON (Mining and Pastoral — Deputy Leader of the House) [5.03 pm]: I would like to provide an answer to the Hon Donna Faragher's question without notice 1127, asked yesterday.

I seek leave to have it incorporated into *Hansard*.

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

- (1) Operational recommendations relate to the functions undertaken by employees, engagement strategies and opportunities to increase access, through measures such as telehealth.

QUESTION ON NOTICE 996

Paper Tabled

A paper relating to an answer to question on notice 996 was tabled by **Hon Stephen Dawson (Deputy Leader of the House)**.

FIRE AND EMERGENCY SERVICES — MEDIA AND CORPORATE COMMUNICATIONS

Question without Notice 1172 — Answer

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Emergency Services) [5.04 pm]: Earlier in question time, Hon Martin Aldridge asked me a question without notice, and I was able to provide an answer to parts (2) and (3). In relation to part (1), I table an updated answer to Legislative Council question on notice 924.

[See paper 1850.]

WORKING WITH CHILDREN (CRIMINAL RECORD CHECKING) AMENDMENT BILL 2022

Committee

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

Clause 14: Section 13A amended —

Committee was interrupted after the clause had been partly considered.

Hon NICK GOIRAN: I think, just prior to the interval for the taking of questions without notice, we had passed clause 13 and we are now considering clause 14. I note this in passing at this time. Does the parliamentary secretary have a copy of the blue bill handy?

Hon Matthew Swinbourn: Yes.

Hon NICK GOIRAN: There is a curiosity that I want to draw to the parliamentary secretary's attention. No doubt, the entity that is mentioned often but never present is responsible for this curiosity. But if the parliamentary secretary looks at page 22 of the blue bill, the start of division 2, we see section 12 of the Working with Children (Criminal Record Checking) Act 2004. This continues for a number of pages and includes that substantial table that we spent some time considering earlier this afternoon. The very next section, which appears at page 26, is 13A, and then the next section, on page 27, is proposed section 13. But then, just to confuse things a little bit more, if we turn to page 28, we have proposed section 13AA. I am not intending to do anything with that; I just draw it to the parliamentary secretary's attention. I genuinely do not know whether that is part of the ordinary drafting convention. I do know that it is a curiosity that when a section is added in, it is designated as "A" and is inserted before the section itself. I have previously discussed that at other times and find that a strange approach. One would think that section 13A would always come after section 13. Nevertheless, in this instance, we have a double curiosity. We have section 13A before proposed section 13, and proposed section 13AA afterwards. I do not necessarily expect a response, but I know that when we raise these matters, they are considered by the drafters. If that is something irregular, I am sure that they will attend to it. If it is just the way it is going to be henceforth, then I am sure we will see it again in the future. I must say, for the ordinary reader, it is actually unhelpful. I just make that observation; it is not a question at this time.

I turn to clause 14, which seeks to amend section 13A of the act. Prior to the interval for the taking of questions without notice, the parliamentary secretary was assisting the chamber with the use of the phrase "other person". That is defined, in a sense, in the explanatory memorandum, but I think the parliamentary secretary indicated prior to the break that it is not otherwise defined in the bill.

Hon Matthew Swinbourn: By way of interjection, it's not, no.

Hon NICK GOIRAN: Yes. Again, although the explanatory memorandum indicates that "other person" is intended to be a reference to the person who employs or proposes to employ the applicant in child-related employment, other than by reference to the explanatory memorandum, how are the users of this legislation supposed to know who the other person is?

Hon MATTHEW SWINBOURN: The term should be read to have just its ordinary plain meaning. It falls under the normal rules of statutory construction. There is probably an argument for having it defined within the bill. I am not sure why that did not transition from the explanatory memorandum to the bill. The EMs are always written after the bill. However, we think that the clause is not so complex that an ordinary reader could not glean its meaning from reading it. If they were not able to do that, they could go through the cascading series of external materials

such as the EM, the parliamentary debates and the dictionary if that would be of any help—I do not think it would be in this particular instance—to get that particular meaning. That is probably not a satisfactory answer in the big scheme of things, but I do not think that this particular provision is so complex that an ordinary reader would not understand what it means. If they were concerned and they were before a court or anything like that, the EM would be at hand for most people.

Hon NICK GOIRAN: Clause 14(b) of the bill will amend section 13A(1)(b) and insert proposed subparagraph (i) — if an assessment notice is issued — give details ... to the other person in the manner or form the CEO thinks fit ...

What is intended to be the “manner or form the CEO thinks fit” to communicate this to the other person?

Hon MATTHEW SWINBOURN: This comes back to the design of and movement to use of an electronic system. The system is not bedded down at all at this stage, so the wording “in the manner or form the CEO thinks fit” will enable the CEO to move to using that online system.

Hon NICK GOIRAN: Proposed subparagraph (ii) of section 13A(1)(b) also includes a capacity for the CEO to “give a copy of the negative notice to the other person”. Is that a substantial change from the current practice?

Hon Matthew Swinbourn: By way of interjection, no, member.

Hon NICK GOIRAN: That is the current practice. Will there be any restraint or restriction on the other person disseminating or distributing information, including, but not limited to, the negative notice?

Hon MATTHEW SWINBOURN: There will be no privity in this document, so a person who has received it would be free to disseminate it if they so choose.

Hon NICK GOIRAN: This proposed section refers to the issuing of assessment notices and negative notices. Will the provisions be the same for an interim negative notice?

Hon MATTHEW SWINBOURN: The answer is yes. The obligations of the CEO will be the same. The entitlement to disseminate as they see fit will also be available.

Hon NICK GOIRAN: I take it that the parliamentary secretary is referring to proposed section 13AA(4), which states —

If the CEO is aware that the person to whom an interim negative notice is issued is employed, or is proposed to be employed, in child-related employment by another person, the CEO must give a copy of the interim negative notice to the other person.

Hon Matthew Swinbourn: Yes.

Hon NICK GOIRAN: That particular delivery of the negative notice will be consistent with the delivery of the negative notice as set out in the proposed amendment to section 13A(1)(b)(ii), which will then read —

If a negative notice is issued — give a copy of the negative notice to the other person.

As I indicated earlier, we have the curiosity that when it comes to an assessment notice, the CEO may deliver the information in a manner or form that he or she thinks fit. Is there any particular reason why the manner or form discretion that will be provided to the CEO will not also apply to an interim negative notice and a negative notice?

The CHAIR: Members, noting the time, I am going to interrupt debate to report progress.

Progress reported and leave granted to sit again, pursuant to standing orders.

TRANS AWARENESS WEEK

Statement

HON PETER FOSTER (Mining and Pastoral) [5.20 pm]: This week is Trans Awareness Week. The aim of Trans Awareness Week is to raise awareness and visibility of the transgender community through advocacy and education. Trans and gender-diverse Western Australians suffer high rates of violence, homelessness, poverty, sexual assault and healthcare discrimination. Did members know that 96 per cent of trans and gender-diverse young people have experienced discrimination due to their identity? Did members know that 90 per cent of trans and gender-diverse young people will experience depression, compared with just 15 per cent of the general population? It is crucial that safe spaces and resources are available and accessible to our trans and gender-diverse community across WA to both empower them and protect them from harm.

When leaders such as members in this place use inclusive language, the rate of social exclusion of our gender-diverse and trans community is halved. We all have a role to play. Trans Awareness Week is a chance for us to celebrate the wonderful trans and gender-diverse community, and it is also the ideal time to educate ourselves and those around us about gender diversity and the importance of being a trans ally.

I would like to acknowledge the great work of TransFolk of WA. I recently had the privilege of meeting the chair, Hunter Gurevich, and some of the committee and membership, at a fundraising event. Hon Stephen Dawson and

Hon Lorna Harper also joined us at that event. It was both humbling and, at times, upsetting to listen to the stories of the discrimination, violence and adversity that they suffer just by living their lives. I am thankful to TransFolk of WA, which provides vital support services to transgender people right across WA, and even in the regions. Its purpose is to inform, empower and advocate for the trans and gender-diverse community so that they both survive and thrive. It runs a number of online groups; it promotes the health and wellbeing of the trans and gender-diverse community by maintaining a list of friendly medical providers; it hosts an online register of resources and brochures; and it operates a free and low-cost binder program. TransFolk of WA is even running a trans 101 course this week as part of Pride WA's PrideFEST. It will share information on what it means to be trans and gender-diverse, and share ways in which we can all be more inclusive. TransFolk of WA's vision is for all trans and gender-diverse people to be valued and empowered members of our communities. This is a vision that I share, and I hope members of this house will join me in doing so.

As members may be aware, November is PrideFEST month across Perth, and a large number of events are being organised by Pride WA. As a community, arts and cultural organisation, it is Pride WA's mission to promote and encourage the community, culture and artistic expression of all people of diverse sexuality and gender living in Western Australia, and to provide a platform for the celebration of that community, their talent and culture, as they continue to champion their rights and freedoms. I would also like to acknowledge and thank Pride WA for its good work. The organisation is run by volunteers, with very minimal paid staff, who put in many hours organising a considerable number of events right across Perth in music, arts, TEDx Talks, health and wellbeing workshops and book events, as well as the upcoming annual street parade, which returns to Northridge this year. I attended the PrideFEST Fairday on Sunday in Hyde Park, along with a number of members of Parliament from both this house and the other place, which was fantastic to see.

I believe this sends a strong message to the LGBTQIA+ community that members of Parliament show their support every day, but particularly during this special month.

On Tuesday this week, we celebrated five years since Australia said yes to marriage equality, when almost two-thirds of Western Australians voted for change. Like many, I remember that day very well. I woke up early, turned on the television and waited for the results. I was anxious because what if Australians said no? What would that mean? Was my relationship not valued? Was I not equal? How would it affect our son, who was only three years old at the time?

When the results were read out, I cried. I cried with happiness because Australians said yes to equality. They voted for fairness. They voted for love. They voted for change. I think it is important to reflect on this, because the views of Western Australians have certainly evolved over the years, and I particularly hope that the views of Western Australians on our transgender and diverse community evolve. Words and actions matter. Anti-trans rhetoric fuels hate crimes.

This Sunday is Transgender Day of Remembrance. Although I will not personally be able to attend the candlelight vigil that will be held, I will most certainly light a candle and honour the lives of those lost to transphobia and violence in 2022. I will stop and reflect on the lives that have been lost, reflect on our community's strengths in the face of adversity and recommit myself to fight transphobia to create a better, safer and more inclusive world for everyone.

SUPPORTING COMMUNITIES FORUM — PARLIAMENTARY QUESTIONS

Statement

HON DONNA FARAGHER (East Metropolitan) [5.26 pm]: I rise tonight to raise a matter about some answers that I have been provided by the Premier over the last couple of weeks to some very straightforward questions that I have asked that centre around the Supporting Communities Forum. I have been asking these questions as the term of the current forum will end on 31 December 2022. I asked the Premier a couple of questions, and I will go back to 25 October. I asked him whether any formal reviews had been undertaken to determine the Supporting Communities Forum's impact and effectiveness within the community services sector since it was established; and, if not, whether a review was intended to be undertaken. The response I received from the Premier was —

The Supporting Communities Forum is a collaborative partnership between the community services sector and WA government agencies.

(1)–(2) No formal review is intended or planned at present.

I asked another question today about whether any evaluations—not a review—had been undertaken, or were intended to be undertaken, to determine the Supporting Communities Forum's impact and effectiveness since it was established; and, if not, why not. The answer I received was exactly the same —

The Supporting Communities Forum is a collaborative partnership between the community services sector and WA government agencies.

I know that. It continues —

(1) No formal review is intended or planned at present.

There was no reason for why not; I was just given the exact same answer. The reason I have asked these questions is that, as I said, the term of the current forum will end on 31 December 2022. The terms of reference of the forum state —

An evaluation of the Forum will be conducted after two years of operation to coincide with the renewal of Forum membership. This evaluation will inform a review of the Forum’s Terms of Reference. The Sub Committee may initiate an earlier evaluation if desired.

We might be talking semantics here. Yes, I asked about a review in the first instance, and I was told that there had been no formal review. Okay. Then I used the exact word used in the terms of reference—evaluation—and I got the exact same answer.

I say to the government and to the Premier that I actually read these documents, so when I ask a question, I expect an answer. I indicate to the government—I appreciate that the parliamentary secretary is here, so he might choose to take this back to the ministers who answered these questions, who are away on urgent parliamentary business—that I will continue to ask questions about this matter; and, if it does not intend to follow its own terms of reference, it should tell us why. I asked, “If not, why not?”, but I did not get a response to that. I say to the Premier that I will continue to ask these questions, irrespective of how annoying he may find it.

**URANIUM MINING — MULGA ROCK —
STATEMENT BY UPURLI UPURLI AND SPINIFEX WOMEN**

Statement

HON DR BRAD PETTITT (South Metropolitan) [5.30 pm]: I rise today to share a statement from the Upurli Upurli and Spinifex women regarding the unprecedented threat they face from uranium mining at Mulga Rock. Before I read the statement, I want to make a few short comments.

In its most recent quarterly report, Deep Yellow, formerly Vimy Resources, pushed out the time line of the project by years. A new definitive feasibility study is now not expected until mid-2024. That is after having already completed two definitive feasibility studies, in 2018 and 2021. In short, the project is clearly not feasible and probably not happening. But it is hard to understand how this company has been able to convince this government that it has substantially commenced a mine when the feasibility of said mine will not even be determined for another two years. This is a mine that the company has not yet decided to build and has no funding for.

Nearly a year ago, this government signed off on the company’s claims that it had “substantially commenced” mining at Mulga Rock by clearing some land and laying a few kilometres of pipe. A year later, there are still huge tracts of cleared land sitting undeveloped and eroding. The implication of this government’s decision to accept that the Mulga Rock project has substantially commenced is that a community that has been fighting against uranium mining for decades is left living with the constant threat of a uranium mine.

The Upurli Upurli and Spinifex people and others in the local community have been forced to engage with the company, which has shown little regard for their concerns and their connection to country. Additionally, the government’s decision to declare the Mulga Rock project as having substantially commenced has removed any time constraints and given the company a free pass to pursue an environmentally reckless project. If it were to go ahead, the project would put the endangered sandhill dunnart under threat and leave Western Australians with a legacy of 32 million tonnes of radioactive tailings.

I now read the statement —

Two years ago Juukan Gorge became a name known around Australia. Blasting by Rio Tinto made the Puutu Kunti Kurrama and Pinikura lands shake and destroyed ancient cultural heritage sites. The reverberations were felt across the country with a collective sense of outrage and despair over our failed and deficient systems, corporations and institutions.

Rio Tinto declared that this destruction was at odds with the company’s values and there was a subsequent exit of senior people—including then CEO Jean Sébastien Jacques. This list included Chris Salisbury, the Chief Executive of Rio Tinto’s Iron Ore operations at the time. Following the blasting, it was reported that, he had told staff that he regretted that people had been upset by the destruction, but he failed to apologise for the loss of ancient cultural heritage.

Sadly, the collective sense of loss and failure felt over the destruction at Juukan Gorge has not led to better heritage protection laws and it has not stopped the people involved from working in the mining industry. Our deep concern is that the true lessons of Juukan have not been learnt and are set to happen again.

We are Upurli Upurli and Spinifex women and we are writing because we face the unprecedented threat of uranium mining at Mulga Rock, east of Kalgoorlie. This push to open WA’s first uranium mine is being driven by a mining company called Deep Yellow that is led by Chris Salisbury and former Paladin Energy CEO John Borshoff.

We have been saying no to uranium mining at Mulga Rock for a long time. Despite Vimy saying, they will have dust control in place and it will be at a minimum, we are concerned as the dust will fall onto the plants—the food source for animals such as the kangaroo, who digest that food, which in turn impacts First Nation People who eat Kangaroo. This raises serious health concerns for our people.

The desecration of our sandhill Country impacts the Sandhill Dunnart, which is formally listed as endangered—its home and habitat are already under pressure from the planned mine, and this would only get worse.

There are no government processes that give our group any say in what happens in our Country. This Country is part of our past, present and future.

Our families on the Spinifex side were refugees who fled or were forced from Maralinga during the British atomic weapons tests. Our people made their home at Cundelee, just fifty kilometres from the proposed mine. They practiced Law and Culture and looked after that Country, and we continue to do that today. We don't want uranium mining on our country because we are out on that Country camping and moving around doing our social, cultural and religious practices.

It's not just the Board level connection to the Juukan Gorge destruction that has us worried. John Borshoff the CEO of Deep Yellow and former CEO of Paladin, he was involved with Paladin up until 2015.

There have been so many media reports about Paladin that make us really worried.

There was news about a spill from the mine and then later there were reports of fish kills in the nearby Lake. Environment groups have been worried about the water Paladin was allowed to release from the site the community and environment groups are worried that has been contaminating the water.

Between 2009 and 2013 there were reports about workers dying, getting sick, going on strike over pay and work conditions. There were local reports from Namibia, Malawi and Australian media outlets.

After Fukushima the drop in uranium price meant companies like Paladin weren't profitable. They put mines in to Care and Maintenance and sold off assets. Mr Borshoff stepped down from Paladin when the company had \$480 million worth of debt and shortly after went into administration.

The ability to walk away from a troubled company and start with a new company and new deposits is shocking to us.

Our culture is built on respect for the past and responsibility for the future. We do not have confidence in others who seek to operate on our country but who do not share or show these values.

For the Puutu Kunti Kurrama and Pinikura who have had their story stolen and destroyed there is no justice. For the families in Malawi who have suffered loss from Paladin's Kayelekera mine there is no justice. Now these miners are knocking on our door and we want to keep it closed against the continuing pain and shame of Juukan Gorge our voices need to be heard.

We say no to uranium mining at Mulga Rock."

That is a very clear statement against mining at Mulga Rock.

I want to thank Maria Barton, Debbie Carmody, Libby Carmody, Ada Jameson, Janice Scott, Noreen Scott and Veronica Scott for sharing this statement with me, and allowing me to read it in this place today.

To conclude, I call on this government to review the substantial commencement status of the Mulga Rock project.

I seek to table that document.

[Leave granted. See paper 1851.]

POLICE — REGIONS

Statement

HON SHELLEY PAYNE (Agricultural) [5.37 pm]: I want to briefly acknowledge all our police officers around the state who work so hard and the McGowan government for what it is doing to increase the number of police officers by 950 and for putting more police officers out into the regions. I think we have one of the best police forces in the country, and we should be thankful for that. I was fortunate to travel to Esperance with Minister Papalia, the Minister for Police, yesterday, where there was an annual police conference for the goldfields–Esperance district. That was the first time it had been held there. As Hon Kyle McGinn knows, the goldfields–Esperance police force district is massive. It is the biggest police force district in the world, covering 1.2 million square kilometres and a third of Western Australia. The police officers who work all around the very remote parts of our state came together to attend the conference. It was great for them to have an opportunity to catch up. The conference was focused on maximising technology. I am really proud of what our police force is doing, especially with the rollout of the body-worn cameras that have been really great in showing what happens on the ground. That has been taken on, as well as a lot of the other work that we are doing with technology.

I had the opportunity to meet Sharon Wood-Kennedy, a Noongar Yamatji woman who works closely with the police force to roll out cultural and diversity immersion training, which is what she was doing with the police force yesterday. It was fantastic to meet her. She was really inspiring and it was great to see the work she has been doing with the police force.

We also had the opportunity to meet with the Esperance branch of Volunteer Marine Rescue Western Australia, which works closely with the police. We had an incident not long ago when a tourist slipped off the rocks and Volunteer Marine Rescue conducted a recovery operation. This was an opportunity for the Commissioner of Police and deputy commissioner Allan Adams to come on the rescue boat with Minister Papalia and have a bit of a drive and connect with how our community groups are working well with our police force down there.

I have already mentioned all that the government is doing to get more officers on the ground in the regions. I have just been speaking with our commissioner, Col Blanch, and he is really committed to getting more officers out in the regions. We have seen a lot of money from the government go to the upgrading of regional police stations. It is really fantastic and great for police officers in the regions to have really good police stations with new equipment and things. I thank the McGowan government for that.

House adjourned at 5.40 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

MINISTER FOR HOUSING — REGEN STRATEGIC — CONTACT**977. Hon Tjorn Sibma to the Leader of the House representing the Minister for Housing; Lands; Homelessness; Local Government:**

Please advise if the Minister and/or any staff member or placement within the Minister's Office has had any contact or meetings with representatives of registered lobbyist ReGen Strategic between 1 January 2021 and 30 June 2022, and if yes:

- (a) what were the dates of the contact(s)/meeting(s);
- (b) what was the name of the client being represented during the contact(s)/meeting(s);
- (c) what was the nature or subject of discussion during the contact(s)/meeting(s);
- (d) were other people present during these contact(s)/meeting(s); and
- (e) what were the names of all people present during these contact(s)/meeting(s)?

Hon Sue Ellery replied:

ReGen Strategic was established on 20 July 2022. Prior to this, ReGen Strategic was registered on the WA Register of Lobbyists as CGM Communications.

Contact or meetings of a professional nature between representatives of CGM Communications and the Minister and/or staff between 19 March 2021 (commencement of term) and 30 June 2022 is provided below.

Date	Client	Contact method	Minister and/or staff present	Topic of meeting/contact
09/06/2022	Gascoyne Gateway	Meeting	Policy Advisor and Minister	Gascoyne Gateway
01/05/2022	CGM Communications	Incidental Meeting	Minister	Town of Cambridge
18/03/2022	CGM Communications	Email	Chief of Staff	Event Invitation – Declined
02/02/2022	Parcel Property Group	Meeting	Policy Advisor and Minister	Development in West Leederville
14/01/2022	Parcel Property	Email	Chief of Staff	Development in West Leederville
14/12/2021	City of Cockburn	Meeting	Policy Advisors	City of Cockburn
05/10/2021	Strike Energy	Meeting	Chief of Staff and Policy Advisor	Housing and Land Supply

The Minister and/or staff may have had contact with representatives of CGM Communications for administrative purposes only or in a personal or social nature.

MINISTER FOR HOUSING — STAFF — GIFTS AND HOSPITALITY**996. Hon Tjorn Sibma to the Leader of the House representing the Minister for Housing; Lands; Homelessness; Local Government:**

Please advise if any member of the Minister's office between the period 1 July 2021 and 30 June 2022 accepted gifts and/or hospitality from a union, registered lobbyist, private company and/or individual with whom they have had professional dealings by virtue of their role and duty in the service of the Government (ie. distinct from gifts and/or hospitality provided in a genuinely personal capacity) and, if yes:

- (a) which staff member accepted the gift/hospitality;
- (b) what was the gift/hospitality and by whom was it given;
- (c) what was the estimated dollar value of the gift/hospitality;
- (d) when was it given; and
- (e) who authorised the acceptance of the gift/authorisation?

Hon Sue Ellery replied:

(a)–(e) [See tabled paper no 1849.]

The acceptance of gifts and/or hospitality is authorised by the employees' manager and the Executive Director, State Services, Department of the Premier and Cabinet.

LANDS — DEVELOPMENT COMMISSIONS

1007. Hon Dr Steve Thomas to the Leader of the House representing the Minister for Lands:

How much of the land owned by government departments, agencies and government corporations is currently deemed fall within Development Commission areas of the:

- (a) Peel Development Commission;
- (b) Southwest Development Commission;
- (c) Great Southern Development Commission; and
- (d) Goldfields Esperance Development Commission?

Hon Sue Ellery replied:

This detailed information is not readily available and would require considerable time to collate and prepare, which would divert staff away from their normal duties. It is not considered to be a reasonable or appropriate use of government resources to provide this level of information.

However, if the Honourable Member wishes to inquire about a specific parcel/s of land, the Minister will endeavour to provide this information.
