



# Parliamentary Debates

(HANSARD)

FORTY-FIRST PARLIAMENT  
FIRST SESSION  
2022

LEGISLATIVE COUNCIL

Wednesday, 11 May 2022



# Legislative Council

Wednesday, 11 May 2022

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

## DEPARTMENT OF THE LEGISLATIVE COUNCIL — STAFF ROLES

### *Statement by President*

**THE PRESIDENT (Hon Alanna Clohesy)** [1.02 pm]: Good afternoon, members. I have a statement. A number of positions within the Department of the Legislative Council are subject to a requirement that they be rotated with another position from time to time for staff development purposes. I wish to advise the house of the most recent rotation of roles by a number of senior staff. Following the recent appointment of the new Clerk, Christine Kain has been rotated into the Clerk Assistant (House) role and Shoshanna Mc Nerney has been appointed to the Clerk Assistant (Committees) role on an acting basis until the end of the year. Many members will be familiar with Shoshanna from her time as an advisory officer with the Standing Committee on Uniform Legislation and Statutes Review, the Joint Standing Committee on Delegated Legislation and the Standing Committee on Public Administration. Shoshanna has a background as a legal practitioner. I also advise that Grant Hitchcock will reprise the role of the Usher of the Black Rod. The department is fortunate to have a deep pool of talented staff to fulfil these important roles, and I wish these senior officers all the very best as they work with the Clerk to deliver the department's high level of service to members and the broader community.

## JURIEN BAY MARINA — WATER QUALITY

### *Petition*

**HON SANDRA CARR (Agricultural)** [1.03 pm]: I present a petition containing 234 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 support action to improve water quality at the Jurien Bay Marina to stop the frequent killing of its inhabiting wildlife. The reduction in oxygen levels on an annual basis is an environmental disaster, a health risk, an eyesore, and the rotten stench permeating through town affecting our towns tourism, and fishing industries.

The beach at the Marina is also a safe sheltered beach where children from the town, visiting tourist children, and people with disabilities can access the ocean without being impeded by rolling waves. This activity cannot be undertaken due to the poor quality of the water in the marina.

We therefore ask the Legislative Council to recommend the State Government include funds in its annual budget to immediately remediate the ongoing problem at the Jurien Bay Marina.

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

[See paper 1264.]

### *Nonconforming Petition*

**Hon SANDRA CARR:** I also note there is a nonconforming petition that was submitted by the same community, which has 169 signatures, but they were unaware of the formalities.

**The PRESIDENT:** Thank you, honourable member. We can table only those that conform, but we recognise your note. Thank you.

## PAPERS TABLED

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

## HOMELESSNESS

### *Notice of Motion*

**Hon Dr Brian Walker** gave notice on behalf of Hon Sophia Moermond that at the next sitting of the house she would move —

That this house recognises that homelessness in Western Australia has reached alarming levels, with around 9 000 people considered homeless on any given night of the week, and that the McGowan Labor government must do more to tackle the problem by —

- (a) urgently having independent analysis done on the changing scale and nature of homelessness across Western Australia, taking into account the many social, economic and policy factors that impact on homelessness;

- (b) identifying policies and practices from all levels of government that have a bearing on delivering services to the homeless; and
- (c) drastically increasing financial aid to those organisations that work with the homeless so as they can expand their operations to help more Western Australian citizens.

### FEDERAL BUDGET — AGED-CARE SECTOR

#### *Motion*

**HON DAN CADDY (North Metropolitan)** [1.07 pm]: I move —

That this house condemns the Morrison government for its failure to provide any support for the aged-care sector in the recent federal budget.

Given the topic, I would just like to start by wishing my mother a happy sixty-ninth birthday today, as she approaches her seventies and we talk about aged care. I am sure she will chastise me for that later.

**Hon Dr Steve Thomas:** Never mention a lady's age!

**Hon DAN CADDY:** She is my mum—she will let me off!

“Neglect” is a word that will be central to my contribution today. *Neglect* was the title of the Morrison government's own report of the Royal Commission into Aged Care Quality and Safety—at least, it was the title of the interim report. The title of the final report was changed. *Neglect* was removed and replaced with *Care, dignity and respect*. No doubt some spin doctor in the Prime Minister's office decided that “neglect” was a wholly too accurate descriptor for this Prime Minister and had it changed. So far, that is the only tangible thing the Morrison government has done in respect of this report: a marketing-led change to the title. In any case, I will stick with “neglect”. It is the perfect word to describe the current federal government's record on aged care. In fact, if it was being completely honest, it probably would have used it to describe its response to the royal commission as well, a response that, as most Australians know, was absolutely dismal. Once again it will be left, as it always is, to an incoming Labor government to do the heavy lifting when it comes to funding and regulation, and transformation around some of the most vulnerable people in our country—our elderly. Wording of this motion was around the federal government's commitment to the aged-care sector in the federal budget. Given the lack of anything new, anything inspiring or anything progressive from the federal Liberal government, it may appear overly ambitious to think there is sufficient content to allow this house to debate such a motion for two hours. Indeed, I stand here now, some two minutes and 15 seconds into my contribution, and I have already spoken for more than twice the time that Josh Frydenberg did on aged care in his budget second reading speech only a few weeks ago. Five lines; that was it. He said five lines on aged care and one of those five was announcing what it did in the 2021 budget. Talk about being out of ideas. The federal government is sitting on a damning royal commission report and that was all it could manage. It is little wonder that the title of the interim report was *Neglect*.

Do not worry, President. Members on this side have a lot to say about the aged-care sector. Members on this side care deeply for elderly Australians and for the workers in aged care. Neglect does not apply just to the Morrison government's approach to those vulnerable Australians who find themselves in aged care; it applies equally to the Morrison government's approach to the critical workers in aged care right across the country. One might argue that it applies to the Morrison government's approach to all workers across this country. I am conscious of time, but I will talk a little bit about the aged-care workforce across Australia because this workforce has been horribly let down by Scott Morrison, horribly let down by Josh Frydenberg and horribly let down by this Liberal government and Ken Wyatt. These workers continue to be some of the lowest paid workers in Australia. They did not get anything from Mr Frydenberg's budget. Mr Frydenberg only spoke about aged care for less than a minute in his budget speech and did not once mention the plight, the pay or the conditions of workers during that minute. Let us be very clear: some aged-care workers face pay levels so low that they are struggling to buy petrol to get to work. They are beside themselves with fatigue and they are emotionally exhausted from dealing with residents who are also distressed at being let down by this Morrison government.

Most members will be aware that yesterday thousands of aged-care workers took protected industrial action across a number of states. Time is up. They are sick of not being listened to. I do not need to tell members in this place how rare it is for aged-care workers to take industrial action. This is not what they want. This is not in their nature. This is not what this high-empathy workforce is about, but they have been left with no choice. They have been left with no choice given the neglect of this Morrison Liberal government. It is the absolute lack of anything significant in the Morrison budget that has, in part, been the driving force for these workers to take the action they took. They were promised that the royal commission would fix things, but it did not. Aged-care residents were promised that the royal commission would fix things, but it did not. It could have, but this federal Liberal government made sure that it has not. This is before we get to the appalling response from the Morrison government to COVID when it comes to aged-care workers. Aged-care workers were promised they would be looked after. We all remember Scott Morrison going full marketing on all the TV channels, saying that he valued aged-care workers and recognised their plight. We all remember him promising those workers that they would be protected with vaccinations,

boosters, RATs and personal protective equipment. They were not. In fact, Scott Morrison made sure that out of all the health workers, those people—those critical aged-care workers—were put at the back of the queue. Aged-care workers were left to fend for themselves when COVID tore through aged-care facilities right across the country. The federal Liberal government left the aged-care workers of Australia higher and drier than a martini on a Hawaiian beach on a summer holiday.

It gets worse. Members would not have thought it possible, but it did get worse because where was the Morrison government when the Senate Select Committee on COVID-19 had its hearings? We all know where Mr Morrison's Minister for Senior Australians and Aged Care Services, Richard Colbeck, was. He was in Tasmania and he was at the cricket, drinking "frothies", to quote my good friend Jackie. When the Senate committee hearing was looking at COVID in aged-care facilities, the federal aged-care services minister chose to go to the cricket rather than to front up. What a disgrace. Such is the contempt that the Liberal Party has for residents and workers alike in our aged-care sector. The monumental failure by Scott Morrison and his incompetent cricket-prioritising aged-care services minister, the treatment of aged-care workers and the lack of forward planning in the 2022 budget are the reasons those workers have been forced to take action.

I will move on from the aged-care workforce and all the workers who have been abandoned by the Morrison Liberals, along with childcare workers and so many others, and look at the recommendations of the royal commission, the implementation of which, in fact, did see money in the budget. Look at what the Morrison government decided to prioritise and, more importantly, what it decided not to prioritise. Messrs Morrison and Hunt came back with a response to the royal commission's report—the report they were forced into commissioning, shamed into commissioning, by the Australian Labor Party—and this response actually gave some hope. They accepted 110 of the report's 148 recommendations. Critically, recommendations 1 to 3 of *Neglect* recommended the replacement of the existing aged-care act with a new aged-care act. The government response accepted these recommendations—happy days. The foreword to the response also gave hope, with smiling photos of Mr Morrison, Greg Hunt and the cricket-loving Senator Colbeck all there. The words above the portraits of these three amigos promised a new aged-care act. What happened to the new act? In September last year, it was introduced into the House of Representatives. It was an act to amend the current act—be that as it may—but it was introduced. It sailed through the House of Representatives. It passed through the Senate. Everyone knows the system; it is similar to here. The message from the Senate was reported in the House of Representatives earlier this year. But, alas, like everything in aged care, it was not a priority of the Morrison government and it lapsed in April this year. The federal government could have made it law, but it chose not to. Once again, by design, the Morrison government showed it could not be trusted to put the welfare of some of our most vulnerable Australians first. It is just the latest form of neglect from this appalling federal Liberal government. The promise the Morrison government made to older Australians in 2021 did not eventuate. The promise the Morrison government made to the families of older Australians in 2021 did not eventuate. The promise the Morrison government made to workers and providers alike in the aged-care sector in Australia in 2021 did not eventuate. That is reflected in the budget and the measly five lines in the Treasurer's second reading speech.

President, this is hardly a surprise. They have form and, with your indulgence, I will walk through the aged-care train wreck that has been the last decade under this Abbott–Turnbull–Morrison government. In fact, I will go back a bit further, because members may remember that the last Prime Minister of this country who implemented any significant reform—I am not talking about just adding dollars to the budget for aged care, but about real reform in aged care—was Julia Gillard back in 2012. Since then, all we have seen is a conservative government intent on driving down wages in real terms. Some of the people most affected by this ideological crusade by the federal Liberals are aged-care workers and then, by extrapolation, the residents of aged-care facilities. The crusade was started by Tony Abbott. So dire was Tony Abbott's mismanagement of aged care that Australia's largest aged-care providers came together to advocate as a group. The Aged Care Guild was officially launched in October 2015. Tony Abbott had not listened to the guild. By this time, Malcolm Turnbull had knifed him in the back and become Prime Minister. This aged-care sector group continued to push him to continue what Labor started. That is how the party phrased it—what Labor started.

Let us look at Malcolm Turnbull. He did not listen either. There is no better illustration of this than the Turnbull 2016 budget. Let us not forget the so-called aged-care funding instrument in the Turnbull government's 2016 budget. This instrument ripped over \$1 billion from the aged-care budget. It caused massive ripples through the industry and then, surprise, surprise, a few months later, in September of that year, it was dragged kicking and screaming to the table to talk about alternative ways it could rip out this \$1.2 billion. It did not consider putting it back in; it just wanted to find out where it could get it from. Guess who was Treasurer at that time? Guess who took over as Treasurer? It was Scott Morrison. Over a dozen reports have been made into different aspects of aged care in this country in the past decade. All of them, to a page, have been crying out for increased funding for the sector. Leaders in aged care have been crying out to the federal government to take aged care seriously and to show some leadership.

I have an article from *The West Australian* in 2020 titled "Aged care pay appeal". I will read some of it. It states —

Aged-care workers need a pay rise and the Government must increase its funding to the sector to make it happen, Regis Healthcare says.

Regis is not an insignificant player in the aged-care market. It continues —

... chairman Graham Hodges said the royal commission into aged care had highlighted the “deliberate underfunding” of the sector over recent years.

“It is unsustainable to expect operators ... to continue to subsidise what should and must be funded by government,” Mr Hodges said.

His chief executive, Linda Mellors, was quoted, with the article continuing —

... said pay rates for aged-care workers needed to rise “and that needs to be supported by a funding increase from government”.

That article appeared in *The West Australian* of 28 October 2020. Two years later, nothing has changed. Let us look at what aged-care providers were saying this year, just after Mr Frydenberg’s budget. An article that appeared in the business section of *The West Australian* of 30 March states —

Aged-care providers and operators say the Budget has failed to address wages in the sector, leaving their workers near poverty.

The Australian Aged Care collaboration —

Members should listen to this list —

a collective of Aged & Community Services Australia, Anglicare Australia, Baptist Care Australia, Catholic Health Australia, Leading Age Services Australia and Uniting Care Australia—said a lack of wage and career progression was putting older Australians at risk of not receiving services they needed.

It goes on to say —

“The Budget confirms the inadequacy of the Government’s previous response to the royal commission. There is so much work to be done ...

“The royal commission’s workforce recommendations are the key area of unfinished business and the Government has left it that way.”

The government has left it that way! This was done by design. The Morrison government does not listen, does not learn or does not care, or all of the above. What the Australian aged-care sector needs and what should have been in Mr Frydenberg’s budget is the \$2.5 billion commitment we saw from the Labor opposition that it will implement when it forms government later this year. What was needed was some recognition from Mr Frydenberg and Scott Morrison’s Liberals that older Australians deserve to be better looked after. What was needed was some recognition that the aged-care workforce is in desperate need of support.

This federal government needs to start caring about the workers who spend their lives caring for others. In contrast with Mr Frydenberg’s five lines on aged care in his most recent budget speech, the alternative Prime Minister spoke for well over 10 minutes on what needs to be done to arrest the Liberal government–created crisis that now exists in our aged-care sector. I must admit that I did not hear the budget reply speech by Anthony Albanese live, as he gave it. At my first opportunity, I sat at home and listened to it, amongst the goings-on in the home. Whilst listening to it, one particular thing struck me. We have two uni students at home—two fine young men, Nathanael and Patrick. Nathanael is working towards a teaching degree at Edith Cowan University and Patrick is in his first year of engineering at the University of Western Australia. They both love their sport. Like a lot of uni students, they both have a part-time job, one at a local cafe and one at a local restaurant. What do they have in common other than their familial connections? I will tell members what they have in common. They both get paid more for their “whilst I’m at uni” job per hour than the lowest paid aged-care workers in this country. I am happy and proud that they have jobs, but that is just not right. This Morrison government does not need umpteen reports to tell it that there is a crisis. It does not need unions to point out the issue on behalf of workers. It does not need aged-care providers pleading with it to increase funding so that their staff can be paid more and so that there are better services in aged-care facilities. It just needs to pull its head out of the sand and look around at what is happening in the real world to understand, appreciate and grasp the reality that aged-care funding needs to be increased. It needs to be fixed and it needs to be fixed now.

This federal Liberal government is completely out of touch on a level we have not seen since the dying days of the Howard government. Let me tell members that Scott Morrison is no John Howard. Five lines! This is a federal government so out of touch that it is incapable of being able to see what needs to be done. I go back to the five lines, but it is a telling indictment of Scott Morrison’s Liberal government. It is an insult to residents of aged-care facilities, it is an insult to aged-care providers and it is an insult to the thousands of workers in the aged-care sector.

I am getting short of time, but I will finish with a quote from one of my federal colleagues who spoke recently about this matter in federal Parliament. He said —

The current aged care system and its weak and ineffective regulatory arrangements did not arise by accident.

It did not arise by accident; it’s a result of policy failure. That’s why it needs a better policy and a better government to fix this crisis.

**HON DONNA FARAGHER (East Metropolitan)** [1.28 pm]: I rise to make a few comments on the motion that was moved today. I say at the outset that I am a little disappointed, but nonetheless unsurprised, by the motion that was moved by Hon Dan Caddy today. Aged care is an incredibly important issue. It impacts our seniors directly and their families and their loved ones. There is a certain reality in life that we will all age. When we do, we need to have absolute confidence that if we are to enter a residential aged-care facility, we are treated with the highest level of care, dignity and respect in line with the title of the final report to which Hon Dan Caddy referred, which was produced by the royal commissioners, not by the Morrison government, but nonetheless. We also need to have confidence that for those who are able to stay at home and who wish to stay at home but who might also require or benefit from additional supports to enable them to remain at home, they are able to do so, and again they are able to do so with the highest level of care, dignity and respect.

On that point, we are absolutely and totally at one. Where I am a little disappointed with this motion is that it will not achieve anything. It is simply designed to allow members on the other side to wax lyrical, as we have heard for the past 20 minutes, about how terrible the Morrison government apparently is and how wonderful Anthony Albanese will be. The motion has not been crafted in a way that we can debate in a bipartisan manner the ongoing and significant needs of aged care. According to Hon Dan Caddy, only members on that side of the house care deeply for older Australians and, by implication, we do not. There is shaking of the head opposite, so apparently I do not care about older Australians and no members on this side of the house care either. What a disgraceful slur the member opposite has made.

It is not possible to debate this issue through this motion in a constructive manner because it is deliberately negative. There is also a key issue in so much as it is factually incorrect. The motion states that no support was provided by the Morrison government in the recent federal budget. That is simply incorrect. Before I get into issues surrounding funding more specifically, can I say that, unlike Hon Dan Caddy, who thinks that opposition members do not get older Australians and that we do not care for older Australians, I absolutely do understand the concerns. I understand absolutely the ongoing issues surrounding aged care; however, they have not arisen overnight. A number of these issues have been around under successive federal governments, including Labor governments, so it has not happened overnight. Indeed, the summary of the final report of the Royal Commission into Aged Care Quality and Safety states —

The Australian aged care system provides subsidised care and support to older people. It is a large and complex system that includes a range of programs and policies. It has evolved over time, including during our inquiry. Some changes to the system have been far-reaching and others incremental, but all have contributed to the piecemeal development of the aged care system.

As the royal commission states, aged care is not a single service. It is not just residential aged care, albeit that is often a particular focus, but also supports that are provided in the home and community. Indeed, around two-thirds of the funding support is directed towards people in the home. Ultimately, we would all agree that we want more people to be able to stay in their home and community with support, if required, for as long as possible. I think it is the wish of everyone to maintain their independence and to stay in their home and their community for as long as possible. The stark reality is that the aged-care system is incredibly complex. It cannot be fixed overnight, and a quick fix in such a large sector will not necessarily be a quality fix. There are multiple components to aged care and a quick fix is not the answer; it has to be quality.

As I have said, some key and significant issues with aged care have not appeared overnight, but do require significant attention. For example, I agree absolutely that navigating through the system is incredibly complex and confusing, for not only senior Australians, but also their families. Clearly, there are workforce issues and issues that ultimately stem from that. We particularly need to address—Hon Dan Caddy referred to this—issues surrounding neglect and abuse. We should expect the highest level of care, dignity and respect for our older Australians. Every day, many providers and workers are deeply committed to best practice and to providing wonderful support to our aged community, and we need to remember that in any discussions we have about aged care; however, we also know that there is another side. Some very distressing, longstanding stories have been raised that highlight significant issues. The royal commission identified around 15 complex and routine issues surrounding substandard care. Abuse, substandard care and neglect are completely unacceptable—full stop. The government has my full agreement on that. Quality and care must be a top priority, whether someone is in a residential aged-care facility or in the home. It is a shared responsibility with government, service providers and those who work in the system, whether they are there full time or intermittently. It involves advocates, families and loved ones; it actually involves the entire community.

What are some of the actions and reforms that arose as a result of the royal commission that have been undertaken by the Morrison government? I am not a federal member and I am not a spokesperson for the Morrison government, but I will not sit here and listen to Hon Dan Caddy say that there has been absolutely no support from the federal government, because that is just wrong. Back in 2021, the Morrison government committed \$17.7 billion in response to the recommendations of the royal commission. I understand that figure has grown to around \$19 billion. That includes additional funding in this year's budget of around half a billion dollars. More than that, around \$600 million, was allocated following the midyear review for more initiatives and programs for aged care. Let us be clear: that \$19 billion-worth of funding, or thereabouts, is the largest single investment into aged care. To say that there has been

no support is just wrong. The \$17.7 billion—the original amount to which I referred—is based on a five-year reform plan across five pillars: \$7.5 billion committed to home support and care; \$7.8 billion to residential aged-care services and sustainability; \$942 million to improved residential aged-care quality and safety; \$652 million to growing the workforce; and around \$698 million to new governance arrangements. In the past 12 months, another 50 000 senior Australians have received home-care packages, which makes it about 220 000 who are receiving them. Greater oversight and standards are now in place.

There is more to be done, I agree, but work has been undertaken. The Serious Incident Response Scheme has been put in place for residential aged-care facilities and I understand that in the next couple of months it will be in place for in-home supports as well. Funding has been put aside for additional training places and other payments. Significant investment has been made to improving medication management and safety for aged-care residents through the provision of around \$300 million for onsite pharmacists and community pharmacy services. That important issue is consistently raised in the commission's report.

Work has been done to make the system easier to navigate, and I think that is important, particularly when senior Australians' support might fall across three different areas—aged care, disability services and veterans' affairs. Some of them are working across all three of those services and work needs to be done to make that better—absolutely. I do not disagree with that. It is incredibly confusing and frustrating for people who are trying to work through it. To say that nothing has been done, however, is just wrong.

In the time I have left I will say one more thing. Before members of the McGowan Labor government seek to throw stones at the Morrison government—no doubt if they could, they would blame the Barnett government as well—in the hope of making a point ahead of the federal election, they might be better placed to look in their own backyard first.

I do not have to remind members of the dire situation of our health system across our state at the moment, a health system that, I might add, is a state responsibility—a McGowan Labor government state responsibility. Now, after five years of neglect and inaction by this government, we are seeing record ambulance ramping figures and ongoing capacity issues right across our hospitals. If government members do not think that ambulance ramping and ongoing capacity issues in our hospitals and delays in accessing paramedic support is an issue for Western Australians, including elderly and vulnerable Western Australians, then I do not know what their priorities are. We hear stories daily from patients and their loved ones—distressing stories—and I know they are true. I hear them directly from members of my community. I hear them on the radio. Just yesterday, I heard a lady on the radio saying that her mum had been in an ambulance for six hours with a head injury waiting to get into the hospital. We read about them in the paper, and guess what? In the last couple of months, I have had direct family experience of this with a very, very close loved one. I am not going to go into it today, but all I will say is that there is nothing more distressing than waiting a very, very long time for someone to come to the assistance of your loved one who needs urgent help. There is nothing more distressing. It is actually beyond words. How do I know it? I know it because it has happened to my family.

Let me remind members of the figures. I am going to refer to a report that appeared in *The West Australian* just yesterday. It was in response to the decision taken by St John Ambulance about the emergency alert. It says —

St John issued the alert shortly after 4.30pm on Monday, flagging likely delays in ambulances attending emergency situations because of “extremely high demand”.

...

The move came with more than one quarter of St John's ambulance fleet ramped outside public hospitals waiting to offload patients, preventing paramedics from getting back onto the road in a timely manner.

Reflecting on a comment by the chief operating officer of St John, the article then says —

“Early figures suggest we recorded 336 hours of ambulance ramping yesterday, among the top three worst days we have experienced,” Mr Smithson said.

...

The worst ever day for ambulance ramping saw paramedics tied up waiting to transfer patients to hospitals for 362 hours last October, followed by 354 hours last Monday on May 2.

St John ambulances spent 5108 hours ramped outside hospitals in May and 5653 hours ramped in April.

There have already been 1895 hours of ramping in the first nine —

#### *Point of Order*

**Hon KATE DOUST:** I refer to standing order 47 “Relevance”. The motion before us is dealing with issues around the Morrison government and the aged-care sector in relation to the recent federal budget. This member is talking about state-based health issues that do not have any direct connection to this motion. President, I ask you to draw the member back to dealing exclusively with the subject matter that we have in front of us today.

**The PRESIDENT:** Thank you, honourable member. I have been listening with some great care and I did note that at the commencement of this particular part of her contribution the honourable member made a connection between elderly members of the community and their need for emergency services. However, I note that the level of detail that the honourable member is going into is quite significant and I would ask her to bring her comments back to the main question before the house. Thank you.

*Debate Resumed*

**Hon DONNA FARAGHER:** Thank you, President. I accept what you have had to say. I will just finish the part of *The West Australian* article that I am referring to to finish the context. I also say that elderly Australians utilise ambulances a lot, so this actually is kind of relevant to the motion that that has been moved. In any event, I will just finish by saying this. The article states —

There have already been 1895 hours of ramping in the first nine days of May, placing the month on track for around 6500 hours of ramping—which would threaten to break the record 6525 hours set last August.

I know that the government will say that it is increasing funding in the budget tomorrow, as it should, but as it should have done long before now.

In conclusion, this motion is flawed, not least by the fact that its very premise that the Morrison government has not provided any support—and that is what the motion says: “any support”—to the aged-care sector is completely inaccurate. As I said at the beginning, aged care is an incredibly important issue. It is a sensitive and emotive issue. It is because we are dealing with people. We are dealing with vulnerable people—someone’s mum or dad, someone’s wife, husband or partner, someone’s grandmother or grandfather, or someone’s loved one. Motions like this do nothing to look properly at the issue of aged care. All this is trying to do is politically pointscore ahead of a federal election. To be frank, as I have said—Hon Kate Doust might not like me saying this—before this state government starts throwing stones at the Morrison government, perhaps it needs to look in its own backyard. The government should not tell me that it has got its house in order with this matter, because it has not, and not by a long shot.

**HON KLARA ANDRIC (South Metropolitan) [1.49 pm]:** I would like to briefly speak on this motion today and begin by thanking Hon Dan Caddy for bringing such an important motion before the house. I want to begin by acknowledging the aged-care workers who went on strike yesterday. This was a historic moment for the workers, and I commend them for their courage to take industrial action yesterday. This is actually the first time in Australia’s history that aged-care workers have gone on strike, which shows just how bad this crisis in aged care has gotten. Some members may not be aware, but today I stand in this chamber proudly wearing my burgundy colours as a former union organiser in the aged-care sector. I have seen the very difficulties that the workers and the residents in this sector face. Securing a pay rise for aged-care workers is probably one of the most urgent priorities in Australia today. Aged-care workers are at breaking point; there is no question about that. They are overworked, underpaid and unappreciated by this Morrison government. The aged-care workforce, which is overwhelmingly female, is underpaid and undervalued. I refer to an article on the ABC news website that tells a story about one aged-care worker. I note that Hon Dan Caddy referred to this very issue in his speech earlier. This aged-care worker, Carlton Williams, works in aged care, but he has to work a second job just to make ends meet. I refer to one of his comments in this ABC article of 8 May 2022, in which he states —

“I get paid more to pour drinks, take out food and wait tables than look after someone’s life ...

I will stop there and let members think about that. That is quite a devastating statement about the actual wages of aged-care workers in Australia today.

There have been more than 20 inquiries over the past decade into aged-care issues. They have handed down a slew of recommendations about how to address the workforce issues. These include pay rises, staffing minimums, training opportunities and more nurses. There is no lack of effective solutions to these problems; there is only a lack of political will by the federal government to enact those solutions. Although he will not admit it, Scott Morrison has consistently failed aged-care residents and aged-care workers.

During the election debate on Sunday night, when asked about aged care, Scott Morrison said, and I quote, “It’s occurred over 30 years. The LNP has been in government for the last 10 years. Shouldn’t they have done something about this by now?” Given that the Royal Commission into Aged Care Quality and Safety delivered a scathing report that described Australia’s aged-care system as a “shocking tale of neglect”, the members of the Morrison government should hang their heads in shame. This shows just how much Scott Morrison and the Liberal Party care about aged care—if I can be honest, not a lot. It was only after pressure from federal Labor that the Prime Minister established the aged care royal commission. He would have us believe that he himself was the whistleblower. That is an absolute insult to those who have been advocating for changes in aged care long before this became an election issue.

The COVID pandemic has put additional pressures on the aged-care sector, which is where some of our most vulnerable Australians reside. In 2020, when 685 older Australians died in nursing homes, Scott Morrison responded, “When it rains, everyone gets wet.” I think I speak for all Australians when I say that Mr Morrison should consider investing in an umbrella. Older Australians deserve better than to be abandoned in a time of crisis.

I have read many, many articles and listened to stories about residents in our aged-care sector who during the pandemic were left in their room to fend for themselves, were not able to receive the medications that they required, were not able to receive their food on time, had to sit in their bed soiled, were not bathed, and were not looked after when they were sick, all because nursing homes did not have the staff to attend to them. This is an absolute disgrace and a horrific reflection on what the Morrison government allowed to happen during the pandemic.

Unlike the Morrison government, Anthony Albanese and the federal Labor team have a plan to fix aged care. I will outline some of those points today. Firstly, federal Labor is committed to having regular registered nurses on site 24/7. That will prevent thousands of trips to hospital emergency departments for problems that a nurse could fix on the spot. No, Mr Morrison, we cannot wait until October 2024 for 24/7 care. Secondly, federal Labor will mandate the provision of more carers, with more time to care. That will help ensure that every Australian aged-care resident receives an average of 215 minutes of care every day, as recommended by the aged care royal commission, which estimated that current care times are around 180 minutes of care a day. An Albanese Labor government will support the calls of aged-care workers for a pay rise at the Fair Work Commission. If we want higher standards of aged care, we need to support higher wages for carers. It is that basic. Carers have reported hardly being able to afford to drive their cars to work, make appointments for essential medical treatments, and pay their power bills. On the other hand, I remind members in this chamber of what Scott Morrison has offered. He has offered two election bonus payments amounting to \$800. I consider that a slap in the face for aged-care workers. They need a long-term pay rise, not a bribe to keep them quiet before the election. Federal Labor is also committed to ensuring that aged-care residents are provided with better food. It is working with the sector to develop and implement mandatory nutrition standards to ensure that all people in aged care are treated with the dignity they deserve. Federal Labor will also make sure that money goes into the care aspects of aged care by requiring aged-care providers to report their spending in detail. The Aged Care Safety Commissioner will also be given new powers to ensure that there is accountability and integrity.

Another barrier in the provision of aged-care services, and one that I have spoken about recently with various organisations and members in my electorate, is services for our non-English speaking aged-care residents. There are very, very few care providers that can accommodate people who have difficulty with speaking English or cannot speak English at all. On a personal note, as someone who currently has a father-in-law in aged care, this is proving to be very difficult. He was a refugee and came to Australia after the Balkan wars. The man is very humble. He is certainly not one to complain a lot. He spent a long period of time in a concentration camp back in former Yugoslavia. He has seen a lot of difficult things and he has endured a lot of difficult things in his life, but let me say that not being able to get him into a home in which he can communicate with his carers in a language that he can understand has been extremely difficult. Imagine being a vulnerable elderly person in an aged-care home when the people who are providing the care cannot speak your language. It is not only alienating but also quite frightening for people not to understand what their carers are saying.

I was fortunate to meet with an organisation only last week that is tackling this issue. Umbrella Multicultural Community Care is a community-based organisation that supports seniors from diverse backgrounds by matching its bilingual carers and volunteers with clients with linguistic and cultural similarities. I know that Hon Donna Faragher touched on the issue of fixing aged care and stated that it has multiple components, but I will refer to this, honourable member. Organisations such as Umbrella rely on funding from the federal government. In the 2022–23 financial year, the funding to Umbrella will be cut by \$218 827. To reduce funding in this way, when the aged-care sector is already in crisis, is just absurd. It will just exacerbate the neglect that the aged-care sector is already experiencing. As the member mentioned, there are other organisations that help keep senior members of our society out of aged care. However, we are witnessing the Morrison government make big cuts to those organisations. Organisations such as Umbrella provide their members with not only at-home care services, but also emotional support. They provide a place to keep them mentally and physically active. When we see the Umbrella staff take seniors in our community on their daily trips, we know how important that is for them. Most of those people would be sitting at home, needing to go into aged care, had it not been for providers such as this. Cuts to organisations such as Umbrella, which support the aged-care sector, is just another level of absurdity from the Morrison government.

As I mentioned, Umbrella is not an aged-care provider, but it provides essential services to reduce the number of elderly people who have to go into aged care, thereby reducing the pressure on the aged-care system as well as allowing older Australians to live in their homes for longer. Our aged-care sector, as we know and as members of this house have mentioned, is in crisis and needs immediate action from the federal government. To fix aged care we need to change the government. Under the Morrison government, aged-care workers were left to fend for themselves when Omicron tore through our aged-care facilities, where more than 1 150 aged-care residents died this year. They are more than just numbers. They are our parents, grandparents and friends. This monumental failure by Scott Morrison and his incompetent, cricket-prioritising aged-care services minister, means that aged-care workers are being forced to hold their employers accountable. In a country like Australia we should treat our older Australians with dignity in their final years, not just because they have helped build the communities we are lucky enough to live in today, but because it shows basic humanity. If we do not adequately look after our elderly, I ask members: what exactly does that say about us as a nation?

**HON NICK GOIRAN (South Metropolitan)** [2.01 pm]: Interestingly, the most recent speaker to the motion has suggested that we should be treating our elderly with dignity. I agree 100 per cent with the member on that important principle. I note that the mover of the motion had plenty to say about the federal government's performance with regard to elderly Western Australians but very little, in fact, really nothing at all to say with regard to his own state government. If we utilise the principle that we should be treating our elderly with dignity, it is appropriate for us to consider what exactly it is that the McGowan Labor government has done with regard to our elderly Western Australians and whether it has indeed treated them with dignity.

The mover of the motion may be unaware of this, because these events precede his time in the Legislative Council, but in January this year we marked five years since WA Labor promised to take action with regard to elderly Western Australians. The honourable member may want to familiarise himself with a January 2017 document, entitled *WA Labor: Stopping family and domestic violence*. It lists a range of election promises. I attended an excellent fundraising event for Starick with Hon Kate Doust on the weekend. I acknowledge the longstanding commitment of Hon Kate Doust to that organisation and that particular event. What was interesting at that event, which was dealt with entirely on a bipartisan basis, was that the honourable minister was present and gave a speech, as one would expect. Very interestingly, in that speech the minister said that all the government's election promises had been fulfilled. I nearly choked on my cup of tea at that point in time, but it was a bipartisan event for a very important service provider, and it was not the time for any unruly interjections in the middle of a minister's speech. It might interest Hon Dan Caddy to look at those promises, because one of them, in particular, has reference to elderly Western Australians. I read at page 13 —

*Point of Order*

**Hon PIERRE YANG:** I refer to standing order 47 and I ask for your guidance in relation to Hon Nick Goiran's contribution. It seems to me that his contribution, as it is a very important one, has minimal relevance to the motion in front of us, because we are talking about the Morrison government; we are talking about aged care. I ask for your guidance on this point of order.

**The ACTING PRESIDENT (Hon Peter Foster):** Thank you, I will seek some advice. Honourable members, noting the ruling of the chair previously, I remind members of the motion before the house, that it deals with the aged-care sector in the recent budget and I would ask that members please return their comments to the motion before the house.

*Debate Resumed*

**Hon NICK GOIRAN:** Thank you, Acting President. Returning to page 13 of this document by WA Labor, it reads —

*Point of Order*

**Hon STEPHEN DAWSON:** I think Hon Nick Goiran is being disrespectful to the person who is in the chair this afternoon. The Acting President has given a ruling based on the President's ruling, and that is that it is a motion before the house. This is not a wideranging debate. If somebody wants to make a budget speech, they can do it next week. The motion before us today is about the aged-care sector and the failings of the Morrison government. That is what the ruling was, so I ask Hon Nick Goiran to show some respect to the chair.

**The ACTING PRESIDENT (Hon Peter Foster):** Again, we are dealing with the motion before the house. The honourable member might return his remarks to the motion, and in particular refer his document to the motion before the house.

*Debate Resumed*

**Hon NICK GOIRAN:** Acting President, I find the breathtaking ignorance of the members opposite with regard to the aged-care sector, and the issue of elder abuse, incredible. We have just heard from a member from the —

**Hon Stephen Dawson:** What does that have to do with the release of the federal budget? Read the motion. It is not about arrogance. You are the arrogant one. You have not listened to the chair's ruling twice—three times. Read the motion; talk to the motion!

**The ACTING PRESIDENT:** Order, members. Hon Nick Goiran, please return your remarks to the motion before the house.

**Hon NICK GOIRAN:** It would be very easy for me to return my remarks to the motion if we did not have the unruly interjections from the deputy leader, who, for some reason today, has lost his cool, and, I might add, continues to demonstrate a misunderstanding with regard to the connection between the aged-care sector and elder abuse. Acting President, if this member wants to stand and make a contribution and explain to the house —

**Hon Stephen Dawson** interjected.

**The ACTING PRESIDENT:** Order!

**Hon NICK GOIRAN:** — that there is no elder abuse in the aged-care sector, then he should stand up and do it.

**Hon Stephen Dawson** interjected.

**Hon NICK GOIRAN:** What an absolute disgrace by you, and you do not even have the fortitude to even read your own government's policy on this!

**Hon Stephen Dawson** interjected.

**The ACTING PRESIDENT:** Order!

**Hon NICK GOIRAN:** It has been more than five years that this particular member and these members opposite have failed to address elder abuse in this state. I have raised this on numerous occasions.

Several members interjected.

**The ACTING PRESIDENT:** Order, members! The motion is quite clear and states —

That this house condemns the Morrison government for its failure to provide any support for the aged-care sector ...

Again, I would ask that you return your remarks to the aged-care sector.

**Hon NICK GOIRAN:** Acting President, the instant that one of the members opposite decides to explain to the house that there is no elder abuse in the aged-care sector, the moment that they want to do that —

A member interjected.

**Hon NICK GOIRAN:** With all due respect to the honourable member, he and his team agreed to the Select Committee into Elder Abuse. If he has ever read this document —

**Hon Kyle McGinn:** Talk to the motion. Why do you continue to avoid it?

**Hon NICK GOIRAN:** This is unbelievable. Is the member the Parliamentary Secretary to the Minister for Seniors and Ageing? I do not know; maybe he has been sacked. He has possibly been sacked as a result of his underperformance.

**Hon Kyle McGinn:** Unbelievable! He's not even talking to the motion.

**The ACTING PRESIDENT:** Order!

**Hon NICK GOIRAN:** In fact, the honourable member who continues to interject was responsible for a ministerial statement on 15 June last year. Does he remember what he said on 15 June 2021?

**Hon Kyle McGinn:** Is that to do with the Morrison government and the budget? Absolutely not.

**Hon NICK GOIRAN:** It is very interesting that the honourable member continues to demonstrate no understanding whatsoever of the aged-care sector, least of all the important issue of elder abuse.

**Hon Kyle McGinn:** You have no idea.

**Hon NICK GOIRAN:** I cannot believe that members opposite seem to have such little regard for the aged-care sector that they are happy to sweep under the carpet the issue of elder abuse. They should hang their heads in shame. If I find out in due course that the honourable member actually is the Parliamentary Secretary to the Minister for Seniors and Ageing, as I know he was a year ago—who knows what his position is nowadays—he should hang his head even deeper in shame.

**Hon Kyle McGinn:** Says you. You haven't even talked to the motion. How about you talk to the motion?

**Hon NICK GOIRAN:** Why does the honourable member not read the motion, or is the font too tiny for him?

**Hon Kyle McGinn:** You're not even talking about the Morrison budget whatsoever, because you're ashamed of it.

**The ACTING PRESIDENT:** Order, members! Hon Nick Goiran has the call.

**Hon NICK GOIRAN:** I note that in recent times in a court of law, the Attorney General indicated as part of his defence that the font was too tiny. Maybe it is the same case with the honourable member.

Returning to the motion, as the honourable parliamentary secretary is so enthusiastic for us to do, I remind honourable members that it has been more than five years that this government has failed to do anything about elderly Western Australians. It might take Hon Kyle McGinn a little bit of time to get his abacus out and work out how many days that is, but he might be interested to know that it has been almost—we are approaching—2 000 days that this government has failed to address this issue. Members opposite are the ones who said that they were going to expedite these laws for the benefit of senior Western Australians, some of whom, funnily enough, are in the aged-care sector. That is a revelation, apparently, to Hon Kyle McGinn, who still has not quite understood what the aged-care sector is. He is so obsessed with the Morrison government that he has not taken a moment to question his own government. It would be very interesting if some members opposite actually opened the door and had a conversation with some of their own ministers. Is there a minister for seniors in Western Australia or are we not allowed to talk about that issue? It is so sensitive for members opposite that they could not possibly allow us to hold this government to account for its performance. No way; it cannot be done, apparently. It is all irrelevant. The issue of elder abuse is irrelevant. It was not to Hon Matthew Swinbourn, because he was a member of this particular select committee, along with me, Hon Tjorn Sibma and Hon Alison Xamon. Hon Alison Xamon is no longer a member of this honourable chamber, but I am sure that she would have plenty to say to Hon Kyle McGinn and

his friends about the aged-care sector. In fact, if they had read this report, they would know that there is a section that deals with this particular issue. But, as usual, once again members opposite demonstrate their failure to read. It continues to be a massive inability throughout the forty-first Parliament, and it was before. One day, members opposite will knock on the door of the Attorney General and say to him, “Why don’t you get on with these laws that you said you were going to expedite nearly 2 000 days ago?” The problem is that when I refer to 2 000 days ago, it gets lost in translation.

*Point of Order*

**Hon PIERRE YANG:** I again refer to standing order 47, which states —

A Member’s speech must be relevant to the matter under discussion, and shall not anticipate any other matter which is listed on the Notice Paper.

Acting President, you have given guidance and a point of order was taken by the Deputy Leader of the House, and I ask you again to guide this house on the current debate and bring the debate back to the motion before us.

**The ACTING PRESIDENT (Hon Peter Foster):** Members, I again remind you of the motion before the house, which deals with funding to the aged-care sector. The honourable member might want to return his remarks to that particular part of the motion.

*Debate Resumed*

**Hon NICK GOIRAN:** One of the ways in which members of the select committee certainly felt that these types of issues could be addressed was by the implementation of what is referred to as health justice partnerships. For some members opposite who, of course, as we know, have not read the report, health justice partnerships would be of some assistance to those in the aged-care sector. If Hon Kyle McGinn would take a moment to read that report from the fortieth Parliament, which was tabled in September 2018—hopefully the font is not too tiny for him and his members—he would understand a little bit more about this issue of elder abuse and how the funding of health justice partnerships might be of some assistance. But who is going to do that? Apparently, it is all the responsibility of the Morrison government, and the McGowan government takes no responsibility whatsoever for senior Western Australians. What is the point of having a Minister for Seniors and Ageing in Western Australia if this government, including its parliamentary secretary—or former parliamentary secretary—shows no regard for these matters? He cannot even be bothered to read the report. When we draw it to the government’s attention and hold it accountable for it, all we have is a plethora of pointless points of order about relevance, because members opposite do not understand the relevance of elder abuse in the aged-care sector. It is quite breathtaking that members opposite would continue to suggest that elder abuse is an irrelevance in the aged-care sector. It continues to amaze me that members opposite fail to understand that there is supposed to be a partnership between the federal government and the state government on these issues. They continue to demonstrate a breathtaking ignorance in this respect. I encourage those members opposite, especially Hon Kyle McGinn, to sit down and take a briefing from Hon Matthew Swinbourn. He was an outstanding and passionate member of this particular committee and has had some outstanding advocacy on the issue of elder abuse, including in the aged-care sector. But the honourable member shows that he has no understanding of it. Evidently, he has not bothered to read the report and does not care that his own government continues to ignore the recommendations of the committee. The twenty-fourth recommendation of the committee was that this matter be addressed as a matter of urgency. This was after the government had promised, as far back as 2017, that it would expedite these matters. Nothing happened, so this particular committee was formed and in September 2018, it made recommendations, including the twenty-fourth recommendation, which I encourage Hon Kyle McGinn to read. The twenty-fourth recommendation reminded the government about its commitment from 2017 and asked it to address it as a matter of urgency. In November 2018, nothing happened. In 2019, nothing happened. In 2020, nothing happened. In 2021, nothing happened. Here we are now, on 11 May, and still nothing has happened. What is this government waiting for?

Just under a year ago, Hon Kyle McGinn decided that he would stand in this place and deliver a pre-prepared speech in the form of a ministerial statement. He was quite capable of reading on that day, 15 June 2021.

**Hon Kyle McGinn:** It was from the minister.

**Hon NICK GOIRAN:** It was the honourable member’s document.

**Hon Kyle McGinn:** Yes, keep going; you’re nearly finished.

**Hon NICK GOIRAN:** If the member does not like his own document, he will have to build a bridge and get over it!

On 15 June last year, the honourable member showed to the house that he was capable of reading and he delivered this ministerial statement on behalf of the Minister for Seniors and Ageing. What happened on 15 June last year? It was World Elder Abuse Awareness Day 2021. We are one month shy of World Elder Abuse Awareness Day 2022. Will we have yet another anniversary where the government has failed to deal with elder abuse, including of those in the aged-care sector? Is that going to happen again? It has been nearly 2 000 days since that report. I said before Hon Pierre Yang decided to raise another point of order that the problem with 2 000 days is that it represents so many days that it is easy to misunderstand how long it is. It is more than five years. We have a situation in which

a government has a Minister for Seniors and Ageing who has done nothing in this area for five years. At what point should the person be sacked? Who will take responsibility for this? As I said earlier, I went to a bipartisan event with Hon Kate Doust last weekend. It was a good bipartisan event. As Hon Donna Faragher said, that is how these types of matters should be addressed. These are the types of debates and matters that are best addressed in a bipartisan fashion. That is what disappoints me. I share Hon Donna Faragher's disappointment with the mover of the motion, because he has chosen, as is his right, to take what has traditionally in this house been dealt with as a bipartisan issue and suddenly made it a political issue. How does the honourable member think we managed to have as much success as we did with the Select Committee into Elder Abuse? It was because this was a tripartisan committee and its members dealt with the issue on a goodwill basis. Hon Matthew Swinbourn chose to put down his Labor colours; we chose to do the same in the Liberal Party; and Hon Alison Xamon did the same with the Greens (WA). We dealt with the issue on a tripartisan basis. That is how we deal with these issues.

Is it not the case that we are supposed to aspire to the principle that we treat our elderly with dignity? The first way in which we can do that is by reading these reports. The second way is to knock on the door of the minister to make sure the recommendations are implemented. That is how, as legislators and law reformers, we can usefully and practically assist Western Australians, particularly the elderly, including those in the aged-care sector; we can fulfil our duty properly. That has not happened under the McGowan Labor government—not just in 2022 but for more than five years! I understand why, earlier, honourable members were getting quite agitated about this matter. They thought they would have this clean run today to go and whack the Morrison government on the aged-care sector, forgetting, as Hon Donna Faragher mentioned earlier, what is happening in their own garden—nothing! The Minister for Seniors and Ageing is missing in action. The Minister for Prevention of Family and Domestic Violence has misled stakeholders in the community, saying that all of the government's election promises have been fulfilled. What absolute garbage. That is not true. The prime culprit in all of this is, of course, the Attorney General, who has now been exposed as unreliable and lacking in credibility. Here we are, more than five years later, still waiting for this bill to emerge. I hope that when honourable members opposite get an opportunity to consider this matter —

*Point of Order*

**Hon SANDRA CARR:** Acting President, I draw your attention to standing order 30. The honourable member has been asked a number of times to return to relevance. Standing order 30(1)(c) refers to a member who “persistently and wilfully refuses to conform to a standing order”. The member has been asked to conform a number of times. He continues to refer to the same points consistently and I ask for your direction to return to some consistency —

**Hon Dr Steve Thomas** interjected.

**The ACTING PRESIDENT:** Order!

**Hon SANDRA CARR:** Ironically, the member is interrupting to talk about interrupting!

**The ACTING PRESIDENT (Hon Peter Foster):** I will consider that for one moment.

That is not a point of order. The honourable member has attempted to remain on the topic of the aged-care sector and providing support to the aged-care sector, so it is not a point of order. I give the call back to Hon Nick Goiran.

*Debate Resumed*

**Hon NICK GOIRAN:** I agree with WA Labor members when they say they want to ensure that senior Western Australians have the ability to make a positive contribution to the community without being at risk of becoming victims of abuse. I simply make the point that that should also apply to the aged-care sector. I call on members opposite to knock on the door of the Attorney General to ask him to fulfil his commitment, which, more than five years ago, was to expedite these reforms.

**HON KYLE MCGINN (Mining and Pastoral — Parliamentary Secretary) [2.25 pm]** I will be responding on behalf of the government. I look forward to picking apart the bizarre speech by Hon Nick Goiran.

Firstly, I thank Hon Dan Caddy for bringing the motion to the house because it is relevant that we talk about this issue.

**Hon Dr Steve Thomas:** You are responding to your own motion.

**Hon KYLE MCGINN:** I am giving the government's response, yes. Does the member understand how this house works? How about he takes some notes and learns a lesson or two.

**Hon Dr Steve Thomas:** I am listening with interest.

**Hon KYLE MCGINN:** Let us see. I thank Hon Dan Caddy for bringing the motion to the house. It is very timely. I did not see any Liberals or Nationals at the aged-care strike supporting workers who have been underpaid and overworked. I did not see those members down there supporting them at all. I did not see any of their federal colleagues. I did not see Hon Ken Wyatt, who used to be the minister in that sector, down there doing anything to support workers who are underpaid by the federal Liberal–National government. I did not see members opposite down there at all. I did see a very diverse, hardworking workforce that took the unprecedented step of walking out of their workplace because the federal government has not listened to them at all.

At least now we are talking about the real facts in this motion. The federal government failed to listen to those aged-care workers. They did not want to go out on strike. They want a pay increase. They deserve a pay increase. Instead, they got two one-off payments of \$400 as a sugar hit so they can fill up their car with a couple of tanks of fuel. That is not a real increase in wages. That is disgraceful. Where were the Liberal and National Party members yesterday supporting workers in the aged-care sector? They were nowhere to be seen. I did not see Hon Donna Faragher down there supporting those workers. She was talking so high and mighty about it two seconds ago. Where are the real boots on the ground? I did not see one federal Liberal or National Party member supporting those workers who were talking about how the federal government had dropped the ball for nearly 10 years. Disgraceful! Absolutely disgraceful! Hon Ken Wyatt is from WA. What did he do whilst he was the aged care minister? That is right; crickets—absolute crickets!

It is shameful. It is absolutely shameful that members opposite come into this place with that type of attitude talking about how to respect workers, but they do not get it. They do not get the facts! Those workers went out on strike because they had no choice—the federal government failed to listen to them. Why are members opposite not talking to their federal colleagues about how they can improve how they operate the aged-care system? Instead, they come in here to twist the facts and try to make cheap political points. That comes from that side over there, believe it or not! Yes, that is absolutely what we are getting. That is absolutely what we have got from members opposite. All we get are cheap political grabs; that is what we consistently get from the opposition.

**Hon Dr Steve Thomas:** Read the motion!

**Hon KYLE McGINN:** Absolutely. That is because it has to be, member, because the federal government has done nothing. What has the member done? Has he written to his colleagues and said he is absolutely ashamed of how they have treated the aged-care sector? I bet he has not. I bet the member has not. The commonwealth has full responsibility for aged-care policy, funding and regulation. Let us make that very clear. Hon Nick Goiran can talk on as many prongs as he wants to, but let us be very clear that the commonwealth government has full responsibility for aged-care policy, funding and regulation. The WA government has been a strong advocate for commonwealth investment in aged care, which is evidenced by WA's 11 submissions to the Royal Commission into Aged Care Quality and Safety.

Following consultation with the WA aged-care sector, the state government has been focused on advocating the commonwealth government for sustainable funding under the federal aged-care budget that covers the true cost and increase in complexity of care and facilitates the payment of competitive wages for aged-care staff. We want to see real increases in wages in the aged-care sector, and this is something that the federal government should not hold back on. The cost of living has been the biggest conversation point in the last two weeks. Our seniors and elders who are being looked after are the people who built the cities and the world that we live in today, yet we pay the workers who look after them less than we pay waitstaff at a bar. That is insulting!

When I attended the rally yesterday, I heard many stories, and I really wish the opposition had showed up because there were some absolute heartbreakers. One lady was telling me about how insulting it was to hear about the two \$400 sugar-hit one-off payments when they were looking for real wage increases.

A member interjected.

**Hon KYLE McGINN:** They asked that of the Scott Morrison federal government, and what did they get? They got nothing. Let us be very clear: the pressures that result in patients experiencing long stays in hospitals are complex and multifaceted; however, shortcomings in the commonwealth's programs are key factors. I want to explain a couple of things that have happened in Western Australia because of how the federal government is handling the aged-care sector. In the second half of 2021, entire wings of residential aged-care facilities in the south west were closed due to major workforce shortages. Meanwhile, older Western Australians were stuck in regional hospital beds because there were no commonwealth-funded aged-care beds. I am pretty sure the Leader of the Opposition knows the south west, and I hope that he was advocating for the federal government to get off its arse and do something about it!

A government member: He was on TV in the area.

**Hon KYLE McGINN:** Absolutely! I did not hear him talking about it, though.

**Hon Nick Goiran:** Point of order.

**Hon KYLE McGINN:** I knew that was coming. I withdraw that comment. It was a slip of the tongue, and I apologise for that, member.

In early 2022, a patient with complex bariatric care needs waited approximately three months in a hospital bed after being assessed as medically ready for discharge while hospital staff attempted to find aged-care accommodation appropriate for the patient's needs. Around 50 separate aged-care facilities were contacted in the search for this. That is unbelievable! As at 4 May 2022, there were 125 patients in Perth's metropolitan hospital awaiting commonwealth-subsidised aged-care services, with 55 patients waiting longer than 14 days.

I touch back on what Hon Donna Faragher said in her speech. Firstly, I acknowledge that the member has gone through a personal experience in the health system, and I am sorry to hear that. I understand how tough that can be, and I feel for her and her family in that space. The member mentioned the availability of beds. We have seen here that 125 patients could have been in aged care and were not supposed to be in hospital beds, but the federal government is not able to keep up with this stuff. It is not doing its job in the aged-care space, which puts pressure on all other parts of the system. We really need a federal government to take responsibility, not just be a marketer and seller of used cars. Enough is enough! These patients were assessed as medically ready to be discharged from hospital. We are talking about 125 patients who were medically ready to leave hospital and vacate the bed to allow space for patients who needed to be in hospital. The federal government has failed miserably in this. The hypocrisy is just unbelievable.

The state government has stepped in on numerous occasions to manage the impact of the shortcomings in the commonwealth-funded services. In particular, the state is a last-resort provider in our hospitals, especially in regional and remote areas of WA. Some country areas have no resident GPs—and who is responsible for GPs? Does Hon Steve Martin want to tell me about that? Who is responsible for GPs?

Several members interjected.

**Hon KYLE McGINN:** That is right. That would be the federal government's responsibility again—the Scott Morrison federal government, as per the motion that we are talking about. It is unbelievable! People often attend the emergency department at their public hospital with issues that do not require hospital care. The WA government has provided significant support to the residential aged-care sector to prepare for and manage COVID-19 outbreaks.

Hon Klara Andric touched on the first aged-care strike in Australian history. That is unbelievable. It deserves full credit. I took the time to read a media statement from the United Workers Union on Monday regarding the strike and I have some statistics. Workers in six major providers with more than 130 facilities and caring for 11 000 aged-care residents went on strike yesterday in support of their claims for increased pay and staffing levels, walking off the job ahead of a major CBD rally. The director for the United Workers Union, Carolyn Smith, says —

When aged care workers ... walk off the job ... they are doing so because they feel they have no option but to take strike action.

Well done to the union for supporting those workers because without it, I do not know where they would be.

I want to touch on the comments of Hon Nick Goiran who is out on urgent parliamentary business. No? Sorry, mate; I did not see you there. He constantly went on about me not reading the elder abuse report, but if he took a minute to have a think, he has actually commended me for talking about the elder abuse report a few times in this chamber, because I have spoken on it many times. I find it quite amusing because he actually commended me for talking to that report and he is now accusing me of not having read the report, which I find very bizarre and I think is very interesting, member.

**Hon Nick Goiran:** Have you read it?

**Hon KYLE McGINN:** Absolutely. Also, I spoke specifically about Aboriginal elders, if the member remembers. I spoke specifically about how it was hard to get data and information on elder abuse within Aboriginal communities. That is something that I am very passionate about. Yes, I am the Parliamentary Secretary to the Minister for Seniors and Ageing. I am currently holding the first ever seniors strategy in WA's history. That is currently what I am doing around the state. I am meeting with seniors right across this state. I have been to Broome, Kununurra, Port Hedland, Karratha and Mandurah. I am going all the way around the state, meeting with seniors, talking about what the next 10 years can be for seniors. I am putting a plan in place so that we have a strategy so that we can look after our seniors and the state. This is something that members opposite do not understand. We take the time to get out there and consult and get input. We are facing an ageing population; that much is true. We currently have so many breakdowns in the aged-care sector, it is scary for seniors.

Hon Nick Goiran touched on the example of the independent senior who lives by themselves, and this is something that I have identified in the strategy. There is a category of senior who still lives at home, by themselves or with their partner, who gets out and is as sociable as possible. Then we have the senior who has transitioned to in-home or community care et cetera. I am currently working on trying to break down the differences in need between those two seniors and put in place a plan. I am also working on trying to get our Aboriginal elders engaged as much as possible. I took seriously what I said in the chamber about Aboriginal elders regarding the elder abuse report. I found the lack of information in the report shocking. I remember Hon Nick Goiran got up and told me that getting information was quite difficult and that if we went to the appendix of that report, there was a list of Aboriginal organisations that either did not respond or could not be contacted during the process. That was scary, to be honest. We are talking about a very vulnerable part of our community. To be a senior in the Aboriginal space, you only have to be over 45, which is when you start being taken into account. Once seniors reach 65, there is a huge gap.

I have to commend the seniors; when they come out, they come out in force, I tell you what. They come out and they talk about what they believe is going on. I will be honest with Hon Nick Goiran; a lot of it was around aged-care

beds—100 per cent a lot of that was raised, particularly in Port Hedland. It was raised there as they used to have federally funded beds that have now disappeared. People want to live and die in their small town. That is the challenge we face from both a state and federal perspective; how do we ensure we have that level of care in that place?

I also want to touch on the budget from the Morrison government and a comment I found quite interesting from Paul Sadler, chief executive officer of Aged and Community Services Australia. I quote —

... Australian Aged Care Collaboration...spokesperson, says that this Government strategy misses the mark for aged care and described it as a “steady as you go” Budget.

“Deeply disappointing in terms of the workforce, the failure to address the wages of aged care workers—how long is it going to take before a Government actually gets round to getting justice for the workers!” says Mr Sadler.

“From the point of view of the provider organisations of ACSA and the AACC, we cannot compete in the broader marketplace for workers. We really run the risk of losing our current experienced workers to other areas that can pay better. And obviously, we will struggle to recruit new staff if we can’t be competitive from a wage point of view.

“The constant putting off of the day Government is going to have to do this is really, really disappointing.”

That is what it is going to take. It is going to take a strong government with a strong will and a strong mandate to fix the aged-care sector. I do not believe that that is going to be a Scott Morrison government. The federal government has shown under Tony Abbott and —

A member interjected.

**Hon KYLE MCGINN:** — Malcolm Turnbull; sorry, I nearly forgot who that guy was, and now Scott Morrison and multiple aged-care ministers that it has no appetite to fix it.

As I said earlier, Hon Ken Wyatt did nothing. What did he do that was memorable in the aged-care sector? I do not hear anyone yelling it out. Normally, there are interjections galore, but this is unbelievable. I find it very interesting. I know Hon Nick Goiran tried very hard not to talk about the Scott Morrison budget. He tried very hard to not talk directly to the motion because I feel that there may be some embarrassed there. There may be a little bit of, “Oh, I’m not really impressed with my federal colleagues.” He might have even slipped up and said, “Don’t vote for Ken Wyatt at the next election”—who knows? That may be why the member avoided talking to the motion. Honestly, I could see Hon Nick Goiran potentially voting for Tania Lawrence to fix the aged-care sector. I reckon that might actually have been the reason. Is there a little bit of red inside that coat? I am not 100 per cent sure but I find it very interesting that he found it very difficult to talk to the exact motion. Who am I to speculate? We will never know the truth. Only Hon Nick Goiran will know who he votes for on the day. If Hon Nick Goiran had looked to the motion that this house condemns the Morrison government for its failure to provide any support for the aged-care sector and the recent federal budget, it would have been interesting to hear his views on what he thought Hon Ken Wyatt and the Scott Morrison government had done in the aged-care sector. I am sure, as outlined in a lot of the contributions we have heard around this chamber already, it would be absolutely nothing.

**HON DR STEVE THOMAS (South West — Leader of the Opposition)** [2.44 pm]: I will try to make this fairly short because there are obviously a lot of members who would like to make a contribution to this debate. Can I start by addressing the motion and the mover of the motion, Hon Dan Caddy. His motion reads —

That this house condemns the Morrison government for its failure to provide any support for the aged-care sector.

I suggest the member might need a little bit of assistance with the wording of motions because “any support” suggests that there are zero dollars in the budget for aged care. I have just heard Hon Kyle McGinn tell us that, according to the aged-care sector, it is a “steady as she goes” budget, so there is obviously support for the aged-care sector in the budget. I presume the member is talking about the 29 March budget—the most recent federal budget. There was obviously funding in there for aged care. It would help if someone would assist the member to make sure that his motions, in the first instance, make sense because obviously this one has a couple of issues. That is the first issue; obviously there is a problem in the wording of the motion. There is also a problem with the intent of the motion because I have heard lots of debate today and the Labor Party contributions have been around the “failure to provide”. When they say “failure to provide any support”, I think what they are trying to say, in a sort of well-meaning though incorrect manner, is “not providing additional support”. I am sure that the ministers opposite could give the member a hand with that to get it a bit more accurate.

I will go back to what the 29 March commonwealth budget said because that is probably quite germane to the debate today. What the budget said I will deal with as a quote —

The Budget 2022–23 further invests \$522 million in the aged care reforms. This grows the Government’s commitment —

It is about \$19 billion. There is obviously some money in the budget for aged care. It must be in the order of \$19 billion, unless Treasury has given them the wrong numbers. Again, the member might want to rephrase his motion a bit. Of the \$522 million, it is not an exhaustive list but key elements of the budget include: \$345.7 million to improve medication management in residential aged-care facilities; \$48.5 million for 15 000 additional aged-care training places; \$20.1 million committed to the Australian National Aged Care Classification Transition Fund; \$5.4 million to continue consultation and development of a new regulatory framework; and \$6.1 million to continue the rollout of regionally focused Department of Health staff in primary health networks.

**Hon Pierre Yang** interjected.

**Hon Dr STEVE THOMAS:** Hang on! The honourable member has jumped up and asked for two points of order —

**Hon Pierre Yang** interjected.

**Hon Dr STEVE THOMAS:** He has said two points of order and neither of them have been upheld yet.

**Hon Pierre Yang** interjected.

**The ACTING PRESIDENT:** Order!

**Hon Dr STEVE THOMAS:** Acting President, let me refer the honourable member to the motion before the house because it does not include the word “workers”. It says, “any support for the aged-care sector”. Before the honourable member tries to take a point of order on that, I suggest he might like to read Hon Dan Caddy’s motion. I am simply trying to address the motion as put forward by Hon Dan Caddy.

A member interjected.

**Hon Dr STEVE THOMAS:** It does not mention wages. It does not say “wages”; it says “aged-care sector”. The motion does not say “workers”; it does not say “wages”; it says “aged-care sector”.

Several members interjected.

**Hon Dr STEVE THOMAS:** We will come back to the wages in a minute, but before members opposite get on their high horses, remember I am addressing the motion put forward by Hon Dan Caddy.

Before I was diverted thus, we were just going through the half a billion dollars of additional money that the Morrison government has put towards the aged-care sector. Even if Hon Dan Caddy’s intent was to suggest there had been no additional funds, he was wrong. If his intent was to say there are no funds, he is also wrong. Whichever way we look at this, the motion from Hon Dan Caddy is not accurate. It does not reflect the truth. I am prepared to accept that the member’s approach to this was in an effort of goodwill, perhaps towards us. Perhaps there is a bit of politicking in this motion. As members opposite might point out, I myself am not always above a little bit of politicking, so I am not necessarily going to be highly upset by that, but unfortunately for the Australian Labor Party, the honourable member, with enormous respect I have for him notwithstanding, has kicked an own goal. His motion actually supports what the Morrison government has done.

Let us go back to the fundamental principle of aged care. I have been dealing with the aged-care sector for something like 30 years. I started in the 1990s. It is how I got into politics—in health administration. I oversaw the writing of the south west health policy back in the 1990s. Hon Kyle McGinn, I know what health looks like in the south west. I wrote the damn plan! Interestingly, we did a lot of work on care awaiting placement patients as part of that process. Those are the people who are waiting in country hospitals, in particular. I can give the member a very long history on that. Again, I wrote the plan for the south west.

Let us go to the key issues around aged care. Despite the fact that the motion is inaccurate, I would like to add a couple of things. One of the most important things in aged care is the entire community, including those aged-care recipients and their families, accepting the importance of aged care. This becomes critical. There has not been this sort of divide in the past as there is today. We obviously see a difference between the left and the right on this. Funnily enough, the left actually started some of this stuff. Obviously, wages in aged care are very low. I accept that. Why are they low? It is because the community and often people who put aged parents into care do not necessarily treat that with the respect it deserves. As a community, including those people who want to make use of it, we do not hold this particular industry in high enough esteem. What happens then? Everybody suddenly expects the government to fund it all. That is the path on which the Labor Party would take us. Interestingly, it is not always the Labor Party, but the Labor Party has history in this regard. The old Labor Party used to be a little more mainstream.

Who remembers the Labor Party when one of its members said, “You should be responsible for your own futures”? Do members know who said that? It was a guy named Paul Keating. Do members know how he did it? He started shifting pensioner requirements into superannuation. It was a very good move. I have said in this chamber before that it was something of a genius move. Paul Keating said, “Take responsibility for your retirement and your aged care and here is a way that we will assist you to do it.” He did not say, “We will just be responsible for everything.” The Labor Party has form in this. This government and the Labor members are very keen to blame the Morrison government. How did the Rudd–Gillard government years go for the Labor members in terms of aged-care provision?

How well did that work? The federal Labor government had form. It had form in announcing reforms and not costing them and leaving someone else to pick up the pieces. Do members know where it did that? Let us go all the way back to the introduction of the national broadband network. It was announced by Kevin Rudd. We are still trying to catch up on the funding because he had no idea what he was doing. Then we had the National Disability Insurance Scheme, which was committed to by Julia Gillard. Rudd–Gillard–Rudd—NDIS. We are still catching up.

Do members know what the Labor Party does? It goes out and makes announcements, saying that the government should fund everything and then it does not cost it and it does not tell us how much it is going to cost. Now we have Anthony Albanese going out there saying, “Guess what? We’ll fund billions of dollars’ worth of aged care.” That is great. How is he going to pay for it? Has he delivered costings on this? Which taxes will go up to pay for it? He is doing what the Labor Party always does. It goes out there in the lead-up to an election, as occurred with Rudd in 2007 and Gillard in 2011, comes up with these ideas and then leaves somebody else to pick up the pieces and fund it. It is another purely political event.

We are having a little political tete-a-tete, a little argy-bargy. It is pure politics—pure theatrics. The Labor Party has to support its federal colleagues. I fully understand that. I wonder how many Labor Party members have claimed they are sick with COVID around polling booths. We should try to find out.

There is an unfortunate error or two in the motion moved by Hon Dan Caddy. Unfortunately, he indicated that there is no funding in the federal budget for aged care, which is wrong. He has indicated that there is no additional funding in the aged-care budget, which is also wrong. It is a fairly simple motion but it is wrong. Therefore, without notice, I wish to amend the motion.

*Amendment to Motion*

**Hon Dr STEVE THOMAS:** I move —

To delete “condemns the Morrison government for its failure to provide any support for the aged-care sector in the recent federal budget” and insert —

recognises the importance of aged-care reform and acknowledges the Morrison government’s record investment in response to the Royal Commission into Aged Care Quality and Safety

**HON DAN CADDY (North Metropolitan)** [2.55 pm]: I have read the words from Hon Dr Steve Thomas and do not support them.

*Division*

Amendment put and a division taken, the Acting President (Hon Peter Foster) casting his vote with the noes, with the following result —

Ayes (7)

Hon Martin Aldridge  
Hon Peter Collier

Hon Donna Faragher  
Hon Nick Goiran

Hon James Hayward  
Hon Dr Steve Thomas

Hon Colin de Grussa (*Teller*)

Noes (17)

Hon Klara Andric  
Hon Dan Caddy  
Hon Sandra Carr  
Hon Stephen Dawson  
Hon Kate Doust

Hon Sue Ellery  
Hon Peter Foster  
Hon Jackie Jarvis  
Hon Ayor Makur Chuot  
Hon Kyle McGinn

Hon Shelley Payne  
Hon Dr Brad Pettitt  
Hon Stephen Pratt  
Hon Martin Pritchard  
Hon Matthew Swinbourn

Hon Darren West  
Hon Pierre Yang (*Teller*)

Pairs

Hon Steve Martin  
Hon Tjorn Sibma  
Hon Neil Thomson

Hon Lorna Harper  
Hon Samantha Rowe  
Hon Rosie Sahanna

Amendment thus negatived.

*Motion Resumed*

**HON DARREN WEST (Agricultural — Parliamentary Secretary)** [3.00 pm]: I will make a few brief remarks because I know there are other speakers. I support Hon Dan Caddy’s motion on the aged care sector. It is a very good motion, as are all the motions he brings forward. I want to bring some sensibility back to the debate before us on aged care under the Morrison Liberal–National government. Anybody who has been in an aged care facility would say that we need to do better in this space. We have a federal election coming up at which Australians can choose more of the same tired old Morrison government with its lack of care and respect for aged care, or a change of government that has pledged to do everything it can to fix aged care. That is a fairly easy choice.

Getting away from that, I want to acknowledge all the wonderful people who choose a career in the aged-care sector. They are magnificent people who work out of the goodness of their heart and care for the people they look after. I acknowledge every single one of them today. For those very kind, good-natured, good-hearted people, to need to get to a point in their careers where they feel the only way they can make their voice heard is to strike is a disgrace to the Morrison government. This motion has clearly touched a nerve. The first two speakers just wanted to blame the state for everything and talk about anything but aged care, but did not defend the Morrison government. There was then an attempt to hijack the motion with an alternative motion that had no prospect of success.

I thank the aged-care workers and I will shed a light in the next couple of minutes about the appalling comments today from the Prime Minister. Anthony Albanese has said to those workers, who are the lowest paid workers in the aged care, hospitality and retail sectors, that they deserve a pay rise equal to inflation. I do not think that is too much to ask. If inflation is rising at around five per cent, why would we not give those lowest paid workers a pay rise equal to five per cent? I am not talking about the big end of town and people on higher salaries like us, but about people who work in aged care. What the Prime Minister said today was: “You’re not good enough for that. You don’t deserve that and, in fact, we’re going to cut your wages. Real wages are going to be cut.”

What a disgraceful thing to say to a sector that has been the subject of a royal commission, that we know is in crisis. There are no nurses in nursing homes under this government—who knew? The Prime Minister needs to find a mirror and have a good hard look at himself. Not everything is political. Even though we are politicians and we are sitting in a house of Parliament today, a whole swath of workers in aged care across the country are battling to make ends meet, and the Prime Minister says that they do not deserve a pay rise that equals inflation. That is shameful. I hope that all of those workers, and every worker across Australia, in the next couple of weeks votes this mob out so that we can have some action in aged care, a strength in Medicare, better childcare and a government that cares.

**HON DAN CADDY (North Metropolitan)** [3.03 pm] — in reply: I will touch briefly on the contributions from members in the order they spoke. I will probably run out of time, so if I miss someone at the end, my apologies. Hon Donna Faragher is a passionate advocate for aged care and always has been, and that is reflected in *Hansard* of this place for anyone who wants to have a look. The honourable member has said before that she is a very private person, so I acknowledge her personal story and wish her family well. I note that in her contribution she gave facts and figures about the ongoing funding for aged care. Yes, aged care is expensive, but there was not an impassioned defence there of the Morrison government’s approach to aged care. She pointed out that she is not a member of the Morrison government, and that is unfortunate for the federal Liberals. If Hon Donna Faragher were a member of the federal Liberal Party, she would greatly enhance its front bench. The crux of the honourable member’s contribution was to agree, as we all do, that more needs to be done in aged care regardless of the colour of the government.

I note Hon Klara Andric’s passion and support for aged-care workers. She has continued to support the aged-care sector over her entire career and to look after aged-care workers. She pointed out more articulately than I the way Scott Morrison manages to occasionally distort the truth.

Hon Nick Goiran gave an impassioned speech. He gave me some homework reading, as he often likes to. I welcome that part of his contribution. I note that he did not even create the pretence of trying to defend the Morrison government. I guess that even for the great legal mind that is Hon Nick Goiran, he could not defend the indefensible. I thought the opposition in this place would have been happy with a motion around the federal government and happy that it was not a motion pointing out its complete inadequacy in its endeavours as an opposition. If we want to talk about the state government, as the opposition did, this is by far the weakest state opposition in this state’s history. I note the sly fascination with font sizes from Hon Nick Goiran and I will say something in this regard. I will even make it relevant to the motion. I am pretty sure that the font size on Josh Frydenberg’s speech was pretty big because he had only those five lines, and I reckon the only way he would have felt as though he was saying something of substance was to have it in a massive font!

Hon Kyle McGinn gave an impassioned speech about aged-care workers. He speaks passionately often in this place about workers. I note also Hon Kyle McGinn’s explanation for the edification of those opposite about where the responsibility for aged care lies, and I hope members opposite were listening.

Hon Dr Steve Thomas finally gave a defence of the government. I note that he played around with the word “additional” with the motion and probably would have been happy if it said that. He talked about the additional funding, which is minuscule compared with the amount of funding that has to go into aged care. The point of this motion was to show that the federal government does not have any original thought and is not pushing forward with any significant changes to aged care. It is a business-as-usual approach. That is simply not good enough.

Finally, Hon Darren West spoke for a very short period but spoke eloquently, supporting the workers. I thank all those who contributed to the debate on the motion and those in even greater number who interjected. I was a bit surprised at the passion of the debate, given just how glaring and how widely known the Morrison government’s neglect of this area is.

*Division*

Question put and a division taken, the Acting President (Hon Peter Foster) casting his vote with the ayes, with the following result —

## Ayes (18)

Hon Klara Andric	Hon Sue Ellery	Hon Shelley Payne	Hon Dr Brian Walker
Hon Dan Caddy	Hon Peter Foster	Hon Dr Brad Pettitt	Hon Darren West
Hon Sandra Carr	Hon Jackie Jarvis	Hon Stephen Pratt	Hon Pierre Yang ( <i>Teller</i> )
Hon Stephen Dawson	Hon Ayor Makur Chuot	Hon Martin Pritchard	
Hon Kate Doust	Hon Kyle McGinn	Hon Matthew Swinbourn	

## Noes (7)

Hon Peter Collier	Hon Nick Goiran	Hon Tjorn Sibma	Hon Colin de Grussa ( <i>Teller</i> )
Hon Donna Faragher	Hon James Hayward	Hon Dr Steve Thomas	

## Pairs

Hon Lorna Harper	Hon Steve Martin
Hon Samantha Rowe	Hon Martin Aldridge
Hon Rosie Sahanna	Hon Neil Thomson

Question thus passed.

**COMMITTEE REPORTS — CONSIDERATION***Committee*

The Deputy Chair of Committees (Hon Peter Foster) in the chair.

*Joint Standing Committee on the Commissioner for Children and Young People —  
First Report — Annual report 2020–2021 — Motion*

Resumed from 6 April on the following motion moved by Hon Kyle McGinn —

That the report be noted.

**Hon KYLE MCGINN:** In talking to this report I have focused on the United Kingdom’s model of implementing an easier way for children and young people to understand Parliament before they give evidence or participate in very high level, complex hearings. I acknowledge that the model that was put together and put on the table were facts, books and directions. When children and young people get to the Parliament, there are proper directions for where to go. As I have said before, if before even getting to Parliament, children can get a vision of what the room is going to look like, just breaking the ice like that, it is a really good way to ensure that when they get into the room, they are not overwhelmed. I am sure any young person walking into this chamber for the first time, for example, would be slightly overwhelmed.

I know I was when I came in in 2017. I was all right up until I had to sign my name somewhere over there. That is when it started to get a little bit scary. I do think in the context of this report that the UK model is something we should be looking at here and taking on board. I think that our education department does a fabulous job with all of that.

When I was on my feet last time, I was talking about an intern of mine, Amy Astill, who went on to do youth Parliament. She went into youth Parliament and performed very well. She then did it again and became youth Premier. She is now a coordinator of that program and she is an advocate and role model supporting new young people going into that system. Anything we can do to support young people taking part in this process is a strong way for us to ensure that in the future we see more engagement with the democratic process, and more engagement and understanding of the seriousness of what our committees do.

Hand on heart, I was not aware that the majority of the hard work in this place is done across the road, funnily enough, in the committee rooms, and boy is it hard work. I think the first big report I got my teeth into was the inquiry into WorkSafe here in WA. That ended up being a massive, massive report, which I am very proud of by the way. Getting an understanding at an early age will allow people to put their hand up more in politics and allow them to take part in hearings and give evidence. It will only better the knowledge and the experience that young people will have to engage with our democratic process, which in turn should see the community get a little bit more accepting of politics and politicians. I know that it seems to become a harder conversation in public. If our young people engage more with our clerks, for example, and get some of that knowledge and experience, I have no doubt they will be more excited to get involved and potentially become a Clerk or an Usher in the future.

**Consideration of report postponed, pursuant to standing orders.**

*Joint Standing Committee on the Corruption and Crime Commission —  
First Report — Annual report 2020–21 — Motion*

Resumed from 16 February on the following motion moved by Hon Dr Steve Thomas —

That the report be noted.

**Hon JACKIE JARVIS:** I rise to speak on the first report of the Joint Standing Committee on the Corruption and Crime Commission, which is the annual report for the 2020–21 period. As I think I might have mentioned last time I spoke on the Joint Standing Committee on the Corruption and Crime Commission—I cannot remember; it was so long ago—this was a report tabled by Hon Dr Steve Thomas, who is, of course, a member of this committee. I note that this report includes a forward from Mr Matthew Hughes, MLA, who is the chair of the committee. Just as an overview, this report basically covers two sitting periods, the fortieth and the forty-first Parliament. One of the main priorities of that committee during the fortieth Parliament was to welcome Matthew Zilko, SC, the Parliamentary Inspector of the Corruption and Crime Commission, to the new role. His appointment in November 2020 was noted by the committee and it also noted that it was the first new appointment to this office since 2013, when the late Hon Michael Murray, AM, was appointed. The Office of the Parliamentary Inspector of the Corruption and Crime Commission will obviously be working closely with the reappointed commissioner, Hon John McKechnie, QC, to ensure that that ongoing role of ensuring the integrity of the public sector for the benefit of all Western Australians.

I look forward to seeing what the committee does now in this fortieth Parliament—sorry in the forty-first Parliament—that we are in now. We are reflecting on the annual report. The report before us summarises the activities of this joint standing committee for that period. During that period, the committee had 11 deliberative meetings between 1 July 2020 and 30 June 2021. The committee conducted one formal inquiry, which I think is admirable considering that it did not meet for an extended time during the election period. It had nine formal evidence hearings and took statements from 26 witnesses. As a reminder, the function of this committee is to monitor and report to Parliament on the exercise of the functions of the Corruption Crime Commissioner and the parliamentary inspector and to inquire and report to Parliament on the means by which corruption prevention practices may be enhanced in the public sector, which is, of course, an incredibly important function that cannot be understated, and to administer and carry out other functions as determined in the Corruption, Crime and Misconduct Act 2003. I mentioned that there were a number of hearings during this this annual report period. There were four hearings that related to the previous committee's formal inquiry into the Corruption and Crime Commission's oversight of police misconduct investigations, particularly with regard to allegations of excessive force. That report is being dealt with separately, and it will continue to be discussed in this chamber as a separate matter. The committee also held two annual report hearings, which is part of this committee's oversight role of government agencies, namely with the Corruption and Crime Commission and the Public Sector Commission.

During this reporting period, the committee tabled some really interesting reports. One of those reports was *If not the CCC ... then where? An examination of the Corruption and Crime Commission's oversight of excessive force allegations against members of the WA Police Force*. That report was tabled in both houses on 24 September 2020. That report has also been the subject of other discussions in this place and is being dealt with as a separate matter, so I certainly will not dwell on that.

The committee also tabled the report *Meaningful reform overdue: The Corruption, Crime and Misconduct Act 2003*. That report was tabled in the other place on 19 November 2020 and in this place on 20 November 2020. That report basically looked at what stage the Corruption, Crime and Misconduct Act would be reviewed. I understand that process is underway. The committee noted in that report that it is abundantly clear from feedback from stakeholders that a review of the CCM act, as it is known, is required. In June 2021, the government advised the Legislative Council that the Department of Justice is undertaking a major review of that act. We await that with interest.

This report is a fairly stock-standard committee annual report. We have allocated more time to the consideration of that report than is necessary, but I know that we will continue to discuss that report, as we do with all the committee reports on our list for consideration. Some of us new members are learning the process. With that, I conclude my comments on the Joint Standing Committee on the Corruption and Crime Commission annual report.

**Hon PIERRE YANG:** Today I wish to continue my remarks on the report in front of us, the first report of the Joint Standing Committee on the Corruption and Crime Commission, *Annual report 2020-21*. On the last occasion that we considered committee reports, and also on a number of occasions before that, I talked about the importance of supporting WA Police Force, which I am sure all members of this place would agree with, and also the importance of having a robust oversight system of WA police.

The annual report refers to the fifteenth report of the Joint Standing Committee on the Corruption and Crime Commission in the fortieth Parliament. Today, I want to talk about a very important distinction between the Western Australian Corruption and Crime Commission Act and its roles and function, and the equivalent legislation in our neighbouring jurisdiction, the Northern Territory. Members may or may not know that our Corruption and Crime Commission, as enabled by the CCC act, has the ability to provide oversight of public entities. What our act is unable to do is look at organisations that are in receipt of public funding. That is a different approach from the one

taken in the Northern Territory. The Northern Territory Independent Commissioner Against Corruption Act differs from our CCC act in that it also defines as public entities private organisations that are in receipt of public funding; therefore, it provides for oversight of those organisations. I found that very interesting when I was doing my research, because it increases the breadth of supervision in that jurisdiction.

That is entirely relevant to this debate, because the fifteenth report from the Joint Standing Committee on the Corruption and Crime Commission in the fortieth Parliament refers to oversight of WA police and oversight of the CCC. Page 27 refers to one of the committee's functions between 2003 and 2014. I quote from paragraph 3.8 —

Police oversight has been carried out with varying levels of rigour over time by the CCC. Concerns about police oversight were expressed throughout the course of the 2008 *Review of the Corruption and Crime Commission Act 2003* (known as the Archer Review). For example, the ALSWA expressed concerns that the CCC:

- rarely interviewed complainants
- did not often interview witnesses identified by complainants
- rarely (if ever) consulted with the ALSWA
- requested any further information required directly from the WA Police Force.

I discussed that in my previous contribution on this report. Paragraph 3.9 continues —

The ALSWA concluded that 'this in effect is a non-investigation and has the inevitable outcome of creating a perception that the police are biased in favour of their own and that the CCC is not willing to examine or challenge the police investigation'.

Paragraph 3.10 states —

Furthermore, the ALSWA criticised the CCC's practice of referring complaints to the WA Police Force for investigation, rather than conducting an independent investigation. It submitted that 99 per cent of its complaints were referred back to the WA Police Force to investigate itself. This figure was largely corroborated with other evidence given to the review.

Paragraph 3.11 states —

However, the review concluded that the CCC still monitored 'far more home agency investigations than similar oversight bodies in other jurisdictions' and that it did give particular attention to the WA Police Force.

I have talked previously about the importance of having a strong police force to ensure the safety and security of the residents of this state. At the same time, there must be a robust system to provide oversight and to ensure that if there is any misuse of the powers given to those who are exercising their duties under oath to protect the state and its people, investigations are carried out. I am sure that, as I discussed previously, these sentiments are shared widely by the members of this place.

Paragraph 3.31 on page 31 of the fifteenth report from the fortieth Parliament states —

There was significant change to the way the CCC operated in 2015. Legislative change saw responsibility for minor misconduct removed from its remit and assigned to the Public Sector Commission. All misconduct allegations against members of the WA Police Force remained the purview of the CCC.

I think that was an effective change to make sure that the Corruption and Crime Commission can direct its focus and attention to more important allegations. The Public Sector Commission can share the load by dealing with other important allegations against members of the police force, leaving the CCC to deal with the most significant allegations. The report continues —

The re-positioning of the CCC under the leadership of Acting CCC Commissioners Mr Neil Douglas and ... led to a more strategic approach to CCC oversight across all organisations, including the WA Police Force.

I think that is a good change. As I said earlier, that allows the CCC to deal with more significant allegations. Obviously, any organisation's budget and resources are finite, and the CCC must prioritise its tasks. It was a good change. I wish to continue along this line and perhaps talk about the next part.

**The DEPUTY CHAIR:** It would be handy if members would verbally seek the call. I will give the call to Hon Nick Goiran.

**Hon NICK GOIRAN:** Thank you for the reminder, deputy chair; my apologies. I seek the call and thank you for providing it. I note that the other honourable member is a hardworking member of this committee. I will try to make my remarks brief so that we can hear from the honourable member.

I note that this is essentially the fourth and last time we will have an opportunity to consider this first report of the Joint Standing Committee on the Corruption and Crime Commission. That said, there will probably be an opportunity, albeit brief, in the next sitting week to conclude this debate once and for all, which will have totalled some four hours.

I think it may be the first of the reports that we will deal with in this fashion under the new arrangement. I simply want to make a couple of points as we conclude the debate on this important report. There has been an opportunity during the course of this four-hour debate, albeit over a very extensive time going back as far as 15 September last year, for members to consider a range of matters pertaining to the work of the Corruption and Crime Commission and the oversight committee. I note that as far back as September last year, I raised a concern with the government, and it was the hardworking and usually cool operator Hon Stephen Dawson, the Deputy Leader of the House, who kindly then, because of the points that I made on 15 September last year, took it up with the government and made sure that a document had been tabled. I once again thank him for doing that. This is one example of the benefits of being able to address these matters over a sequence of weeks, indeed months.

It is interesting that that document, which the honourable member ensured had definitely been tabled in Parliament, pertained to a review that had been undertaken. To cut a very long story short, a memorandum of understanding was to be developed between the Corruption and Crime Commission, the State Solicitor's Office and the Office of the Director of Public Prosecutions. That memorandum of understanding was to be developed within six months of the tabling of the report. That time has now long passed. The questions that arise are: What has happened to that memorandum of understanding? Does it exist? It might exist, but it would be good if a member of the government could rise and indicate to the house that this memorandum of understanding does exist and when exactly it came into existence. Was it done within the six-month time frame as per the review recommendation or is it yet to be done? If it is yet to be done, why is that the case and when will it be done? That would be a useful way in which we could then conclude this debate.

The other matter that arises is one that pertains to the seventeenth report tabled by the committee, entitled *Meaningful reform overdue: The Corruption, Crime and Misconduct Act 2003*. Members will see reference to that in this annual report. As we discussed on one of the previous occasions, specifically on 1 December last year, a range of stakeholders contributed to the committee inquiry. Two of them in particular warrant a response from government: the submissions made by the former Parliamentary Inspector of the Corruption and Crime Commission and the WA Police Force. The submission of the parliamentary inspector at the time, Hon Michael Murray, identified a number of unresolved issues and drew them to the attention of the committee and the government. These matters had been raised by not only him, but also, in fact, his predecessor, Hon Chris Steytler. They pertain to matters such as excessive force; oversight into misconduct within the CCC; jurisdictional issues between the CCC and the parliamentary inspector regarding industrial matters; clarifying that the CCC has no power to prosecute and therefore arrest; misconduct by officers who subsequently become CCC officers; the CCC being able to deal with minor misconduct of its officers, subject to the oversight of the parliamentary inspector; and, lastly, the collateral damage that arises from being identified without the benefit of court processes to clear one's name. That lengthy list of matters that had been identified by the former, now late, parliamentary inspector for the benefit of the committee and, ultimately, the government remains not responded to by the McGowan Labor government. It would be a shame if this final episode, if you like, in this four-part series dealing with the consideration of this committee report were to conclude without the government having provided some form of position on those matters from the former parliamentary inspector.

The same goes for the submission made by WA police, which identified a few issues, including a need to update the act; a need to include emails and electronic notification methods to satisfy the requirement to notify in writing; the conflicting requirements for agency heads to notify the CCC on certain misconduct; and, furthermore, the need for timely notification of the review of section 42 notices. That series of issues, albeit a smaller list than the one of the parliamentary inspector, were raised by WA police for the benefit of the government and to facilitate the joint standing committee, yet here we are at the conclusion of a debate, which began as far back as September last year, with no indication that there will be any response from the government on those matters. The government may well say that it is conducting a whole-of-statute review, and I believe that that is the case, although I note that it is some 14 years since the last such review was done by Gail Archer in her then capacity as a Senior Counsel in Western Australia. Of course, she is now a Justice of the Supreme Court. As I say, these matters warrant the attention of government. The question is: has anybody in government considered these matters and will they be providing a response, not merely on those particular matters, but also of course to any of the other stakeholders that contributed to the seventeenth report, *Meaningful reform overdue: The Corruption, Crime and Misconduct Act 2003*.

As I conclude my remarks on this debate, I very much encourage the government, noting that it will still have the best part of half an hour, to respond to those issues identified and not to forget to also identify for the benefit of members exactly what is happening with the memorandum of understanding between the Director of Public Prosecutions, the State Solicitor's Office and the Corruption and Crime Commission. My understanding is that that memorandum of understanding was to be developed as a result of the late realisation by the CCC that it does not have the power to prosecute. A review was undertaken by the Attorney General, Mr Quigley, into that matter, albeit belatedly, as I have indicated on previous occasions, including in September and October last year. Ultimately, that review by Mr Quigley's department concluded that the existing arrangement should continue—that is, that the CCC should not be able to prosecute matters and will need to continue to work through the State Solicitor's Office and the Office of the Director of Public Prosecutions. I make no criticism of that conclusion. I simply note that, as part of that, a memorandum of understanding was to be developed within six months and I simply ask the question:

was that done? As I say, it would be a shame if the final episode in this consideration of the first annual report of the Joint Standing Committee on the Corruption and Crime Commission were to conclude without the government having fulfilled its duty and provided a response on the memorandum of understanding, the feedback provided by the former parliamentary inspector and, of course, the feedback provided by the Western Australia Police Force on the overdue reforms.

**Hon KLARA ANDRIC:** Once again, I am pleased to be given the opportunity to speak briefly on the Joint Standing Committee on the Corruption and Crime Commission's *Annual report 2020–21*. As a member of the committee, I have spoken on this report on several occasions, as has Hon Nick Goiran and Hon Pierre Yang. This report was laid on the table of the Legislative Assembly and the Legislative Council on 9 September 2021. I would like to start by reminding the chamber of the committee's functions. Its role is to monitor and report on the exercise of the functions of the Corruption and Crime Commission and the Parliamentary Inspector of the Corruption and Crime Commission; to commence own-motion inquiries relating to the means by which corruption and prevention practices may be enhanced within the public sector; and to carry out functions under the Corruption, Crime and Misconduct Act 2003.

With the CCC being WA's leading anti-corruption body, I know that members of this chamber understand the importance of investigating corruption and crime in our state. I had the privilege of visiting the Corruption and Crime Commission office with the Corruption and Crime Commissioner and committee members sometime last year. I had the opportunity to see the great work that those who work at the CCC do and the level of intelligence of all the fantastic staff who make it happen.

As the annual report notes, between 1 July 2020 and 30 June 2021, the committee held 11 deliberative meetings and nine formal evidence hearings with 26 witnesses. The previous committee undertook one formal inquiry and tabled three reports, the first of which, as is outlined in this report, was the fifteenth report, *If not the CCC ... then where? An examination of the Corruption and Crime Commission's oversight of excessive use of force allegations against members of the WA Police Force*. That report was tabled in both houses on 24 September 2020. The sixteenth report, *Annual report 2019–2020*, was also tabled in both houses on 12 November 2020, and the seventeenth report, *Meaningful reform overdue: The Corruption, Crime and Misconduct Act 2003*, was tabled in the Legislative Assembly on 19 November 2020 and in the Legislative Council on 26 November.

During the reporting period, as I have said, the committee held 11 deliberative meetings, one formal inquiry and nine formal evidence hearings and had 26 witness appearances. As I mentioned earlier, three reports were tabled, and 52 report findings and 13 report recommendations were tabled. The committee also held six public hearings, taking evidence from 21 witnesses during these hearings. Four of the hearings were related to the previous committee's formal inquiry into the CCC's oversight of police misconduct investigations. The other two hearings were related to the annual reports of agencies as part of the committee's oversight role.

Once again, I want to take this opportunity to welcome the new appointment—not so new now—of the Parliamentary Inspector of the Corruption and Crime Commission, Mr Matthew Zilko, SC. I had the pleasure of meeting Mr Zilko sometime last year—I do not recall the exact month—when I was appointed to the CCC committee. It is also worth noting that the appointment of Mr Matthew Zilko in November 2020 was the first new appointment to this office since 2013.

I want to take the opportunity to thank the staff of the committee in the forty-first Parliament: the principal research officer, Ms Suzanne Veletta, and the research officer, Ms Jovita Hogan. They have been of great assistance to me in explaining a few things that I might not necessarily have understood first off, so I really do appreciate their time in assisting committee members.

I really ought to thank my fellow members of the CCC committee, whom I am quite honoured to work with: the chair, Mr Matthew Hughes, member for Kalamunda; Hon Dr Steve Thomas, member for South West Region, a member of this house who is attending to urgent parliamentary business; and Mr Shane Love, member for Moore. We all work very collaboratively on this committee. We understand the importance of the committee and the work that we and the commission do. I am delighted that I have the opportunity to work with them and I thank them for their support. In my final comments, I want to say that I look forward to continuing the important work of this committee.

**Hon PIERRE YANG:** As I said earlier today, I was looking forward to the opportunity to continue my remarks. Before I continue, I acknowledge Hon Klara Andric for her work as a member of the Joint Standing Committee on the Corruption and Crime Commission and I look forward to the work she will do in the coming three years of the forty-first Parliament. I also acknowledge the Leader of the Opposition, Hon Dr Steve Thomas, and our colleagues from the other place, the member for Kalamunda, Mr Matthew Hughes, MLA, and Mr Shane Love, MLA.

Deputy Chair, I referred to the fifteenth report of the Joint Standing Committee on the Corruption and Crime Commission in the fortieth Parliament, which was cited in first report of the Joint Standing Committee on the Corruption and Crime Commission in the forty-first Parliament. On the last occasion, I referred to paragraphs 3.31, 3.32 and 3.33 and the changing role of the Corruption and Crime Commission from 2015. I wish to pick up from there and continue to refer to the changing nature of the oversight role of the CCC. I was discussing the two practical

outcomes of this approach: a moral and strategic approach to the CCC's oversight across all organisations, including the WA Police Force. One outcome is that fewer investigations are carried out, all of which are monitored by the CCC with a greater emphasis placed on active oversight as detailed in those sections. The other outcome is that oversight of the WA Police Force is undertaken as part of a wider strategy and an assessment process.

We are fortunate to live in a liberal democracy that is guarded and protected by a strong rule of law. It is absolutely important to ensure all we can to support the mechanisms that are the fundamental pillars of our democracy, because at present it all comes down to accountability and transparency. These two principles are paramount in modern liberal democracies. For a government to have legitimacy, it must not only be elected at a popular election with universal suffrage where all adults over the age of 18 who are enrolled cast their vote in selecting their government and their representatives who will be sitting in the nation's Parliament or any of the state Parliaments, including the Parliament of Western Australia, but also it is important we adhere to and do everything we can to protect those crucially important principles of transparency and accountability in our work.

As we are talking about elections, an election is coming on 21 May. I know how I will vote and which party I will be supporting, as do many members in this place. I am sure we will see a significant groundswell and changes coming to our great nation. I certainly hope to see a change of government in Canberra and to have a Labor government led by our new prime minister Anthony Albanese to deal with the issues in the aged-care sector, which we debated in a motion earlier today; the issues we are facing as a nation in early childhood education sector; as well as all the other issues. It is important that we have a government that is transparent and accountable to the people.

**Hon Tjorn Sibma:** Can I make an interjection?

**Hon PIERRE YANG:** From you, yes!

**Hon Tjorn Sibma:** In the previous debate I was struck by references to relevance, so I am following your remarks with great interest and looking forward to how they relate to the committee report under consideration. I do not want to raise a point of order, or whatever.

**The DEPUTY CHAIR (Hon Jackie Jarvis):** I note a point of order has not been made, but I was wondering the same myself, Hon Pierre Yang.

**Hon PIERRE YANG:** I thank the honourable member opposite for his question, and I also thank the deputy chair for her similar question on relevance. This is very relevant because the Joint Standing Committee on the Corruption and Crime Commission looks after issues surrounding the CCC and the Parliamentary Inspector of the CCC and provides ultimate parliamentary oversight. The CCC, as an oversight organisation in this state, helps to protect the transparency and accountability of public organisations. I referred to private entities that receive public funding. In the Northern Territory, they come under the purview of the Northern Territory Independent Commissioner Against Corruption Act and the Office of the Independent Commissioner Against Corruption in that jurisdiction. When we talk about liberal democracies and other democracies, transparency and accountability are two fundamental principles that underpin the health and wellbeing of our democracy and foster trust and belief in our system. We must have a transparent system, a system that is accountable—unlike the federal government, which promised the people of Australia, including the people of Western Australia, that there would be a federal commission against corruption. Where is it? It has been three years. A lot of promises were made by the federal government. I am sure that the voters of this country will hold them to account, deputy chair. That is my explanation for why I am saying these things are relevant to the report in front of us and why it is very important that we discuss these things.

Coming back to the fifteenth report of the Joint Standing Committee on the Corruption and Crime Commission in the fortieth Parliament that is referred to in the first report of the forty-first Parliament, page 35 talks about the use of excess force by police. One of the things noted by the Joint Standing Committee on the Corruption and Crime Commission is that allegations of serious misconduct against WA Police Force members account for just over half of the allegations received by the CCC, and around 12 per cent of the allegations relate to excess use of force. I will conclude on this point on this occasion, but if I have the opportunity to continue I will.

In the remaining 26 seconds I want to refer to paragraph 3.47, which states —

Such abuses of power by members of the WA Police Force undermine the integrity of the WA Police Force and undermine public trust in this institution.

This comes back to what I was saying about transparency and accountability. They are fundamental principles for our liberal democracy.

**Hon MARTIN PRITCHARD:** Deputy Chair, I seek your guidance. There seems to have been a lot of debate on this annual report. Would it be appropriate to move that the report be noted?

**The DEPUTY CHAIR:** Members are speaking to the motion that the report be noted. If there is no-one else seeking the call, the question will be put to the chamber. Are you seeking the call to report, member?

**Hon MARTIN PRITCHARD:** I am not.

**Question put and passed.**

*Joint Standing Committee on the Corruption and Crime Commission — Second Report —  
If not the CCC ... then where? An examination of the Corruption and Crime Commission's oversight of  
excessive use of force allegations against members of the WA Police Force — Motion*

Resumed from 23 February on the following motion moved by Hon Dr Steve Thomas —

That the report be noted.

**Hon NICK GOIRAN:** I know this will disappoint Hon Pierre Yang immensely, because he is super keen to talk about this second report. I note for the benefit of the honourable member that we will have some 60 minutes to consider the report before us, albeit that a great proportion of that consideration will need to be done next week.

The report before us was last considered by the chamber on 23 February this year. At that time, I was taking members through the 13 recommendations that had been made by this committee. Members should keep in mind that the recommendations currently before us in the second report arise from the fifteenth report of the predecessor committee in the previous Parliament, which tabled a very extensive report. All of that is to say that, of the 13 recommendations made by the committee, the government has indicated that it supports 10, but that two of them are not supported and one has been noted.

On a previous occasion, 16 February 2022, I took members through one of the recommendations that the government is not supporting. I want to take this opportunity if I can, in the remaining time, to look at another one of the recommendations, recommendation 2. That recommendation, which is not supported by the government according to the response that it tabled, is —

The Corruption and Crime Commission should refocus its efforts and current resources on police oversight primarily, in line with what is arguably a key mandate. It is not enough for police oversight to be treated as one of several strategic themes.

It is apparent that that was the unanimous recommendation of the committee, which was chaired by the then member for Girrawheen, Margaret Quirk, MLA. The current chair of the Joint Standing Committee on the Corruption and Crime Commission was, somewhat infamously, a member of that committee in the fortieth Parliament. Members of the government indicated at the time that there should be a refocusing of the efforts of the CCC, yet the McGowan Labor government has said no; it has said that that is not supported. The explanation provided by the government in its response was that the commission's serious misconduct function under the Corruption, Crime and Misconduct Act does not articulate this intent and it is therefore not a key mandate. It said that, accordingly, the focus of the commission was on the entire public sector, not just WA Police. That is quite an incredible response because it indicates once again that there are members of the WA Labor government who have not read these documents and are obviously unfamiliar with the Kennedy royal commission, which gave rise to the very existence of this corruption fighter in Western Australia. The Kennedy royal commission was about police corruption, and the Joint Standing Committee on the Corruption and Crime Commission has, in successive Parliaments, called on the CCC to make sure it has a primary focus on police oversight, yet the government has said no. No-one has suggested that that should be the only oversight by the CCC; it should actually have oversight of the whole public sector, but especially WA Police.

**Hon PIERRE YANG:** I was very much looking forward to the opportunity to continue my remarks on the report that was noted by this chamber moments earlier. The second report of the Joint Standing Committee on the Corruption and Crime Commission of the forty-first Parliament is a short report that encapsulates the findings and recommendations of the fifteenth report of the Joint Standing Committee on the Corruption and Crime Commission of the fortieth Parliament. I spent some time referring to that report, but I just want to quote the chair's foreword to the second report of the Joint Standing Committee on the Corruption and Crime Commission of the forty-first Parliament. Mr Matthew Hughes stated —

Report 15 of the Joint Standing Committee on the Corruption and Crime Commission in the 40th Parliament (the previous committee), *If not the CCC ... then where? An examination of the Corruption and Crime Commission's oversight of excessive use of force allegations against members of the WA Police Force*, was tabled in the Legislative Assembly and Legislative Council on 24 September 2020.

...

Due to the prorogation of the Parliament, and the dissolution of the Legislative Assembly on 7 December 2020, the government did not have the opportunity to respond to the recommendations in Report 15.

The Joint Standing Committee on the Corruption and Crime Commission of the present Parliament resolved to table a report containing the findings and recommendation of Report 15 and seek a government response to the recommendations of the previous committee.

I look forward to the opportunity, in the four and a half minutes I have left, to continue to make my remarks on that on Wednesday next week. Today I want to continue where I left off in the previous report, when I was discussing page 35 of the fifteenth report. I touched on the important principles of transparency and accountability, and I thank

Hon Tjorn Sibma for his question on the relevance of those contributions. I want to re-emphasise that accountability and transparency are two fundamental principles that underpin our liberal democracy. Accountability, according to the Australian Institute of Company Directors, exists in a relationship between two parties where one has expectations of the other and the other is obliged to provide information about how they have met those expectations, or face the consequences of failing to do so. When it comes to transparency, organisations are transparent when they enable others to see and understand how they operate, in an honest way. To achieve transparency, an organisation must provide information about its activities and governance to stakeholders that is accurate, complete and made available in a timely way. Transparency enables accountability.

I referred to the federal government's undertaking to the people of Australia that it would establish a federal anti-corruption institution, but the federal Morrison Liberal-National government reneged on that promise to the people of Australia. I think the people of Australia will hold that government to account on 21 May. As a matter of fact, early voting started on Monday this week and I am sure a lot of Australians have already cast their vote. What the people want is a government that is transparent and accountable. As I was saying, these are very important principles that will foster faith and trust in the system.

I am coming to the point where I discussed, in relation to the last report, the abuse of power by members of the WA Police Force through the use of excessive force, which undermines the integrity of the WA Police Force and public trust in this institution. This is particularly true if the incident is captured on video and it appears, to all intents and purposes, that the force used is not justified. As documented in the fifteenth report, to its credit the WA Police Force acknowledged —

... regardless of the mechanisms in place to support stringent internal investigations, it does occasionally get investigations wrong. It recognises the benefits provided by independent oversight of allegations of misconduct and identifies that '... where community expectations are not met, the CCC oversight provides opportunities for police to meet that expectation.'

**Consideration of report adjourned, pursuant to standing orders.**

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

#### **SENTENCING LEGISLATION AMENDMENT (PERSONS LINKED TO TERRORISM) BILL 2021**

*Committee*

Resumed from 10 May. The Deputy Chair of Committees (Hon Jackie Jarvis) in the chair; Hon Matthew Swinbourn (Parliamentary Secretary) in charge of the bill.

**Clause 4: Section 4 amended —**

Progress was reported after the clause had been partly considered.

**Hon MATTHEW SWINBOURN:** At the close of our time yesterday, I was halfway through providing an answer to Hon Nick Goiran to a question about the two people whom we have identified as potentially being subject to this bill. I will recap the situation of the first person, who is an adult, who is currently charged with offences of advocating terrorist acts. Under clause 4 of the bill, a category 2 prisoner is a prisoner who has been charged with, or convicted of, an offence against section 80.2C(1) of the commonwealth Criminal Code, which provides offences for persons who advocate the doing of a terrorist act or the commission of a terrorism offence. For a category 2 person to fall within the definition of a person with links to terrorism and subsequently have the presumption against an early release order apply, the person must be subject to a Commissioner of Police report. That is an important element. The person currently before the courts who has been charged with offences of advocating terrorist acts under section 80.2C(1) of the commonwealth Criminal Code falls under the definition of a category 2 prisoner. However, the person will not fall under the definition of a prisoner with links to terrorism unless the person is subject to a Commissioner of Police report.

The other adult person was subject to a commonwealth control order but is now no longer subject to it. It might not have been made clear in previous parts of the debate that he was previously subject to a commonwealth control order but it has now expired. Under clause 4 of the bill, a category 1 prisoner, amongst other things, is a person who has been subject to an interim control order or a confirmed control order at any time during the period of 10 years ending on the day on which the prisoner's current sentence begins or is taken to have begun. Unlike a category 2 prisoner, there are no further requirements to deem a category 1 prisoner a prisoner with links to terrorism in order to have the presumption against early release apply. For this reason, the adult person who was subject to a control order that was within the 10-year time period will fall under the definition of a category 1 prisoner and a prisoner with links to terrorism. To summarise, the one who is facing charges will, all things being equal, be a category 2 prisoner, and the person who was subject to the commonwealth control order will be a category 1 prisoner.

**Hon NICK GOIRAN:** I thank the parliamentary secretary for that explanation. The definition at clause 4 for category 1 prisoners frequently refers to control orders, whether they be interim or confirmed. The parliamentary secretary has himself confirmed that there is one Western Australian category 1 prisoner, insofar as this person was subject to what we have described as a historical control order. How long are these control orders typically in place?

**Hon MATTHEW SWINBOURN:** This might be an opportune moment to expand a little more on control orders, and in doing so, answer the member's specific question. A control order is an order made under division 104 of part 5.3 of the commonwealth Criminal Code Act 1995, which allows obligations, prohibitions and restrictions to be imposed on a person for the purpose of protecting the public from a terrorist act. A person can be subject to a control order if it substantially helps prevent a terrorist act or if the person has trained or participated in training with a listed terrorist organisation; engaged in hostile activity in a foreign country; or been convicted in Australia for an offence relating to terrorism, a terrorist organisation or terrorist act, or if overseas for an offence that would, if it occurred in Australia, be a terrorism offence within the definition of the Crimes Act 1914.

Control orders must be issued by the Federal Court and the Australian Federal Police, who can apply to the court to issue a control order against a person who is at least 14 years old. The AFP must have the consent of the Minister for Home Affairs to apply for a control order. In deciding whether to issue a control order, the court must consider the impact of the control order conditions upon the person's circumstances, including their financial and personal circumstances. Control orders are either interim control orders or confirmed control orders. Interim control orders are heard *ex parte*. The issuing court must be satisfied on the balance of probabilities that the order would substantially assist in protecting the public from a terrorist act. An interim control order must specify a day on which the person to whom the order applies may attend the court, for the court to decide whether to confirm, with or without variation, the interim control order, to declare the interim control to be void, or revoke the interim control order. In relation to the member's specific question, division 104 provides for a control order to last up to 12 months, or three months for 14 to 17-year-olds, and may be reapplied for if the circumstances persist and the threshold issues can be satisfied. A control order cannot be made for a person who is under the age of 14.

**Hon NICK GOIRAN:** These control orders can apply for up to 12 months, but then can be renewed. Is there provision for an unlimited number of renewals, or is there a finite number of renewals for a control order?

**Hon MATTHEW SWINBOURN:** We are not aware of any particular cap on the total number of control orders that could be issued, but in each instance the applications have to satisfy those prerequisite elements for issuing them. If a person is subject to a 12-month control order, and comes to the end of that period, and the AFP wants to apply for an additional 12 months or any other period up to 12 months, they would still have to satisfy the Minister for Home Affairs that it is appropriate to make the application, and convince the Federal Court of the requisite grounds on which to make it.

**Hon NICK GOIRAN:** We have, at the present time, one category 1 prisoner. A category 1 prisoner is automatically also a prisoner with links to terrorism as defined in the bill, indeed in the clause before the committee at the moment—clause 4. In other words, every category 1 prisoner is a prisoner with links to terrorism. The person that the government has identified as being the category 1 prisoner is somebody who has, as I understand it, been subject to a control order in the past, but is no longer subject to a control order. Is that person a prisoner in the ordinary meaning of the word? Is he in jail?

**Hon MATTHEW SWINBOURN:** I am trying to give the member the details of who that person is, and hopefully answer the specific question in the course of doing that. The person who is identified as having been previously subject to a control order is Shayden Thorne. He was convicted of the offence of preparation for incursions into foreign countries for the purpose of engaging in hostile activities, a terrorism offence under part 5.5 of the commonwealth Criminal Code Act 1995—foreign incursions and recruitment. On 25 February 2019, he was sentenced to three years and 10 months' imprisonment, with a non-parole period of two years and 10 and a half months. He was not released on parole, so he served his full term. Thorne falls within the definition of a person linked to terrorism under the bill. His conviction falls under the definition of a terrorism offence. Additionally, Thorne is no longer subject to a control order, which is obviously a matter for the commonwealth. In the event that Thorne is convicted of a further offence in Western Australia and sentenced to imprisonment, the presumption against an early release order will apply, and the Prisoners Review Board, constituted by the chairperson alone, will have to be satisfied of exceptional reasons before granting an early released order. To summarise, he is not a prisoner.

Can members please keep the chat down; we are doing important work here.

He is no longer a prisoner, and he is no longer subject to a control order, but if he were to reoffend and be convicted, those provisions would come back into force and he would be considered a category 1 prisoner.

**Hon NICK GOIRAN:** The parliamentary secretary is now identifying an important distinction. This person, by the sound of it, is not a category 1 prisoner at the present time, because I take it the person is no longer a prisoner. To be a category 1 prisoner under clause 4, a person must meet certain criteria, one of which is that they are currently a prisoner. It sounds to me that this individual, who presumably resides in Western Australia, has been identified as a prospective category 1 prisoner. Is that a fair way of describing it?

**Hon Matthew Swinbourn:** Correct.

**Hon NICK GOIRAN:** At the moment in Western Australia we have zero category 1 prisoners, but—it is difficult to say that we have a prospective category 1 prisoner, because in a sense anyone could be a prospective category 1 prisoner—at least one person who meets part of the substantive requirements to be a category 1 prisoner. I will just park

that to one side, but in comparison to that, there is one other person who is a category 2 prisoner. I think the parliamentary secretary said yesterday that they had been charged with a commonwealth offence, which is working its way through the courts. Can the parliamentary secretary confirm that that person is a prisoner and has been charged, because if they are not a prisoner and have merely been charged, they do not meet the criteria for a category 1 prisoner?

**Committee interrupted, pursuant to standing orders.**

[Continued on page 2070.]

### QUESTIONS WITHOUT NOTICE

#### CORONAVIRUS — SAFE TRANSITION INDUSTRY SUPPORT PACKAGE

**372. Hon Dr STEVE THOMAS to the Leader of the House representing the Premier:**

I refer to the \$77 million safe transition industry support package announced on 10 February 2022.

- (1) As at 30 April 2022, how many applications has the government received for support under this package?
- (2) How many of these applications have been fully assessed to date?
- (3) Of the application that have been assessed, how many have been deemed eligible for support and how many have been deemed ineligible?
- (4) As at 30 April 2022, how much of the \$77 million package has been paid out to Western Australian businesses?

**Hon SUE ELLERY replied:**

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

- (1)–(4) The McGowan government’s \$77 million safe transition support package consists of multiple support programs administered by the Department of Jobs, Tourism, Science and Innovation and the Department of Local Government, Sport and Cultural Industries. The granular level of information requested in this question is unable to be provided in the limited time available. The honourable member should place the question on notice.

#### TIMBER HARVEST PLAN

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

Hopefully there is a minister representing the Minister for Regional Development representing the Minister for Forestry—there is a parliamentary secretary!

I refer to question without notice 316 asked on 5 April 2022 and the answer that advised that the logged quantities were produced by the Department of Biodiversity, Conservation and Attractions as a volume and to the document *Statistics 2020–2021* published by the Forest Products Commission that is currently available on the government website that publishes data on log quantities in both tonnes and metric metres.

- (1) From where are the logged quantities in the *Statistics 2020–2021* document sourced?
- (2) Who prepares this document and is it a part of the annual release of information?
- (3) If there is a database that produces quantities for this document in tonnes for the various grades of logs, including sawlogs supplied to various customers, can the minister please supply the quantity in tonnes of logs produced by each grade of log for each customer for the past five calendar and financial years?
- (4) If no to (3), how can the FPC document be produced with the data requested in tonnes but the same information not be available for the purpose of responding to the question?

**Hon DARREN WEST replied:**

I thank the honourable member for some notice of the question. I reply on behalf of the minister. I note that this answer was prepared on Wednesday, 6 April 2022, so the answer will be for information as at that date.

- (1) The delivered log quantities for log grades that can contain both sawlog and other bole volume in the Forest Products Commission’s “Statistics 2020–2021” document are sourced from delivery information held by the Forest Products Commission.
- (2) It is prepared each year by FPC.
- (3) As per the answer provided to question without notice 280, the *Forest management plan 2014–2023*—FMP—recognises two types of log timber: sawlog and other bole volume. The FMP yield of hardwood sawlogs and other bole volume production available is measured and provided in cubic metres. The Forest Products Commission when delivering log products that can contain a mix of FMP sawlog and other bole volume uses tonnes for delivered product. The Forest Products Commission publishes data on delivered product volume that can contain both FMP sawlog and other bole volume.
- (4) The honourable member’s question referred to only jarrah sawlog production and is not the same as the delivered product information provided in tonnes in the Forest Products Commission statistics documents.

## CORONAVIRUS — RAPID ANTIGEN TESTS — REGIONS

**374. Hon COLIN de GRUSSA to the Leader of the House representing the Premier:**

I refer to the response provided to my question without notice 348.

- (1) Why have households that received email confirmation and tracking information from Australia Post, and have since received advice from Australia Post that their delivery has either been delayed or will be forwarded to their post office box, not received these rapid antigen kits, despite being ordered with the correct address?
- (2) Can the Premier please explain why households that received email confirmation and tracking information from Australia Post, and the item was returned to sender due to an incorrect address or information, were not notified that the item had been returned to sender, given that Australia Post must have had a valid email address to send the tracking information to in the first place?
- (3) Can the Premier please explain what actions the state government is taking to investigate why households have not received their RAT kits when a valid email and contact details have been provided?

**Hon SUE ELLERY replied:**

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

- (1) If a correct address was supplied and a delivery was subsequently not able to be provided, that is an operational matter for Australia Post.
- (2) If Australia Post has received the parcel for delivery and it becomes return to sender due to an incorrect address, registrants will receive a return to sender notification via either the AusPost app or email. If a registrant has not received a notification from Australia Post, they should contact 13COVID for further investigation.
- (3) As the Premier outlined yesterday, rapid antigen test kits have been delivered to 715 000 households, with a further 32 000 orders dispatched. Of the 715 000 deliveries to households, approximately 22 000 were returned to sender due to issues with invalid addresses or incorrect information provided at registration. The Western Australian government is contacting households that have not received their RATs with further information on how to receive their free RATs. This communication will be sent to households that have a valid registration and whose RATs have been returned to sender, or when they have contacted 13COVID advising that they have not received their RATs. This will include an option for the RATs to be resent via mail or for people to collect them at key locations.

## ENVIRONMENTAL PROTECTION (COST RECOVERY) REGULATIONS 2021

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

I refer to following assessment of the fee structure that operates under the Environmental Protection (Cost Recovery) Regulations 2021 made by Mr Chris Rodwell of the Chamber of Commerce and Industry of Western Australia that were published in a *Business News Western Australia* article of 15 February —

“The fees the state government has begun charging businesses for environmental impact assessments are the highest such fees anywhere in the nation.

- (1) Are these fees the state government is charging the highest such fee anywhere in the nation?
- (2) If yes, why is the government charging these uncompetitive fees?
- (3) If no, how is Mr Rodwell inaccurate?

**Hon STEPHEN DAWSON replied:**

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

- (1)–(3) The pricing model for part IV cost recovery under the Environmental Protection (Cost Recovery) Regulations 2021 has been developed in accordance with the state government’s *Guidelines for the costing and pricing of government services (2015)* and reflects the need for a fair and reasonable true cost of services. Prior to undertaking consultation on the draft cost-recovery model, the Department of Water and Environmental Regulation engaged Ernst and Young Australia to undertake a pricing and demand validation exercise and provide a final report. Ernst and Young found that the methodology and assumptions applied by DWER in its pricing and demand management models were logical and reasonable, and this final validation report was tabled last year. I refer to tabled paper 978.

DWER will use the funding received through cost recovery to provide an effective service to proponents by building capacity in periods of high demand, while ensuring that strong environmental protections remain. It is expected that the 18-month review of the part IV cost-recovery program in mid-2023 will capture and reflect an updated cost of services, incorporating regulatory efficiencies appropriately.

## COMMUNITIES — CASE MANAGEMENT SYSTEM

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

I refer to the minister's answer to question without notice 258, which revealed that in response to the Commissioner for Children and Young People's finding that the information and knowledge management systems of the Department of Communities are not fit for purpose and impede decision-making for children and young people and organisational capability, and that the department has internally prioritised funds to progress the development of a business case to replace the current case management system.

- (1) When did the development of a business case commence?
- (2) How much funding has been made available for this?
- (3) When is the business case scheduled for completion?
- (4) Will it be made publicly available?

**Hon SUE ELLERY replied:**

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

- (1) It commenced on 14 March 2022.
- (2) There is \$600 000 available.
- (3) In December 2023.
- (4) Business cases are not typically made public. These documents relate to the business affairs of the department and contain information that could impact on the commercial value should an external procurement process be undertaken.

## GESTATIONAL TROPHOBLASTIC DISEASE

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

I refer to the Department of Health and gestational trophoblastic disease.

- (1) In 2020 and 2021, how many women were diagnosed with this disease?
- (2) Can the minister advise whether a gestational trophoblastic disease registry currently exists in Western Australia?
- (3) If no to (2), please advise what specific treatment, monitoring and management programs are currently available to women who have been diagnosed with this disease, and include details on which facilities these services can be accessed from?

**Hon SUE ELLERY replied:**

I thank the honourable member for some notice of the question. I am going to do my best to pronounce the words I am required to say. I apologise to those people for whom this is a serious issue if I cannot say them properly.

- (1) The Women and Newborn Health Service would need to undertake a retrospective audit to provide these numbers and would require additional notice and time to do this.
- (2) No.
- (3) King Edward Memorial Hospital for Women clinical practice guidelines on pregnancy care are followed. Following discharge, the patient's general practitioner is informed. Follow-up is provided either by the GP or at King Edward Memorial Hospital outpatient clinic and counselling is provided to the patient. For each pregnancy after diagnosis, the patient's beta human chorionic gonadotropin tests are performed every six weeks.

## COMMUNITIES — POLICE RAID

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

I refer the minister to her response to question on notice 680 answered on 10 May 2022.

- (1) Given that "the internal investigation is ongoing and in the interests of fairness to all parties and the integrity of the process it is not appropriate to disclose further details", why did the minister and the Premier state publicly and in the Parliament the number of documents allegedly accessed by the Aboriginal female officer employed within the Department of Communities whose home was raided by police, and yet will not provide the same information about the other officers under investigation?
- (2) Is the Aboriginal female officer whose home was raided by police one of the 13 public officers in the internal investigation?

**Hon SUE ELLERY replied:**

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

- (1)–(2) This matter remains under investigation, therefore, it would be inappropriate to disclose further information that may compromise the integrity of the process.

## SOUTH WESTERN HIGHWAY

**379. Hon JAMES HAYWARD to the Leader of the House representing the Minister for Transport:**

I refer to the safety of the South Western Highway between Manjimup and Walpole.

- (1) Has the minister received any correspondence expressing concerns related to the safety of the South Western Highway between Manjimup and Walpole?
- (2) Are there any plans to improve safety on the South Western Highway between Manjimup and Walpole?
- (3) Has Main Roads Western Australia considered turnouts that slow moving traffic can pull in to allow banked up traffic to pass them safely on extended stretches of windy roads where it is unsafe to overtake?
- (4) If no to (3), why not?

**Hon SUE ELLERY replied:**

- (1)–(4) Over recent years, Main Roads has undertaken sealed widening and safety improvements along the South Western Highway between Manjimup and Walpole. Most recently, widening work was completed on a four-kilometre stretch of the highway south of Vasse Road at the Pemberton turn-off. Main Roads has constructed short passing lanes at certain locations across the network, including on the South Western Highway. Their use is being monitored to ensure that they are operating safely.

## SOUTH WEST INTERCONNECTED SYSTEM

**380. Hon Dr BRAD PETTITT to the parliamentary secretary representing the Minister for Energy:**

- (1) Is the minister aware of modelling recently published in *Renew Economy* that shows that 85 to 90 per cent of renewables on the south west interconnected system electricity grid would deliver cheaper electricity than currently provided on the SWIS, which has only around 30 per cent renewable energy, and would also emit around nine million fewer tonnes of CO<sub>2</sub> per year?
- (2) Is it correct that the Western Australia government's current *Whole of system plan*, the most plausible generation plan for 2040, will emit six million tonnes more CO<sub>2</sub> than 90 per cent renewable energy?
- (3) Has the government modelled and costed 85 to 100 per cent renewable energy electricity on the SWIS and the emissions reductions achievable by doing this?

**Hon MATTHEW SWINBOURN replied:**

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

- (1) Yes.
- (2) The *Whole of system plan* modelled four different scenarios for how the demand for electricity on the SWIS might change over 20 years. It was not a plan for implementation by government.
- (3) The next WOSP process is to commence shortly with stakeholder consultation on the different electricity scenarios to be modelled. This will include a consideration of how to meet the net zero emissions by 2050 commitment in the Western Australian climate policy. The final WOSP report is due to be delivered in 2023.

## ELECTRIC VEHICLES

**381. Hon SOPHIA MOERMOND to the minister representing the Minister for Environment:**

Currently there is very little pressure on car manufacturers to reduce emissions or become less reliant on fossil fuels. In the Netherlands, most taxis are now electric vehicles. This is subsidised by the government with obvious benefits to emissions targets. I also note that commercial passenger vehicles are on the road sometimes 24/7.

- (1) What action is the government taking to encourage the uptake of electric vehicles in the commercial passenger industry?
- (2) Will this government consider creating stricter emissions targets for commercial passenger vehicles that use fossil fuels to encourage electric vehicle uptake?
- (3) To show leadership in the area, will the government make a commitment to transition 100 per cent of the state government fleet to electric vehicles?

**Hon STEPHEN DAWSON replied:**

I thank the honourable member for some notice of the question. The following answer has been provided to me by the Minister for Environment; Climate Action.

- (1) The McGowan government announced a package on 10 May 2022 to support electric vehicle uptake in Western Australia, including \$36.5 million of rebates for the purchase of electric vehicles. Light passenger vehicles and commercial vehicles are eligible for this rebate. The government is also providing \$10 million to support small and medium-sized businesses and not-for-profits with grants of up to 50 per cent to support the installation of electric vehicle charging infrastructure.
- (2) The responsibility for setting vehicle emission standards sits with the commonwealth government. The Western Australian government has long advocated for the commonwealth government to introduce vehicle emission standards, including for carbon dioxide, for vehicles in Australia in line with other Organisation for Economic Cooperation and Development—OECD—countries. This would have significant benefits for air quality and human health as well as greenhouse gases.
- (3) Under the state electric vehicle strategy for Western Australia, the McGowan government has already set a target of at least 25 per cent for electric vehicles within eligible segments of the government fleet by 2025–26. Through the Western Australian climate policy and the development of sectoral emissions reduction strategies, we are considering further goals to reduce emissions from transport and for government to lead the way as we look to transition towards net zero emissions.

**METRONET — BAYSWATER STATION CONTRACTOR****382. Hon Dr BRIAN WALKER to the Leader of the House representing the Minister for Transport:**

I refer the minister to a report published in *The Perth Voice* of 28 April 2022 suggesting that the government has listened to local concerns in Bayswater, agreeing to relocate the construction headquarters for the Bayswater station contractor somewhere other than Mills Avenue Park. I commend the minister for his flexible approach and ask —

- (1) What consultations are underway at present to identify an alternate location and with whom has the Metronet team or the department as a whole liaised to date?
- (2) What time constraints exist when it comes to identifying an alternative site to allow the work to proceed on schedule?
- (3) Have any potential sites been identified thus far; and, if so, where?

**Hon SUE ELLERY replied:**

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

- (1) The project team is working closely with the City of Bayswater to find a suitable location and will liaise with residents neighbouring the proposed sites.
- (2) The site facilities must be relocated before July 2022.
- (3) The project team has worked with City of Bayswater staff to identify three sites that could all be utilised for separate purposes at an unused car park at Frank Drago Reserve; a vacant block on Railway Parade; and along Whatley Crescent.

**POST-TRAUMATIC STRESS DISORDER PRESUMPTION — FIRST RESPONDERS****383. Hon MARTIN ALDRIDGE to the Minister for Emergency Services:**

I refer to the media statement entitled “PTSD presumption for ambulance workers” published on Boxing Day, 26 December 2021.

- (1) Has the government provided similar protections to emergency service volunteers and career officers?
- (2) If no to (1), why not?
- (3) Noting the comments of the Minister for Industrial Relations that “it’s important our highly valued health care workers, who provide an essential service to our community, are protected and not unfairly burdened with workers’ compensation claims”, when will the government protect our highly valued emergency service workers and volunteers?

**Hon STEPHEN DAWSON replied:**

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

- (1) No.
- (2)–(3) The post-traumatic stress disorder presumption for ambulance workers delivered on a McGowan government election commitment. The government is awaiting the finalisation of work being undertaken at the national level that is examining a national approach regarding presumptive liability for first responders with PTSD.

## HEALTH — NURSES — WORKFORCE

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

I refer to the response to yesterday's question without notice 357 in which the minister stated that 3 366 registered and enrolled nurses have been employed in the Western Australian public health system between 1 December 2021 and 1 May 2022.

- (1) How many of these health workers were part time or full time in the following categories —
  - (a) registered;
  - (b) enrolled; and
  - (c) graduates?
- (2) How many of the 1 787 resignations or departures represented the following categories —
  - (a) registered;
  - (b) enrolled; and
  - (c) graduates?

**Hon SUE ELLERY replied:**

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

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

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

(1)

Category of Nursing	Employment Status			Total
	Casual	Part Time	Full Time	
(a) Registered Nurses	478	1,668	714	2,860
(b) Enrolled Nurses	48	345	113	506
(c) Graduate Nurses	0	662*	102*	764*
<b>TOTAL</b>	<b>526</b>	<b>2,013</b>	<b>827</b>	<b>3,366</b>

\*Graduates are appointed to established RN/EN positions and form part of the overall workforce.

(2)

Category of Nursing	Employment Status			Total
	Casual	Part Time	Full Time	
(a) Registered Nurses	212	1,068	272	1,552
(b) Enrolled Nurses	50	150	35	235
<b>TOTAL</b>	<b>262</b>	<b>1,218</b>	<b>307</b>	<b>1,787</b>

(c) Information regarding graduate nurse resignations is not captured centrally. Provision of the information sought by the Member would require a significant amount of research which would divert WA Health staff away from their normal duties.

## WATER CORPORATION — NON-PAYMENT

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

I refer to households having difficulty in paying their water bills.

- (1) Can the minister provide monthly data for the period 1 July 2021 to May 2022 on how many households had their water flow reduced to a trickle or disconnected due to the non-payment of charges?
- (2) For the same period, on a monthly basis, how many households sought assistance with meeting their payment obligations?

**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)–(2) The Leader of the Opposition was the Minister for Water from December 2013 to March 2017. During that time, water bills more than doubled compared with the last five years under the McGowan government. The average annual increase under those opposite was four times greater than under this government.

I have a lovely table here and I seek to have the information incorporated into *Hansard*.

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

	MIA DAVIES AS WATER MINISTER	McGOWAN GOVERNMENT
WATER BILLS	↑ \$288.19 More Than <u>Double</u> Compared To 5 Years Under This Govt	↑ \$116.88
% INCREASE	↑ 21.7% More Than <u>3 Times</u> Compared To 5 Years Under This Govt	↑ 7.1%
AVERAGE ANNUAL INCREASE	↑ 5.4% More Than <u>4 Times</u> Compared To 5 Years Under This Govt	↑ 1.4%

- (1) There have been 263 restrictions applied to residential customers to date this financial year:

Period	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	Year total
2021/22	0	0	23	49	52	14	18	28	65	14	263

- (2) There have been 76,616 new Payment Plans made to date this financial year:

Period	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	Year total
2021/22	7,942	7,723	7,549	6,787	7,259	6,218	7,117	7,258	9,602	7,161	74,616

Note: Figures for May 2022 will not be available until 1 June 2022

#### WESTERN POWER — VALIDATION TEAM

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

I refer to the applications before the Western Power validation team.

- (1) For each individual month in part (3) of question without notice 368—that is, October 2021, November 2021, December 2021, January 2022, February 2022 and March 2022—can the minister please provide the breakdown of residential and commercial applications?
- (2) What is the total number of applications, including those not considered non-simple applications?
- (3) Of all applications —
  - (a) how many are residential and how many are commercial applications; and
  - (b) when was the oldest consideration submitted, and is it residential or commercial?

#### Hon MATTHEW SWINBOURN replied:

I thank the member for some notice of the question. However, the answer cannot be provided in the time available. The answer will be provided next Wednesday, 18 May.

#### FORRESTFIELD–AIRPORT LINK — COMMENCEMENT

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

I refer to the minister's answer yesterday concerning the commencement of services on the Forrestfield–Airport Link.

- (1) When will the current testing and commissioning work be complete?
- (2) When will train driver training commence and conclude?
- (3) Will the already much delayed link open before the end of June?

#### Hon SUE ELLERY replied:

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

- (1)–(3) Given the very nature of the testing and commissioning phase, it will finish when all tests have been successfully passed. Driver training will commence once the airport line has completed testing and commissioning.

#### ATTORNEY GENERAL'S EVIDENCE — DOCUMENT

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

I refer to the Attorney General's evidence in court on 8 April 2022 that he may not have read a document because the font was too tiny.

- (1) On how many occasions has the Attorney General not read documents in the past year due to the size of the font used?
- (2) For what other reasons has the Attorney General not read documents put in front of him in the past year?

**Hon MATTHEW SWINBOURN replied:**

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

- (1)–(2) The Federal Court is yet to rule in this litigation and it would not be appropriate to answer this question while these proceedings are continuing.

## COMMUNITY KINDERGARTENS — FUNDING

**389. Hon DONNA FARAGHER to the Minister for Education and Training:**

I refer to community kindergartens operating in Western Australia.

- (1) Will the minister provide a breakdown of the total amount of funding allocated to each community kindergarten in 2022 for —
- (a) operational grant funding;
  - (b) staffing costs;
  - (c) linked school administration support; and
  - (d) any other costs not listed above?

**Hon SUE ELLERY replied:**

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

This is a very big table, so I seek leave to have the answer incorporated into *Hansard*.

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

(1) (a)–(d)

Community Kindergarten	(a) 2022 Grant <sup>(1)</sup>	(b) Salaries: Teacher & EA	(c) Admin Support for Linked Schools	Total 2022 Funding <sup>(2)</sup>	(d) Term 1, 2022 Funding for enhanced cleaning due to COVID -19 <sup>(3)</sup>	(d) Term 2, 2022 Funding for enhanced cleaning due to COVID -19 <sup>(4)</sup>	Total 2022 Funding including funding for enhanced cleaning due to COVID -19 <sup>(5)</sup>
Albany Community Kindergarten	\$16,132.00	\$220,026.68	\$17,846.48	\$254,005.16	\$2,059.21	\$1,949.74	\$258,014.11
Bullsbrook Community Kindergarten	\$17,176.00	\$220,026.68	\$17,846.48	\$255,049.16	\$2,059.21	\$1,949.74	\$259,058.11
Byford Community Kindergarten	\$15,204.00	\$110,013.34	\$17,846.48	\$143,063.82	\$1,676.21	\$1,588.74	\$146,328.77
Glen Forrest Community Kindergarten	\$15,900.00	\$110,013.34	\$17,846.48	\$143,759.82	\$1,676.21	\$1,588.74	\$147,024.77
Hazel Orme Community Kindergarten	\$17,060.00	\$220,026.68	\$17,846.48	\$254,933.16	\$2,059.21	\$1,949.74	\$258,942.11
Hillarys Community Kindergarten	\$15,900.00	\$110,013.34	\$17,846.48	\$143,759.82	\$2,059.21	\$1,949.74	\$147,768.77
Kindaimanna Community Kindergarten	\$15,204.00	\$110,013.34	\$17,846.48	\$143,063.82	\$1,676.21	\$1,588.74	\$146,328.77
Lockyer Community Kindergarten	\$33,489.00	\$440,053.36	\$17,846.48	\$491,388.84	\$2,409.21	\$2,278.74	\$496,076.79
Lower King Community Kindergarten	\$16,016.00	\$110,013.34	\$17,846.48	\$143,875.82	\$1,676.21	\$1,588.74	\$147,140.77
McDougall Park Community Kindergarten	\$17,408.00	\$220,026.68	\$17,846.48	\$255,281.16	\$2,059.21	\$1,949.74	\$259,290.11
Mount Helena Community Kindergarten	\$14,972.00	\$110,013.34	\$17,846.48	\$142,831.82	\$1,676.21	\$1,588.74	\$146,096.77

Mullaloo Community Kindergarten	\$18,220.00	\$220,026.68	\$17,846.48	\$256,093.16	\$2,059.21	\$1,949.74	\$260,102.11
Padbury Community Kindergarten	\$17,524.00	\$220,026.68	\$17,846.48	\$255,397.16	\$2,059.21	\$1,949.74	\$259,406.11
Pineview Community Kindergarten	\$14,392.00	\$110,013.34	\$17,846.48	\$142,251.82	\$1,676.21	\$1,588.74	\$145,516.77
Rossmoyne Community Kindergarten	\$17,640.00	\$220,026.68	\$17,846.48	\$255,513.16	\$2,059.21	\$1,949.74	\$259,522.11
Seaview Community Kindergarten	\$16,944.00	\$220,026.68	\$17,846.48	\$254,817.16	\$2,059.21	\$1,949.74	\$258,826.11
Spring Road Community Kindergarten	\$15,900.00	\$110,013.34	\$17,846.48	\$143,759.82	\$1,676.21	\$1,588.74	\$147,024.77
Tuart Hill Community Kindergarten	\$15,784.00	\$110,013.34	\$17,846.48	\$143,643.82	\$1,676.21	\$1,588.74	\$146,908.77
	\$310,865.00	\$3,190,386.86	\$321,236.64	\$3,822,488.50	\$34,351.78	\$32,536.32	\$3,889,376.60

- (1) The grant is paid in two instalments following the February and August census. The 2022 grants in the table above are based on the February 2022 census. Some minor changes to the second instalment may be made if the August census varies from the February census.
- (2) Some in-kind Departmental resources are applied to administering the community kindergarten program which is not easily quantifiable and not included in the Total 2022 Funding.
- (3) Term 1, 2022 was a 52-day term.
- (4) Term 2, 2022 is a 49-day term.
- (5) Subject to the advice from the Chief Health Officer, further funding for enhanced cleaning due to COVID-19 may be provided to the Community Kindergartens in 2022.

#### COMMUNITIES — POLICE RAID

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

I refer the minister to her response to question on notice 680 answered on 10 May 2022.

- (1) Why is it “not appropriate to respond to the questions as to whether any specific criminal conduct was allegedly committed by persons referred to in the members questions” when the minister and Premier have stated publicly and in the Parliament that the female Aboriginal officer employed within the Department of Communities whose home was raided by police was being investigated for possible criminal activity?
- (2) Of the eight people being investigated, was the Aboriginal female officer the only one being investigated for possible criminal activity?

#### Hon SUE ELLERY replied:

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

- (1)–(2) Matters relating to allegations of criminal conduct and related investigations are appropriately directed to the WA Police Force.

#### CORONAVIRUS — RAPID ANTIGEN TESTS

#### 391. Hon JAMES HAYWARD to the Leader of the House representing the Premier:

I refer to the free rapid antigen tests distribution by the government.

- (1) How many RAT kits does the state government currently have in stock?
- (2) How many of the 110 million RAT kits ordered by the state government are still to be delivered to the stockpile?
- (3) Is the government concerned that it may have overestimated the community demand for RAT kits?
- (4) Is the government confident that the RAT kits purchased will be able to be distributed and used before their expiry dates?

**Hon SUE ELLERY replied:**

- (1)–(2) As at 10 May 2022, 110.7 million rapid antigen tests have been ordered by the WA government. Of these, 97 million tests have been received and 32.2 million tests have been distributed to support their use in the health system, by households and for vulnerable people.
- (3) No.
- (4) Yes.

## METRONET — ARMADALE RAIL LINE — SHUTDOWN

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

I refer to the media statement of Sunday, 20 February 2022 titled “Major METRONET projects to transform the Armadale Line” and the comment, “While a number of shutdown options were examined, the extended shutdown was the preferred option.”

- (1) What other shutdown options were examined?
- (2) Will the minister please table the documents related to the other shutdown options that were examined?
- (3) If no to (2), why not?

**Hon SUE ELLERY replied:**

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

- (1)–(3) As outlined in previous answers on this matter, a number of shutdown options were considered, predominantly concerning shorter and more frequent shutdowns over a longer period, or the extended shutdown. The extended shutdown was determined to be the least disruptive to the community over the longer term.

## CORONAVIRUS — STATE OF EMERGENCY — EXTENSION

**393. Hon MARTIN ALDRIDGE to the Leader of the House representing the Premier:**

I refer to the Premier’s public comments on 10 May 2022 when he claimed that the government’s extension to the so-called temporary emergency powers under the Emergency Management Act 2005 are on the basis of advice received by the Chief Health Officer and State Emergency Coordinator.

- (1) On what date was each advice received by government?
- (2) Will the Premier please table the advice received?

**Hon SUE ELLERY replied:**

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

- (1)–(2) The Premier and health minister regularly meet with the Chief Health Officer and State Emergency Coordinator along with the State Disaster Council, as required, to receive advice and appropriately manage the pandemic in Western Australia. The Chief Health Officer and State Emergency Coordinator have both given clear advice for the continuation of directions issued under sections 67, 70 and 72A of the Emergency Management Act 2005 as part of the day-to-day management of COVID-19. The current baseline measures in place across Western Australia were recommended by the Chief Health Officer and have been applied under directions issued under the Emergency Management Act 2005. The specific health advice related to the current baseline measures is available online, as per normal practice. I now table that advice.

[See paper [1265](#).]

**Hon Martin Aldridge** interjected.

**Hon SUE ELLERY:** That’s the answer, mate.

## HOMELESSNESS — BOORLOO BIDEE MIA SERVICE

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

I refer to question on notice 24 asked on 15 February regarding the number of people staying at Boorloo Bidee Mia.

- (1) As of 6 May 2022, how many people —
- (a) were housed at Boorloo Bidee Mia;
- (b) have been referred to Boorloo Bidee Mia;
- (c) were waiting for an outcome of their referral; and
- (d) have been declined a placement at Boorloo Bidee Mia?

**Hon SUE ELLERY replied:**

I thank the honourable member for some notice of the question. I am advised that the honourable member has been advised that the minister was not available today, but will provide an answer tomorrow.

## CORONAVIRUS — BUSINESS SUPPORT

**395. Hon Dr STEVE THOMAS to the Leader of the House representing the Premier:**

I refer to the \$67 million level 1 COVID-19 business assistance package announced on 24 February 2022.

- (1) As at 30 April 2022, how many applications has the government received for support under this package?
- (2) How many of those applications have been fully assessed to date?
- (3) Of those applications that have been assessed, how many have been deemed eligible for support and how many have been deemed ineligible?
- (4) As at 30 April 2022, how much of the \$67 million package has been paid out to Western Australian businesses.

**Hon SUE ELLERY replied:**

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

- (1)–(4) The McGowan government's \$67 million level 1 COVID-19 business assistance package consists of multiple support programs administered by the Small Business Development Corporation and the Department of Local Government, Sport and Cultural Industries. The granular level of information requested in this question is unable to be provided in the limited time. The honourable member should place the question on notice.

## WESTPORT

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

I refer to the lack of recent media on the Westport project.

- (1) Has any environmental consideration been made for the impact of Westport on Penguin Island and Garden Island; and, if yes, please table it?
- (2) Have on-ground trials examining seagrass restoration and habitat creation started; and, if yes, what research is underway?
- (3) When is the Westport landside logistics opportunities study expected to be released, and will the minister table the document in Parliament?
- (4) Has the Westport office now developed updated long-term container trade forecasts; and, if yes, can these please be tabled?

**Hon SUE ELLERY replied:**

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

Recent media has taken place.

- (1)–(2) The WA Marine Science Institute Westport marine science program is currently underway. This was announced in a previous media statement.
- (3)–(4) The landside logistics opportunities study and trade forecasting work is currently ongoing.

## ATTORNEY GENERAL — PERFORMANCE

**397. Hon NICK GOIRAN to the Leader of the House representing the Premier:**

I refer to the complaints sent to the Premier on 16 July 2019 about the Attorney General John Quigley falling asleep twice during a meeting.

- (1) Has the Premier received any other complaints about the Attorney General?
- (2) If yes to (1), how many?
- (3) Has the Premier received any similar complaints about other ministers?
- (4) If so, how many?

**Hon SUE ELLERY replied:**

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

- (1)–(4) The office of the Premier is unable to identify the complaint referred to.

## CORONAVIRUS — HOSPITALISATIONS

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

I refer to COVID hospitalisation statistics.

- (1) Is the minister aware of community concern about the lack of distinction between people who are hospitalised with COVID or because of COVID?

- (2) Why is it not possible to provide more clarity to the community as to the underlying primary cause of hospitalisation for those counted in the COVID hospitalisation statistics?
- (3) Is the minister concerned that the lack of distinction between people hospitalised due to COVID may undermine community confidence in the government's health messaging?
- (4) Does the minister agree it would be beneficial to provide more detail in COVID hospitalisation statistics; and, if not, why not?

**Hon SUE ELLERY replied:**

- (1)–(4) The Department of Health provides daily COVID-19 updates and more detailed updates that include a breakdown of COVID-19 hospitalisations by age and vaccination status more than once a week. It is not possible to provide more timely information on the underlying principal diagnosis or cause for admission as this can only be definitively reported following discharge and review of clinical information. This approach to and limitations with reporting of diagnostic information is consistent across all jurisdictions. Further, it is not appropriate to provide detailed clinical information that pertains to patients hospitalised with or from COVID-19.

**QUESTIONS ON NOTICE 625, 645, 655 AND 658**

*Papers Tabled*

Papers relating to answers to questions on notice were tabled by **Hon Sue Ellery (Leader of the House)**; **Hon Stephen Dawson (Minister for Emergency Services)**; and **Hon Matthew Swinbourn (Parliamentary Secretary)**.

**QUESTIONS ON NOTICE 572, 581, 656, 693**

*Answer Advice*

**HON SUE ELLERY (South Metropolitan — Leader of the House)** [5.04 pm]: Pursuant to standing order 108(2), I wish to inform the house that answers to question on notice 572, asked by Hon Tjorn Sibma; question on notice 656, asked by Hon Martin Aldridge; question on notice 581, asked by Hon Wilson Tucker; and question on notice 693, asked by Hon Neil Thomson, to me as the Leader of the House representing the Minister for Health will be provided by 19 May 2022.

**QUESTION ON NOTICE 697**

*Answer Advice*

**HON STEPHEN DAWSON (Mining and Pastoral — Minister for Emergency Services)** [5.05 pm]: Pursuant to standing order 108(2), I wish to inform the house that the answer to question on notice 697, asked by Hon Dr Brad Pettitt, to me, the minister representing the Minister for Environment, will be provided by 17 May 2022.

**BANKSIA HILL DETENTION CENTRE —  
SELF-HARM AND SUICIDE ATTEMPTS — STAFF ASSAULTS**

*Question without Notice 363 — Answer*

**HON MATTHEW SWINBOURN (East Metropolitan — Parliamentary Secretary)** [5.05 pm]: I would like to provide an answer to Hon Peter Collier's question without notice 363, asked yesterday, which I seek leave to have incorporated into *Hansard*.

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

(1)

Year	Total	Attempted Suicide	Serious Self-Harm	Minor Self-Harm
2019	147	2	0	145
2020	108	2	1	105
2021	351	31	6	314

(2)

Year	Total Assaults Against Staff
2019	3
2020	3
2021	13

**HARDSHIP UTILITY GRANT SCHEME — ENERGY DISCONNECTIONS**

*Question without Notice 367 — Answer*

**HON MATTHEW SWINBOURN (East Metropolitan — Parliamentary Secretary)** [5.06 pm]: I would also like to provide an answer to Hon Dr Steve Thomas's question without notice 367, which I also seek leave to have incorporated into *Hansard*.

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

- (1) Horizon Power and Synergy issued a total of 1,653 disconnection notices to residential customers in April 2022.
- (2) Horizon Power and Synergy disconnected a total of 63 residential customers for non-payment, and re-connected 64 residential customers who had been disconnected for non-payment (includes disconnections prior to April).
- (3) This information cannot be provided, as Synergy and Horizon Power do not receive or assess HUGS applications; this is done independently, by the Department of Communities. However, 807 HUGS payments were made by Synergy and Horizon Power in April 2022.

## LEGALISE CANNABIS WA PARTY

*Statement by President*

**THE PRESIDENT (Hon Alanna Clohesy)** [5.06 pm]: Before we return to orders of the day, I have a short statement. I have received correspondence from the office of Hon Dr Brian Walker, MLC, as follows —

Dear President,

Pursuant to our party's internal processes, we write to inform you that Dr Brian Walker has been endorsed by the State Executive of the Legalise Cannabis WA Party as its parliamentary leader.

Yours sincerely,

Hon Dr Brian Walker MLC

Hon Sophia Moermond MLC

## SENTENCING LEGISLATION AMENDMENT (PERSONS LINKED TO TERRORISM) BILL 2021

*Committee*

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

**Clause 4: Section 4 amended —**

Committee was interrupted after the clause had been partly considered.

**Hon MATTHEW SWINBOURN:** A lot has transpired in the last 40 minutes. If I recall correctly, we were dealing with the two people who we say would or could be subject to this bill.

**Hon Nick Goiran:** Does it apply to category 2 if he is currently a prisoner?

**Hon MATTHEW SWINBOURN:** I am just about to answer. I can confirm that he is not currently a prisoner.

**Hon NICK GOIRAN:** I thank the parliamentary secretary for that confirmation. Again, this is a helpful analysis, because it now identifies that, in actual fact, in Western Australia, as things currently stand, we do not have any category 1 or 2 prisoners; in other words, we do not have anyone currently in a Western Australian jail who, if this bill were to be passed immediately, would be subject to the provisions. That is not to say that that might not happen in the future, but it is useful to confirm that we do not currently have any category 1 or 2 prisoners. But I thank the parliamentary secretary for identifying those two individuals. Certainly in respect of the prospective category 2 individual, if he—I am assuming it is a “he”; I should not make such assumptions—or that individual is convicted and presumably receives a sentence involving a term of imprisonment, then they will be a category 2 prisoner, but interestingly, under the provisions of clause 4, which we are currently considering, they will be considered to be a prisoner with links to terrorism only if they are also the subject of a Commissioner of Police report. This is perhaps then a timely opportunity to revert to the question that I asked during the second reading debate, which was on the guidelines or the parameters in which the Commissioner of Police will utilise this discretion to issue a report. The parliamentary secretary indicated that that might be something we could consider during Committee of the Whole House. I ask for any information the parliamentary secretary might be able to provide to the chamber on that point.

**The DEPUTY CHAIR (Hon Dr Brian Walker):** Parliamentary secretary.

**Hon MATTHEW SWINBOURN:** Thank you, deputy chair, and congratulations on your promotion to leader of your party.

I am sorry for the delay in the answer. It is obviously not a straightforward point of view. In the first instance, I will take the member to clause 16 of the bill, and specifically proposed section 66F, which provides the additional release considerations. This proposed section, which is dealing with the police commissioner's report, states —

In this Subdivision, a reference to the *additional release considerations* relating to a prisoner is a reference to the following considerations —

- (a) the degree of risk (having regard to any likelihood of the prisoner committing a terrorism offence if subject to an early release order and the likely nature and seriousness of any such offence) that the release of the prisoner would appear to present to the personal safety of people in the community or of any individual in the community;

- (b) if the prisoner has made statements or carried out activities that support, or advocate support for, terrorist acts—the nature and seriousness of the statements made or activities carried out;

I am not going to read every clause—I think it goes up to (g) and I am not sure they are all pertinent—but those are the provisions that would effectively guide the police commissioner in the matters to be taken into consideration in the report. Obviously, risk would be the primary driver.

This is not a question that the member has asked, but I am sure that he will get to it. On when the police commissioner's report might be prepared or provided, I am told that it can be started to be prepared at any time during the person's term of imprisonment, primarily on the basis of some impetus; for example, the person putting their name forward for a resocialisation program might be the impetus for preparing such a report. Obviously, in the time preceding the person's eligibility for parole and then consideration to be paroled, there will be an impetus to produce a report of this nature, if necessary.

The Western Australia Police Force has not yet developed internal policies and procedures because the bill has not passed, but internal policies and procedures will be developed in conjunction with its partners, which are the organisations that we spoke about before—the Australian Security Intelligence Organisation, the Australian Border Force, the Australian Federal Police and the like. The police will work with them.

As we already identified earlier today, we are not talking about a large body of work at this point in time given that we do not have any prisoners who will be subject to this law. Notwithstanding that, we are doing this, hopefully, in the event that we never have to deal with these things, but we need to put this framework in place now. I hope that covers off what the member was looking for. As I said, the police will obviously work on precise operational guidelines in tandem with their partners.

**Hon NICK GOIRAN:** Yesterday, during the consideration of clause 2, the parliamentary secretary indicated that the intention is that the bill will become operational and commence in totality three months after assent. I take it then that during those three months one of the things that will need to be prepared is the police procedure for the Commissioner of Police's report.

**Hon Matthew Swinbourn:** Yes.

**Hon NICK GOIRAN:** Why are only category 2 prisoners constrained in their definition by a discretionary Commissioner of Police's report and not category 1 prisoners?

**Hon MATTHEW SWINBOURN:** The answer to that question is that it relates to the seriousness of the offending of prisoners in categories 1 and 2. A category 1 prisoner will have been convicted of terrorism, whereas a category 2 prisoner is, for want of a better word, on the lower level side of things. I think we have identified as advocating for terrorism rather than engaging in a terrorist act. The category 1 prisoners have been convicted of such a serious offence in the first place that there is no need for an additional requirement for the Commissioner of Police's report fitting within a definition of a person linked to terrorism. Category 2 prisoners are on the much lower end of the scale. I do not want to diminish in any way the seriousness of what happens, but in all these criminal-type matters there is always a spectrum of behaviours. Therefore, it is deemed that it would have to be in conjunction with a Commissioner of Police's report. But, obviously, the Commissioner of Police and the related agencies have the information so that they can then deal with any of those category 2 prisoners as they see fit by generating that report.

A Commissioner of Police's report will still be produced in relation to category 1 prisoners because that is part of the consideration in terms of the presumption against parole; it is not that that person is a prerequisite for being included in the definition of a prisoner with links to terrorism. They have committed a terrorist act, for example, they are already considered to have links to terrorism and, therefore, we do not need that additional prerequisite.

**Hon NICK GOIRAN:** We are loosely referring here to the more serious category 1 prisoners and the still serious but less serious category 2 prisoners. Was this notion of category 1 and category 2 and separating them or categorising them in this sort of tiered structure something that was expressly agreed to by the other jurisdictions? Are we doing it in this fashion to be consistent with the other states? In other words, do the other states have this notion of a category 1 and category 2 prisoner?

**Hon MATTHEW SWINBOURN:** The answer is no; it was not expressly agreed to and hence there is not a uniform way it is dealt with across all jurisdictions.

**Hon NICK GOIRAN:** Further, the parliamentary secretary was loosely describing the category 1 prisoners as the more serious, and I acknowledge that was not in any way to diminish the seriousness of the offences that a category 2 prisoner will have been convicted or charged with. I share the parliamentary secretary's general observation or analysis that that seems to be the way in which the bill is structured and gives some explanation of the distinction between the two in terms of the levels of seriousness. But if we take, for a moment, the notion that a category 1 prisoner has committed a serious offence—that is the more serious of the two—again, it seems somewhat at odds with that important principle that we then allow some of those prisoners to escape capture from the definition of a "category 1 prisoner" simply because the confirmed control order or the interim control order was more than 10 years old. I raised that matter yesterday. I was going to ask the parliamentary secretary to provide some explanation

of why would we do that in those circumstances, but I suspect that that will not take us much further; rather, has the government reconsidered this issue of the 10-year restriction overnight and whether it should be perhaps more open-ended, as I suspect might be the case in at least some other jurisdictions?

**Hon MATTHEW SWINBOURN:** Why is it only 10 years? Some consideration was given overnight to the points the member made yesterday, from a particular adviser who probably did not get much sleep contemplating some of the points the member made! I do not mean to be too glib about that; it is taken seriously.

**Hon Nick Goiran:** We've all got a job to do.

**Hon MATTHEW SWINBOURN:** Yes. The approach of 10 years was taken to be consistent with the equivalent provisions in the Bail Act 1982, which provides under section 3 that a "person linked to terrorism" means a person who is the subject of an interim control order or confirmed control order, or has been the subject of a confirmed control order within the last 10 years. There is consistency between bail and parole in respect of that issue. On some further analysis —

**Hon Nick Goiran:** That's the phase 1 reform that we dealt with previously.

**Hon MATTHEW SWINBOURN:** I think so, yes. In respect of the jurisdictions, it is apparently 50–50 between those that impose a time limit and those that are open-ended. South Australian, Victorian and Queensland legislation apply the presumption to current and former control orders. New South Wales, Tasmania and the commonwealth restrict their presumption to current control orders, so those jurisdictions do not take into account historic control orders. There is a bit of variance to that, but I will make some general comments.

We have explored the issue of control orders and the nature of them a little more today, but they are only for 12 months for someone who falls within the category of persons who, after ticking off all the elements, would have a control order imposed on them. Individuals who have had historic control orders imposed on them will continue to be monitored; they are not free from monitoring. In fact, they are probably very much different from, for example, prisoners who are on parole for non-terrorism offences. They have done their parole and their time is up, and at the end of that, they are free to go on with their lives. In this instance, these people will probably never fall within that category, and they will be watched and monitored. If the circumstances dictate the issuing of a new control order—remembering that it is the commonwealth government that makes that decision because it is its particular instrument—a new control order will be put in place.

I take the member's point about the whole risk, but it is not just left out there floating, for us to hope and pray that nothing will happen; agencies will continue to work. I might add—I will stand corrected by the police advisers—that there are probably circumstances in which control orders are not imposed for particular operational and strategic reasons, because imposing a control order on an individual will alert them to the fact that they are under surveillance or that they are being monitored, and it is not always the case that agencies would necessarily want them to be engaged, obviously in the interests of protecting the community. There is a whole range of complexities associated with that.

**Hon NICK GOIRAN:** I think the point the parliamentary secretary makes that I have most sympathy for is the one pertaining to consistency with bail reforms—that is, the phase 1 reforms that use a similar definition for the 10-year age of a historical control order. It therefore makes sense—and, indeed, would be appropriate—for us to maintain that consistency in this bill. If we were to change that to a position that, subject to further scrutiny and advice, I would say would be my preferred position—that is, no limitation on historical control orders—then we should do so in both pieces of legislation. Perhaps that is something that the government can consider in any subsequent reforms and reviews of the various statutes.

I turn now to the definition of "terrorism offence" under clause 4. That definition is set out across pages 4 and 5 of the bill. I draw the parliamentary secretary's attention specifically to paragraph (h) under the definition of "terrorism offence", which encompasses paragraphs (a) to (i). I specifically draw paragraph (h) to the parliamentary secretary's attention, the penultimate paragraph in the definition of "terrorism offence". It refers to —

an offence under a written law or a law of the Commonwealth, another State, a Territory or another country, that substantially corresponds to an offence referred to in paragraph (a), (b), (c), (d), (e) or (g);

That is, of course, in reference to the provisions immediately above paragraph (h). Indeed, it includes all the paragraphs above, with the exception of paragraph (f). The parliamentary secretary will be aware that we are dealing with 38—2 of the bill; in 38—1, the definition included a reference to paragraph (f). Paragraph (h) now no longer makes reference to or links back to paragraph (f), whereas it did in 38—1. What is the basis for that change?

**Hon MATTHEW SWINBOURN:** I am advised that there was a drafting error and that it was not intended to include paragraph (f) in the first instance. That was corrected in the other place, and what is there now corresponds with the equivalent provision in the Bail Act.

**Hon NICK GOIRAN:** Can the parliamentary secretary explain that a little further? If we look at the provision below paragraph (h), paragraph (i), we see that it still retains a reference to paragraph (f). Why does paragraph (i) retain a reference to paragraph (f), when paragraph (i) is "an offence of attempting, inciting or conspiring to commit" such an offence, but it is removed from an offence that substantially corresponds with such an offence under the written law of another jurisdiction?

**Hon MATTHEW SWINBOURN:** It is a good question, and I can see why Hon Nick Goiran picked it up. Paragraph (f) of the definition of “terrorism offence” states —

an offence against the *Crimes (Foreign Incursions and Recruitment) Act 1978* (Commonwealth) (repealed); ...

It is a repealed act, whereas I do not believe, on the face of it, that any of the others are repealed acts. I am advised that the substance of what that act dealt with is now incorporated in some of the other commonwealth laws listed within the bill, so it is not necessary to have a reference to that in paragraph (h) because it is already covered. However, the reason to include it in paragraph (i) relates to any historic offences that might be charged against that act for when it was in force. Therefore, those elements of attempting, inciting or conspiring to commit would still be relevant, and that is why (f) is still listed there.

**Hon NICK GOIRAN:** I thank the parliamentary secretary. Look, that was a helpful explanation. I must say that it took until about halfway through the explanation for me to fully appreciate what was trying to be achieved there.

**Hon Matthew Swinbourn** interjected.

**Hon NICK GOIRAN:** That is no criticism of the explanation; it just required a moment’s pause to properly understand it. I thank the parliamentary secretary for that. Consequently, I am pleased to say that I have no further questions on clause 4.

**Clause put and passed.**

**Clauses 5 to 7 put and passed.**

**Clause 8: Section 12C inserted —**

**Hon NICK GOIRAN:** As we move speedily to clause 8 of the bill, this clause deals with circumstances in which the chairperson of the board can decide whether a prisoner will participate in a resocialisation program. During the consideration of clause 1, we touched on the rationale for the government allowing only the chairperson to be the decision-maker, so I do not intend to re-agitate that issue. Is the parliamentary secretary in a position to outline to the house those decisions that will be taken in accordance with this bill by the board as a whole, those decisions that will be made by the chairperson only, and the third category is those decisions that will be made by the CEO?

**Hon MATTHEW SWINBOURN:** There is a bit here, member, so I will hopefully get it all right. It is probably better to start with the chairperson rather than the whole board, because the chairperson is really the key individual in this instance. The chairperson, as identified in the bill, will make decisions on their own in relation to a prisoner with links to terrorism who is being assessed where there is a Commissioner of Police report that contains intelligence information. However, this could also occur when a person is not already categorised as a person with links to terrorism but there is a police report that contains information that they could be or are connected to terrorism—that is, there is terrorism intelligence. That all pertains to the chairperson only. The chairperson will also decide whether an individual will be included in a resocialisation program, which I think proposed section 12C makes clear. In relation to the board as a whole, it will make decisions on all other matters that sit outside those things. Those are the three matters, essentially, that I identified in relation to the chairperson, and then the board has decision-making powers in relation to all other matters that would sit outside that. The board is not specially constituted to deal with terrorists; it is just the board.

**Hon Nick Goiran:** To be clear, the board as a whole will not make any decisions expressly under this bill; it will just continue to make its ordinary decisions. Will any decisions made by the board under this bill be always made by the chairperson only?

**Hon MATTHEW SWINBOURN:** Let me take some advice on that. The member is right in substance in one respect, but in form there are some provisions of this bill that deal with the board. How do I describe it? The process has been followed in relation to those things and there is no finding by the chairperson. The bill just deals with the fact that that has come to an end, and then the board resumes its continuing responsibility. Just as a matter of completeness, we cannot say yes or no to the proposition that the member put forward; it is simply that in effect the really operative parts of the bill relate to the chairperson and then the board is the residual part of that, depending on how the process flows out.

The final question the member asked relates to the decisions that the CEO might make. The CEO will not have a decision-making role under this legislation. The CEO will continue to have reporting obligations to the board and will continue to support the board in the performance of its functions but will not be in effect a decision-maker on the matters that the legislation will deal with.

**Hon NICK GOIRAN:** Clause 8 inserts at the beginning of part 2 division 4 of the act proposed section 12C, which will expressly state, at least insofar as this division is concerned—that is, part 2 division 4—that when the board doing something is mentioned, it is the chairperson only. To clarify the earlier point that the parliamentary secretary made, is it correct to say that insofar as the newly amended, or soon to be amended, Sentence Administration Act 2003 is concerned, the only time that the chairperson will act alone as the board is under part 2 division 4?

**Hon MATTHEW SWINBOURN:** The answer to the honourable member's question is no, that is not the case. If the honourable member looks at the blue bill, he will see that division 4 deals with programs for certain prisoners. I take the member to clause 18, "Part 5 Division 1B inserted", and proposed section 66K(2), which states —

The Board, as constituted by the chairperson alone, must decide whether to release the prisoner in accordance with section 20.

There are a number of provisions under which the board will be constituted by only the chairperson, but I do not have a list of them for the honourable member. As I say, the correct answer to the member's question is no.

**Hon NICK GOIRAN:** In a sense that is helpful. It brings to my attention the question of why we simply do not say "the chairperson" rather than this somewhat confusing situation in which the word "board" means one thing at one stage in the statute and then something else in another. In other words, at one stage it means the whole of the board and at other stages it means the chairperson. Someone reading the Sentence Administration Act 2003 would be wrong to automatically assume that every time they saw the words "the board" it actually means the board, when sometimes it will actually mean the chairperson. Why was a decision not taken to simply say "chairperson"?

**Hon MATTHEW SWINBOURN:** The entity that is mentioned often but never present, except for once at the Parliamentary Counsel's Office, obviously has drafted the bill in that particular way, and we would be only speculating why the wording used in proposed section 66K(2) is "The Board, as constituted by the chairperson alone". If the member looks at proposed section 66L(2), he will see it says the same thing, "the Board, as constituted by the chairperson". I am unable to take the member a lot further on the reasoning for why the bill was drafted that way for those provisions. The drafting instructions were given to have the chairperson alone making the decision, and then PCO presumably has made a decision that the most appropriate way to refer to that is the language that it has used. It is probably not a satisfactory answer, but unfortunately it is probably the best I can give.

**Hon NICK GOIRAN:** It may have something to do with the rest of the Sentence Administration Act, insofar as any powers or functions are given to the board—that is, the Prisoners Review Board. Nevertheless, putting that to one side, this identifies that in order for this legislation to work, someone will need to know the circumstances in which the board will need to be quorate in the ordinary sense and the circumstances in which it will be okay, and in fact mandatory, to provide information to only the chairperson. I think the parliamentary secretary indicated that at present he does not have a list of the types of matters for which that will be the case, but could that be provided at a later stage?

**Hon MATTHEW SWINBOURN:** Member, we do not have a list of that but I have been advised that it relates to anything to do with the resocialisation. Every single time there is a prospect of early release for, one, a person linked to terrorism, or two, when a Commissioner of Police report has been received outlining a connection to terrorism or intelligence in relation to that—sorry. An early release order is defined in section 4 of the Sentence Administration Act 2003 and is a parole order or a re-entry release order. A parole order authorises a person's release from prison. The person must consent to the conditions in the parole order before they are released. During a parole period, an offender is allowed to serve the remainder of their prison sentence in the community subject to conditions. In the case of a light sentence, the parole and supervision periods will be specified in the parole order. For all the other sentences, the parole and supervision periods will generally be the time remaining on the sentence on the date of the person's release from prison. A re-entry release order may be made as a precursor to release on parole or release to freedom. The re-entry release program aims to facilitate the successful re-entry of prisoners into the community and promote a constructive, self-supporting, law-abiding lifestyle in the community by the re-establishment of family and community ties, the development of re-entry skills, the development of social skills, the participation in educational or other personal development, the exposure to a period of normal employment, service to the community and participation in treatment programs or counselling where relevant. I hope that that information is of assistance to the member to provide some context.

**Hon NICK GOIRAN:** In Victoria, a terrorism risk assessment must be provided by a law enforcement or intelligence agency entity to provide input into an early release decision. Is that also the case in the bill before us?

**Hon MATTHEW SWINBOURN:** We are at a bit of a disadvantage because we are not completely au fait with the details of the report to which the member referred in the Victorian legislation to the degree that we can give him the assurance that one is equivalent to the other. Again, repeating what we have covered before, the Commissioner of Police report essentially contains the risk assessment related to terrorism issues. The report will contain why that view is formed by the Commissioner of Police and make reference to other agencies that we have already mentioned that the Western Australia Police Force work with.

In terms of what information might be put before the board, as a whole it can still consider other matters as well. This bill deals with the Commissioner of Police report, the confidentiality requirements and the chairperson sitting as the board by themselves. However, that is not the only information that could be and will be presented to the board as a whole. The board will still consider psychological elements and other associated risks to the community from the individual and things of that kind. That information will still be furnished to the board.

**Clause put and passed.**

**Clause 9: Section 13 amended —**

**Hon NICK GOIRAN:** It is not readily apparent but clause 9 deals with the resocialisation of schedule 3 prisoners.

**Hon Matthew Swinbourn** interjected.

**Hon NICK GOIRAN:** Yes. What criteria will the board use to determine whether or not a schedule 3 prisoner with links to terrorism and who is subject to a Commissioner of Police report is suitable for inclusion in a resocialisation program?

**Hon MATTHEW SWINBOURN:** I think the member's question was: how are schedule 3 prisoners considered suitable for inclusion into a resocialisation program? I will try to give an answer that will encapsulate an answer for the specific question. The Sentence Administration Act 2003 provides consideration for recommending a resocialisation program for schedule 3 prisoners. In the case of a schedule 3 prisoner with links to terrorism and who is subject to a Commissioner of Police report, the Prisoners Review Board of Western Australia can only endorse a resocialisation program if the board, after having regard to the report, is satisfied that the prisoner is suitable for inclusion into the program. The presumption against early release orders for prisoners with links to terrorism does not apply to resocialisation programs. The Prisoners Review Board is only required to have further regard to a prisoner with links to terrorism if the person is subject to a Commissioner of Police report. It is important to note, however, that the Commissioner of Police report can be provided by the Commissioner of Police at any time—I think we covered that earlier—for the purposes of the Prisoners Review Board's consideration of resocialisation programs. A prisoner serving life or an indefinite sentence is initially considered by the Prisoners Review Board for inclusion in resocialisation programs two years prior to the prisoner's initial statutory review date. At this stage of the prisoner's sentence, the corrective services division of the department provides a comprehensive resocialisation program suitability assessment to the Prisoners Review Board and attaches all relevant reports, including prison reports, community corrections officers' reports, psychological risk assessment reports and treatment completion reports. Only the Attorney General and the Governor can approve the inclusion of a prisoner with a life or indefinite sentence in a resocialisation program following a recommendation by the board. If deemed suitable, the resocialisation program will involve the prisoner being placed in a minimum-security facility and undertaking resocialisation activities such as external prison activities, home leave and the prisoner employment program in the community. I think it is important to note that a number of discretionary factors will determine whether—I think we have mentioned this—a person is included in or eligible for a resocialisation program, and that the issue of risk in their involvement is an ongoing assessment, because some programs generally involve releasing the prisoner into the community, so there is always a constant assessment of that. It is not just at the point of them becoming eligible for release. I think that has probably answered the member's question.

**Hon NICK GOIRAN:** Yes. Are all category 1 and category 2 prisoners schedule 3 prisoners?

**Hon MATTHEW SWINBOURN:** The answer is no because being a schedule 3 prisoner relates to the prisoner's sentence. A schedule 3 prisoner is a prisoner who has received a life sentence or an indeterminate sentence or is being held at the Governor's pleasure—that is a strange term. I do not think a category 2 prisoner would fall into life because they are at the low end of the spectrum, but a category 1 prisoner could fall within schedule 3 because they were convicted of an offence that had life imprisonment as the punishment or those other factors that we talked about.

**Hon NICK GOIRAN:** I understand that only the chairperson will get to determine whether a schedule 3 prisoner would be able to access a resocialisation program. How will it work in the event that the chairperson is conflicted in any way? I think the parliamentary secretary mentioned yesterday that the board always consists of not only a chair, but also, I think, two deputy chairs. If a chairperson declares a conflict or for any reason is unavailable or is possibly unfit to fulfil their duties, will a deputy chair automatically be able to stand in lieu of the chair?

**Hon MATTHEW SWINBOURN:** We are having trouble locating the answer at this time. Obviously, we will not complete the bill, so we will take that on notice and answer it tomorrow when we get back onto it. The reason is that it relates to the provisions under the existing act rather than being dealt with under the bill.

**Hon Nick Goiran:** That is no problem.

**Clause put and passed.**

**Clause 10: Section 14 amended —**

**Hon NICK GOIRAN:** I will telegraph to the parliamentary secretary the questioning for tomorrow on clause 10, which deals with the resocialisation for other prisoners. That probably will be the useful time to get that response because with regard to the deputy chairperson and the chair, I appreciate that the existing act will have some provisions, but when the act was put together, it was not contemplated that the chairperson would be acting alone. Therefore, it would be good to get an appreciation of how that would be dealt with, because clause 9 deals with the resocialisation of schedule 3 prisoners and now we are dealing with the resocialisation of other prisoners. If that response could be provided tomorrow in response to clauses 9 and 10 together, that would be useful.

**Hon MATTHEW SWINBOURN:** Yes, member, we will take that on notice overnight to deal with that.

**Progress reported and leave granted to sit again, on motion by Hon Matthew Swinbourn (Parliamentary Secretary).**

**MEMBERS' STATEMENTS — HON DONNA FARAGHER AND HON NEIL THOMSON***Statement*

**HON SUE ELLERY (South Metropolitan — Leader of the House)** [6.19 pm]: During the last sitting, Hon Donna Faragher made a member's statement about the relationship between the answer I provided on behalf of the Minister for Health to a question without notice on 7 April 2022 and a separate answer provided to a question on notice by the Minister for Emergency Services on 13 October 2021. The question relates to funding agreements for non-government organisations providing child health services. The answer to the question on notice provided on 13 October 2021 stated —

... WA Health funded a number of NGOs ... over \$5 million to provide child health services from 1 January 2019 to 31 December 2021.

The answer to the question without notice provided on 7 April 2022 stated —

The existing agreement applies until 31 December 2023.

Hon Donna Faragher sought clarification on whether the original answer provided on 13 October 2021 should have referred to 1 January 2019 to 31 December 2023. On behalf of the Minister for Health, I can confirm that both answers remain correct. The \$5 million referred to in the original answer was for only the start of the contract— that being 1 January 2019 to the end of the calendar year in which the original parliamentary question was responded to, being 31 December 2021. However, the full agreement period is for five years, 2019 to 2023.

On 7 April, Hon Neil Thomson made a member's statement about a matter relating to the release of confidential information by a Department of Education employee. In that statement he made accusations and insinuations including one of institutionalised bullying. His statement was a misrepresentation of the facts and it is important that I respond to that. In December 2020 an anonymous letter that included student at-risk data relevant to Halls Creek District High School was received by an officer at the Shire of Halls Creek. As this was an alleged release of confidential information and potential unlawful access of a restricted access computer system, it was referred to the Western Australia Police Force and the Corruption and Crime Commission in accordance with the department's legislative obligations. That is the proper process. The matter was investigated by police and, as we are now aware, the charges of unauthorised disclosure of information and the unauthorised use of a computer system were heard in the Kununurra Magistrates Court in December 2021 and the person in question was found not guilty. But there is nothing unusual in that process. I have since been advised during the course of their investigation WA police conducted a search of the employee's workplace and home. It is normal practice for police to execute search warrants at locations where it is believed evidence may be located and this includes private residences.

The Department of Education has also been conducting its own disciplinary investigation into whether the employee has complied with the policies and procedures of the department; and, again, that is the proper process. The honourable member said of the employee that he was well meaning, and that divulging that information anonymously to an external body was all that he did. That is misleading. Revealing confidential information outside the policies and procedures set by the department is a serious matter and it has been treated as such. I am disappointed that the honourable member does not understand the need to investigate these instances, especially considering many of the statements he made during debate on the Transport Legislation Amendment (Identity Matching Services) Bill 2021 in which he talked about the need for government to ensure that the data stored on government databases is used for their intended purposes.

I was part of the previous Labor Gallop government that introduced whistleblower protections through the Public Interest Disclosure Act 2003. But to fall within those protections, a disclosure must be made to a proper authority, and I am advised that in this case that was not done. The honourable member wants to portray this as some kind of injustice and a case of bullying, but the simple facts are confidential information was leaked and that was investigated.

**INTERNATIONAL FIREFIGHTERS DAY***Statement*

**HON MARTIN ALDRIDGE (Agricultural)** [6.23 pm]: I rise to recognise, as I did last year, the occasion that was International Firefighters Day, which is recognised on 4 May every year. This year, as I did last year, and as I have done many years previously, I attended the memorial service along with the Minister for Emergency Services, the Minister for Environment, the Governor of Western Australia and, indeed, the Fire and Emergency Services Commissioner in Kings Park at the Firefighters Memorial Grove to recognise in advance of International Firefighters Day a service for those who have given their lives in the service of Western Australia.

Members who know me will know that I am not one to wear a ribbon. That is not because the days of observance are not meaningful; it is that there is such a proliferation of them. This is one exception. It is worthy of recognition in this place, and I am sure many members are well aware of this day, which is sometimes referred to as St Florian's Day. But members may be surprised to know that this was an initiative of a firefighter from Victoria. Indeed, Lieutenant J.J. Edmondson, a Victorian Country Fire Authority volunteer, was inspired to create an international

day of recognition. Firefighter Edmondson was motivated by the tragic loss of five firefighters in Victoria in 1998 and, further, the loss of 343 firefighters on 11 September 2001. I want to quote an extract from her website, which says this —

On December 2 1998, a tragic event shook the Linton community, Australia and the world: Firefighters in Linton, approximately 150km west of the city of Melbourne in Victoria, Australia, were fighting a large wildfire and called for assistance. This urgent call brought firefighters from a wide area including volunteers from the Geelong West Fire Brigade to the scene not knowing the despair and tragedy that was in store. Garry Vredeveltdt, Chris Evans, Stuart Davidson, Jason Thomas, and Matthew Armstrong were the crew on the Geelong West tanker that fateful day, they were part of a strike team and were being sent to help extinguish the flames. As the five headed out from the fire to refill their tanker with water, there was a sudden violent wind change as the cold change hit the area, engulfing the truck in flames and killing all five members.

The service two Sundays ago was well attended, notwithstanding the COVID risk currently in the community. It was a fine day in Kings Park and it was a perfect occasion on which to recognise those firefighters who lost their lives in the service of this state. For me it is also a day on which we reflect on more than those we have lost, which is an important thing to do, but also on what more we could do and what more we should do to protect those who protect us. Sadly, the honour roll was read. I have come to know many of the names that were read on that honour roll.

Many understand the physical risks of firefighting, but I think few fully appreciate and, indeed, recognise the psychological and physical injuries and the impact of smoke and chemical exposure on the body. These are the areas in my view in which we need to do more.

On Boxing Day last year, by government media statement an announcement was made that recognised that post-traumatic stress disorder presumption protection would be afforded to ambulance workers in Western Australia under the Workers' Compensation and Injury Management Act. This is a good step in the right direction in my view for those workers, but at the same time it has created an inequity amongst other members of our community who serve in these frontline roles, not to mention the many thousands of volunteers who do the same work as these workers. With respect to ambulance workers, obviously many thousands of ambulance volunteers are doing that same job, particularly at this time as we see the pressure on our health system due to COVID-19 and other factors.

It appears to me that similar protections have not yet been afforded to those volunteers; nor have they been afforded to other aspects of our community, whether they be volunteers or workers, whether they work in our emergency services or in our health system.

I want to conclude my remarks on that note, and, in doing so, remind all members of the house, particularly ahead of occasions like tomorrow when our state budget will be handed down, that there is certainly more to be done in the protection of these very important people in our state.

The last thing I want to do, as I did last year, is to recite the firefighter's prayer, which was again recited two Sundays ago at the state memorial service here in Kings Park. It reads —

When sirens sound, when I respond,  
When urgency is there,  
I ask, O God, that You would heed  
A firefighter's prayer ...

When I encounter any scene  
With smoke and flames in force,  
Help me to hear the faintest cry  
And then locate its source.

Help me to work effectively  
Extinguishing the flames,  
Protecting lives and property  
Regardless of their names.

Please keep me focused on my task  
And help me to be brave,  
To give the very best in me  
To rescue and to save.

And should it be, through circumstance,  
My life You cannot spare,  
Surround my family with Your love  
And keep them in Your care.

Amen.

Lest we forget.

**JURIEN BAY MARINA — WATER QUALITY***Statement*

**HON SANDRA CARR (Agricultural)** [6.31 pm]: I rise tonight to speak briefly on the petition that I lodged earlier today on behalf of the Jurien Bay community for repairs and improvements to its marina. Firstly, I note that there was a nonconforming petition with 169 signatures. I want to point out that it exists; it is there. Unfortunately, it could not be lodged because it did not conform, but I do not want the efforts of those 169 people from the Jurien Bay community to go unnoticed. We recognise their efforts to seek and gain improvements and investment in their community.

I would like to talk about some of the developments in Jurien Bay and the efforts being made to repair the marina. Anyone who pays attention to what is happening along our beautiful coast will know that the marina in Jurien Bay has been problematic for many years in an ongoing battle and issue for the community. The marina itself has presented with some engineering issues over the years that mean that at certain times throughout the year, the marina fills with seaweed, oxygen levels deplete, and the sea life in the marina dies and ends up washed up on the shore. It creates quite an unpleasant smell in what would otherwise be an absolutely stunning, beautiful and safe little alcove in which the community can gather and swim. The marina provides great access for children and families and great disability access, but unfortunately there are some issues with it.

The community has developed a bit of impetus behind this of late because there is so much growth and development happening in Jurien Bay right now. It is really thriving. It is experiencing a boom in tourism and investors are waiting to develop around the outside of the marina. Leading up to the budget, we have heard Minister Saffioti negotiating with the federal government to try to secure a co-investment to address this issue. Unfortunately, \$13.5 million is required, and the federal government will not come to the party to assist in the development and repair of that marina. I take this opportunity to let the Jurien Bay community know that we will still be advocating and trying to reach a solution for them. We really encourage their local member, Shane Love, to harness his relationship with his federal leader, Barnaby Joyce, show him a map, remind him where WA is, get him over to have a look and encourage that investment in his electorate to help the people of Jurien Bay continue to grow and flourish. The place is fantastic.

I encourage members who have not visited Jurien Bay to please get along. It is only two hours north of Perth and a similar distance south of Geraldton. It is a beautiful bit of our coast with beautiful beaches. It is a regular stop for me between Perth and Geraldton; it is a highlight of the trip. It has so much to offer the community of WA.

**CANNABIS CLUBS***Statement*

**HON SOPHIA MOERMOND (South West)** [6.34 pm]: I am going to talk about safeguarding tonight. Currently, at a national level, the Legalise Cannabis Party is having a discussion around safeguarding and age of access to cannabis. Cannabis will be legalised here at some stage; I am not quite sure when. The sooner, the better, of course. With regard to age of legal access, there are different points of view. Some people say that 18 makes the most sense; after all, that is when someone can legally gain access to alcohol, can vote and is considered to be an adult. Others have pushed for age 21 and even 25. A legal age of 21 would sit in line with the regulations in the United States around alcohol and cannabis. The reason for choosing 25 as a possible age of legal access is that at that stage, the brain has reached maturity. That is when people can apparently make better adult decisions.

I think that the best option for Australia sits at 18 years of age. People aged 18 have cars. They have access, they have money, they will be travelling around and possibly talking to older people as well. Prohibition has not worked anywhere. Prohibition of alcohol led to bootleggers; prohibition in the United States, particularly around the age of legal intercourse, has been shown to increase teenage pregnancy; and prohibition of illicit substances leads to a black market with increased criminality.

The war on drugs has failed and we need new approaches. We would really like to get our government and the police on board with that. I look at criminality, which is the main issue around safeguarding. When children get exposed to illicit substances, as well as the most harmful drug—alcohol, although it is legal—at age 15 or 16, at that age, everything is really exciting and they are not really going to make good decisions, mainly because their brains are still immature.

The next thing I am going to talk about is a little bit of a story, so bear with me. This is a common story. I have had people talk to me about this. Let us say we have a 16-year-old who goes to a friend's birthday party. There are some older kids there who are 18 or 21. The 16-year-old may find that there is alcohol there and there may be other drugs as well that they are going to be exposed to. The 16-year-old wants to be cool and involved. If there is a joint going around, they are likely to participate. At the next party, the same thing: there are a few older kids with alcohol and some cannabis. Another party comes along—16-year-olds have busy social lives—and the 16-year-old kid wants to take some cannabis with him to that party, so he asks around. He ends up talking to the man who initially supplied him and he may buy some. He is then becoming an active buyer and is engaged in active criminal behaviour. The next time he wants something, there might not be any cannabis around. Most dealers usually have a variety of options available. The next time, the 16-year-old might try some methamphetamine. That is addictive. It is more

expensive, as well. This kid, who is experimenting with different substances, ends up dealing with people further and further up the ladder of criminality. To cover his expenses, he may choose to sell something to a friend, and all of a sudden he is a drug dealer. To cover his expenses, he may end up taking a package to someone else, and all of a sudden he is a drug trafficker.

Having a legal system like a dispensary or cannabis club, where age restrictions apply and there is no exposure to other illicit substances and there is no risk of criminalising a child, is the only logical solution. It is not just about keeping kids safe from different substances; it is about making sure that they are not tempted to make bad decisions that will follow them throughout their lives. Cannabis is safe, unlike alcohol, for most people. It is similar to peanuts; anyone can have a bad reaction to anything. However, it is not addictive. Alcohol and nicotine have been shown to be more damaging to the developing brain. There is some research around cannabis being an issue for brain development, but it has not shown a lot of negative things as yet. Around the age of 18, kids will experiment. Even if we wanted to safeguard them until age 25, when their brains are fully mature, I do not think kids will necessarily be on board with that, so we had better safeguard them at age 18 so that young people can go to a dispensary or a cannabis club.

There are currently conversations about cannabis all over the country, which is really good. We have people running for the Senate in every state. Getting people motivated to run for Parliament shows that the normalisation is definitely happening, which is great. There have also been petitions launched and a whole bunch of issues are being discussed in the committee run by Hon Dr Brian Walker. Hopefully, all of that will contribute to us being able to provide a policy that satisfies safeguarding and also makes it safer for anyone who wants to use cannabis, either recreationally or medicinally, to be able to go and buy it without being exposed to criminal behaviour. Thank you.

### AGED-CARE SECTOR

#### *Statement*

**HON AYOR MAKUR CHUOT (North Metropolitan)** [6.42 pm]: I am standing up to acknowledge Hon Dan Caddy for the motion that was discussed in the house today. It was a very important motion to me and to other people who did not get a chance to speak, and I thought I should use my time now to give acknowledgement to him and all the honourable members who made contributions to that motion.

I was not very impressed with the Leader of the Opposition's comment today. This is my first time standing up to respond to something, but I really feel that the aged-care industry is a very important industry and it is very close to my heart. I am a migrant; I came here when I was 16, and the aged-care industry employs many of my people. Who are my people? They are the migrant community—women, single parents and people who are really struggling. They are trying to get on, and they are the ones who are doing these jobs. In the discussion earlier I was hoping for more and better support from the Leader of the Opposition in support of that motion, because it was a very important motion.

I come from South Sudan, and in South Sudan we actually look after our elderly people. We do not have an aged-care system where I come from. When I came to Perth I found out that our elders are looked after by very important people who are very passionate about what they do, and they care about our elderly people. I feel that their wages should have been covered and spoken about, but I am really excited that our federal opposition leader, who I think is going to be the next Prime Minister of Australia, has covered my wishes and what I really think the aged-care industry should be. We should look after aged-care employees so that they can do their job properly. They are not well looked after. They are really struggling. Some of them are working three jobs.

Most migrants have children, and they are running from one job to another. I have examples from my own personal experience, including cousins and aunties. These are people in the community who are in an industry in which what they do is not really appreciated. Their pay cannot keep them going, so they are choosing to go from one facility to another. The aged-care industry could be great if one particular aged-care member could remain at a facility instead of having aged-care workers going around all the facilities. We do not want to have to keep introducing elderly people to new people every day. We want them to be well looked after by one particular person, who they are used to. That is why it is very important for us to look after our employees so that they can keep up with the demands of our growing population in Australia.

Hon Dan Caddy, thank you so much for that motion. I really give acknowledgement to those who attended the rally yesterday for the wonderful job they do in the community. I was brought up to understand that our elders are our blessing. Our elders are the people who give us their wisdom so that we can be better. I am where I am today because of our elders. It does not matter if an elder comes from a Western country or anywhere else. If you find an elder, they are always going to give you a word of wisdom, because they have lived a life. Thank you, President, for giving me this opportunity, and have a good evening, everybody.

*House adjourned at 6.47 pm*

### QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

#### MINES AND PETROLEUM — LAKE WELLS POTASH PROJECT

**577. Hon Dr Steve Thomas to the minister representing the Minister for Lands:**

I refer to the running of Lake Wells Station north of Laverton and the exploration and mining of potash in the area, and I ask:

- (a) when was Lake Wells Station last inspected by the Pastoral Lands Board;
- (b) what was the result of the inspection;
- (c) will the Minister table a copy of the inspection report;
- (d) if no to (c), why not;
- (e) has the Government valued Lake Wells Station, and if so what was the valuation received; and
- (f) what is the identified carrying capacity of Lake Wells Station?

**Hon Sue Ellery replied:**

- (a) The Department of Planning, Lands and Heritage, on behalf of the Pastoral Lands Board, last inspected the Lake Wells Station Pastoral Lease on 8 and 9 March 2021.
- (b) The inspection found station infrastructure to be in a satisfactory condition and no further concerns were noted.
- (c)–(d) All Pastoral Inspection Reports contain information of a commercial nature in relation to the operations of the Pastoral Lease. Should the member have a specific concern, the Minister will endeavour to provide a briefing.
- (e) Lake Wells Station is valued annually by Landgate in accordance with the Valuation of Land Act 1978 (VLA). The Unimproved Value for Lake Wells Station was determined under the VLA at \$44,000 (inclusive of GST).
- (f) The carrying capacity of Lake Wells Station was not reassessed during the most recent inspection.

#### ELECTORAL AFFAIRS — LOCAL GOVERNMENT ELECTIONS

**584. Hon Dr Brian Walker to the parliamentary secretary representing the Minister for Electoral Affairs:**

- (1) How many local government elections did the Western Australian Electoral Commission (WAEC) conduct in 2021, ordinary local government elections and for which local governments?
- (2) How much income, net and gross, did the WAEC receive from local government 2021 elections and how much from each local government?
- (3) How many complaints against electoral offences were made in relation to the 2021 local government elections conducted by the WAEC?
- (4) How many complaints against electoral offences were prosecuted in relation to the 2021 local government elections conducted by the WAEC?
- (5) How many Local Government Court of Disputed Returns complaints were made against elections conducted by WAEC during the 2021 ordinary election cycle?
- (6) How many Local Government Court of Disputed Returns complaints were finalised by a finding by the Court of Disputed Returns (again, for the 2021 ordinary election cycle)?
- (7) What were the reasons given by complainants for withdrawing their complaints in the Local Government Court of Disputed Returns before there was a decision given by the Court (again, for the 2021 ordinary election cycle)?
- (8) Did the Magistrates Court wrongly list the WAEC as a respondent in Court of Disputed Returns proceedings (in the 2021 ordinary election cycle)?
- (9) What is the nature of parties in Court of Disputed Returns inquiry proceedings (i.e. were they witnesses, respondents, complainants, defendants)?
- (10) Does the Court of Disputed Returns have any specific procedure guidelines for complainants?
- (11) If yes to (10), what are they?
- (12) If no to (10), why not?
- (13) Are there any plans to provide a Court of Disputed Returns (CDR) Practice and Procedure Benchbook and/or Guide prior to the next local government ordinary election, to assist magistrates and complainants in understanding CDR proceedings and what is required of complainants, given that many complainants are in-person litigants and, if not, why not?

**Hon Matthew Swinbourn replied:**

- (1) 98 ordinary local government elections for: City of Albany, City of Armadale, Shire of Ashburton, Shire of Augusta–Margaret River, Town of Bassendean, City of Bayswater, City of Belmont, Shire of Boddington, Shire of Bridgetown–Greenbushes, Shire of Brookton, Shire of Broome, Shire of Broomehill–Tambellup, Shire of Bruce Rock, City of Bunbury, City of Busselton, Town of Cambridge, City of Canning, Shire of Capel, Shire of Carnarvon, Shire of Chapman Valley, Shire of Chittering, Town of Claremont, City of Cockburn, Shire of Cocos (Keeling) Islands, Shire of Collie, Shire of Coolgardie, Shire of Coorow, Town of Cottesloe, Shire of Cue, Shire of Dandaragan, Shire of Dardanup, Shire of Denmark, Shire of Derby–West Kimberley, Shire of Donnybrook–Balingup, Shire of Dowerin, Shire of Dundas, Town of East Fremantle, Shire of East Pilbara, Shire of Esperance, Shire of Exmouth, City of Fremantle, Shire of Gingin, Shire of Gnowangerup, City of Gosnells, City of Greater Geraldton, Shire of Halls Creek, Shire of Harvey, Shire of Irwin, Shire of Jerramungup, City of Joondalup, City of Kalamunda, City of Kalgoorlie–Boulder, City of Karratha, Shire of Katanning, Shire of Kent, City of Kwinana, Shire of Lake Grace, City of Mandurah, Shire of Manjimup, City of Melville, Shire of Menzies, Shire of Merredin, Shire of Moora, Town of Mosman Park, Shire of Mt Marshall, Shire of Mundaring, Shire of Murray, Shire of Narrogin, City of Nedlands, Shire of Northam, Shire of Peppermint Grove, Shire of Perenjori, City of Perth, Shire of Plantagenet, Town of Port Hedland, Shire of Ravensthorpe, City of Rockingham, Shire of Serpentine–Jarrahdale, Shire of Shark Bay, City of South Perth, City of Stirling, City of Subiaco, City of Swan, Shire of Tammin, Shire of Three Springs, Shire of Toodyay, Shire of Upper Gascoyne, Town of Victoria Park, Shire of Victoria Plains, City of Vincent, City of Wanneroo, Shire of Waroona, Shire of Wiluna, Shire of Wongan–Ballidu, Shire of Wyndham East Kimberley, Shire of Yalgoo, Shire of Yilgarn, and Shire of York.
- (2) Gross income was \$7,795,167.34. There was no net income, as local government elections are conducted on a 100% cost recovery basis.
- (3) The Commission received 400 queries and complaints during the 2021 local government election period. The Commission’s complaints system does not enable identification of complaints that specifically reference offences under the *Local Government Act 1995*.
- (4) The WAEC has not yet initiated any prosecutions under the *Local Government Act 1995* in relation to the 2021 Local Government Elections.
- (5) Complaints made under section 4.81 of the *Local Government Act 1995* are lodged directly with the Court, not the WAEC. This question should be directed to the Court of Disputed Returns.
- (6) Complaints made under section 4.81 of the *Local Government Act 1995* are lodged directly with the Court, not the WAEC. This question should be directed to the Court of Disputed Returns.
- (7) The WAEC was not a party to all Court of Disputed Returns matters from the 2021 Local Government Elections. This question should be directed to the Court of Disputed Returns.
- (8) The WAEC is aware of one instance where this occurred due to an administrative error, however, the error was rectified before proceedings were finalised.
- (9) Court of Disputed Returns matters are civil law proceedings and follow the relevant Court procedures. This question should be directed to the Court of Disputed Returns.
- (10) This question should be directed to the Court of Disputed Returns.
- (11) N/A.
- (12) N/A.
- (13) This question should be directed to the Court of Disputed Returns.

## CITY OF PERTH — INQUIRY

**589. Hon Dr Steve Thomas to the Leader of the House representing the Minister for Local Government:**

I refer to the Government’s City of Perth enquiry which commenced in 2018, and the final report of which was tabled in Parliament in August 2020, and I ask:

- (a) have all actions and activities of the enquiry itself now been finalised;
- (b) if no to (a), what actions or activities are still ongoing;
- (c) what was the final cost of the enquiry;
- (d) have all of the 135 matters referred by the enquiry to 17 different Commonwealth, State and other authorities, as cited in the final report, been investigated by those authorities;
- (e) for how many of those 135 matters referenced in part (d) have those authorities finalised their investigations;

- (f) for how many of those 135 matters referenced in part (d) have charges been laid or remedial or further actions been taken;
- (g) for how many of those 135 matters referenced in part (d) has the Government received a report from the Commonwealth, State and other Authority; and
- (h) what has the Government done with any reports identified in part (g), and how many of those reports have been made public?

**Hon Sue Ellery replied:**

- (a) While the Inquiry Panel itself has been completed, findings and recommendations made by the panel may continue to inform further work by the City of Perth or other relevant agencies.
- (b) The Department of Local Government, Sport and Cultural Industries (DLGSC) continues to monitor the progress of around 70 inquiry report recommendations which relate to the operations of the City of Perth.
- (c) The final cost of the Inquiry Panel was \$7.7m.
- (d)–(h) Any investigations by other agencies arising from a referral from the Inquiry Panel are not within the portfolio remit of the Minister for Local Government. Any such processes may be protected by confidentiality provisions of relevant legislation.

However, several of the findings and recommendations made by the Panel have informed the major package of local government reforms announced by the Minister in November last year

CITY OF PERTH — INQUIRY

**590. Hon Dr Steve Thomas to the Leader of the House representing the Minister for Local Government:**

I refer to the Government's City of Perth enquiry which commenced in 2018, and the final report of which was tabled in Parliament in August 2020, and I ask:

- (a) what charges have been laid or actions have been taken against the 23 persons referenced in the final report as being referred to Commonwealth, State or other authorities;
- (b) for how many of those 23 persons are the referred investigations complete;
- (c) for how many of those persons are the referred investigations ongoing;
- (d) what is the cost of the investigations into those 23 persons from the tabling of the enquiry in August 2020 to date, and are those costs included in the \$7.8 million cost of the enquiry;
- (e) what reports has the Government received from authorities to which the referrals of the 23 persons were made; and
- (f) what has the Government done with any reports referenced in part (e) and what actions have been taken as a result?

**Hon Sue Ellery replied:**

- (a)–(f) Any investigation by other agencies arising from a referral from the Inquiry Panel are not within the portfolio remit of the Minister for Local Government. Any such processes may be protected by confidentiality provisions of relevant legislation.

Accordingly, it is not possible for the Minister to collate or provide statistics for these external processes.

However, several of the findings and recommendations made by the Panel have informed the major package of local government reforms announced by the Minister in November of last year.

ATTORNEY GENERAL — PORTFOLIOS — GOVERNMENT BOARDS AND COMMITTEES

**600. Hon Tjorn Sibma to the parliamentary secretary representing the Attorney General; Minister for Electoral Affairs:**

For each of the departments, agencies, and Government Trading Enterprises within the Minister's portfolios would you please provide:

- (a) A list of the relevant Government boards and committees as defined by the Premier's Circular 2021/18;
- (b) The current membership of each board and committee;
- (c) The annual remuneration of each board/committee member; and
- (d) The length of membership of each board/committee member?

**Hon Matthew Swinbourn replied:**

- (a)–(d) Refer to Legislative Council Question on Notice 595.

## MINISTER FOR HOUSING — PORTFOLIOS — GOVERNMENT BOARDS AND COMMITTEES

**608. Hon Tjorn Sibma to the Leader of the House representing the Minister for Housing; Lands; Homelessness; Local Government:**

For each of the departments, agencies, and Government Trading Enterprises within the Minister's portfolios would you please provide:

- (a) A list of the relevant Government boards and committees as defined by the Premier's Circular 2021/18;
- (b) The current membership of each board and committee;
- (c) The annual remuneration of each board/committee member; and
- (d) The length of membership of each board/committee member?

**Hon Sue Ellery replied:**

Refer to Legislative Council Question on Notice 595.

## MEMBER FOR KWINANA — UNFAIR DISMISSAL CASE

**614. Hon Nick Goiran to the minister representing the Minister for Industrial Relations:**

I refer to the unfair dismissal case brought by a former electorate officer of the member for Kwinana in Public Service Appeal Board matter 31/2020, and I ask:

- (a) on what dates has the Minister discussed the case with the Member for Kwinana;
- (b) On what dates has the Minister been briefed about this case by:
  - (i) a member of his staff;
  - (ii) a person from the Department; and
  - (iii) a person from the Commission or Board;
- (c) has the Minister ever received advice or a briefing or similar regarding the Board's reasons for decision delivered on 20 December 2021 dismissing the interlocutory application;
- (d) will the Minister table all documents and communications he has given or received about this case; and
- (e) if no to (d), will the Minister undertake to give a notice to the Auditor General in accordance with section 82 of the *Financial Management Act 2006*?

**Hon Matthew Swinbourn replied:**

The Minister for Industrial Relations is not involved in the management of industrial relations relating to electorate office staff.

- (a) The Minister has never discussed the case with the Member for Kwinana.
- (b)–(c) The Minister has never received a briefing, advice or similar about this case or the Board's decision.
- (d) The Minister does not have any documents.
- (e) Not Applicable.

## ENVIRONMENT — PENGUIN ISLAND CONSERVATION PARK

**616. Hon Dr Brad Pettitt to the minister representing the Minister for Environment:**

I refer to the little penguin population of Penguin Island, which has dwindled by over 80 percent in 15 years to comprise of fewer than 300 little penguins, and the proposed \$3 million Penguin Island discovery centre announced by the Minister in February 2022. The impacts of tourism are a key factor in the decline in little penguin numbers on Penguin Island, with approximately 80% of the population exposed to tourism visits for at least seven hours a day. I ask the Minister:

- (a) what impact is the proposed discovery centre expected to have on Penguin Island tourist visit numbers;
- (b) if the new discovery centre is expected to result in increased tourist visits:
  - (i) has the Department of Biodiversity, Conservation and Attractions (DBCA) modelled the impacts of increased tourism on the little penguin population;
  - (ii) if yes to (i), will the Minister table this modelling;
  - (iii) if no to (i), why not;
  - (iv) has the DBCA consulted with local penguin scientists as to how to best mitigate the impacts of increased tourist visits; and
  - (v) if no to (iv), why not;
- (c) has the DBCA modelled the impacts the construction of the proposed discovery centre will have on the little penguin population;

- (d) if yes to (c), will the Minister table that modelling;
- (e) have the experiences of little penguin nesting areas in other jurisdictions been used to inform this proposal;
- (f) if yes to (e):
  - (i) where are those colonies located and why were they selected;
  - (ii) what are the population sizes of those colonies; and
  - (iii) what percentage of those colonies populations are exposed to tourism visits and for how many hours a day;
- (g) has the business analyst report prepared by TRC Tourism Pty Ltd for the Department of Parks and Wildlife in 2016 been used to guide decision making in selecting the location of this tourism centre;
- (h) if yes to (g), how does the proposal address the relevant environmental concerns identified by the report;
- (i) if no to (g), why not;
- (j) were alternative sites for a discovery centre considered by DBCA;
- (k) if yes to (j), what sites; and
- (l) what was the rationale for picking the proposed site for the discovery centre?

**Hon Stephen Dawson replied:**

- (a)–(l) Penguin Island is a popular recreation location, recently attracting up to 130,000 visitors each year. The existing Penguin Island Discovery Centre is at the end of its life and needs to be dismantled.

Whilst there is an ongoing need to maintain a management presence on Penguin Island and in the surrounding marine park, there is active and ongoing consideration on what and where new infrastructure will be progressed and how best to manage activities including visitation.

Included in this consideration is the views and experiences of scientists, the experience from Phillip Island, and the report prepared by TRC Tourism Pty Ltd in 2016.

The health and welfare of Penguin Island's resident little penguins is an overriding priority and will continue to be carefully considered. Every effort is and will be made to minimise the disturbance to little penguins and their habitat.

While the declining little penguin population on Penguin Island is a concern, this is not confined to Western Australia, as other wildlife managers in Australia and overseas are also experiencing similar conditions. Local research has identified one of the main reasons for population decline has been warmer seawater temperatures affecting the availability of food sources such as whitebait.

The Department of Biodiversity, Conservation and Attractions continues to work with local researchers regarding ongoing research about little penguins and additional options that can be considered for implementation on Penguin Island as part of managing the resident little penguin population.

CORONAVIRUS — DAILY REPORTS

**625. Hon Martin Aldridge to the Leader of the House representing the Minister for Health:**

- (1) I refer to the daily release of COVID-19 statistics relating to testing positive cases, hospitalisations and deaths, and I ask, noting the daily report is for a period to 8pm the night prior, when is the report compiled and available for release?
- (2) Which agency compiles the report?
- (3) Who receives the report and at what time is the report typically received by the Minister?
- (4) Will the Minister please table the information that was provided to the Minister for Health on 16 March 2022 relating to the day prior, including any email or letter used to communicate the information?
- (5) Why has the Government abandoned the positive case heat map by Local Government area, noting this was published information in the early response to COVID-19?
- (6) If a person tests positive on a Rapid Antigen Test and reports this, then tests positive on a subsequent PCR test, how is it ensured that both positive results are not counted in the published data?

**Hon Sue Ellery replied:**

- (1)–(3) The Department of Health provide a daily COVID-19 update to the Minister's Media Adviser each morning. This update includes the confirmed number of new cases, hospitalisations and deaths in the 24 hour period to 8pm on the day prior. The exact time the update is received varies each day and is dependent on the publication of vaccination data by the Australian Immunisation Register.
- (4) [See tabled paper no 1266.]

- (5) Information has been refined to reflect higher caseloads in the community. The Department of Health's daily COVID-19 update includes a breakdown of new cases by region.
- (6) Tests are matched to existing people in the contact tracing database and a new case created only if the person is not an existing case.

LEGAL AFFAIRS — FINES, PENALTIES AND INFRINGEMENT NOTICES ENFORCEMENT ACT —  
WORK AND DEVELOPMENT ORDERS

**637. Hon Nick Goiran to the parliamentary secretary representing the Attorney General:**

I refer to your answer to my question without notice 311 on 17 June 2021 about the work and development permit scheme that has been delivered by the Department of Justice in partnership with Legal Aid Western Australia and the Aboriginal Legal Service of Western Australia, and I ask since the scheme commenced on 30 September 2020:

- (a) how many people:
- (i) have been deemed eligible to access the scheme;
  - (ii) have successfully completed the specified activities or treatment programs under the scheme;
  - (iii) have failed to comply with the requirements of the scheme; and
  - (iv) are currently participating in the scheme;
- (b) further to (a)(ii), what is the value of fines recovered;
- (c) further to (a)(iii), what:
- (i) were the main reasons for failure to comply;
  - (ii) was the value of the fines not recovered; and
  - (iii) were the range of consequences for non-compliance;
- (d) how many sponsors:
- (i) have participated in the scheme; and
  - (ii) are participating in the scheme;
- (e) how many people:
- (i) have been issued with a work and development order (WDO) made under section 48 of the *Fines, Penalties and Infringement Notices Enforcement Act 1994*;
  - (ii) have successfully completed the activities required by a WDO;
  - (iii) have a cancelled WDO; and
  - (iv) are currently subject to a WDO;
- (f) further to (e)(ii), what is the value of fines recovered; and
- (g) further to (e)(iii), what:
- (i) were the range of reasons for the cancellation of the WDO;
  - (ii) was the value of the fines not recovered; and
  - (iii) was the range of penalties for non-compliance?

**Hon Matthew Swinbourn replied:**

- (a) (i) 1677  
(ii) 540  
(iii) 551  
(iv) 437
- (b) \$1,686,130
- (c) (i) Exited Program / Failed to Undertake the required activity.  
(ii) \$1,361,694.95  
(iii) License Suspension Order in non-remote regions and/or Enforcement Warrants issued.
- (d) (i) 160  
(ii) 151
- (e) (i) 598  
(ii) 431

- (iii) 214
- (iv) 71
- (f) \$1,328,498.24
- (g) (i) By Breach / Hours not Completed Prior to Expiry / Mental Disability / Physical Disability / Other.
- (ii) \$1,361,694.95
- (iii) Licence Suspension Order in non-remote region / Garnishee Order or Memorial on property under an Enforcement Warrant.

LEGAL AFFAIRS — CRIMINAL PROCEDURE AMENDMENT REGULATIONS 2022

**638. Hon Nick Goiran to the parliamentary secretary representing the Attorney General:**

I refer to the *Criminal Procedure Amendment Regulations 2022*, and I ask:

- (a) what was the catalyst for bringing about these amendments to the regulations;
- (b) who was consulted prior to these amendment regulations being finalised;
- (c) did any person consulted raise any concerns;
- (d) if yes to (c), what were these concerns;
- (e) have the finalised amendment regulations addressed these concerns; and
- (f) if no to (e), why not?

**Hon Matthew Swinbourn replied:**

- (a) The Criminal Procedure Amendment Regulations 2022 (WA) (CP Amendment Regulations) support the operation of the Ticket Scalping Act 2021 (WA) (TS Act), which received Royal Assent on 9 September 2021. The TS Act, together with the Ticket Scalping Regulations 2022 (WA) prescribe a range of new offences and modified penalties for which infringement notices may be issued under the Criminal Procedure Act 2004 (WA). The former Minister for Commerce requested that the TS Act be prescribed under the CP Regulations for this purpose.
- (b) The amendment to the CP Regulations is administrative in nature and as such no formal external consultation was undertaken outside of the Department of Justice and the Department of Mines, Industry Regulation and Safety.
- (c) No.
- (d)–(f) N/A.

LEGAL AFFAIRS — ATTORNEY GENERAL REGULATIONS AMENDMENT  
(SECURITY OF PAYMENT) REGULATIONS 2022

**639. Hon Nick Goiran to the parliamentary secretary representing the Attorney General:**

I refer to the *Attorney General Regulations Amendment (Security of Payment) Regulations 2022*, and I ask:

- (a) what was the catalyst for bringing about these amendments to the regulations;
- (b) who was consulted prior to these amendment regulations being finalised;
- (c) did any person consulted raise any concerns;
- (d) if yes to (c), what were these concerns;
- (e) have the finalised amendment regulations addressed these concerns; and
- (f) if no to (e), why not?

**Hon Matthew Swinbourn replied:**

- (a) The Attorney General Regulations Amendment (Security of Payment) Regulations 2022 (Amendment Regulations) support the operation of the Building and Construction (Security of Payment) Act 2021 (SoP Act), which received Royal Assent on 25 June 2021. The SoP Act introduced a range of new offences and the Amendment Regulations allow for infringement notices under Part 2 of the Criminal Procedure Act 2004 to be issued in relation to particular SoP Act offences, and for the enforcement of infringement notices to be dealt with under Part 3 of the Fines, Penalties and Infringement Notices Act 1994.
- (b) The Department of Mines, Industry Regulation and Safety conducted extensive consultation during the preparation of the SoP Act. An exposure draft of the supporting regulations to the SoP Act was also released by the former Minister for Commerce in November 2021. Any queries regarding this consultation process should be referred to the Minister for Commerce.
- (c) No.
- (d)–(f) N/A.

LEGAL AFFAIRS — FINES, PENALTIES AND INFRINGEMENT  
NOTICES ENFORCEMENT AMENDMENT REGULATIONS 2022

**640. Hon Nick Goiran to the parliamentary secretary representing the Attorney General:**

I refer to the *Fines, Penalties and Infringement Notices Enforcement Amendment Regulations 2022*, and I ask:

- (a) what was the catalyst for bringing about these amendments to the regulations;
- (b) who was consulted prior to these amendment regulations being finalised;
- (c) did any person consulted raise any concerns;
- (d) if yes to (c), what were these concerns;
- (e) have the finalised amendment regulations addressed these concerns; and
- (f) if no to (e), why not?

**Hon Matthew Swinbourn replied:**

- (a) The Fines, Penalties and Infringement Notices Enforcement Amendment Regulations 2022 (WA) (FPINE Amendment Regulations) support the operation of the Ticket Scalping Act 2021 (WA) (TS Act), which received Royal Assent on 9 September 2021. The TS Act together with the Ticket Scalping Regulations 2022 (WA), prescribe a range of new offences and modified penalties for which infringement notices may be issued under the Criminal Procedure Act 2004 (WA). The former Minister for Commerce requested the TS Act be prescribed under the Fines, Penalties and Infringement Notices Enforcement Regulations 1994 (WA) for the purpose of enabling enforcement of infringement notices in accordance with the Fines, Penalties and Infringement Notices Enforcement Act 1994 (WA).
- (b) The amendment to the FPINE Regulations is administrative in nature and as such no formal external consultation was undertaken outside of the Department of Justice and the Department of Mines, Industry Regulation and Safety.
- (c) No.
- (d)–(f) N/A.

CLEAN ENERGY FUTURE FUND — GREENHOUSE GAS EMISSIONS

**641. Hon Dr Brad Pettitt to the minister representing the Minister for Environment; Climate Action:**

Announced in April 2020, the McGowan Government’s \$19 million Clean Energy Future Fund (CEFF) states it will support “innovative clean energy projects in Western Australia which offer high public value through contributing to one or more of the following outcomes: significant, cost-effective reduction in greenhouse gas emissions below projected (or baseline) emissions as a direct result of the clean energy project; and design, deployment, testing or demonstration of innovative clean energy projects likely to deliver community benefits or lead to broad adoption and significant reductions in greenhouse gas emissions, and I ask:

- (a) in the almost two years since it was announced how many tonnes of greenhouse gas (GHG) emissions has CEFF reduced;
- (b) what is the projected lifetime GHG emissions reductions of the two projects publicly funded by the CEFF; and
- (c) what is the cost per tonne (CO<sub>2</sub> equivalent) of these emissions reductions from these two projects?

**Hon Stephen Dawson replied:**

- (a) The first round of the Clean Energy Future Fund provided \$2.6 million funding for two Goldfields-based projects: Nomadic Energy and ResourcesWA.

Nomadic Energy’s installation of five megawatts of redeployable solar panels at Northern Star’s Carosue mine is now complete. Emissions have reduced by 2,762 tonnes of carbon dioxide equivalent to 22 March 2022. The demonstration of redeployable solar power addresses a key barrier for mine sites with short project lives and has wider adoption potential for mining operations.

ResourcesWA’s installation consists of 30 megawatts of solar panels and 15 megawatt hours of battery storage to feed Norton Goldfields’ Paddington and Evolution’s Mungari mining operations. This project is still under development.

- (b) Over their lifetimes, these projects are estimated to reduce 512,645 tonnes of carbon dioxide.
- (c) Clean Energy Future Fund allocation for these projects is \$2,657,936 with an estimated cost of \$5.18 of funding per tonne of carbon dioxide emissions reduction. The total project emissions reduction costs are \$116.35 per tonne.

## LEGAL AFFAIRS — FREEDOM OF INFORMATION AMENDMENT REGULATIONS 2022

**642. Hon Nick Goiran to the parliamentary secretary representing the Attorney General:**

I refer to the *Freedom of Information Amendment Regulations 2022*, and I ask:

- (a) what was the catalyst for bringing about these amendments to the regulations;
- (b) who was consulted prior to these amendment regulations being finalised;
- (c) did any person consulted raise any concerns;
- (d) if yes to (c), what were these concerns;
- (e) have the finalised amendment regulations addressed these concerns; and
- (f) if no to (e), why not?

**Hon Matthew Swinbourn replied:**

- (a) The Freedom of Information Amendment Regulations 2022 (WA) (Amendment Regulations) support the operation of the Arts Culture and Trust Act 2021 (WA) (the Act), which received Royal Assent on 9 September 2021. The Minister for Culture and the Arts requested the consequential amendment to the Freedom of Information Regulations 1993 (WA) (FOI Regulations) to remove the Perth Theatre Trust and replace it with the new Arts and Culture Trust.
- (b) The amendment to the FOI Regulations is administrative in nature and as such no formal external consultation was undertaken outside of the Department of Justice and the Department of Local Government, Sport and Cultural Industries.
- (c) No.
- (d)–(f) N/A.

## SYNERGY — METER READERS

**643. Hon Martin Aldridge to the minister representing the Minister for Energy:**

- (1) I refer to Synergy increasingly issuing bills to customers with an estimated meter reading citing a shortage of meter readers, and I ask is there a shortage of meter readers in Western Australia?
- (2) If yes to (1), how many positions by FTE are currently vacant or understaffed?
- (3) Since 1 January 2022, how many Synergy customers have received an estimated bill arising from a lack of meter readers?
- (4) When is it expected that the shortage of meter readers will be resolved?

**Hon Matthew Swinbourn replied:**

- (1) From January 2022, meter reading resources have reduced significantly due to COVID-19 directions, a tight employment market in Western Australia, and extreme temperatures – with Perth experiencing the hottest summer on record.
- (2) Western Power are approximately 13 FTE understaffed with respect to meter readers, with a target meter reader workforce of 64 FTE.
- (3) Western Power has estimated 132,139 meters since 1 January 2022, approximately 10% of Western Power's network.
- (4) Western Power expects to return to regular staffing levels before the end of the financial year. Western Power has implemented several strategies to manage the resourcing issue going forward, including:
  - changes to the meter reading contractors working arrangements to minimise the impact of extreme heat related absence;
  - improving recruitment strategies with the meter reading contractor to improve recruitment potential and increase retention;
  - deploying AMI meters to reduce the number of manually read meters, with a focus on reducing the most inefficient meter reading areas to improve customer experience
 Western Power is also working with Synergy to mitigate customer impacts where possible.

## SYNERGY — MERCHANT SERVICE FEES

**644. Hon Martin Aldridge to the minister representing the Minister for Energy:**

I refer to recent Synergy bills issued, stating that from 1 March 2022, merchant service fees will be charged for all card payments, and I ask:

- (a) was Ministerial approval sought and given for the application of merchant fee cost recovery;
- (b) what are the applicable merchant fee rates from 1 March 2022;

- (c) what were the applicable merchant fee rates prior to 1 March 2022;
- (d) what is the expected revenue from merchant fee cost recovery to Synergy; and
- (e) did Government contemplate delaying such a decision given the rising cost of living pressures and the likelihood customers may become more reliant on credit cards to settle essential bills such as these?

**Hon Matthew Swinbourn replied:**

- (a) Ministerial approval is not required for merchant fee cost recovery.

The application of card payment surcharges was introduced by the Barnett Government in 2014. As a result of By-law amendments made by the McGowan Government in 2017, Synergy's complies with the Reserve Bank of Australia's Surcharging rules per Standard No. 3 of 2016, and passes through only the actual charges it incurs.

- (b)–(c) The applicable merchant fee rates are provided in the table below. The only changes introduced from 1 March 2022 were rate reductions for three of the five applicable Schemes.

	From 1 March 2022	Prior to 1 March 2022	Change
Visa Credit	0.89%	0.89%	0.00%
Visa Debit	0.38%	0.39%	-0.01%
MasterCard Credit	0.73%	0.76%	-0.03%
MasterCard Debit	0.31%	0.33%	-0.02%
American Express	0.84%	0.84%	0.00%

- (d) During the 2021/22 financial year, Synergy expects to recover \$3,255,420 in merchant fees.

- (e) The Government does not have a role in approving merchant fee cost recovery changes.

However, the State Government and Synergy are committed to supporting customers experiencing bill payment difficulties, with a range of programs and payment arrangements available. Impacted customers are encouraged to contact Synergy directly.

**WESTERN POWER — OUTAGES — PAYMENTS**

**645. Hon Martin Aldridge to the minister representing the Minister for Energy:**

- (1) I refer to the media statement issued on 31 January 2022 titled "Christmas 2021 power outage review begins" and Legislative Council question without notice 46, asked on 16 February 2022, and I ask:
  - (a) on what date did the Minister receive the report of the independent review mentioned in the statement?
- (2) How many South West Interconnected System customers experienced an outage between 24 and 28 December 2021 and therefore fall within scope of the review?
- (3) Of those identified in (2), how many customers were located in:
  - (a) a metropolitan region; and
  - (b) a region outside of the metropolitan region?
- (4) Of those identified in (2), please provide a breakdown of customers by locality or suburb?
- (5) Of those identified in (2), how many customers are eligible for an extended outage payment by locality or suburb?
- (6) What was the cost of the independent review?
- (7) I note paragraph 6 of the review terms of reference that suggests the Minister for Energy would outline to the Western Power Chair his expectations in relation to the review and I ask that any correspondence between the Minister and the Chair be tabled?
- (8) Did review chair, Michelle Shepherd, receive full co-operation from Western Power in relation to the conduct of the review?
- (9) If no to (8), what information was withheld from Ms Shepherd and what impact did that have on the review?

**Hon Matthew Swinbourn replied:**

- (1) The Minister received the Independent Review Report on Friday 18 March 2022.
- (2) 107,020 supply points experienced one or more outages over the Christmas outage period. This excludes outages that are less than 30 seconds and which were successfully restored via an automatic auto-reclose scheme.

Data relating to outages is recorded from supply points, which does not distinguish between residential and non-residential connections.

- (3) Of the supply points that experienced an outage during the Christmas outage period:
- (a) 72,914 supply points were located in the metropolitan region
- (b) 34,106 supply points were located outside of the metropolitan region
- (4) Please see attached ‘impacted distinct supply points’ which provides impacted supply points by suburb and local government authority. [See tabled paper no [1269](#).]
- (5) Please see attached ‘suburb count of extended outage’. The number of distinct supply points eligible is 18,053 however some supply points experienced more than one extended outage. [See tabled paper no [1269](#).]
- (6) The cost of the independent review \$165,000 (ex-GST), with these costs recouped from Western Power.
- (7) The Minister wrote to the Western Power Chair on 27 January 2022 regarding the expected compliance of Western Power in completion of the review. [See tabled paper no 1269.]
- (8) The Independent Reviewer advised the Minister that Western Power fully co-operated in the undertaking of the Review.
- (9) N/A.

FINES, PENALTIES AND INFRINGEMENT NOTICES ENFORCEMENT ACT

**648. Hon Nick Goiran to the parliamentary secretary representing the Attorney General:**

In each of the last 4 calendar years:

- (a) what is the total value of fines registered under the *Fines, Penalties and Infringement Notices Enforcement Act 1994*;
- (b) what is the total value of registered fines that have been registered but not paid;
- (c) how many people have incurred a fine that has been registered under the *Fines, Penalties and Infringement Notices Enforcement Act 1994*;
- (d) how many people have defaulted on payment of a registered fine;
- (e) further to (c), how many of those people were young people;
- (f) further to (d), how many of those people were young people;
- (g) how many people have been subject to a garnishee order;
- (h) how much money has been recovered via garnishee orders;
- (i) how many people have been issued with a licence suspension; and
- (j) how many people whose last known address is in a remote area have been issued with a licence suspension?

**Hon Matthew Swinbourn replied:**

(a)

Calendar Year	Registered Amount	Total Amount To Date
2018	\$60,984,319.17	\$73,880,111.90
2019	\$56,541,510.27	\$68,209,051.02
2020	\$52,688,006.95	\$61,249,527.30
2021	\$53,745,450.92	\$58,197,172.45

(b)

Calendar Year	Total Amount To Date	Total Amount Not Paid
2018	\$73,880,111.90	\$46,358,605.06
2019	\$68,209,051.02	\$46,822,095.04
2020	\$61,249,527.30	\$47,115,091.86
2021	\$58,197,172.45	\$49,201,912.09

(c)

Calendar Year	Number of People
2018	37,418
2019	33,863
2020	30,998
2021	28,830

(d)

Calendar Year	Number of People
2018	35,578
2019	32,163
2020	29,193
2021	27,101

(e)

Calendar Year	Number of People (aged 25 and under)
2018	7,784
2019	6,594
2020	5,949
2021	5,479

(f)

Calendar Year	Number of People (aged 25 and under)
2018	7,358
2019	6,198
2020	5,515
2021	5,060

(g)

Calendar Year	Number of People
2021	1

(h) The first Garnishee Order occurred in December 2021, however the money associated with the order was received in January 2022. The amount was \$205.30.

(i)

Calendar Year	Number of People
2018	37,826
2019	35,208
2020	29,677
2021	21,516

(j)

Calendar Year	Number of People
2018	12,484
2019	11,703
2020	9,062
2021	1,409

PRESCRIBED BURNING — SOUTH WEST

**655. Hon Dr Brad Pettitt to the minister representing the Minister for Environment:**

As previously published in the former Department of Environment and Conservation Yearbooks, I ask will the Minister table the following information in relation to prescribed burning within the three south-west forest regions (as defined by the Department of Biodiversity, Conservation and Attractions (DBCA)) for the year 2020–21, in table form:

- (a) the area and number of prescribed burns:
  - (i) in each land category (as classified by DBCA); and
  - (ii) the total area and total number; and
- (b) the area of prescribed burns in each region broken down by the following:
  - (i) dominant purpose;
  - (ii) season (ha);

- (iii) grand total by season (ha);
- (iv) seasonal (percentage); and
- (v) grand total (ha)?

**Hon Stephen Dawson replied:**

[See tabled paper no 1268.]

## EMERGENCY SERVICES — REVIEWS

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

I refer to the conduct of reviews following significant emergency responses and the important role they play in improving and guiding future responses and also engaging career and volunteer first responders, and I ask:

- (a) who determines the level of review that is applicable to each incident;
- (b) how is such a determination made;
- (c) will the Minister please table any policy, procedure or framework that is utilised in making a decision in (b);
- (d) will the Minister please table the incidents in 2020, 2021 and 2022 which were subject to an After Action Review;
- (e) will the Minister please table the report of each review identified in (d);
- (f) will the Minister please identify the reviews that are ongoing and that are not yet finalised;
- (g) has an interim report of the After Action Review into Cyclone Seroja been prepared and, if so, please table that report;
- (h) on what basis is a determination made than an external review, such as the Australasian Fire and Emergency Service Authorities Council (AFAC) review into the Wooroloo bushfire, is required; and
- (i) what was the cost of the AFAC Wooroloo inquiry?

**Hon Stephen Dawson replied:**

(a)–(b) The State Emergency Management Committee's policy (Section 5.11) and State Emergency Management Plans outline processes for all relevant State agencies to undertake debriefs, reviews and analysis following any operational activity. The FES Commissioner determines the type of review that will be applied to larger or more complex incidents.

(c) [See tabled paper no 1267.]

(d)–(e)

REPORT	INCIDENT DATE	(f) STATUS
2019/20 Bushfire Review – DFES Goldfields Midlands Region. [See tabled paper no 1267.]	11/12/19– 7/02/2020	Completed
2019/20 End of Season Cyclone Review. [See tabled paper no 1267.]	04/01/2020	Completed
Spotlight Myaree (Structure Fire).	14/08/2020	In Progress
Independent Review into the 2021 Wooroloo Bushfire [See tabled paper no 1267.]	01/02/2021	Completed
Tropical Cyclone Seroja 2021	11/04/2021	In Progress
Calgardup Bushfire (Margaret River) 2021.	08/12/2021	In Progress
Severe Weather Event February 2022 (Concurrent Level 3 Bushfire Incidents).	February 2022	In Progress

The Independent Review into the 2021 Wooroloo Bushfire is the only completed After Action Review that has been publicly released, all others remain an internal DFES documents.

- (f) See response for part (d)–(e).
- (g) The After Action Review for Tropical Cyclone Seroja is currently in the final stages of development.
- (h) The State Government determines on a case-by case basis whether an external review of a particular incident is required.
- (i) The Independent Review into the Wooroloo Bushfire conducted by the Australasian Fire and Emergency Service Authorities Council cost the Department of Fire and Emergency Services \$46,889.00 excluding GST.

## ENVIRONMENT — JOHN FORREST TAVERN

**664. Hon Dr Steve Thomas to the minister representing the Minister for Environment:**

I refer to the John Forrest Tavern in John Forrest National Park, and I ask:

- (a) is the Government closing down the tavern by not having its lease renewed;
- (b) if yes to (a), why;
- (c) can the Minister confirm that food and beverage vans will be used to replace the tavern, as per media reports;
- (d) why are vans preferred to provide food and drinks to a building;
- (e) what compensation has been offered to the leaseholders of the tavern;
- (f) what community consultation was undertaken prior to this decision, and what input was received during that consultation on the proposal to close the tavern; and
- (g) what is the Government's rationale for this decision?

**Hon Stephen Dawson replied:**

- (a)–(b) The current lease to operate the John Forrest (Wildflower) Tavern expires on 31 May 2022, and the tavern will be closing after this date so that work on the proposed park improvements can commence. The continued operation of the tavern will not be possible as the business would be disrupted by preliminary work that will be commencing over the coming months.
- (c)–(d) The current tavern does not meet the contemporary standards and a new café will be constructed as part of the park improvements. The Department of Biodiversity, Conservation and Attractions (DBCA) will offer a lease to operate the café via a publicly advertised, competitive process. In the interim period, until the café is completed, DBCA will license food and beverage vans to operate in the park on application.
- (e) The lessee is not eligible for compensation under the lease. DBCA has been liaising with the current tavern lessees for a significant period in preparation for this change, which was outlined in the park management plan in 1994. The current lessees took on the lease in 1998 and it expired in 2003, but has been extended on several occasions.
- (f) DBCA has engaged with park visitors, key stakeholders and Aboriginal traditional owners over several years to inform the vision and planning of the park improvements. There is broad community support for improved facilities including a new food and beverage offering.
- (g) See (f) above. The expiry of the lease provides the opportunity for the John Forrest National Park Improvement Project to proceed, to revitalise the park, improve accessibility and upgrade park facilities.

## COMMUNITIES — POLICE RAID

**679. Hon Peter Collier to the minister representing the Minister for Police:**

I refer the Minister to question without notice 250, asked 24 March 2022, and I ask:

- (a) what is the total number of documents allegedly leaked by the Aboriginal woman whose home was raided by police on Friday, 18 February 2022; and
- (b) what is the total number of documents allegedly leaked by the eight public officers employed by the Department of Communities that were reported to the Western Australia Police Force?

**Hon Stephen Dawson replied:**

The Western Australian Police Force advise:

- (a) Of the 5 463 emails, 2 614 documents, 150 presentations and 329 spreadsheets sent from the employee's work email to her private Gmail account, six documents were allegedly leaked.
- (b) Six.

## HOUSING — NATIONAL RENTAL AFFORDABILITY SCHEME

**681. Hon Dr Brad Pettitt to the Leader of the House representing the Minister for Housing:**

I refer to the National Rental Affordability Scheme (NRAS) Quarterly Performance Report of December 2021. In Western Australia, the subsidies for 447 allocations (dwellings) ceased by the end of last year and a further 4847 affordable dwellings are set to lose their subsidies over the next five years (2022–2026). I therefore ask:

- (a) has the Government done any modelling on how many of these properties will be lost to the market and the impact on Western Australia;
- (b) has the Government made any plans to address the loss of these properties:
  - (i) if yes to (b), will the Minister share what these plans are; and
  - (ii) if no to (b), why not;

- (c) has the Government advocated to the Federal Government to extend or replace the scheme;
- (d) will the Government look to replace the NRAS with a State scheme;
- (e) what will the Government do to manage the impact on tenants as the subsidies end; and
- (f) how does the Government plan to increase the supply of affordable rental housing in the State now and on an ongoing basis?

**Hon Sue Ellery replied:**

- (a)–(f) The State Government is committed to delivering more social and affordable housing and is disappointed that the Federal Government is no longer funding NRAS. The Minister and State Government have continued to raise how important Commonwealth funded schemes like NRAS and Commonwealth Rent Assistance are in contributing to greater access to affordable housing across the country.

As such, State Governments have to invest more into social and affordable housing. The McGowan Government and the Minister for Housing are committed to increasing social housing supply and to do so have invested \$2.1 billion over four years and a record \$875 million in the last budget. This is on top of several other programs including the Housing Diversity Pipeline and targeted land release to boost affordable housing supply.

The Building Bonus Grant Program which has seen last year around 27,000 building approvals, with 4000 in the regions is another State Government initiative that has increased the stock of affordable homes across WA with most grants being for affordable homes.

The Keystart program, which is unique to WA is another program the state administers, which allows low income individuals and families who are above the social housing threshold to get into their own home, increasing housing affordability.

If individuals who are currently on the NRAS need assistance, the Department of Communities will assess their needs on a case by case basis and provide them with information on their housing options and the appropriate support services. This may be the provision of social housing which is an affordable rental option for those on low incomes.

LEGAL AFFAIRS — STATE ADMINISTRATIVE TRIBUNAL AMENDMENT REGULATIONS 2022

**682. Hon Nick Goiran to the parliamentary secretary representing the Attorney General:**

I refer to the *State Administrative Tribunal Amendment Regulations 2022*, and I ask:

- (a) what was the catalyst for bringing about these amendments to the regulations;
- (b) who was consulted prior to these amendment regulations being finalised;
- (c) did any person consulted raise any concerns;
- (d) if yes to (c), what were these concerns;
- (e) have the finalised amendment regulations addressed these concerns; and
- (f) if no to (e), why not?

**Hon Matthew Swinbourn replied:**

- (a) This amendment was a consequential amendment managed by the Department of Mines, Industry Regulation and Safety as the lead agency. The Department of Justice is required to amend the State Administrative Tribunal Amendment Regulations 2004 when Fair Trading (Retirement Villages Interim Code) Regulations (No.2) 2021 expire. Schedule 6 of the State Administrative Tribunal Regulations 2004 outlines provisions under which proceedings commence. Due to the expiration of the interim code on the 30 March 2022, Schedule 6 required references to the proposed new code be amended.
- (b) As these were consequential amendments, no consultation was undertaken.
- (c)–(f) N/A.

LEGAL AFFAIRS — MAGISTRATES COURT (CIVIL PROCEEDINGS) AMENDMENT RULES 2022

**683. Hon Nick Goiran to the parliamentary secretary representing the Attorney General:**

I refer to the *Magistrates Court (Civil Proceedings) Amendment Rules 2022*, and I ask:

- (a) what was the catalyst for bringing about these amendments to the rules;
- (b) who was consulted prior to these amendment rules being finalised;
- (c) did any person consulted raise any concerns;
- (d) if yes to (c), what were these concerns;

- (e) have the finalised amendment rules addressed these concerns; and
- (f) if no to (e), why not?

**Hon Matthew Swinbourn replied:**

- (a) Various provisions of the *Restraining Orders Act 1997* (RO Act) are relevant to children, particularly children in care. These provisions were not captured by the information recorded in the restraining order application forms prescribed under the Magistrates Court (Civil Proceedings) Rules 2005. Such information is important to ensure that the Court is made aware of the care and protection status of a child involved in a restraining order proceeding. This is because the RO Act sets out the Court procedure based on the status of the child. The changes to the prescribed forms in the *Magistrates Court (Civil Proceedings) Amendment Rules 2022* now capture this information.
- (b) These amendments were undertaken at the request of the President of the Children's Court, and as such, His Honour was consulted throughout drafting. As these were amendments to the Magistrates Court Rules of Court, the Chief Magistrate was consulted, and provided approval, prior to any amendments being sought. Consultation also took place with officers from within the Court and Tribunal Services Division of the Department.
- (c) No.
- (d)–(f) N/A.

LEGAL AFFAIRS — AMENDMENT REGULATIONS

**684. Hon Nick Goiran to the parliamentary secretary representing the Attorney General:**

I refer to the *Criminal Procedure Act 2004*; *Freedom of Information Act 1992*; *Legal Profession Act 2008* (*Attorney General Regulations Amendment (Work Health and Safety) Regulations 2022*, and I ask:

- (a) what was the catalyst for bringing about these amendments to the regulations;
- (b) who was consulted prior to these amendment regulations being finalised;
- (c) did any person consulted raise any concerns;
- (d) if yes to (c), what were these concerns;
- (e) have the finalised amendment regulations addressed these concerns; and
- (f) if no to (e), why not?

**Hon Matthew Swinbourn replied:**

- (a) The Attorney General Regulations Amendment (Work Health and Safety) Regulations 2022 (Amendment Regulations) were required as a consequence of the commencement of the Work Health and Safety Act 2020. The Amendment Regulations are mechanical in nature and update existing references to government departments, statutory bodies and legislation, or insert new references into the Criminal Procedure Regulations 2005, the Freedom of Information Regulations 1993 and the Legal Profession Regulations 2009, as required.
- (b) The Department of Mines, Industry Regulation and Safety conducted extensive consultation during the preparation of the Work Health and Safety Act 2020 and coordinated the amendment of some 15 sets of regulations across various portfolios to support the Act. The Department of Justice consulted with the Office of the Information Commissioner in relation to the amendments to the Freedom of Information Regulations 1993. The Information Commissioner indicated that she had no objection to the amendments.
- (c) No issues were raised in relation to the Department of Justice's consultations.
- (d)–(f) N/A.

MINES AND PETROLEUM — DOMESTIC GAS SUPPLY

**685. Hon Dr Steve Thomas to the parliamentary secretary representing the Minister for Mines and Petroleum:**

I refer to Western Australia's Domestic Gas Policy and its requirement for gas equivalent to 15 percent of exports available for Western Australian consumers, and I ask:

- (a) what percentage of natural gas exports are currently being made available for Western Australian consumers, given the concerns around rising cost of living; and
- (b) what measures are being taken to ensure LNG producers are maintaining their requirement to provide 15 percent of exported natural gas to Western Australia?

**Hon Matthew Swinbourn replied:**

- (a)–(b) Please refer your question to the Minister for State Development, Jobs and Trade.

## MINES AND PETROLEUM — LNG PROJECTS

**686. Hon Dr Steve Thomas to the parliamentary secretary representing the Minister for Mines and Petroleum:**

I refer to current natural gas projects proposed to begin operation in Western Australia, and I ask:

- (a) how many natural gas projects are set to begin this year;
- (b) how many natural gas projects have been proposed to start in the next 12 months; and
- (c) how many of those in (b) have been approved?

**Hon Matthew Swinbourn replied:**

- (a) 1
- (b) 1
- (c) 1

Note in the next 24 months 6 Natural Gas projects are expected to come online.

## MINES AND PETROLEUM — LNG PROJECTS

**687. Hon Dr Steve Thomas to the parliamentary secretary representing the Minister for Mines and Petroleum:**

I refer to natural gas projects in Western Australia over the last six years, and I ask:

- (a) how many natural gas projects are currently approved and operating in Western Australia now compared to 2016; and
- (b) what are the lengths of the currently operating contracts compared to contracts operating in 2016?

**Hon Matthew Swinbourn replied:**

- (a) 2016 – 6 production facilities producing from approximately 33 natural gas fields.  
2022 – 11 production facilities producing natural gas from over 40 fields.
- (b) Operating contracts of Western Australia's natural gas projects are between private businesses and are commercial in confidence.

## MINES AND PETROLEUM — LNG INDUSTRY — JOBS

**688. Hon Dr Steve Thomas to the parliamentary secretary representing the Minister for Mines and Petroleum:**

I refer to the predicted natural gas shortfall projected for 2024–25, and I ask:

- (a) how many jobs in the natural gas sector are projected to be lost in the event of a shortfall; and
- (b) given the mining sector relies heavily on natural gas, should we expect mass loss of jobs in the mining sector as well?

**Hon Matthew Swinbourn replied:**

- (a)–(b) The Government of Western Australia is not forecasting a short fall in gas supply in Western Australia.

## COMMERCE — NATIONAL CONSTRUCTION CODE

**701. Hon Dr Brad Pettitt to the minister representing the Minister for Commerce:**

I refer to the National Construction Codes 2022 (NCC 2022), which each State and Territory is scheduled to adopt on 1 September 2022. In Western Australia alone, each year the NCC 2022 is delayed will result in approximately 84,000 tonnes of avoidable greenhouse gas emissions, 20,000 new homes being constructed that do not meet national energy efficiency standards and new homeowners paying an additional \$934 each in energy bills (equivalent to approximately \$16.7 million in avoidable household energy bills), and I ask:

- (a) will the Government adopt the NCC 2022 in its entirety on 1 September 2022, in line with all other States and Territories;
- (b) if no to (a):
  - (i) what aspects of the NCC 2022 are expected to be adopted on 1 September 2022, if any; and
  - (ii) what aspects of the NCC 2022 are expected to be delayed, how long for and why; and
- (c) will the Government apply a transition period to the adoption of the NCC 2022, and if so:
  - (i) how long is the transition period likely to be overall;
  - (ii) what aspects of the NCC 2022 will likely be subject to a transition period and for how long; and

- (iii) what is the longest potential transition period that the Government may consider to be acceptable, noting that every day the NCC 2022 is delayed in Western Australia will result in higher household energy bills and additional tonnes of avoidable carbon emissions?

**Hon Alannah MacTiernan replied:**

I am advised:

- (a) As the 2022 edition of the National Construction Code (NCC) has not been finalised, the Government is not in position to answer this question. I am advised a draft will be presented for consideration by the Building Ministers' Meeting in June 2022.
- (b) (i)–(ii) Not applicable.
- (c) Yes.
- (i)–(iii) The Building Regulations 2012 provide an automatic 12 months transition for all new editions of the NCC. It is premature to comment whether further transitions will be provided, as NCC 2022 is not yet finalised.

PRISONERS — SAFETY

**702. Hon Dr Brad Pettitt to the parliamentary secretary representing the Minister for Corrective Services:**

I refer to prisoner safety, and I ask:

- (a) the Office of the Inspector of Custodial Services has recommended that body worn cameras be introduced in prisons across the state, why hasn't this recommendation been implemented;
- (b) when will the Government commit rolling out body worn cameras to ensure the safety of prisoners;
- (c) the Office of the Inspector of Custodial Services has previously described CCTV coverage at Hakea as "rather poor with many blind spots", please provide an update on the status of CCTV coverage at Hakea Prison;
- (d) will the Government commit to implementing all recommendations made by the Office of the Inspector of Custodial Services in 'Use of force against prisoners in Western Australia' by the stated timeframes; and
- (e) with respect to the recent death of Ricky Lee Cound in Hakea Prison, a young First Nations man, does the Government find it acceptable that he was placed in lockdown for weeks without proper monitoring, despite the fact he had been self-harming in the lead up to his death and in recovery from Covid-19, as reported on numerous occasions to prison officials by Mr Cound's family prior to his death?

**Hon Matthew Swinbourn replied:**

- (a) The introduction of this body worn cameras requires significant research and planning to ensure that any chosen technology is cost effective and fit for purpose within custodial facilities and footage can be easily uploaded, managed and reviewed. The use of such technology also requires the development of robust policies and procedures to ensure consistent use of the technology across all custodial facilities.
- (b) The implementation of the body worn cameras is part of the Department's Long-Term Custodial Technology Plan (LTCTS).
- (c) CCTV coverage continues to be an integral component of the multi-faceted security measures used at Hakea Prison. It would be detrimental to the ongoing security environment at Hakea Prison to provide specific details on the status of CCTV coverage at the facility.
- (d) The Review into Use of Force against prisoners in Western Australian contained eight recommendations of which the Department supported seven. Six of those recommendations have now been completed. The final recommendation regarding body worn cameras is being progress as outlined in answer (b).
- (e) All of the circumstances of the recent death of a prisoner at Hakea Prison are being investigated by the Western Australian Police Force and will be the subject of a Coronial Inquest, and as such it is not appropriate to comment further.

