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LEGISLATIVE COUNCIL

Thursday, 29 March 2018

THE PRESIDENT (Hon Kate Doust) took the chair at 10.00 am, and read prayers.

INDIGENOUS STEM AWARDS 2017

Statement by Minister for Education and Training

HON SUE ELLERY (South Metropolitan — Minister for Education and Training) [10.01 am]: I rise to congratulate some of the best and brightest students, teachers and scientists in our schools and universities, who have been recognised today for their achievements in science, technology, engineering and mathematics, or STEM. The CSIRO has today announced the winners of the 2017 Indigenous STEM Awards, supported by the BHP Billiton Foundation. The awards recognise the achievements of Aboriginal and Torres Strait Islander students, teachers and scientists, with a view to inspiring greater participation by Aboriginal and Torres Strait Islander students in STEM studies and careers. There were 32 finalists across seven award categories. Western Australia did well, with four very worthy award recipients.

Wiluna Remote Community School won the School Award for its work in engaging with the Martu rangers and the Wiluna community to use traditional knowledge to teach science to students. The school uses science and traditional knowledge to develop competency in English as an additional language or dialect and cross-cultural communication. Teachers apply an inquiry-based learning approach to meet the learning, cultural and engagement strengths of their mostly Martu students, incorporating local knowledge that can be linked to the curriculum.

Shailyn Isaac was awarded the Tertiary/Undergraduate Student Award. Shailyn is studying a Bachelor of Science in anatomy and human biology at the University of Western Australia, and tutors and mentors high school students who reside at Aboriginal hostels around Perth. She is pursuing medicine to become a rural health doctor, to help improve health equality and outcomes for Aboriginal and Torres Strait Islander people.

Fifi Harris from Leonora District High School won the STEM Champion Award. Fifi is an Aboriginal and Islander education officer and two-way language educator at the school, where she also runs the Bush Rangers program. Fifi is a passionate advocate for the sharing and intergenerational transfer of Indigenous knowledge. She is a leader in ensuring students' local language and culture is combined with western science into school plans, teaching practice and regular community events.

The Aboriginal and Torres Strait Islander Student Science Award was shared by two students, one being Western Australian primary school student Boyden George, also from Leonora District High School. Boyden is passionate about everything outdoors and on-country learning. Last September, he found a spider while on an outdoor discovery program and went to great lengths to have it photographed and submitted for verification by an expert, who told Boyden he had likely found an undescribed species that had not yet been formally described and named.

We know it is vital for today's students to understand the concepts taught in science, technology, engineering and mathematics for their future job prospects. That is why the McGowan government is committed to a range of STEM initiatives, including the provision of science laboratories and equipment in primary schools and professional learning for teachers around coding and teaching practices. Each one of our winners should be extremely proud, not only about their own achievements in STEM subjects and careers, but also for leading by example in inspiring and encouraging broader interest in the field.

WESTERN AUSTRALIAN AGRIFUTURES RURAL WOMEN'S AWARD

Statement by Minister for Agriculture and Food

HON ALANNAH MacTIERNAN (North Metropolitan — Minister for Agriculture and Food) [10.05 am]: Last night we honoured some of WA's most outstanding rural women for the contribution they are making to the economic and social fabric of our regional communities. As I travel across the state in my portfolios, I come across women who are really driving change in their communities and for our state. The Western Australian AgriFutures Rural Women's Award recognises that contribution and, through a $10 000 bursary for the winner, helps to supercharge the work underway in our regions. At last night's awards ceremony, Kimberley woman Darrylin Gordon was named WA Rural Woman of the Year. Darrylin is a young Jaru woman who is prepared to step up to the challenge of leadership and map out an economic future for her community. Darrylin grew up on Lamboo station, near Halls Creek, helping her uncle Robin Yeeda run cattle. She is working to develop a program aimed at delivering work orientation and mentoring at Lamboo, in which participants can connect to country, learn invaluable life skills and gain financial independence. This is a program that could provide real employment opportunities for young people of the Kimberley, with discussions already underway with a goldminer in the region.

Darrylin won the award from an incredibly strong field of finalists, including Paula Pownall from Grubs Up—whose story I love—who always wanted a farm but only had a small landholding in the Peel, so she found the smallest animal she could and started farming it, becoming the first insect farmer in WA. The other finalists were Sophie Dwyer, who shares our government's vision for a hemp industry in WA and is running with the new opportunities for hemp seed as a food, and Carol Redford from the wheatbelt, whose astrotourism plans for the wheatbelt is showing us that looking at the stars can be a real business venture. Congratulations to last night's finalists and to women across regional WA who are taking the driver's seat in changing our state for the better.

PAPERS TABLED

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

WESTERN AUSTRALIA STATE WORK PERMIT BILL 2018

Notice of Motion to Introduce

Notice of motion given by **Hon Robin Scott**.

STANDING COMMITTEE ON LEGISLATION — SUBSTITUTION OF MEMBER

Inquiry into the Animal Welfare Amendment Bill 2017 — Statement by President

THE PRESIDENT (Hon Kate Doust): Before we move to non-government business, I want to read a letter from the Standing Committee on Legislation. It states —

> Dear Madam President
>
> **Inquiry into the Animal Welfare Amendment Bill 2017**
>
> I am writing to you in relation to the Standing Committee on Legislation's inquiry into the Animal Welfare Amendment Bill 2017, referred by the Legislative Council on 21 March 2018.
>
> The Committee met on 28 March 2018 and, pursuant to Standing Order 163, resolved to order the substitution of the Hon Dr Steve Thomas MLC in place of the Hon Simon O'Brien MLC as a Member of the Committee for the duration of the inquiry. Both Members have agreed to this substitution.
>
> Yours sincerely
> **Hon Dr Sally Talbot**

ENVIRONMENTAL PROTECTION AMENDMENT (BANNING PLASTIC BAGS AND OTHER THINGS) BILL 2018

Introduction and First Reading

Bill introduced, on motion by **Hon Robin Chapple**, and read a first time.

Second Reading

HON ROBIN CHAPPLE (Mining and Pastoral) [10.09 am]: I move —

> That the bill be now read a second time.

The purpose of the Environmental Protection Amendment (Banning Plastic Bags and Other Things) Bill 2018 is to restrict the supply of plastic bags, balloons, plastic drinking straws and polyethylene and polystyrene packaging; to prohibit the supply of products containing plastic microbeads; and for incidental and related purposes. The bill is for an act to amend the Environmental Protection Act 1986. The bill seeks to prohibit plastic bags, plastic drinking straws, and balloons. Exceptions apply to medical or health-related products, policing or security products, meteorological balloons, passenger-carrying hot-air balloons, plastic bags made wholly from biodegradable material that is suitable for composting, and classes of products exempted by the minister pursuant to section 6(1) of the parent act.

The bill seeks to prohibit plastic microbeads, which are manufactured plastic particles less than five millimetres in size that are found in cosmetics, personal hygiene products—including toothpaste—and household detergents. The bill seeks to prohibit packaging made wholly or partly of polyethylene or polystyrene. A prohibited plastic bag means a bag that is made in whole or in part of polyethylene. Changing the micron thickness of plastic bags to make them more durable means they take longer to break down, if at all. A prohibited plastic drinking straw means exactly that, a plastic drinking straw. These have an average usage life of two to five minutes, and contain toxic BPA, which means they cannot be recycled. A prohibited balloon means exactly that, a balloon. These are made from natural or synthetic latex, which is rubber but acts like plastic. Once they have served their purpose, balloons can and do end up in the ocean.

The bill makes it an offence to sell or supply any of these prohibited plastic products, with a penalty of $5 000 for each offence. The bill requires retailers to display a notice on their premises describing the prohibition relating to plastic bags and plastic packaging. To not display a notice is an offence, with a penalty of $5 000 for each offence. The bill also makes it an offence for a manufacturer, importer or supplier of shopping bags or packaging to provide false or misleading information about their composition. The penalty is $5 000 for each offence.

The bill requires the Waste Authority to include in its annual report details of exemptions granted by the minister under section 6(1) of the parent act in relation to plastic bags, balloons and plastic drinking straws; the amount of plastic reported in public places and water and the impact of the plastic on fauna; and any information relating to the use of plastic bags, plastic packaging, balloons, plastic drinking straws and plastic microbeads that the authority considers necessary. The bill provides for a review and report by the minister regarding the operation and effectiveness of the bill.

These measures come at a critical time in addressing the issue of single-use plastics. Plastics are made from non-renewable natural resources such as crude oil, gas and coal. The energy consumed in the life cycle of one plastic bag is estimated to be equivalent to 13.8 millilitres of crude oil, about a teaspoonful. There is increasing concern about microplastic consumption by sea life. Shellfish consumers could be ingesting up to 11 000 microplastics a year. This is a particularly troubling outcome as plastic is very efficient at absorbing harmful pollutants. After one month of cleaning up Western Australian beaches, Sea Shepherd Australia's Marine Debris Campaign collected 15 000 plastic items over an area of 4.5 square kilometres. During 2017, 2 000 volunteers, covering 37 square kilometres, gathered 196 000 plastic items. Far more plastic remains uncollected. Australians dispose of an estimated four to five billion plastic bags every year. These can be recycled, but only approximately three per cent actually are.

Plastic has remained the most common category of rubbish picked up on Clean Up Australia Day over the last 20 years. It never breaks down; the pieces just get smaller until they enter the food chain. It is estimated, in the most conservative estimates, that by 2025, there will be enough plastic in the oceans to cover five per cent of the earth's surface in cling wrap, and that by 2050, the volume of this plastic will be greater than the volume of sea life.

Plastic production has surged over the last 50 years from less than 15 million tonnes in 1964 to more than 311 million tonnes in 2014, and is expected to double again over the next 20 years. The government's plan to ban plastic bags by January 2019 is an unnecessarily long time frame and does not solve the problem. The time to act is now. By implementing a ban, consumers are effectively given more choice as retailers will be forced to provide more options. The public is already moving in this direction. People are already rejecting single-use plastic in favour of reusable options. There is a groundswell of action on this issue. This is the direction in which the country, and rest of the world, is heading. Instead of playing catch-up, why can we not we take the lead?

Pursuant to standing order 126(1), I advise that this bill is not a uniform legislation bill. It does not ratify or give effect to an intergovernmental or multilateral agreement to which the government of the state is a party; nor does this bill, by reason of its subject matter, introduce a uniform scheme or uniform laws throughout the commonwealth.

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

[See paper 1200.]

Debate adjourned, pursuant to standing orders.

INDUSTRIAL RELATIONS (EQUAL REMUNERATION) AMENDMENT BILL 2018

Introduction and First Reading

Bill introduced, on motion by **Hon Alison Xamon**, and read a first time.

Second Reading

HON ALISON XAMON (North Metropolitan) [10.18 am]: I move —

That the bill be now read a second time.

The Industrial Relations (Equal Remuneration) Amendment Bill 2018 seeks to amend the Industrial Relations Act 1979 to allow for the Western Australian Industrial Relations Commission to hear pay equity cases and make enforceable equal remuneration orders so that employees to whom the order will apply are able to receive equal remuneration for work of equal or comparable value. The bill proposes the inclusion of provisions similar to those provided to employees covered under the federal industrial relations system, which allows for such cases to be heard. This will ensure that workers covered under the Western Australian system, rather than the federal system, have access to a mechanism similar to that available to their counterparts under federal jurisdiction.

A strong legislative basis for pay equity is essential to reducing Australia's gender pay gap and to supporting female workforce participation, and Western Australia has, very slowly, been making progress towards this. Formal recognition of the principle of equal remuneration for work of equal value was introduced into the Industrial Relations Act 1979 in 2002, when amendments inserted a new principle object into the act "to promote equal remuneration for men and women for work of equal value."

In 2006 the Labour Relations Legislation Amendment Act 2006 introduced section 50A, which enabled the Western Australian Industrial Relations Commission to determine minimum wages while having regard to a new set of specified criteria, including that wage orders "provide equal remuneration for men and women for work of equal or comparable value". However, the current legislative provisions remain inadequate. For example, although a greater proportion of women than men are paid the minimum wage and it is vitally important that consideration

be given to equal remuneration when setting the minimum wage, the capacity for this mechanism to be used to address the issue of the gender pay gap more broadly is obviously limited. The authority of the Western Australian Industrial Relations Commission to hear pay equity cases also remains in question, which is the principal reason I am introducing this bill. The Industrial Relations (Equal Remuneration) Amendment Bill 2018 makes clear the authority of the commission to hear such cases.

The bill allows for a pay equity matter to be referred to the commission by an employer with a sufficient interest, a relevant organisation or association, the minister, an employee, or the Commissioner for Equal Opportunity. The broad term "remuneration" is used in the bill to provide the commission with the capacity to ensure there is equity not only with regard to rates of pay, but also across the total remuneration package of an employee, including conditions of employment. This bill has been drafted to allow implementation of equal remuneration orders to be undertaken either immediately or progressively, as provided in the order, similar to the provision provided in the federal legislation. This recognised that some employers and funding bodies may need to make quite significant changes to ensure pay equity and that these may take time to implement. The bill also provides that an equal remuneration order cannot allow for a reduction in an employee's rate of remuneration. Although the bill allows pay equity cases to be run, it does not anticipate the outcome. In making an equal remuneration order the commission must be satisfied that there is not already equal remuneration. If there is no case on which to base a claim that an employee is not receiving equal pay for work of equal or comparable value, I would expect that the case would not be successful. The bill provides a mechanism to allow for cases of this type to be heard in this jurisdiction.

I would like to provide a bit of background for the need for this bill. At 22.8 per cent, WA has the largest gender pay gap in Australia. For every dollar earned by a man in WA, a woman will earn 77c. For each week of full-time ordinary work a woman will receive $373.50 less than a man. These are appalling statistics. Of great concern to me is that, despite recognising the issue for decades, successive governments have failed to make any real inroads into reducing WA's gender pay gap. One of the reasons for the continuing failure to address the state's gender pay gap is a persistent and fundamental lack of awareness and understanding about the existence and nature of the gap. There is a common misconception that a significant amount of responsibility for the gap lies in the characteristics of our resources sector. Our appalling gender pay gap cannot be solely explained away by WA's resources sector and the relatively small number of women employed in that sector. The mining industry accounts for only around six per cent of employment in WA, so the mining industry is only a small part of the story. Pay inequity is present at all skill and income levels across industries. That being said, some sectors have higher gender pay gaps than the average, such as the finance and retail sectors. This, again, is only a small part of the problem. Reasons for the gender pay gap are complex and multifaceted and include unsupportive working arrangements and overrepresentation of women in casual and non-career, part-time employment. A significant portion of the gap is caused not by pay differentials within industries, but by the highly segregated nature of Western Australia's workforce, and the fact that women and men tend to work in different industries.

Perhaps the most significant cause of the persistent lack of pay equity is the disparity that occurs between traditionally male or traditionally female jobs, and the devaluing of the work undertaken by women. This is clearly evident in the characteristics of our social and community services sector. The sector employs around 83 per cent women and 17 per cent men. There is a raft of reasons why workers in the community sector earn so much less than others, even when their jobs require similar levels of expertise or training as workers in the public sector or other fields. But fundamentally it is about the cultural devaluation and poor industrial protection of work traditionally viewed as being "women's work".

Women are in effect being penalised for caring for the most disadvantaged within our community; we need to remove this penalty. Recognition of the fact that employees in the social and community services sector have for too long been undervalued and underpaid was recently provided by the landmark finding by Fair Work Australia that for employees in this sector, "there is not equal remuneration for men and women workers for equal or comparable value by comparison with workers in state and local government employment." Fair Work Australia's equal remuneration order opened the door at the federal level for real movement on entrenched gender inequity in the social and community services sector; however, of great concern is that a significant number of workers within the community sector in WA are covered by the state industrial relations system. WA has the highest state industrial relations system coverage of all Australian states and territories. Significant gender pay gaps have also been identified in other sectors that potentially come under state industrial relations jurisdiction, including within the public sector. The Industrial Relations (Equal Remuneration) Amendment Bill 2018 will allow employees in these sectors to also seek remedy.

Adequately addressing the issue of pay equity is important not only because as a civilised society we have a duty to ensure justice and equity for women, but also because there is a compelling economic argument that equal pay for women provides a strong incentive for more women to enter the workforce and thus boost the labour force. Increased female workforce participation has a positive impact on skill shortages and increases productivity. A research report by Goldman Sachs JBWere Investment Research argued that proactive policies aimed at increasing female participation in the workforce will significantly boost Australia's economic growth, and help to solve the looming fiscal burden of an ageing population. Pay equity is something we can no longer marginalise.

The flow-on effects of the persistent gender pay gap are grim. The decision in families as to who undertakes care is influenced by pay equity, limiting the choices and opportunities for both men and women. This occurs regardless of skill levels, preferences or the needs of those requiring care. The effects also continue on to the experiences of women in their post-employment lives. Too many women are retiring with inadequate superannuation and other retirement savings, and are forced to rely on pensions because of the great disparity in earnings between men and women. Research commissioned by the Lord Mayor's Charitable Foundation in 2016 showed that women retire with around one-third of the superannuation that men accrue.

We need to remove the persistent barriers within our industrial relations system that prevent us addressing the issues of pay equity on a state level. Western Australia has the largest gender pay gap of any state or territory. We have a moral responsibility to ensure that those workers covered under the state industrial relations system are not being paid lower wages because of longstanding undervaluing of work traditionally viewed as "women's work". We should be leading the other states in our efforts to address the issue because we are currently running last and have the most work to do.

Any equity protection for Australian working women is a patchwork of commonwealth, state and territory laws and policy instruments in both the industrial relations and anti-discrimination arenas. I believe it is important within the extremely complicated overlap of industrial systems that all Western Australian workers are afforded the same level of protection in regard to pay equity.

Western Australian women constitute a higher proportion of casual workers, and are more likely to be working under minimum employment conditions and be engaged in low-paid occupations and industries. They are under-represented in senior and decision-making roles across business, government and the community. Western Australian women continue to experience workplace discrimination on the basis of sex, pregnancy, potential pregnancy and family responsibilities. Women should not be paid less than men for doing work of similar value, and our laws should not allow the systemic undervaluing of women's work. We need to amend the Industrial Relations Act 1979 so that there is a remedy when this occurs. I urge members to demonstrate their commitment to overcoming the gender wage inequalities that exist in Western Australia by supporting the Industrial Relations (Equal Remuneration) Amendment Bil1 2018.

Pursuant to standing order 126(1), I advise that this bill is not a uniform legislation bill. It does not ratify or give effect to an intergovernmental or multilateral agreement to which the government of the state is a party. Nor does this bill, by reason of its subject matter, introduce a uniform scheme or uniform laws throughout the commonwealth.

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

[See paper 1201.]

Debate adjourned, pursuant to standing orders.

LITTER AMENDMENT (BALLOONS) BILL 2018

Introduction and First Reading

Bill introduced, on motion by **Hon Robin Chapple**, and read a first time.

Second Reading

HON ROBIN CHAPPLE (Mining and Pastoral) [10.29 am]: I move —

That the bill be now read a second time.

This bill seeks to prohibit inflating or having or releasing an inflated party balloon outdoors. The term "party balloon" includes, but is not limited to, a balloon used for the purpose of celebration, decoration, commiseration or remembrance. Any person who inflates a party balloon outdoors or has an inflated party balloon outdoors or releases an inflated party balloon outdoors or causes an inflated party balloon to be released outdoors commits an offence. The penalty for an individual is a fine of $5 000 for each offence, and, for a body corporate, a fine of $10 000 for each offence.

The Litter Act 1979 defines an item as "litter" when it is deposited on land or waters. Therefore, under this law, the action of releasing balloons is not an offence. However, when a balloon lands on land, littering subsequently occurs. Under the Litter Act 1979, this is a very difficult offence to substantiate and there is currently no other legislation in Western Australia—besides the Town of Cottesloe's proposed ban—that addresses these acts of illegal dumping.

Marine debris is a globally recognised environmental issue of increasing concern. Marine debris comes from both land and sea-based sources and can travel immense distances. It can pose a navigational hazard, smother coral reefs, transport invasive species and negatively affect tourism. It also injures and kills wildlife, has the potential to transport chemical contaminants, and may pose a threat to human health. "Marine debris" is defined as any persistent solid material that is manufactured or processed and is directly or indirectly, intentionally or unintentionally, disposed of or abandoned into the marine environment. Party balloons are marine debris—a wasteful, single-use

product that quickly becomes trash. Litter impacts wildlife directly through entanglement and ingestion, and indirectly through chemical effects. As the quantity of debris in the marine environment increases, so does the likelihood of impact from debris on marine animals. The most effective way to reduce and mitigate the harmful effects of marine debris is to prevent it from entering the marine environment in the first place.

Cemeteries, schools, parklands and beaches are popular spaces for mass helium balloon releases to occur. In addition, many outdoor events either give away or decorate with helium or air-inflated party balloons, which end up released or simply lost and blow away. The environmental impacts of released balloons are widespread and can be catastrophic. Not only is helium a finite resource, but also a single balloon, even one made from natural latex to the highest industry standards, can take at least five years to break down. In the years that the balloon, or fragments thereof, exists in our ecosystems, land and marine life are put in danger. This is the case especially for birds and marine animals. Fish, birds, turtles and other animals are often found dead with balloon remnants in their bodies. The string attached to a balloon can also be fatal, wrapping around the limbs, necks and beaks of birds and the shells of turtles. Given the known impacts of balloons on our marine life, we must act immediately to curtail this reckless environmental vandalism.

Pursuant to standing order 126(1), I advise that this bill is not a uniform legislation bill. It does not ratify or give effect to an intergovernmental or multilateral agreement to which the government of the state is a party; nor does this bill, by reason of its subject matter, introduce a uniform scheme or uniform laws throughout the commonwealth.

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

[See paper 1202.]

Debate adjourned, pursuant to standing orders.

TICK-BORNE DISEASE — LYME-LIKE ILLNESS

Motion

HON ALISON XAMON (North Metropolitan) [10.34 am] — without notice: I move —

> That this house notes the 2016 Senate committee report on the "Growing evidence of an emerging tick-borne disease that causes a Lyme-like illness for many Australian patients" and calls on the government to establish an ongoing mechanism for ensuring that the Western Australian context is represented in the implementation of recommendations made in this report.

I thought I would begin by setting the scene for members on why this issue has arisen. We know that for decades Australians, including a significant number of Western Australians, have been reporting chronic and debilitating symptoms that are quite complex, and they have been attributing these to ticks. We know that the people who are experiencing this illness are caught in a catch 22 because of the complexities surrounding the ability to diagnose, as well as the different approaches that are taken because no data has been collected. Because of the lack of data on the number of people who have been affected, trying to find a solution has been considered to be less urgent. People who are incredibly unwell are being turned away without a proper diagnosis and are being told far too often that simply nothing can be done, and so they cannot get the support that they need.

There are many terrible stories of the suffering that has resulted from this particular syndrome. Sadly, we know that some people who have suffered have subsequently died by suicide because of the crippling effects of their illness and the extent of their sense of hopelessness. I want to quote Bevan Jeffery of Manjimup, who said —

> It's hard not to come to the conclusion that you are screwed once you get this disease.

He also said —

> It is a reduced existence …
>
> I can't help waiting for medical science to find the underpinnings of this disease so that future suffering may be prevented for many people.

I understand that Mr Jeffery died a couple of years ago and my condolences go to his family.

Further contributing to the distress of people who find themselves with this crippling disease is their interaction with the medical system. There is limited awareness amongst medical practitioners about the nature of this condition, which means that too many patients are not able to readily access the treatments that they need in any sort of timely manner. Unfortunately, people are reporting feeling stigmatised, bullied and harassed by health professionals, who often simply do not believe that such a syndrome exists within Australia.

The establishment of the Senate inquiry was a big step forward towards validating the experiences of thousands of Australians and acknowledging that there are massive gaps in the understanding and the subsequent treatment of these complexes. There is no doubt that we have a vexed conundrum, but it is one that we cannot continue to put into the too-hard basket. Submissions were made by 1 260 people in one form or another to the inquiry. It is clear that too many people are being let down by the health system. The recommendations made by the Senate

committee represent a good start and we in Western Australia must ensure that the Western Australian experience is included in the research and that our government is augmenting the work done federally through our state agencies to best support those who are affected.

Such is the complexity of this issue that there is not even a universally agreed case definition of the nature of this chronic condition. However, we do know that the constant reference to Lyme disease has proven to be an unhelpful distraction. The reason for that is that the pathogen that causes Lyme disease in Europe and the United States has not been proven to exist in Australia, which leads many in the medical profession to disregard the presence of all tick-borne illness in Australia, despite evidence to suggest that Australian-specific and, indeed, Western Australian–specific—that is why it is so important that we participate in the national research—organisms are carried by ticks here. One of the recommendations made by the Senate committee was to —

> **remove 'chronic Lyme disease', 'Lyme-like illness' and similar 'Lyme' phrases from diagnostic discussions.**

I used the phrase "Lyme-like illness" in this motion because I wanted members to understand what it was I was referring to. I note also that a WA-based group has been set up to provide peer support and advocacy for people who are suffering from the condition, and it has adopted the name "multiple systemic infectious disease syndrome", or MSIDS, to reflect the multiple infectious causes and multisystemic nature of this condition. For the purposes of this motion and so that members will understand, I will use the term MSIDS from here on.

I turn to the recommendations of the Senate committee report, which look at increasing research into potential pathogens and their prevalence and also, importantly, their geographical distribution, while at the same time developing an evidence-based approach to treating people who have already been affected. We know the federal government has committed $3 million through a National Health and Medical Research Council targeted call for research, and that is a good start. NHMRC has established a committee of independent scientific experts and consumer representatives to help frame the research question for TCR. However, it is worth noting that there is currently no WA representation on the advisory committee. That is something that I certainly hope can be resolved as we move forward.

Given the potential for multiple-cause agents to be identified with co-occurring infections that might differ across geographic locations, it is going to be vital, as I said before, for WA to be specifically represented in this research. We are quite fortunate in WA because we have considerable expertise in this field already. Professor Peter Irwin and his team work in the waterborne pathogen research group at Murdoch University, and they have already started researching tick-borne viruses. I note that Professor Irwin has observed that the situation in Western Australia is likely to be subtly different from that of the eastern states. For example, paralysis ticks are found over east but not found here, thank goodness. The paralysis tick is part of a family of ticks that are found overseas and are well known to be transmitters of Lyme disease, but we do not know what we are dealing with here in Western Australia.

Although research is clearly important, it is not going to detract from the need to ensure that people who have already contracted MSIDS receive appropriate treatment and access to decent medical care. We also need to ensure the timely implementation of recommendation 9 across Western Australian health services. Recommendation 9 states, in part, the need to —

> **consistently adopt a patient-centric approach that focusses on individual patient symptoms, rather than a disease label** …

Recommendation 6 is also of particular relevance to the states and territories, and calls on the Council of Australian Governments' Health Council to develop a consistent national approach to addressing tick-borne illness. It is imperative that WA comes to the forum with a considered approach on what is needed to best support Western Australians who are suffering from MSIDS.

Undoubtedly, the inquiry findings represent progress; however, the government's response to many of the recommendations demonstrates once again the conundrum that many patients have found themselves lost in—that is, that the government is not going to conduct treatment trials unless a causative agent is found. Likewise, the government argues that it cannot undertake an epidemiological assessment of the prevalence of the condition without the evidence or ability to accurately diagnose uncharacterised tick-borne illness. We can only hope that a significant investment in research will serve to disrupt a vicious cycle.

Prevention also has an important role to play in this space. We know that illnesses acquired through tick bites are ultimately entirely preventable. There is already enough evidence to prompt the government to take a precautionary approach by raising awareness of MSIDS and the best known way to prevent it, even if the exact causative agent has not yet been identified. Professor Irwin said —

> "Over the last 30 years recognition of a 'Lyme-like' syndrome has emerged, the onset of which has been attributed to people bitten by native Australian ticks," … "There have been manifestations of an undiagnosed illness causing significant patient distress, with symptoms presenting in a similar fashion to tick-borne diseases overseas."

Prevention is recognised as a key strategy in overcoming the burden of this chronic disease. The House of Representatives' Standing Committee on Health's inquiry into chronic disease prevention and management in primary health care has already classified tick-borne and Lyme-like illness as a chronic disease within Australia. But due to the low level of awareness about the potential for illness from a tick bite, no prevention strategies are in place in Western Australia. As I mentioned before, the stigma and controversy around this particular illness presents a barrier to community awareness and the coordinated development of prevention strategies.

I urge the state government to take action now to raise awareness of the potential for illness as a result of tick bites and to start conveying messages about how best to avoid being bitten in the first place. We need to ensure that WA is included in the research and that our interests are properly represented. Unlike the federal Parliament, to date there has been little government or political attention on the issue within Western Australia, despite the fact that we know that many Western Australians are suffering. The state government has a role to play to safeguard the health of our constituents and it also has obligations in respect of emerging diseases. These diseases require targeted and urgent responses. We should all have a right to medical care, irrespective of what caused that illness in the first place. We need to ensure that Western Australians will not be at a disadvantage compared with other Australians through a lack of awareness, participation and research or because of a lack of modes of treatment.

We encourage the WA government to pick up on the important work that has been recommended as a result of the federal committee's report and take a strategic approach to this issue to ensure that some formal mechanisms are in place, accompanied by sufficient resourcing, to ensure that our expertise, our operating environment and our geographical context help inform the implementation of the Senate inquiry recommendations. Having spoken to many people within the community, I am aware that one of the first things people seek is information about what the Department of Health intends to do in order to progress this matter, and specifically the structures being looked at in order to ensure that the health department is receiving appropriate advice and guidance not only from researchers and professionals, but also from those people who are living with this insidious illness. I know that this issue would not necessarily be at the forefront of many people's minds but I am sure that many members here know of people who live with this particularly complex illness and recognise that it is utterly debilitating. It is important that we progress work in this area.

HON ALANNA CLOHESY (East Metropolitan — Parliamentary Secretary) [10.48 am]: I thank Hon Alison Xamon for bringing the motion to the house. Both the Minister for Health and the Western Australian Department of Health acknowledge that chronic symptoms of an unknown cause, which is sometimes attributed to Lyme disease or other tick-borne illnesses, have a serious impact on Western Australian residents. Both the minister and I empathise with those Western Australians who have been afflicted with those, as the member rightly pointed out, debilitating symptoms that are similar to and consistent with symptoms experienced by sufferers of what I will call Lyme disease. The member pointed out, in referring to the Senate committee report, the tensions around identifying, naming and labelling that collection of symptoms. I will go into some of that during my contribution on behalf of the government.

We are aware of the ongoing impacts on both health and mental health for people who are experiencing these symptoms and the frustration of not being able to confirm the diagnosis, the source of their affliction or even to establish a clear pathway for treatment and recovery. We understand the impact of these symptoms stretches beyond health and mental health wellbeing and impacts people's ability to study, work and go about their everyday lives. We also understand, as with any major condition, the flow-on impacts on loved ones who care for or rely on those people. We are aware that Australian ticks are important vectors of human disease. For example, we have evidence that they are associated with rickettsial infections, Q fever and the newly described mammalian meat allergy.

As the member pointed out, here in WA we are fortunate to have a world-class research laboratory at Murdoch University that has specialist skills to study tick-related illnesses. Scientists at this laboratory have received government funding to investigate the microorganisms carried by ticks in Australia. After many years of extensive research, neither a causative microorganism nor a vector capable of transmitting classical Lyme disease have been found. Although the formal position of most medical bodies in Australia supports that there is no evidence that classical Lyme disease can be acquired in Australia, I am aware that there are some key reasons that other doctors hold different opinions. Firstly, I am advised, is that the illness is very difficult to diagnose with any certainty from the history and clinical presentation, as these can mimic numerous other conditions. Secondly, there are difficulties in interpreting laboratory tests for Lyme disease. I took the opportunity to read the report, and both of those issues are canvassed at length by the committee. This is why the Department of Health holds the position that laboratory tests should be carried out in an accredited laboratory that uses validated methods. There are many commercial laboratories overseas, and at least one unaccredited laboratory in Australia, that offer Lyme disease tests using assays the accuracy and clinical usefulness of which have not been adequately established. These laboratories are more likely to report Lyme disease tests results that are falsely positive. Upon review and further investigation, these patients are often found to have other conditions. I am informed that some Australian doctors refer samples from their patients for Lyme disease testing to unaccredited overseas laboratories, at great expense to those patients and their families, and promote lengthy treatment courses that are inconsistent with credible scientific evidence. I am advised that although relatively small in number, there is published medical literature showing that

treatments that are not evidence-based have contributed to injury and even deaths of patients. Unfortunately, treatment of Lyme disease with therapies that are not evidence-based can be falsely reassuring to patients who believe that they have a debilitating chronic infection and thus do not seek treatment for other conditions.

Testing and treatment for classical Lyme disease is available in WA by consulting with a general practitioner, and if appropriate obtaining a referral to an infectious disease physician or specialist at any public hospital or in private practice. If tests for Lyme disease are required, they can be ordered by a registered medical practitioner and should be conducted at any Australian state public health laboratory. In Western Australia the state public health laboratory is PathWest Laboratory Medicine WA. All positive tests for Lyme disease from an accredited laboratory such as PathWest will be referred to Westmead Hospital's laboratory in Sydney for confirmatory testing. People who are diagnosed with Lyme disease through this process can access appropriate assistance from an infectious disease physician or specialist at any public hospital.

As the member alluded to, in 2016 the Senate Community Affairs References Committee tabled the final report of its inquiry titled "Growing evidence of an emerging tick-borne disease that causes a Lyme-like illness for many Australian patients". As a result, in November last year the federal Minister for Health, Hon Greg Hunt, MP, responded to the report and allocated $3 million towards funding research, as the member pointed out, into debilitating symptom complexes attributed to ticks. The commonwealth government recently announced that pilot clinics for people with Lyme disease and other illnesses attributed to ticks will be established in other parts of Australia. The location of these clinics will be decided at a national level through the Australian Health Protection Principal Committee, a subcommittee of the Australian Health Ministers' Advisory Council. The operation of these clinics will not be without its challenges, in no small part because of the difficulty in distinguishing this group of patients on the basis of clinical features, or laboratory testing from a large number of other patients with medically unexplained symptoms. But WA Health will monitor closely the outcomes of these pilot projects and will consider the lessons learned. The Minister for Health has asked the Department of Health to stand ready to apply any learnings to improve the lives of Western Australians experiencing these or similar conditions.

Given that the recommendations from the inquiry relate to the Parliament of Australia and the federal government, a response from the federal Minister for Health is appropriate. Although there is limited scope for the WA health minister to act directly on the recommendations of the report, Minister Roger Cook has taken note of the findings and recommendations from the inquiry. The WA health minister is encouraging WA Health to actively seek out opportunities to partner with federal and other state counterparts to ensure we have the most up-to-date science on Lyme disease and conditions that carry similar symptoms to Lyme disease that may be locally acquired. WA Health monitors regular updates and revisions from the federal Department of Health to ensure that educational material on tick bite prevention and first aid remain current. WA Health is also vigilant in adhering to the Australian guidelines for the diagnosis of overseas-acquired Lyme disease—borreliosis.

I noticed that the member also said that the National Health and Medical Research Council committee does not currently have a Western Australian representative on it. I undertake to talk to the Minister for Health and look into that matter to see what we can do about it. WA Health also seeks to participate in relevant medical education meetings and conferences to not only provide input from Western Australian experience, but also inform WA stakeholders on progress being made in Australian research. The commonwealth Department of Health will host such a forum in Melbourne on 18 April 2018 to consider the outcomes of the Australian government's response to the Senate committee report. The federal Minister for Health, Hon Greg Hunt, will open the forum, and state and federal government health officials, medical specialists, and community groups will be in attendance. A representative from WA Health will participate in the forum and report to the WA Minister for Health on key findings and outcomes.

Once again, I thank the honourable member for bringing this motion to the house and for raising this issue. I have pointed to some of the current directions that WA Health is taking in both prevention and research, and I have noted the minister's concern and interest in this area.

HON COLIN HOLT (South West) [10.59 am]: I thank Hon Alison Xamon for bringing the motion to the house today. First, I congratulate the Lyme Disease Association of Australia, which is full of very passionate members, some of whom reside in Western Australia, which has been fighting for this disease to be recognised for a very, very long time. In fact, the Senate inquiry and report would not exist without its hard work and advocacy in this space, so we must congratulate it on that first and foremost.

I have listened intently to the debate and members talking about Lyme disease, but I want to concentrate on the federal government's response and the second part of the member's motion that refers to ongoing engagement within Western Australia. The mover of the motion can correct me if I am wrong, but I think the Senate handed down its report in November 2016.

Recommendation 5 of that report states —

> The committee recommends that the Australian Government Department of Health facilitate, as a matter of urgency, a summit to develop a cooperative framework which can accommodate patient and medical needs with the objective of establishing a multidisciplinary approach to addressing tick-borne illnesses across all jurisdictions.

That was 15 months ago—a matter of urgency! I note that the Minister for Health's representative in this house referred to a forum that will be held on 18 April, but it is not clear to me whether that is being held in response to recommendation 5, which is about the establishment of a framework. The Lyme Disease Association of Australia has been invited to that forum, and I will get back to the timing of that in a minute. However, the heading of the letter of invitation to that forum states —

> **Forum to consider the outcomes of the Australian Government's response to the Senate Community Affairs References Committee final report: …**

We have not even arrived at a point of establishing a framework, but it wants people to get together and talk about the recommendations. That is a good idea and a good first step, but I am not sure whether we have recognised just yet the sense of urgency in recommendation 5. What concerns me the most is that the invitations for this forum to be held on 18 April, which will discuss the inquiry's recommendations on such an important issue, went out only on 26 March. Get yourselves organised, people! The association, people with expertise and state government departments have to get themselves organised to go to the next most important step on this journey. I am very pleased to hear the parliamentary secretary suggest that a representative from the Department of Health will be going—good on her! I look forward to seeing the report that comes out of that meeting, and maybe she might like to indulge us and table that so that we can refer to it in the future. But, seriously, I think it is disappointing that people are being given only three weeks to get organised to go to a summit to discuss this very important issue, given that the Senate inquiry happened 15 months ago. I think that is really disappointing.

Hon Alannah MacTiernan: Which government is in power over there?

Hon COLIN HOLT: The minister knows who it is. She does not need to ask me, unless she has forgotten; I am not sure. I think that is very disappointing.

Hon Alannah MacTiernan interjected.

Hon COLIN HOLT: I am trying to talk about a serious issue. If the minister wants to raise politics, she can do that in her contribution.

I think that how the Minister for Health and the Chief Medical Officer have approached this issue is disappointing. I know that the Lyme Disease Association of Australia is looking forward to any sort of engagement. I am sure it will attend the forum and represent itself very well. It has also requested that some international expertise be in the room—I am not sure how that can occur within three weeks—and that a better way to approach the matter would be by the use of independent facilitators.

I commend the government for sending a representative from the Department of Health to interact at this level. I agree with Hon Alison Xamon when she says that the membership of the standing committee is not adequate for Western Australia. Certainly, the Lyme Disease Association members who reside in this state would like to see that. If we can push for that at the federal level, we should. I thank the member for raising this very timely matter. Again, we need to set up processes to address a matter of urgency that do not take 15 months. It needs to be discussed so that people suffering from these diseases and the Lyme Disease Association are given further ways and outcomes for defining the disease and recognising treatment. I thank the member for bringing the motion to the house and I thank the parliamentary secretary for her contribution.

HON Dr STEVE THOMAS (South West) [11.04 am]: I thank the member for the opportunity to make a few comments on this important issue. I would like to start by making sure that members are aware of the complexity of this disease process, because it is not a simple issue. It has been very easy for people over time to try to make it a very simple issue. Unfortunately, around the world the science and pseudoscience community has made it much more complicated and has probably done us more harm than good. I will read from the introduction to the Australian government's Department of Health fact sheet on Lyme disease. I know that we moved on to a different definition, Hon Alison Xamon, but this helps to describe the complexities of the issue. It reads —

> Australians in the affected community and their healthcare providers and supporters believe this illness is chronic Lyme disease or something similar. However, the concept of chronic Lyme disease is disputed and not accepted by most conventional medical practitioners, not only in Australia but around the world. The likelihood that Australia has an indigenous form of classical Lyme disease is questionable given a causative microorganism with a competent vector is yet to be found. Whether a form of tick-borne human borreliosis exists in Australia is yet to be determined.

The government goes on to say that it obviously recognises classical Lyme disease where it has been adequately tested. We know that it exists in Europe and the US. I will quote a bit of research that came out of Canada. Canada is obviously not far from the US, where Lyme disease has been found, tested and recognised as an endemic disease at this point. This is a 2015 scientific paper by Gregson, Evans, Patrick and Bowie entitled "Lyme disease: How reliable are serologic results?" I will not read the whole thing in, but I want to make a couple of observations from this paper. It states —

> Patients with chronic subjective symptoms without a diagnosis can be vulnerable and desperate for an answer as to the cause of their illness. Giving them a false diagnosis based on flawed testing is misleading.

> Inappropriate therapy based on such results leads to economic, psychological and physical adverse outcomes.

Under "Key points" it states —

> *Specialty laboratory tests have a high rate of false-positive results owing to their use of non-evidence based interpretation criteria, particularly when results rely solely on Western blot analysis.*

Bear in mind that this research paper is from Canada. It continues —

> *Most Canadians who are told that they have Lyme disease based solely on results from specialty laboratory typically have other causes for their symptoms.*

The member was quite sensible in her contribution as she talked about a syndrome that affects a number of people rather than getting bogged down in the debate about Lyme disease and whether it is or is not in Australia. I will try to make sure that members have a realistic view of where this debate is going to go. We are talking about a group of people with an incredibly vague set of symptoms. At this point, medicine is not able to come up with a set diagnosis. What one finds is that someone classically comes along who is very fatigued—that is why chronic fatigue often gets thrown around in the process—has muscle and joint pain generally; and generally feels extremely unwell and lethargic, which often leads on to some mental health issues. Not infrequently it involves headaches and inflammation around the brain stem and the nerves as well, and there are some other bits and pieces. The problem is that there are so many possible causes for that. We may well find when the research is finished in a decade or two, perhaps, that this is a group of people with a whole plethora of causative organisms—some biological, perhaps even some psychological. We may well find at the end of this process that there is not a definitive organism causing a definitive syndrome. What has happened with the Lyme disease component is that there are a lot of people out there who almost certainly do not have Lyme disease but who have a set of symptoms that are similar. Chronic fatigue looks incredibly similar. In many cases, we do not have a definitive cause for chronic fatigue either. What we usually know is that there has been a biological infection of some form. In some cases it may be as simple as the common cold. It gets into a body that is unable to cope with it and the result is that the organism lodges in certain parts of the body. The result of that is these chronic symptoms. In many cases the original organism is never found and there is no chance of doing so because it may be something very common. It may be found that this syndrome of illnesses has so many causes that it will never be diagnosed as a particular syndrome. There may not be a set solution to this. The parliamentary secretary was quite right when she said in her contribution that individual treatments for individual cases are critical to this process. That is absolutely true.

We need to be particularly cautious about that group of people who, in desperation at being desperately unwell for a long period, grab hold of what is effectively a pseudoscience. For close to a decade we have seen a diagnostic process occur in Australia. They go through the classics and look at things that look very similar. Ross River virus and Barmah Forest virus can look very similar. A lot of things look like Lyme disease. They go through a diagnostic process and nothing comes up. Often that is probably because the cause of the virus was a very common one that doctors would not bother testing for. Even if it were tested for now, it might be found that the virus has gone but the symptoms remain because this is a reaction of the immune system to a residual process, which is not uncommon. That is probably why chronic fatigue syndrome is called chronic fatigue syndrome—the causative organism has probably gone many years before, but the body continues to respond as though it were there. Unfortunately, the human body, like a lot of animal bodies, is a pretty imperfect thing. It does not always get it right. If it did, we would not have cancer, diabetes or any of those issues. The problem in this debate is that a group of people desperately grabbed hold of the diagnosis that a very small proportion of the medical profession was prepared to push. They generally did this by using inappropriate laboratories, particularly in the United States, which conducted testing that was not effective, efficient or accurate enough. In many cases, they have been given a diagnosis that is not accurate. That is not to say that work should not be done.

I think that the way Hon Alison Xamon has phrased this motion is particularly good because we are not having a debate about whether Lyme disease is in Australia. I think the member has done a very good job of that. We are having a debate about a group of people with a set of medical symptoms—thousands around Australia who may all have thousands of different causative diseases—and managing that process. I am here today to say that although we accept that these things occur—we could debate for hours on all the causative organisms that might present a chronic fatigue or Lyme disease–type syndrome in a patient because there are a great number of them. The first thing that happens is that everyone says, "They haven't found anything so nothing is wrong with you." The critical thing is that we do not say that nothing is wrong. We need to be cautious that at the end of the process, as we should do with chronic fatigue syndrome, we should not be telling those people that nothing is wrong with them. Their bodies have probably reacted abnormally to some sort of infective organism, although it does not have to be an infective organism; toxins can do a similar thing on occasion. Heavy metals can certainly do something quite similar. The build-up and concentration of lead is an example, as people in Esperance found out when birds started dropping out of the sky. Bear in mind, I understand that Russian toxins can do something similar as well. A whole range of things can deliver this set of outcomes, so we need to be particularly cautious that we do not raise expectations that we will find a singular biological cause for a general set of syndromes that may well have

thousands of individual causes. It is very difficult for members of Parliament and politicians because everybody comes in wanting an answer. I have met with a number of people who are adamant that they have Lyme disease. I have to sit down and go through the process if they have not had a blood test done in an accredited laboratory. I agree that Australian laboratories and Western Australian laboratories should be the place to go, but there are doctors who are prepared to say, "Don't listen to Australian laboratories. We'll find you a lab that'll give you the diagnosis that you want." This debate particularly falls down when the doctor gives in and says, "We'll get you the diagnosis you're after"—enormous damage gets done. I caution that we may never get to a single organism cause. The motion calls on the need for more work, which is great.

HON COLIN de GRUSSA (Agricultural) [11.14 am]: I want to thank Hon Alison Xamon for raising this very important issue for debate in the house. It is absolutely vital that we as a state and a nation recognise the illnesses, debilitation and suffering that people go through because of a Lyme-like disease or Lyme disease itself. For me, it is important out of this debate, first and foremost, that there is recognition, as well as research and treatment options available for people. To give a bit of context, I will share a story that was sent to me yesterday from a friend of mine in Esperance. I will share that story about her Lyme journey. It states —

> My name is Nathalie … I am 46 years old and live in the small country town of Esperance. I started having some weird symptoms in February 2016—including fatigue, dizziness and not being able to think straight. These symptoms were so strong and distinct that I knew something was very wrong, as I had always been fit and never having any health issues before.
>
> I went to 3 local Doctors and received 3 different diagnoses:
>
> 1. Chronic Fatigue Syndrome
> 2. Fibromyalgia
> 3. Depression.
>
> These diagnoses were provided without any further testing, any differential diagnoses, nor were I given any referrals to any specialists and the only treatment options I was given anti-depressants.
>
> These diagnoses didn't feel right to me, mainly because these diagnoses came from very limited discussion, limited testing and very limited investigation, also it did not match my history—I have never suffered from any mental condition before nor any physical ailment—In fact, I was a triathlete and marathon runner. I felt more like these doctors were only trying to fit me in a box where they could justify not helping me out further because they did not have any idea.
>
> Only by chance, posting on a facebook about my health issues, another user said that my symptoms sounded like they could be … lyme like she had and I should see a Lyme Literate MD and get tested.
>
> I looked for such a doctor, only to be shocked … that only one existed in Western Australia—and his patient waiting list was 6 months. Luckily, I got in fairly quickly due to a cancellation.
>
> Finding such a doctor without help would have been virtually impossible and since talking to other Lymies I have found that on average it takes people 9 years to find such a doctor and I know many people that have been sick with Chronic Lyme for over 20 years before they were diagnosed. The thought that this could have been me also horrifies me.
>
> In April, —

In 2016 —

> this doctor sent my blood for testing at NATA accredited Australian laboratory (St John of God) and a well-known accredited German laboratory.
>
> My blood came back with a positive ELISA IgM (known to be a very poor test) and a positive Western Blot IgM for borrelia—the Lyme bacteria, from the NATA accredited Australian Laboratory.

Nathalie tested positive to *Borrelia*, which is known as the Lyme bacteria, in an accredited laboratory. Her story continues —

> Much debate has been had on where I contracted Lyme, with one possibility being Peru many years ago, triggered by the stress of when I gave birth to my son and over exercising—as there is no consensus on that it can be contracted in Australia. However, I have now meet many people that have not left Australia that have also been diagnosed with Lyme.
>
> However, it does not seem to matter whether I did get bitten overseas or not as when I go to hospital, if I mention that I have Lyme, I am subjected to not being treated properly and getting treated like I have a mental condition—with the doctor using his time to argue the fact of whether Lyme exists rather than to treat me. They never ask where overseas I got bitten—they just argue that I can't possibly have Lyme because it doesn't exist in Australia.

> My current treatment is long term antibiotics, but I am looking into overseas treatment because I know of people that have recovered by doing Hyperthermia (in Germany), Hyperbaric and Ozone treatment.
>
> Chronic lyme symptoms are constant they do not "give you a break"—having Chronic Lyme is like having my life stolen away and having to fight to get it back every second of the day and night, while still trying to be a mum to a 4 year old and a wife AND while having to constantly convince people you are really sick.
>
> Since little is known about Chronic Lyme in Australia, I don't get the understanding and support I need (that other seriously ill people get) to cope and fight this illness.
>
> I know I am not as sick as other Lymies but I am still scared.
>
> I am scared for my future — I don't know if I will get better, even with access to antibiotics, and I don't know if my doctor will be targeted … banned from treating Lyme disease (which happened to a number of other doctors in Perth …
>
> I am scared that if I need to go to the hospital that I won't receive proper treatment (I know many Lymies refuse to go to the hospital regardless of how sick they get due to previous bad experiences).
>
> I am scared that I will run out of money treating this disease.
>
> To know so many 1000s of other people are suffering from Chronic Lyme in Australia without basic recognition and support from the Government and health departments is unbelievable and certainly unconscionable.

That is one story. Obviously, there are thousands more. One of the most interesting points that Nathalie made was that she tested positive for the *Borrelia* bacteria through a National Association of Testing Authorities–accredited Australian laboratory but still cannot get treatment.

Hon Dr Steve Thomas: You did say that it was a Western blot test though, didn't you?

Hon COLIN de GRUSSA: A Western blot test, yes.

Hon Dr Steve Thomas: The scientific papers say they are quite unreliable.

Hon COLIN de GRUSSA: According to the research I have looked at, it is recognised as the most reliable test.

She was diagnosed with that bacteria and still cannot get treatment. I listened intently to what the parliamentary secretary said in her contribution about how other tests would be done. There may be a pathway for this person and perhaps we can have a discussion about how she might be able to get some treatment.

I again thank Hon Alison Xamon for raising this very important debate that we need to have. I hope that we can, as a Parliament, encourage this government to take an active role in investigating Lyme disease and Lyme-like illnesses.

HON ALANNAH MacTIERNAN (North Metropolitan — Minister for Regional Development) [11.21 am]: I also want to thank Hon Alison Xamon for raising this issue. I think it is interesting that the three members opposite who have risen have all been country members because this condition seems to differentially affect people from regional areas. That tends to lead one to think that it might be something coming from their specific environment that causes the set of very alarming symptoms that so many Western Australians and Australians are experiencing.

I was in federal Parliament when this issue emerged, which led to the referral to the Senate's Community Affairs References Committee. As Hon Colin Holt said, the work of the Lyme Disease Association of Australia is pretty extraordinary. I have met people from across Australia who are involved in this group and one of the things that absolutely impressed me is that we are talking about highly intelligent people. One of the themes that comes through that really disturbs people who suffer from this condition is an implication that they are somehow troubled individuals who have mental illnesses and who are seeking to look elsewhere for a cause of their emotional and perhaps psychosomatic conditions. In my experience, the group is made up of almost extraordinarily exceptional people. Maybe these are the ones who get involved in the association. A young fellow, the son of a friend of mine—Louis Marchant —

Hon Alison Xamon interjected.

Hon ALANNAH MacTIERNAN: I think he might have some association with the member's team, although I do try to get him to move across to the side of rightness!

Louis and his uncle were tarping in Cunderdin, I believe it was. When they came back from the weekend, they thought they had several tick bites. Some weeks after, they both started to develop the classic symptoms that were described by Hon Dr Steve Thomas—lethargy and pain—and the extraordinary thing is that this has endured for years. The story that was set out by Hon Colin de Grussa seems to be the standard experience for people who present to their general practitioners with these sorts of conditions.

While I was in Canberra, I had a policy of employing ex–Western Australians who were at the Australian National University to do part-time work and I employed an incredibly smart young guy, who was an intern. He revealed that he had had Lyme disease following a camping trip when he was 12. He was bedridden for four years. He could not go to school but, obviously as testament to his incredible intellect, when he finally went back to school he managed to do extremely well and excelled in his final year of school and is completing his degree at ANU. These are extraordinary people. They are not people who are looking about for some reason to explain why their life is not going well. I urge us not to trivialise this.

I understand totally that this is a challenging issue in a scientific sense. It has certainly been very, very difficult to find the *Borrelia burgdorferi*, which is associated with European Lyme disease. It is possible that our ticks have an entirely different set of bacterium that is capable of engendering this problem. When I was in the federal Parliament, one of the things that fed into the response from the federal government and that the parliamentary secretary referred to was a team of scientific researchers from Murdoch, Curtin and Sydney Universities, led by Professor Peter Irwin of Murdoch University. They investigated, among other things, whether Australian ticks carried organisms that can trigger Lyme-like diseases. It is quite interesting because they were looking at that particular form of *Borrelia*, which is classically associated with this condition in the northern hemisphere. However, it is important to note now that people are thinking that it is probably not just one particular bacterium but that a cocktail of bacteria is involved, and it has led to this definitional issue.

The research team conducted 196 tests on ticks, mainly from the northern beaches of Sydney. They found no evidence of the *Borrelia* but one tick carried a single isolate of *Borrelia* bacteria, which is linked to relapsing fever. They were not able to give a clear idea of the significance of this, but this isolate of *Borrelia* is linked to "relapsing fever Borreliae", which includes all the symptoms we have spoken of—fever, lethargy, myalgia, photophobia and facial palsy. I guess we are seeing in science much of our Australian biome, which, of course, is an issue in agriculture. How well do we really understand our Western Australian soils; how well do we understand the microbial life here? I see my good friend Hon Jim Chown getting upset because I am saying let us have a look at some of these micro rhyzobius that exist in our soil and see what are the benefits of them to farming. We might not have to pay chemical companies large amounts of money; we might have something already here that we could utilise. It is really very important that we keep our minds open to this. We should certainly not typecast people who genuinely present with these symptoms as suffering from some sort of mental health problem.

I am really pleased that the research is continuing. We certainly do not have the answer. It may well be, as Hon Dr Steve Thomas said, that we might never find the answer, although looking at the huge amount of scientific data and the rate at which analysis is done leads me to some optimism that at some point we will find the Australian cocktail involved.

Motion lapsed, pursuant to standing orders.

McGOWAN GOVERNMENT — LANGOULANT REPORT

Motion

HON MARTIN PRITCHARD (North Metropolitan) [11.30 am] — without notice: I move —

> That this house congratulates the McGowan government for responding positively to the Langoulant report by implementing major changes relating to governance arrangements, decision-making and accountability processes to ensure that —
>
> (a) we learn from the mistakes of the past; and
>
> (b) strong attention to financial management is the fundamental principle for all future governments.

As this state moves towards $30 billion-odd worth of debt, heading towards $40 billion, there is obviously a massive problem, I congratulate the Premier for setting up a special inquiry into the issues that contributed towards this massive debt. I thought the Premier's selection of inquirer was particularly good. Last week, I said that I had had an opportunity to meet with Mr John Langoulant. He and his CV particularly impressed me, he being a former Under Treasurer and CEO of the Chamber of Commerce and Industry of Western Australia. That probably made him a strange choice by a Labor Premier, but I thought it a particularly good choice. His unique skill set made him the ideal person to lead this inquiry.

Last week, a motion was moved on royalties for regions and the Langoulant report. During that debate I was reasonably animated on the issues around that. During the debate it was said that it is important for this government to focus on what it can do to try to remedy those problems, rather than focus on what the Barnett government did. Not only can we walk and chew gum at the same time, I am pleased to say, but it is particularly important that we do. The quote is: "Those who cannot remember the past are condemned to repeat it." This state certainly cannot afford to do that. We need to learn from mistakes, and for that reason we need to understand the mistakes made by the Barnett government and act upon them. I will talk about some of the steps being taken in light of the Langoulant report.

I will particularly focus on something I have never been involved with—the cabinet process. I think many of the Barnett government's problems resulted from dysfunction within the cabinet. I will focus my contribution in that area. But before I do, I will talk about part of the report that explains a little why, during some members' statements last night, members on this side rolled their eyes a bit. I stress that the two members who raised during members' statements concerns about question time are new members of this place and certainly were not part of the Barnett government. I have been a member of this place for three years. During the two years the Labor Party was in opposition, the Barnett government used the term "commercial-in-confidence" quite a lot. I now want to quote from the report of the Langoulant inquiry. The "Special Inquiry into Government Programs and Projects: Final Report Volume 1" states at page 84 —

> Commercial-in-confidence is often used as a reason for not sharing information about government contracts or projects.
>
> This reference is relevant to many cases in recent times. In the event that a Minister decides not to provide information to Parliament, he/she is required to inform the Auditor General accordingly. This then triggers the Auditor General's obligation to provide an opinion to Parliament.

The next paragraph is particularly relevant —

> Up to the end of the 2016/17 financial year, there were 148 such notices received from Ministers. The Auditor General issued a negative opinion for 62. In other words, the Auditor General believed that over 40 per cent of the ministerial decisions not to release information to Parliament were inappropriately made. For the Western Australian Government's report card on transparency, this must surely constitute an unacceptably low mark.

I encourage members opposite to continue asking questions. I certainly hope that on this side of the chamber the words "commercial-in-confidence" are not used any more than is absolutely necessary. As I have said, during my first two years in this place, the Barnett government certainly used those words a lot. Yesterday, a question without notice was asked that must have taken up more than one page with the lead-in and then the question. That does not help the situation.

I now turn my mind to cabinet. I will quote small snippets from the Langoulant report, but there are obviously a lot more things in the report that I could quote. The final report volume 1 states at page 65, under the heading, "Cabinet—key findings" —

> 4. The breakdown in control over the budget process saw a rapid pace of recurrent expenditure growth develop from early in the first term.

I keep banging on about the recurrent budget. That is where I believe the problem lies. My time is limited, but, if I have time, I will get onto spending on projects. That is one thing. The Barnett government built into the recurrent budget obligations that will extend well into the future. That is why state debt is continuing to grow. I see that as the major problem.

The report continues —

> 5. Cabinet did not enforce—and quickly lost control of—the quality of financial information contained in Cabinet Submissions, especially those dealing with Royalties for Regions projects.
>
> 6. Cabinet required to consider and approve all new spending proposals but did not enforce the rule that spending proposals be supported by business cases. Further, many business cases were flawed, some without any defined investment activities and most with inadequate risk assessments. Cabinet's authority was diminished these actions.
>
> …
>
> 9. The disregard of Treasury's warnings of future risks to the budget based on the budget's forward estimates contributed materially to the State's current financial position.

I think I will run out of time, so I will get to the theme of my concern and to what this government is doing to try to resolve these issues. I want to give members my view of what happened in the two years of the Barnett government when I was on the opposition benches. I do not know what happened in cabinet, but my belief is that Colin Barnett was so dominant in cabinet that he reduced the Treasurer and Treasury positions to little more than nodding to them. I think that led to the Treasurer's position not being taken as seriously as it needed to be.

During that time, we had Troy Buswell, Colin Barnett for 231 days and then Christian Porter. Another concern with Christian Porter being in the Treasurer's position is that that was the time when I believe Colin Barnett and Christian Porter developed this action plan to spend without regard for the future to put pressure on the federal government to change the way in which the GST is formulated, because blind Freddy could see that the GST was going to reduce. That was reported in the newspaper and that is the belief that I have. Colin Barnett returned for 25 days and then Troy Buswell returned for one year and 246 days, and then we had Colin Barnett for seven days

and then we finally had Mike Nahan for three years. I believe the Treasurer's position was diminished. With such a formidable Premier, and with the positions of the Treasury and the Treasurer being so diminished, I think that led to the breakdown of the processes that should normally occur within cabinet.

As I indicated, I do not particularly have concerns with the decisions about spending on projects because, at the end of the day, there is some infrastructure in place. Obviously, I did not agree with all the decisions about infrastructure. For instance, I was supportive of a cheaper version of the stadium, but having spent the money, we now have a very good stadium and I certainly am looking forward to going there one day and enjoying it. I do not want to be overly critical of the decisions that cabinet made, even though in many cases there were not good business cases and Treasury had been diminished. I do not want to be overly critical of the spending in that way. What I am critical of is building up the recurrent budget—the one that we had to pick up. That is the biggest pity and what is leading the state towards possibly having $40 billion worth of debt.

I am very pleased to say that Hon Ben Wyatt is held in very high regard and is a very strong voice of reason on spending. Even though the Langoulant report has only recently been handed down, the Premier and the cabinet have already turned their minds towards making sure that the cabinet processes return to what they should be. I want to read into *Hansard* the three key recommendations on page 67 that have already been implemented. Recommendations 5, 6 and 7 on that page have been accepted by this government. Recommendation 5 refers to the requirement for agencies to adhere to the 10-day rule for cabinet submissions to ensure adequate consideration of proposals by cabinet and relevant departments. For those who are not in cabinet, there are 10 days during which the different agencies are meant to speak with each other and Treasury is meant to look at the projects. That is all to be done before the submission comes before cabinet, and that is commonly referred to as the 10-day rule. Recommendation 6 states —

> Departments must consult with Treasury early in the process of preparing Cabinet Submissions with financial implications for the State.

Of course, that is what always should happen. Treasury should be key to spending in the state, and I am very pleased. I believe Ben Wyatt will make an extremely good Treasurer. Recommendation 7 states —

> All submissions with a financial impact for the State must be submitted through the Expenditure Review Committee.

Which is a subcommittee of cabinet that focuses on this area. The recommendation continues —

> No submission with a financial impact should be allowed to go to Cabinet without an Expenditure Review Committee decision.

These are just some of the recommendations, and many more will be implemented by this government to make sure we get back to a situation in which not only the decisions but also the processes leading to decisions are right. I do not believe all the decisions of the previous cabinet were bad decisions, but I believe there was a massive breakdown in the processes that could have ensured that all the decisions were good. That is the concern I have and I congratulate the Premier on taking up the recommendations of the Langoulant report and bringing the state back into surplus.

HON PETER COLLIER (North Metropolitan — Leader of the Opposition) [11.45 am]: I like Hon Martin Pritchard; he is one of the good guys on the opposite side and I have a great deal of respect for him, but I cannot agree with this motion, I am sorry. There are elements of it, of course, that I agree with, and I have no problem with some of the recommendations of the Langoulant report. If we can improve the processes of government, particularly with regard to procurement and transparency, anyone is going to support that, especially someone who has been in government for as long as I have. But there are elements of the motion that I do not agree with, including the first part—that this house congratulates the McGowan government for responding positively to the Langoulant report—because, quite frankly, there has been very little evidence of the government's so-called transparency and improvements in procurement and organisation, et cetera. In fact, a litany of issues shows that this government is really off on the wrong foot. I am going to go through a number of them. Unfortunately yet again, because we have only 10 minutes in these debates, I will leave most of my comments to my contribution to the budget debate, in which I will have unlimited time, so people can bring their knapsacks, because I can tell members I am going to be on for hours on that. I have no problems whatsoever talking about the Langoulant report. I am not critical of the Langoulant report; it provides some very good suggestions, but I will be making far more comprehensive comments on it.

We need to look at whether the government is receptive to one of the key recommendations, for the establishment of a parliamentary budget office. Apparently the government does not want that. It certainly does not want the opposition coming in and scrutinising funding. I have asked questions in this place and have been through this at length, as have a number of my colleagues on this side of the chamber and on the crossbench with the National Party and Greens, and we have been handballed from pillar to post, particularly, for example, on business cases for projects. There are no business cases for projects and no procurement processes in a number of cases.

We have a list of all the projects and it does not read positively for the government. The government can throw stones, but ultimately when it throws mud, it digs a hole for itself, and it is doing exactly that now.

I will raise a couple of things. Ultimately, scrutiny and transparency always comes back to the Parliament. We are the upholders of transparency and scrutiny. There is no evidence whatsoever of corruption on the part of the previous government—I want to make that perfectly clear. We have to make sure that that is retained. There have been a few little minor hiccups for the government, including one that I went over forensically. It took me dozens and dozens of questions to get to the end of it, and that was the ministerial car issue. I had to ask no less than about 20 questions on that. We had ministers who were double dipping; they were getting a car allowance plus a ministerial car. One would think that that would take one or two questions, but as I said, I asked dozens of questions. I have been over this forensically in a previous debate. Finally, it worked out that eight ministers had double dipped, including the Leader of the House, Hon Sue Ellery. They got an extra $5 300. Did they pay it back? No, they did not. As I said, we have to be very mindful that what goes around comes around.

I wish to touch on the Labor Party's parliamentary performance, when it found it did not have complete control over the Parliament. After the election, it was about 50–50: the centre right had around 50, and the centre left had around 50. The Leader of the House thought that she had 18. She was counting the Greens; she thought she had them in her pocket so she tried to get one of our guys to be President. It did not happen, of course; we did not go weak at the knees. It got Hon Kate Doust, who is a phenomenal President. The Labor Party has been glowing about having the first female President, after all the time it spent trying to get one of our guys to do it.

I turn to Local Projects, Local Jobs. Have there been any business cases for any of those dozens, if not hundreds, of projects? Not at all. An amount of $39 million was allocated. I wonder what Mr Langoulant thinks of that. Are we congratulating the Premier for that—for that open transparency? Of course not.

I have to deal with a number of other issues, one of which is Carnegie Clean Energy and the wave energy project in Albany. We are digging deep on that one. It is beyond me how on earth the Labor Party can spend $16 million on a one-megawatt wave power plant when we spent $12.5 million on a five-megawatt wave energy power plant on Garden Island. A lot of processes are not being followed. I would have loved to have been in the cabinet room when the decision to give that money to Carnegie was made and ministers were asked whether there was conflict of interest and no minister put up their hand. "There is no conflict here." I am watching the pigs fly around because if there is no conflict of interest on that contract, there is no conflict of interest on anything.

I would like to finish on an important issue because it is symptomatic of the issues that I have. As I said, I take on board the intent of the motion but, in reality, I do not think government transparency exists, although the Labor Party is congratulating itself on its transparency. Let us look at the tourism numbers. On 14 March 2018, the Minister for Tourism was asked a question without notice by Libby Mettam, the member for Vasse, in the other place. She stated, in part —

> ... showing WA international visitor numbers are in freefall against national trends and the tourism industry's subsequent scathing attack on the government.

The minister replied, in part, during a lengthy tirade —

> ... the numbers increased by 52 417.

At the end of his question, he said —

> We are fixing the mess that we inherited from the previous government.

He was on script there—back to his Labor Party speaking notes—saying that it had no option but to fix the mess left by the Liberal–National government. At least he is holding firm on the speaking notes. On 15 February he made a ministerial statement, which read, in part —

> I am pleased to report that the campaigns, created with $2 million, resulted in 52 147 bookings during the campaign period. The money spent by these additional visitors represents a significant contribution towards our goal of economic improvement and job creation. That is why this government has committed $425 million for destination marketing and event tourism over five years to increase visitation.

He said there were an additional 52 147 bookings, so he stated that. When the figures came out, showing that there had been a decline in the number of visitors, I thought, "Hello, hello, hello; there's something not quite right here", because the figures had gone down. Yesterday I asked the minister quite specifically —

> I refer to the international visitor survey results released by Tourism Research Australia …

They showed that the figures in Western Australia, which were the lowest, had fallen from 965 900 visitors to 947 000 in September 2017. I asked him why he said there had been an increase of 52 000. He tabled a draft ministerial statement from Tourism WA. He said that he did not specifically mention international visitors. Rubbish! That is wrong. The question specifically asked about international visitors. Libby Mettam said, "WA international visitor numbers". She was quite specific. It is in *Hansard*. Have a look at this, guys. In the draft

ministerial statement that the minister received, he says it resulted in 52 147 bookings during the campaign period, not additional bookings but bookings. The actual figures from international visitor surveys show that every year after 2009 the number of international visitors increased. They in fact decreased last year; they decreased by over 18 000. There is something very, very suspicious about these figures. The article in *The West Australian* today titled "WA tourism worst in the nation: Analysis reveals true extent of industry mire" states —

> WA Tourism Minister Paul Papalia said the state of the tourism sector was a direct result of inaction by the previous Barnett government.
>
> "We knew when we took office that tourist numbers had collapsed," he said.

It is not about collapse. He told the chamber down there that they have increased and now he is saying they have collapsed. He cannot have it both ways. He cannot say they have increased one day and decreased another day. Again, it shows a lack of transparency. If the government members want to come in here and prophesise and moralise about being great on transparency and congratulate each other all the time, they should make sure to remember that we are keeping an eye on them and their track record is appalling. At this stage their answers to questions are vague or just a handball and this stuff with these tourist numbers has long way to go. As far as I am concerned, that minister has a lot to answer for.

HON Dr SALLY TALBOT (South West) [11.55 am]: I want to support the motion moved by my colleague Hon Martin Pritchard. I do not know whether the honourable member who moved the motion was able to gauge the reaction he was getting from members sitting on the opposition benches while he was speaking, but for his information they were terribly interested when he was talking about the role that former Treasurers had played in their misreading of royalties and all the information that they were getting from their own department, the Department of Treasury. They were very interested in all that, because clearly they had not read that section of the Langoulant report. They were absolutely mystified about where Hon Martin Pritchard might have got that information from. Those of us who got further than page 1 of the Langoulant report know exactly where that comes from, and I know Hon Martin Pritchard will be very happy to provide members of the Liberal Party with the references in the Langoulant report to remove that air of mystery they have every time we talk about former Liberal Treasurers and the wreckage that they created for this state.

However, I have to say that when Hon Martin Pritchard moved on to the substance of the motion, which was about the changes that the McGowan Labor government has made, particularly to the management of royalties for regions, opposition members glazed over. I am sorry to tell Hon Martin Pritchard that even his rhetoric could not stir them to action. They glazed over because they know nothing about proper cabinet processes. I can assure this chamber that we will not let the previous ministers who sat around the cabinet table and presided over such a catastrophic situation for all those years off the hook. That means Hon Peter Collier, who just addressed everything that was obviously on his mind. We know what is on his mind because he is up and down all the time talking about these things. The reason it takes Hon Peter Collier so many questions to get answers is that he does not understand the information he gets, so he has to come back again and again. He wants to just try listening; he wants try to do a bit of reading on the subject. He gets the answers and he is not happy with them. It is the old story, as was referred to yesterday in this place: members might not like the answer they get, but that is the answer. I urge Hon Peter Collier to do a bit more work on the subjects he is trying to get information about.

We will not let Hon Donna Faragher off this hook. She sat around that cabinet table as Minister for Environment in the first couple of years of the Barnett government, from 2008 to whenever it was, and the information that went to cabinet at that time is all in the Langoulant report. If Hon Donna Faragher does not have the time and energy to read to Langoulant report, for goodness sake she should download the electronic copy and word-search for her own name, because she will find references to previous practices that went on in that cabinet room that just cannot be contemplated anymore. That is why I think that the first part of Hon Martin Pritchard's motion about learning from the mistakes of the past is the key to the way that this government, the McGowan Labor government, will conduct itself from now right through to the next election and through periods of government after that until the cycle changes. We will never resile from our key responsibility to the Western Australian community to put robust changes in place to make sure that every single dollar of taxpayers' money that is spent goes into areas that benefit the community. That is the key lesson that the Liberal and National parties forgot. Whether they even learnt it in the first place is a bit of a mystery to me. If a government has learnt that lesson and understands that it is dealing with taxpayers' money, it could never walk away from those good practices that have now been very clearly outlined for us in the Langoulant report. Unfortunately, for eight and a half very long years, the Liberal–National government watched all the numbers turn red and the graphs change year by year. Hon Peter Collier tells us that we have to look forward to his response to the budget speech. I can tell members that I am looking forward to it very much because I want to know whether a minister who sat around that cabinet table for eight and a half years understands what solid budget management looks like. That is what we will be looking for from Hon Peter Collier when he responds to the budget speech. The problem for that whole eight and a half years was that that mob over there spent the money as though it was theirs. They forgot that the money belonged to the taxpayers of Western Australia. They spent the money as though it was theirs. They bankrolled their pet projects, they cut

corners and they found ways of going around Treasury. Remember the old Keating adage that a person should never get between a Premier and a pot of money? What about defying the processes of Treasury? Is that a lesson that members opposite have learnt now? They cannot get away with that in a modern, democratic society, and yet they tried it on. It is outrageous that for eight and a half years we saw all this carry on and lack of proper process.

I want to stress again that for me the most important part of Hon Martin Pritchard's motion is that we learn from the mistakes of the past. I am very sorry to say that it is clear that most members of the Nationals WA have not read beyond page 1 of the Langoulant report. When Hon Martin Aldridge responded to the motion I moved in this place two weeks ago, he drew our attention to a very important sentence at the opening of the Langoulant report on page 1, which states —

> The program itself —

That is royalty for regions —

> led to one of the most profound changes ever to occur in regional development across Western Australia. Many good programs and projects have occurred under the umbrella of this policy.

That is the key statement. That is the explanation for Labor's consistent support for the royalties for regions program. That is the reason Labor in government has committed to continuing the royalty for regions program. Indeed, the one recommendation of the Langoulant report that we are not going to adopt is that the cap be abolished. I know why Treasury does not like it. We all know why Treasury does not like it, but those of us who understand regional Western Australia, which includes the Labor Premier of this state, know that we do not need to change the legislation because that legislation, as it was passed by this Parliament in 2009, is good legislation. I absolutely endorse the comments made by Hon Martin Aldridge when he read from about page 1 of the Langoulant report. Royalties for regions is a good program. That is why Labor will keep it and that is why Labor will own it. Unfortunately, there are another 999 pages of the Langoulant report and that is where members of the Nationals get into trouble. If they are ever going to say in this place that they have learnt from the mistakes of the past, they must read those 999 pages, because that is where they can find out what went wrong.

As members know from my comments a couple of weeks ago in this house, I went back and looked at the debate in 2009 when the royalties for regions legislation passed through this place. I wanted to find out whether at that stage we were just happy with what was being laid on the table. Remember, we already had the outline of royalties for regions, so I wanted to see whether the debate, which I remember went on for a considerable time, went into any details. Indeed, I found that Labor members in both this place and the other raised a number of concerns about how royalties for regions was going to operate. I then found these comments that I will put on the record and then tell members who said them. This is the quote —

> I have been somewhat offended by the notion, which has some political carriage, I suppose, that this is a slush fund for the National Party and that we do not care about how we do things and are throwing money around like confetti. That is impossible to do. We cannot do that. We have a very robust system through cabinet, the Expenditure and Economic Review Committee and Treasury. Business cases need to be developed so every single dollar that has been identified as royalties for regions funding has gone through. There is nothing in royalties for regions funding that has not been 100 per cent endorsed by the Premier, cabinet and Treasury and every member on this side of the Parliament. That is as it should be.

I think Hon Mark McGowan could lay claim to that quote, and I and every single member on this side of the chamber would believe him, because that is his commitment. Unfortunately, it was the broken promise by Hon Brendon Grylls.

HON JACQUI BOYDELL (Mining and Pastoral — Deputy Leader of the Nationals WA) [12.06 pm]: I thank Hon Martin Pritchard for bringing the motion to the house today. On the back of the last two weeks' discussion around transparency in government and the Langoulant report, it is good that for the third week in a row royalties for regions and regional Western Australia seem to be a priority of this government. The unfortunate thing about that is that the actions of this government in regional Western Australia say otherwise. The government can pontificate all it likes about how much it supports transparency in government and how much royalties for regions means to the Labor Party, but the fact is that is actually not the reality on the ground in the electorates of the people I represent. I also find this motion interesting, given the member's contribution last week when we asked the house to refer the $39 million "cash for votes" fund—the Local Projects, Local Jobs fund—to the special inquirer. I said last week that if this government were actually serious about transparency and governance, it would refer that program to the special inquirer. The member said last week that I was playing games in this house and that I was politicising an issue. Really? I find that statement incredible, because this is not a game—this is about transparency of government—and then the member brings this motion to the house today for discussion. Is that a political game? I ask the member that question.

It is our job in opposition to scrutinise the government's decisions. I take that job seriously, as do all members of this house. I welcome the opportunity to discuss the transparency of government and what governments should be doing with taxpayers' money. I welcome the Langoulant inquiry. We have said all along that the National Party

always supported a review of the royalties for regions program to ensure that its legacy and longevity is always important to the National Party. That is why it was legislated for. This is not a political game, it is about creating a legacy in regional Western Australia, unlike the Local Projects, Local Jobs fund, which has received an enormous amount of scrutiny from the media and this house about how taxpayer funds are being spent.

Quite rightly, the Parliament should be asking those questions. In my view, it is a shocking abuse of taxpayer funds. That has been evident in the discussions we have had in this house and by the questions the opposition has continued to ask the government around the transparency of, and decision-making for, that $39 million. We will continue to do that, because it needs to be justified. That problem will not go away for members of this government. It will continue to be a black mark on the government until it actually takes some steps to provide some transparency around that fund. That is your job, Hon Martin Pritchard, as a member of the backbench of this government. Hon Martin Pritchard needs to ensure that his cabinet is making decisions that are transparent and in the interests of regional taxpayers. I heard him say a whole lot in his contribution. He reflected negatively on decisions made by the former cabinet, but he is not even a member of the current cabinet. Hon Dr Sally Talbot has never been a member of a cabinet either. I do not understand how the member could reflect on decisions about which he knows nothing.

Hon Alannah MacTiernan interjected.

The ACTING PRESIDENT (Hon Robin Chapple): Members, order!

Hon JACQUI BOYDELL: No, I have never been in a cabinet.

Hon Alannah MacTiernan interjected.

The ACTING PRESIDENT: Order! Thank you. We were doing quite well for a minute there.

Hon JACQUI BOYDELL: Thank you, Mr Acting President. I was about to say, before I was rudely interjected upon, that I have never been a member of a cabinet and I would never seek to reflect on any internal processes or decisions that a cabinet has made. My job in opposition is to look at the facts—that is, the reality on the ground—and to say that I do not think the government is fulfilling its own ideals around transparency in government. We were told that a rolled gold transparent government would be delivered to the people of Western Australia. That is a great aspiration. The government should continue to aspire to that, because it has not fulfilled that promise to date. Given the answers we have had in this Parliament and the discussions we have had over the past two weeks and even today, I think the opposition has done a great job in establishing that these projects went through cabinet through the Local Projects, Local Jobs fund with no business case, no scrutiny, no application process, no tender process and no idea of how the impacts of that funding were going to be determined, measured or accounted for on the ground.

I go back to the motion—we learn from the mistakes of the past. How exactly are government members doing that? What have the decisions the government has made shown us? They are the questions we are asking. How is the government doing that? I would really like to know. I find it amazing that during the debate on the Local Projects, Local Jobs fund last week and again this week, there has been no admission from the government that a better process could have been run for that fund. There is the opportunity to refer it to the special inquirer and to learn from the mistakes of the past 12 months. The Local Projects, Local Jobs fund is no way to deliver transparency and accountability of decision-making in government. I am not the only one who is saying this. People have called in to radio programs and have said, "Well, we got $20 000 but we actually don't know what we got that for. We are happy to have it, but we're not sure why we got it." How many other projects were given taxpayer funds with no real reason or justification of need? That has even been recognised by those organisations. The minister announced $7 million for the Kalumburu pool in my electorate. They do not want a pool! Whose idea was that? Is that still fixed? The community does not know. If that is justification for transparent decision-making and engagement with the community, it is a very sorry representation of how this government will seek to deliver taxpayer funds in the future. It is a really big problem for this government, and I hope that it learns from its mistakes and finds a better path forward as we head toward this year's budget. Last week, I asked the Minister for Regional Development whether any business cases had been received for the Local Projects, Local Jobs projects funded by royalties for regions. She could not answer the question! If she were across her portfolio at all, she would have known the answer to those questions. The Premier himself said that each project went through a rigorous evaluation process. I do not understand what this government determines to be rigorous and transparent. That is a real issue for the people of Western Australia. I suggest that the Minister for Regional Development look in her own backyard before she starts reflecting on the decisions of the last government, and learn from the mistakes that are currently being made by this government.

HON TJORN SIBMA (North Metropolitan) [12.16 pm]: Before I left for Parliament yesterday morning I happened across the *Today* breakfast television program, which ran a small segment on the American comedian Bill Murray. Members might know that Bill Murray is famous for the movie *Groundhog Day*. I reflect on the fact that in the last three weeks in private members' business Labor members have seemed utterly obsessed with bringing forth motions about the Langoulant report. They are variations on a theme, but they seem to be obsessed

with this report and do not seem to be able to speak to any other matter of significance. I wonder why that is. One answer to that question might be that there is no significant accomplishment that this government has undertaken in the last 12 months that merits a self-congratulatory motion in the way that this motion is put. The obsession of members opposite with the past reveals their utter stultification in the present and the fact that they have no tangible practical plans for the future of this state. They have none! Otherwise, they would let it go. I reflect on the contribution made by Hon Dr Sally Talbot, who appears to have spent the better part of the last five or six weeks doing nothing other than poring through the Langoulant report.

Hon Michael Mischin interjected.

Hon TJORN SIBMA: Perhaps so.

I do not know whether the honourable member has made it to the end of that report, but reading the report is one thing and comprehending the recommendations of the report is an entirely different matter. I do not think that members opposite have understood the implications of accepting the report and undertaking the recommendations in it. John Langoulant has made at least 100 recommendations, but nowhere have I seen them tabulated in some sort of government document with reports against implementation. Members opposite should be very wary of the standards they are setting for themselves. I do not think those members, particularly backbench members, comprehend the implications of endorsing this report in the manner that they do. They will fail to live up to them. They are failing now, without the need for this report.

Hon Darren West: Have you read it?

Hon TJORN SIBMA: Yes, I have.

I will refer to a particular recommendation. Recommendation VII states —

> It is recommended that Government establish a Parliamentary Budget Office to enhance transparency and public understanding of election commitments, —

That is a very important passage in that sentence —

> and the budget and fiscal policy settings.

Hon Alannah MacTiernan: Why would we be worried about that?

Hon TJORN SIBMA: That is an apt interjection, member. I refer to a question put in this place by my friend Hon Jim Chown to the Leader of the House. I will paraphrase the question somewhat, but the preamble states —

> It is recommended that Government establish a Parliamentary Budget Office to enhance transparency …

He asked —

> (1) Is the government going to establish a parliamentary budget office?
>
> (2) If yes to (1) —
>
> (a) what will be the cost …
>
> (b) what is the intended time frame …
>
> (3) If no to (1), why is the government ignoring the significant recommendation …

The response by Hon Sue Ellery is telling. There is no endorsement of the establishment of a PBO by this government. That should be a simple yes or no answer: "Yes, we will", "No, we won't", or, "Yes, we think it's a good idea; we're just trying to evaluate what the best possible model is." There are different models of how a PBO should operate. There is a commonwealth model and there is one in Victoria that has slightly different resourcing, but the government is not running at any great pace to this recommendation of the report. I wonder why that is. I only reflect on the costing process for the current government's election commitments last time around. It was reluctant to submit to Treasury $5 billion worth of uncosted promises. The government does not want to repeat that same mistake. It has avoided scrutiny in the past and it wants to avoid it in the future as well. It makes the Premier's commitment to running a transparent, open and accountable administration very hollow. There is absolutely no intention to fulfil that commitment—absolutely none. In two other areas, the government, through its own actions, has proven utterly deficient.

One of the other recommendations is about the release of information labelled commercial-in-confidence to avoid disclosure. Hon Martin Pritchard made a very good point: this is a caveat on the release of information that has probably been used and abused by governments for far too long. But it is an area worthy of evaluation. The government does not seem to have knocked out that idea completely, but two or three days after Langoulant delivered his report and the Premier was extolling its virtues, a very simple question was put to the Premier, I think by Geof Parry from Channel Seven, about whether the government would be prepared to release the costings related to Roger Federer's promotion of Western Australia. This was two or three days after the report came down.

The Premier was asked, "Will you release this information?" He said, "No. It's commercially confidential." This is a Premier who cannot maintain a consistent line on transparency for more than three days.

Hon Jim Chown: Or anything for that matter.

Hon TJORN SIBMA: Or anything for that matter—a very good interjection.

The proof of the pudding is in the eating and I do not see the government has any particular appetite for fulfilling its pledge on accountability. It does not, it is not serious and it cannot be trusted. I say this with all due respect: I want to reflect on observations made on the previous government's cabinet processes by people who were not there, would not know, could not know, and will never get to cabinet positions themselves. It just will not happen. I do not know how Mr Langoulant had privileged access or insight into the cabinet processes of the previous government. I do not think that would be possible, but If members opposite are suggesting that the process was deficient because business cases were not completed for contemplation and reflection before decisions were made, all I can say is that the government has not been particularly forthcoming with the business cases that support its decisions to fund programs and projects that were election commitments or otherwise.

Over the last three weeks, I have asked for a business case—any business case at all for any project from $2 000 to multiples of hundreds of thousands of dollars that were funded through the Local Projects, Local Jobs program. I do not have a single one. Apparently, more than 700 projects are being funded. Of those 700 projects, I would think one of them must have a business case. I identified five business cases in a question yesterday. I asked for the acquittal process. My question could not be answered because apparently the acquittals have not been undertaken. That suggests to me that the money has gone out, it is completely unjustified and members opposite are chasing their tail by trying to retrospectively work up business cases because none went in at the front end. With all due respect to Hon Martin Pritchard, it is very hard to take this kind of moralising, sanctimonious puritanical view of financial administration in this state when members opposite cannot, will not and will never live up to the expectations and aspirations that the Premier says very easily but runs away from at every opportunity. Shame on the government!

HON DARREN WEST (Agricultural — Parliamentary Secretary) [12.26 pm]: I acknowledge Hon Martin Pritchard for bringing forward this important private members' business. It is very important that we heed the warnings of the Langoulant report. It has become abundantly clear over the last hour that opposition members still do not get it. They do not have any understanding that we need to learn from their mistakes of the past because they defend those mistakes that they made in the past. If these opposition members were to be re-elected at the next election—heaven forbid!—I think it is safe to say that the financial carnage that we saw over the last eight and a half years would be repeated. After a year of sitting over there in opposition, no lessons about how bad and how reckless they were with other people's money over eight and a half years. They absolutely trashed the Western Australian economy to the tune of forty thousand million dollars. That is what we are left to clean up—a debt of forty thousand million dollars.

Several members interjected.

The ACTING PRESIDENT (Hon Robin Chapple): Order! Hon Darren West has the call and not very much time, so please refrain from interjection.

Hon DARREN WEST: I heard the Leader of the National Party talking to Gareth Parker, trying to defend the National Party's management of the royalties for regions program. I thought Gareth Parker made one of the best comments I have heard about the National Party's performance when he said that it looks like denial is not just a river in Egypt. Denial is alive and well on the other side of the house. I look forward to the Leader of the Opposition's long contribution in reply to the budget speech because economic advice from a cabinet member of the Barnett government is always useful. It is always useful because we should do the exact opposite of what a Barnett government cabinet member says when they give economic advice—the exact opposite.

Hon Simon O'Brien interjected.

Hon DARREN WEST: I look forward to that, honourable member, because I think it will be most useful for governments going forward to look at the *Hansard* for economic advice from members opposite after their performance of eight years in government. The key is to learn from the mistakes of the Barnett government, and we are doing that.

Hon Simon O'Brien interjected.

Hon DARREN WEST: Member, I have only two minutes.

The one recommendation that we will not adopt is to scrap the royalties for regions program. The difference between members of this government and the previous government is that we have the capacity to manage this important program. Members opposite clearly did not, but we have Premier McGowan, Treasurer Ben Wyatt and one of the most capable ministers ever seen in this state, Hon Alannah MacTiernan. We have the capacity to manage that program and we will manage it in a sustainable way.

The alternative Premier, Dr Mike Nahan, has publicly stated that a government he leads, which includes the National Party, will scrap that program. Therein lies one of the major differences between the government and the opposition. The government stands for and believes in royalties for regions; can deliver royalties for regions and will deliver royalties for regions. The opposition now opposes royalties for regions. That is a very important distinction that we have to make. When the opposition says that the government is not doing anything in the regions, we are doing the most important thing—keeping that important fund for regional and economic development and jobs well into the future. That is what we will do in a responsible way. The Langoulant report has been helpful to guide us by pointing out all the economic inadequacies of the Barnett government. We will learn from that. I thank the member for bringing that on.

Finally, I have a cheque given by the previous government to the Mid West Sports Federation, signed by Terry Redman. I will just display that.

Motion lapsed, pursuant to standing orders.

CIVIL LIABILITY LEGISLATION AMENDMENT (CHILD SEXUAL ABUSE ACTIONS) BILL 2017

Committee

Resumed from 27 March. The Deputy Chair of Committees (Hon Robin Chapple) in the chair; Hon Sue Ellery (Leader of the House) in charge of the bill.

Clause 6: Act amended —

Progress was reported after the clause had been partly considered.

Hon SUE ELLERY: When we were last debating this Civil Liability Legislation Amendment (Child Sexual Abuse Actions) Bill on Tuesday, we left the debate at a point at which Hon Nick Goiran had raised a couple of issues around limitation periods and I want to provide a response. The honourable member questioned the explanation of the limitation periods given in the second reading speech, in particular those bits of the second reading speech that went to —

> At present, under the Limitation Act 2005 … a claim must be brought within three years of the cause of action arising or, in the case of a child, by their twenty-first birthday.
>
> … under the previous Limitation Act 1935 … when sexual abuse was suffered before 15 November 2005, a person had six years to commence a claim for personal injuries damages.

I have an explanation that is a bit long, so please bear with me. That was a very general description of how limitation law applies to child sexual abuse, expressing the operation of the relevant limitations in their simplest terms. The application of limitation legislation is a complex and technical area of the law. There are many more variations and permutations to how limitation law can apply other than those described in the second reading speech.

Of course, the Civil Liability Legislation Amendment (Child Sexual Abuse Actions) Bill 2017 will remove those limitation periods in respect of child sexual abuse claims, so the precise scope for those provisions will no longer be of relevance to survivors of child sexual abuse after this bill commences. Two time periods are relevant to this question. If the abuse occurred after 7 January 1936 and prior to 15 November 2005, the Western Australian Limitation Act 1935 applies. For actions against the state, the Western Australian Crown Suits Act 1947 applies. If the abuse occurred on or after 15 November 2005, the Western Australian Limitation Act 2005 applies.

In addition to considering the time at which the abuse took place, the relevant limitation period for people bringing civil claims in respect of child sexual abuse under the legislation will depend upon the particular cause of action brought by the plaintiff. Causes of action arising from child sexual abuse are generally brought in trespass or negligence. In addition to the time at which the abuse took place and the cause of action claimed, it will also be relevant in determining the correct limitation period for civil claims in respect of abuse occurring prior to 15 November 2005 whether the state or a public authority is being sued.

Under section 38(1)(c) of the Limitation Act 1935, actions in negligence must be brought within six years of a cause of action accruing; that is, within six years of not insignificant damage occurring as a result of the negligence. Under section 38(1)(b), actions for trespass—for example, assault—must be brought within four years of the cause of action accruing. In the case of a child, under section 40 the limitation period runs from when he or she turns 18; however, by virtue of the effect of section 47A of the Limitation Act 1935 and section 6 of the Crown Suits Act 1947, in claims against a public authority or the state the limitation period runs while the plaintiff is a child. By virtue of section 47A of the Limitation Act 1935, in the case of actions against public authorities for conduct in the execution of an act or of a public duty or authority, there is a one-year limitation period from the accrual of the cause of action that is readily extendible by consent or with the leave of the court to six years. Under section 47A, the six-year period is not extended or extendible when the claimant is a minor. By virtue of section 6 of the Crown Suits Act 1947, in the case of actions against the state of Western Australia there is a one-year limitation period from accrual of the cause of action that is readily extendible, by consent or with the leave of the court, up to a maximum of up to six years. The six-year period is not extended or extendible when the claimant is a minor. Under section 6 of that act, this provision cannot be waived by the state.

Under section 14 of the Limitation Act 2005, a three-year primary period runs from the date of accrual of the cause of action in an action for damages related to personal injury such as negligence. Under section 16, a three-year period also applies to an action for trespass to the person. A number of exceptions to this period are relevant to children who have suffered sexual abuse. Under section 30 of the Limitation Act 2005, if the child is in the care of a parent or guardian and the plaintiff is under 15, the limitation period is six years from the date of accrual. Under section 31 of the Limitation Act 2005, if the plaintiff is between 15 and 17 years old the limitation period is until the age of 21.

Hon Nick Goiran: That's not right.

Hon SUE ELLERY: Well, let me go through it and you can then take issue with it.

However, under section 41 all these limitation periods are subject to extension to age 21 with the leave of the court if the court is satisfied that the child's parent or guardian acted unreasonably in not commencing an action on the child's behalf. Under section 32 of the Limitation Act 2005, if a child is without a parent or guardian, the limitation period is suspended during the time at which the child is without a parent or guardian. In addition, under section 33, where the plaintiff is a child and is in a "close relationship" with the defendant, the child has until the age of 25 to commence proceedings. A "close relationship" exists when, in the case of a child, the proposed defendant has responsibility for the day-to-day or the long-term care, welfare and development of the claimant.

To use the example that was put before the chamber when we last discussed this matter, namely the sexual abuse of a two-year-old child, I am advised that the result of these provisions would be as follows. First, if the date of the abuse means that the provisions of the Limitation Act 1935 would apply, and if the claim was being brought against the state or a public authority, the child's civil claim would expire at age eight, assuming that the claim was brought in negligence. Second, if the date of the abuse means that the provisions of the Limitation Act 1935 would apply and the defendant was an individual or non-government organisation, the child's civil claim in negligence would expire at age 22 if the claim was brought against an individual in trespass, or at 24 years if the claim was brought against an individual or non-government organisation in negligence. Third, if the date of abuse means that the provisions of the Limitation Act 2005 would apply, and assuming that the child had a guardian or parent at the relevant time, and that the defendant was not in a close relationship with the child, the child's civil claim in negligence would expire at age eight. However, the child would be able to seek leave of the court to commence an action up to age 21 on the basis that their parents or guardian acted unreasonably in not commencing an action on the child's behalf.

Hon NICK GOIRAN: I agree with each aspect of what the minister has just read to the chamber, with the exception of three things. First, the minister indicated that the reason the government provided those explanations in the second reading speech is that it was a general description. If the government is using the words "general description" to mean a wrong description, that is fine. However, I do not think that is what the government means by those words. The information in the second reading speech cannot reasonably be described as a general description, given the inaccuracies. Second, the minister said that this has been done in the simplest terms. If it has been done in the simplest wrong terms, then, yes, I agree. However, it is not satisfactory to the members who will be voting on this legislation and to the victims of child sexual abuse, who have a keen interest in this legislation, for the minister to wrongly state in the second reading speech, and I quote —

> Limitation periods under the previous Limitation Act 1935 of Western Australia will apply to many historical child sexual abuse cases—when sexual abuse was suffered before 15 November 2005, a person had six years to commence a claim for personal injuries damages.

No, they did not. The advice the minister has just given to the chamber confirms that is not the case. A person who is bringing a claim for historical child sexual abuse was, by definition, a child at the time. Therefore, it is pointless to talk about adult claims, because the person was a child at the time. If the person was a child at the time, obviously they were under the age of 18. The minister indicated that if a claim is brought in negligence, a child would have until the age of 24 to make a claim. Therefore, it is not an intentionally misleading statement, but it is, no doubt, an unintentionally misleading statement, to indicate that the person has six years in which to commence their claim for personal injuries damages.

The third thing that has just been indicated to the chamber that I do not agree with is the current operation of the Limitation Act 2005. Correct me if I am wrong, but I heard the minister say that if the claimant is aged between 15 and 17 years, they have until their twenty-first birthday to bring a claim. I do not think I misheard that. That is not right.

Hon Sue Ellery: By way of interjection, I will go to that bit.

Hon NICK GOIRAN: Between the ages of 15 and 17?

Hon SUE ELLERY: Yes. I said that there are a number of exceptions to this period—I was talking about the Limitation Act 2005—that are relevant to children who suffered sexual abuse. Namely, if the child is in the care of a parent or guardian and the plaintiff is under 15 years of age, the limitation period is six years from the date of accrual, but if the plaintiff is aged between 15 and 17 years, the limitation period is until age 21, according to section 31.

Hon NICK GOIRAN: I thank the minister. To the extent that that is wrong, it is wrong because it fails to deal with those people who are aged over 17 years but are under 18 years of age. So, what the minister has said about those aged between 15 and 17 years is right, but she has not told the chamber what the situation is for the person aged between 17 and 18 years. People who are over the age of 15 but under the age of 18 need to put in their claim by their twenty-first birthday. That is the law of the land as it is today. That law was brought in by the previous Labor administration under the Attorney General in those days. Therefore, it is not really appropriate for the second reading speech, which sets the policy of the bill, to indicate to the house that under the Limitation Act 2005 a claim must be brought within three years of the cause of action arising or, in the case of a child, by their twenty-first birthday. That is wrong. What troubles me about that is that people listening to this debate will think that under the current laws of the land, "It is not yet my twenty-first birthday; quick, I will issue my writ." No, they cannot. As the minister indicated to the chamber, if the person is two years of age, under the current laws of the land, they have to issue the writ by the age of eight.

The good news about all this is that if we pass this legislation, it will remove all these limitation periods for these people. The minister knows that I am supportive of the government's intentions there. My concern is that people have been unintentionally misled—members of this place and others. The second reading speech is an important speech. There is no more important speech for the future interpretation of this legislation than the minister's second reading speech, but it has statements that are unintentionally misleading. I would like to know what we intend to do about that.

Hon SUE ELLERY: There are two things. It is important to recognise the effect of the bill before the chamber—that is, to lift all limitations. That is important.

Hon Nick Goiran: For children involved in sexual abuse.

Hon SUE ELLERY: Correct. That is what the bill is about.

Hon Nick Goiran: It is not all limitation periods, then, is it?

The DEPUTY CHAIR (Hon Robin Chapple): The minister is on her feet.

Hon SUE ELLERY: In the context of the bill, we are talking about a limited range of limitations, but we are talking about a very specific piece of legislation.

I am advised that the point the member made about the second reading speech—that is, at present under the Limitation Act a claim must be brought within three years of the cause of action arising or, in the case of a child, by their twenty-first birthday—is not the full explanation of the range of matters covered within the bill. The member is correct when he says that the full description of the provisions the Civil Liability Legislation Amendment (Child Sexual Abuse Actions) Bill 2017 deals with were not canvassed explicitly and in detail in the second reading speech. He is correct about that. The endgame of this, though, of course, is that limitations will be lifted. I think that is the important point to make, but to the extent that he draws it to the attention of the house and the government, he is correct in that that component of the second reading speech did not canvass the full range of matters that are captured in the bill.

Hon NICK GOIRAN: Thanks, minister. I appreciate the acknowledgement. Can we just deal with that particular part first? I know the minister says that it is not a full description, but that is not really it. The statement in the second reading speech is —

> … or, in the case of a child, by their twenty-first birthday.

Had the government said, "or, in the case of a child who is at least 15 years of age", there would be no issue. That statement would be correct. Not that we are in the business of amending second reading speeches, but that would have been helpful. For everyone under the age of 15—of course, there are many more children under the age of 15 than over 15—that is wrong. It is not really a case of not being a full description. A child under the age of 15 does not have until their twenty-first birthday. Yes, as the minister pointed out, there are some other special exceptional circumstances, such as if they did not have a guardian or had certain disabilities and so on. There are some exceptional circumstances, but as a general principle, and as the government indicated early this afternoon, this was supposed to be a general description in the simplest terms. A general description in the simplest terms is not that a child under the current laws has until their twenty-first birthday. If we can deal with that one first, I want to know if the government is in a position to do anything about that to correct the record. It troubles me that the most important speech in this debate contains a key statement that is, at the very least, incomplete and, I think, unintentionally misleading. What are we going to do to fix that problem?

Hon SUE ELLERY: I think the point to remember is that the bill lifts the limitations. With regard to needing to rely on the second reading speech to interpret the provisions that are included in the bill when it becomes an act, the limitations will be lifted. There is no damage done to the people who will be seeking to use the provisions of the bill because the limitations will be lifted. If the member wants me to say the second reading speech was wrong in respect of what the member describes as its inadequacies, I will say that: it was wrong. There; I have said it.

However, with regard to what we are going to do to fix it, I put it to the member that we do not need to do anything to fix it because I have already said on the record that it was wrong and I have given an explanation that has now been recorded in *Hansard*. In any event, the effect of this piece of legislation is to lift the limitations I described when I gave the second reading speech. There is no downstream negative impact on the people who are desperately waiting for us to pass this piece of legislation because the limitations that were described inaccurately will be lifted.

Hon NICK GOIRAN: Yes, I understand that, minister, but remember that in this debate across the nation there are people who hold the view—I am one of them—that serious physical abuse should be captured and the limitation period lifted. We are not doing that, and the minister has previously explained why that is the government's position. Those people do not have the benefit of this legislation; they will be still maintaining the current law as it stands today, and those people do not have until the age of 21, if they are a child. They were beaten to within an inch of their life and suffered serious physical abuse, and they do not have until the age of 21 and will not have the limitation lifted. It is important for us to recognise that under the current laws of Western Australia—this is not being changed by this legislation—if they were two years of age at the time the abuse occurred, they have until the age of eight to bring an application, unless they can somehow access one of the few exceptional circumstances. I hope every member agrees that that is unjust. There needs to be further reform in this space. I would be keen to know whether the government has any intention to review the Limitation Act in general. We know that the government has committed to a review of the Criminal Injuries Compensation Act. Is the government committed to reviewing the Limitation Act in general?

Hon SUE ELLERY: Not to the knowledge of the advisers at the table. As a member of the government, I am not aware of any discussion about that either.

Hon NICK GOIRAN: I hope that the minister will take that up with the Attorney General because clearly something needs to be done about this. We will have even more limitation regimes for children than we have at the moment. It is already pretty complicated, as the minister set out earlier; it is actually quite a complex area of law just by itself. We are adding another layer of complexity. A child in a particular circumstance does not have a limitation period at the moment. For children of different ages in a range of other circumstances, a range of different limitation periods apply. I do not want anyone to be misled into thinking that children under the current regime have until the age of 21 to bring an application. That is not true.

We have dealt with that first aspect. The second aspect was that the limitation periods under the previous Limitation Act 1935 will apply to many historical child sexual abuse cases. When sexual abuse was suffered before 15 November 2005, a person had six years to commence a claim for personal injuries damages. That is not right either. They had at that time, and someone could still do it now, until the age of 24. It is ironic because the two statements in the second reading speech are almost in reverse. The first one, which is the current law, suggests that people have until a particular birthday to make a claim. That is not right, unless they are over the age of 15. Under the old scheme, the suggestion was that a person has only six years to claim. That is not true; they have until their twenty-fourth birthday. I thank the minister for acknowledging that the first statement was incorrect but are we able to do the same thing with the second statement, and then we can move on?

Hon SUE ELLERY: When I stood at the beginning of today's consideration of this bill and gave the lengthy explanation, I added what should have been said about that provision in the second reading speech; that is, in the case of a child, the limitation period runs from when he or she turns 18. To avoid repeating the discussion we have just had, if the member wants acknowledgement that that second reading speech was wrong, it was wrong. I have corrected the record, which is what I am required to do at the earliest opportunity. That is what I have done. I have provided an explanation. I make the point again that, in any event, the purpose of the bill is to lift those limitations. Although an incorrect, inadequate or incomplete description of the limitation that is to be lifted should not have happened, the outcome is that the limitation will be lifted.

Hon NICK GOIRAN: That is helpful. I have one last question on this point. What limitation applies if the incident occurred before 1935?

Hon SUE ELLERY: We will check that. I am conscious of the time, so we have an opportunity to check that.

Sitting suspended from 1.00 to 2.00 pm

Hon SUE ELLERY: Before the break, a question had been asked by Hon Nick Goiran about what provisions were in place before 1935. Limitation periods in Western Australia before 1935 were governed by a number of different statutory provisions that had been inherited from English law. The most relevant statutory provisions were contained in the imperial Civil Procedure Act 1833 and the Limitation Act 1623. To the best of our understanding, the limitation period set by those acts were four years for trespass and six years for actions on the case. Those acts provided for an extension of time when the plaintiff was under the age of 21. The source for that information is a report of the Law Reform Commission of WA published in January 1997, "Project No 36 Part II: Limitation And Notice Of Actions".

Hon NICK GOIRAN: If this legislation passes, will those people captured by that regime before 1935 have an unlimited period in which to claim?

Hon SUE ELLERY: Correct.

Hon MICHAEL MISCHIN: On the subject of limitation periods, it certainly seems that the regime for limitation periods has become more complex over time. It seemed rather simple under the imperial act days; it became more complicated under the Limitation Act 1935 and has become more complicated ever since. My concern is the broader potential problems being opened up by changing limitation periods in this case and the inequities that might appear, which in future might need to be addressed. Those inequities might appear sooner than we think. If I might illustrate the problem, perhaps the minister could tell me whether, after the passage of the legislation, there will be no limitation period for a child aged 12, for example, to sue for abuse by a teacher in an institution and there will be no limitation period for a child aged 17 abused in similar circumstances by a teacher in an institution.

What will be the limitation period for someone who has just turned 18 years of age and was abused under similar circumstances in an institution, and what will be the limitation period for a person of 18 years who, because of some mental impairment, has the cognisance, acuity, intelligence, and comprehension of a child of 12 years of age, and was similarly abused?

Hon SUE ELLERY: In respect of the first part of the member's question about a person aged 18 years, the usual law applies—that is, three years under the Limitation Act 2005. For a person who has a mental impairment—to use the member's description—but the abuse happened as a child, there is no limitation. Otherwise, the limitation period is 12 years, as per section 35(2) under the Limitation Act 2005.

Hon MICHAEL MISCHIN: That assumes that it is child sexual abuse within the meaning of proposed section 6A of the Limitation Act, not child abuse, and that in the cases of simply child abuse that is not sexual abuse, even a person of the age of 12 or a person under the age of 18 would still have to resolve whether it became child sexual abuse and get a court to decide that, and they would be subject to the limitation periods of any other adult.

Hon Sue Ellery: We have already canvassed child sexual abuse versus other abuse.

Hon MICHAEL MISCHIN: Does that not, in the government's view, give rise to some patent inequities in the manner in which people are being dealt with and which ought to be corrected or at least considered?

Hon Sue Ellery: Does the member mean to capture other forms of abuse in this bill?

Hon MICHAEL MISCHIN: To capture other forms of plaintiff or claimant.

Hon Sue Ellery: We have already canvassed that.

Hon MICHAEL MISCHIN: Has the government considered, for example, people with a —

The DEPUTY CHAIR (Hon Matthew Swinbourn): Member, I think you are straying to the policy of the bill here because you are asking the government whether there are any gaps. This is about the policy of the bill rather than a debate about the clauses of the bill. It is fairly evident that there is no capacity to go into these other areas of policy while we are in committee. You are asking the minister for an opinion on this, and I think the minister's position is—not that I am here to put forward the minister's argument for her—that this is a matter that goes to the policy of the bill.

Hon MICHAEL MISCHIN: Thank you, Mr Deputy Chair. I was asking whether the government had given any consideration to people who might be excluded by this proposal because of the narrow definition proposed in section 6A but who have been similarly abused and who have the mental age, if you like, of a child but who are in adult bodies. Has their position been considered with respect to the manner in which the limitation periods have been drawn up and proposed?

Hon SUE ELLERY: Is the member asking whether the government considered whether the class of people he is describing as being mentally impaired ought to be captured under this bill, which specifically deals with sexual abuse, and whether other forms of abuse should be captured as a consequence of that person being impaired? Is that the member's question?

Hon MICHAEL MISCHIN: No, it is a little bit more basic than that. I am talking about an adult, over the age of 18—so not a child—but who has been sexually abused —

Hon Sue Ellery: While chronologically an adult—I get it.

Hon MICHAEL MISCHIN: — and with the mental age of a child.

Hon SUE ELLERY: No, we did not consider that.

Hon MICHAEL MISCHIN: Are there any plans to consider that, to the minister's knowledge?

Hon Sue Ellery: Not that I am aware of.

Clause put and passed.

Clause 7: Section 5 amended —

Hon Alannah MacTiernan: Progress!

Hon NICK GOIRAN: I had not proposed to comment on clause 7, but because the Minister for Regional Development has decided to engage in this matter all of a sudden, I might indicate to you, Mr Deputy Chair, that clause 7 deals with an amendment to the Limitation Act 2005. Some members who have not been here and who have been away on urgent parliamentary business might be unaware that in amending the Limitation Act, a number of errors in the second reading speech needed to be corrected. The minister at the table has helpfully facilitated that and we have been making "progress". What is unhelpful is for the Minister for Regional Development to interject to try to cast aspersions on any other member who might be asking questions on this matter.

Hon Alannah MacTiernan interjected.

The DEPUTY CHAIR: Order, member!

Hon NICK GOIRAN: You just need to stay out of it. We are making progress without you sticking your beak into it!

The DEPUTY CHAIR: Order! Can we just stay focused on making progress?

Hon NICK GOIRAN: I remain, as I have been throughout the progress of this bill, interested in it being passed and passed in the best form possible. That has not changed. It was my position last week; it is still my position this week and it will be for the remainder of today. If there is a need to ask questions, the opposition will not hesitate to do so.

Clause put and passed.

Clause 8: Section 6A inserted —

Hon SUE ELLERY: There is an amendment in my name to clause 8 on supplementary notice paper 53, issue 4. I do not know whether I will need to do this formally or as a Clerk's amendment, but I will explain. Members will be aware that there have been lengthy conversations about whether to include a review clause in the bill. Hon Michael Mischin proposed a particular form of words for a review clause. The government took the view that the amendment crafted by Hon Michael Mischin would not necessarily achieve what he wanted to achieve. It referred, effectively, to reviewing the bill. I asked the Attorney General to consider drafting review provisions. I will give a general explanation first. Members will see that there are now two amendments on the supplementary notice paper in my name on reviewing. The one we are dealing with at clause 8 seeks to insert —

> (7) The Minister must carry out a review of the operation and effectiveness of this section and Part 7 as soon as is practicable after the 5th anniversary of the day on which the *Civil Liability Legislation Amendment (Child Sexual Abuse Actions) Act 2017* section 5 comes into operation.

The amendment states "section 5" but it should state "section 8". I will seek advice on how to amend that. The amendment continues —

> (8) The Minister must prepare a report based on the review and, as soon as is practicable after the report is prepared, cause it to be laid before each House of Parliament.

This would have the effect of causing a review of the limitation provisions. Just by way of explanation to the committee—we will deal with it in due course—on the second page of the supplementary notice paper is a further amendment in my name, which seeks to add a new provision headed "Review of Part 2A". That would effectively review the liability provisions. That is in similar terms to the first amendment, but it reviews the second part. Where there is a point of difference between the government and Hon Michael Mischin—I am not trying to speak on his behalf; I am sure he will put his case—is that his preferred position would be a review after three years and the government's preferred position would be a review after five years. We have already indicated that the government intends to watch how this legislation plays out, but to watch that properly, we will be watching the development and outcomes of cases. We think that three years is too short a period within which to do that. I suspect there might be a point of difference between us on that, but I am not able to shift on that position.

I seek your advice, Mr Deputy Chair, on how to deal with the amendment to the amendment.

The DEPUTY CHAIR (Hon Matthew Swinbourn): You can simply put to us in writing a copy of this amendment with "5" crossed out and "8" inserted, and signed by you. That will be the amendment that you will move.

Hon SUE ELLERY: I so do. I move —

> Page 16, after line 30 — To insert —
>
> (7) The Minister must carry out a review of the operation and effectiveness of this section and Part 7 as soon as is practicable after the 5th anniversary of the day on which the *Civil Liability Legislation Amendment (Child Sexual Abuse Actions) Act 2017* section 8 comes into operation.
>
> (8) The Minister must prepare a report based on the review and, as soon as is practicable after the report is prepared, cause it to be laid before each House of Parliament.

Hon MICHAEL MISCHIN: I am gratified that the government is prepared to consider a review clause and appreciate that there has been some discussion behind the Chair with the minister's advisers, who represent the Attorney General's office. A few things need to be said about this. If I could jump forward for a moment to my proposed review clause, it was intended to be inserted as part of this bill, which, if passed, will be called "the act". It was geared to an anniversary date on which part 3 of the Civil Liability Legislation Amendment (Child Sexual Abuse Actions) Act, as it would then be, came into operation. Because the operative part of this bill—this "act"—which is part 3, will initiate the changes to the limitation period and is the key part of the legislation, it was thought that the review provisions would start ticking over once it came into operation. It would be a holistic assessment of the consequences of the passage of this bill when it becomes an act. It is considered that once it gives effect to its amendments, this bill, on becoming an act, will become exhausted and will have done its job, so it would be better that any review provisions be included in the discrete acts that it will amend—to wit, the Limitation Act 2005 and the Civil Liability Act. I do not have difficulty with that as long as it is appropriately geared to the operative provisions of that legislation. Plainly, the key to all this is the changes to the Limitation Act—the definitions in particular—and other operative provisions in proposed section 6A. As the minister has pointed out, there is a typographical error in the amendment. Once again, given that we are trying to get away from a reference to the Civil Liability Legislation Amendment (Child Sexual Abuse Actions) Act, I do not understand why we are talking about section 8 of that act, which is currently this bill, rather than simply referring to the anniversary of the day on which section 6A of the Limitation Act comes into operation, which I would have thought would be far easier to ascertain and more certain for those who are looking at when the anniversary ought to take place. I posed that question to the ministerial advisers and they were going to give some consideration to that. I would appreciate it if the minister could indicate whether that would not be a better way of going about it rather than referring to an act that will be exhausted once the amendments are effected.

Hon SUE ELLERY: It is a standard approach that is taken now. Everybody in this chamber, with the possible exception of one person who is here to assist the chamber, may take the view that the drafting of legislation is a mysterious art practised by Parliamentary Counsel, but I am advised that, although it is acknowledged that it is probably a fine distinction, the standard practice of drafters is to reference the commencement to the amending clause rather than to the total thing that it will amend. This is standard practice. There is nothing new about how this has been drafted or where it has been placed. This is the standard operating procedure that is adopted by the drafting office.

Hon MICHAEL MISCHIN: To understand: the practice is to refer to the commencement of the amending clause rather than the section that is amended?

Hon Sue Ellery: Correct.

Hon MICHAEL MISCHIN: I do not have difficulty with that, if that is the way the government wants to do it. I refer to the proposed amendment, which states, "a review of the operation and effectiveness of this section". This is proposed section 6A(7), and part 7 will be referrable to the proposed part 7 of the Limitation Act, which currently appears as clause 10 of this bill. Part 7 has the transitional provisions that will come into operation, presumably at the same time.

Hon Sue Ellery: That is correct.

Hon MICHAEL MISCHIN: Thank you.

I do not have a problem with what the government proposes here, with one exception, and that is the anniversary date on which the review will be undertaken. I can understand that it is desirable that any review of legislation takes place at a reasonable time after its passage, if a review was thought proper, in order to allow the effects of the legislation to settle in, to gather worthwhile information about the operations of that amendment, and to perhaps even start to formulate recommendations for improvement and the like. What a reasonable time might be is pretty arbitrary, I will grant that. For some legislation it might be 12 months, three years or five years. Many pieces of legislation do not have a review provision at all. I do not think the Limitation Act does and, in the circumstances, it seems to me that it cries out for it. Likewise, the Criminal Injuries Compensation Act, which has been the subject of some discussion, does not have a review provision in it, and that might be a worthwhile exercise too. But my reason for suggesting three years in this case is several-fold.

Firstly, there has been limited consultation in drafting this legislation by the government. It has been said that the consultation consisted of the Solicitor-General, the State Solicitor's Office, the Chief Assessor of Criminal Injuries Compensation and the Department of Communities—I think there was one other—and subsequent to the bill's introduction, some sort of consultation with the Catholic Church. We have had no specifics. The minister has been unable to assist us with the nature of that consultation, the outcome, what issues were discussed, whether any changes of policy were affected by it and what those might be, whether any concerns were raised that were debated, policy decisions made and things falling over one line or another; we have had none of that. A number of matters have also been raised in the course of the last several days during the debate of this bill, to which we have been given answers but not much information. Some of those involve the anticipation of issues such as adults, who may

labour under a mental disability of some sort, and their ability to have the equal opportunity as children to sue into the future for abuse that is inflicted on them—people in the bodies of adults but with the minds of children. In the case of sexual abuse, they will apparently still be subject to the complex limitation periods that are already provided.

We also have the potential problems arising from the lack of clarity between what is "child sexual abuse" and "child abuse". As a flow-on effect, different limitation periods will apply and different considerations will be involved.

We have the potential difficulties of trying to apply three sets of terms: offences as defined in section 36A of the Evidence Act 1906; conduct of a sexual nature—I think that is the phraseology—with the effect of being sexual conduct that is otherwise unlawful; and, now, child sexual abuse. There are implications for that in the operation of section 3A of the Civil Liability Act and as a consequence of item 1(b) of the table in section 3A. Which provisions of the Civil Liability Act will be excluded from operation? As we explored, there are consequences to the amounts of damages of certain types that might be recovered. There may also be consequences to what happens to institutions when some have issued apologies under the assumption that the law is what the law is, but then have found that they can be sued anyway. There are problems of that nature. There are ambiguities in terminologies and the consequences of that in the operation of changes to the law not only into the future, but also retrospectively.

Issues about the costs cap have also been raised and I will come to that again later. On Tuesday, I raised the question of whether the costs cap that has been introduced and is a major plank of the policy that is said to underpin this bill can be circumvented by lawyers who are keen to exploit these sorts of cases, whether for claimant–plaintiffs or for defendants and the ability of this costs cap to be effective. We have questions about that and my understanding is that those sorts of problems are manifest at the moment in motor vehicle–type claims in which there are caps, as the minister said, but firms from interstate have found ways around them. I understand that matter has been exercising the skills of the Legal Practice Board.

We also have questions about how the Chief Assessor of Criminal Injuries Compensation exercises her discretion in section 21 cases under the Criminal Injuries Compensation Act. I asked questions about that to try to understand how the criminal injuries compensation assessor exercises her discretion and what factors she takes into account. All I managed to get was that more often than not, or generally, she exercises her discretion in favour of children. I have rung the assessor and found out an awful lot more; I am just sorry that the government could not assist us with this. There are issues about that. There are all sorts of possibilities.

There is also the question of whether this legislation addresses the Ellis defence, which was one of its main selling points. To a degree, it appears that it does, but it still leaves at large a lot of questions about liability and responsibility, and access to assets in order to satisfy judgements. I will raise a few other questions when we get to the relevant clauses, but all these things call out for some extra examination and an early one, particularly when we have been told on one occasion that a particular thing—I think it was to do with the extended definition—will be looked at in the future but we could not be told when. Many of the problems that will emerge could have been solved by consultation more broadly before this bill was introduced, but will emerge once the gates are opened to litigation and re-litigating cases that have been settled in the past. One of the sources for that information will be the State Solicitor's Office. The sorts of problems that may arise will pretty quickly dribble through to the Attorney General, the Law Society of Western Australia and to members of Parliament, but they will be piecemeal. They will become apparent within three years. Even though no cases may be decided in a court within three years, cases will be decided elsewhere and in courts in our state we will take heed of what happens in other states. We will also be able to obtain and collate information on how this is operating—whether it meets the objectives and expectations that have been raised among child abuse survivors; whether further work needs to be done on the act to extend definitions, to fine-tune definitions, to eliminate anomalies, to correct problems, to extend, for example, operation of the cost cap provisions; or whether work needs to be done on the Criminal Injuries Compensation Act. They will all emerge relatively quickly, not perhaps within six or 12 months, but we are not looking at this Civil Liability Legislation Amendment (Child Sexual Abuse Actions) Bill coming into operation within probably six months anyway, given the work that needs to be done with cost determinations and the like, but they will emerge. Rather than be a member that receives piecemeal complaints, saying, "Attorney General, will you look at this?" And being met with the answer, "Hey, there's a review in five years, we will look at it then", I would like to say to them, "Yes, I'll raise this with the government that crafted and passed this legislation, which is responsible for this legislation; we raised certain problems with it and we thought the bill should go to a parliamentary committee to consider, but the government wasn't keen on that; it wanted to get it passed. We will raise these problems again, but, at worst, a review will be held in three years when these things will be addressed and Parliament will be told what the shortcomings of the legislation are."

I think it proper that rather than this problem being put off because, effectively, even if this legislation comes into operation on 1 July and a review is held in, say, five years, which will be 20 July 2023, by the time it is practicable for the responsible minister to table the report—let us say he does it with reasonable expedition—within, say, six months, by the end of 2023, and there is sufficient input to correct any of these things holistically, we will be looking at more like six to seven years. I would rather that any problems with this legislation and lessons learnt in other jurisdictions be addressed far more expeditiously than that and, indeed, that the government responsible for

the passage of this bill be heedful of the issues raised and problems identified and be the government that is responsible for fixing them. It may be that this government will be a one-term government, in which case the problems will be fixed by the next Liberal government. But it will be within living memory of the members in this place that this government chose not to think about the problems, chose not to have them addressed, and assured us that everything was all right: "There's nothing to see here, members; everything's fine. This is what's going to happen; we can't help you there." It is appropriate that this government bear the responsibility of owning the problems and being part of the solution because this government certainly will not be here for more than two terms.

After five years of the operation of this bill, when all the problems identified that this government wanted to wash its hands of, to avoid and allow to accumulate, I do not want to have to pick up a report and have the responsibility of trying to fix them. I want those problems dealt with far more expeditiously. I would prefer a two-year review but I can see that that might present problems. Certainly, within three years, there will be enough evidence to indicate whether this bill is operating as it should, whether the expectations are being met and whether any remedial action is necessary.

Rather than it be dealt with in piecemeal fashion, I would like this Parliament to be informed of those problems by a proper report. Before it is said that cases may not be decided with any certainty within three years, the State Solicitor's Office will be able to tell the government how its management of cases in which the state is a defendant is encountering problems, or it should be able to. I am sure it will; whether it will be listened to is another matter. But certainly the state will bear the bulk of the responding obligations to the litigation, and there will be avenues such as the Law Society of Western Australia, the Western Australian Bar Association and various other groups—victim support groups, insurance groups, defendants' organisations—that will be able to provide feedback. A focus of three years, with respect, is not unreasonable, particularly as a report will be delivered only at some stage shortly after that. From the point of view of the opposition, we want a review period on the third anniversary, otherwise we are prepared to accept the government's proposed amendment at serial 4/8.

Hon MICHAEL MISCHIN: I move —

> To delete "5th" and substitute —
>
> 3rd

The DEPUTY CHAIR (Hon Matthew Swinbourn): Are you putting that in writing?

Hon MICHAEL MISCHIN: Yes.

The DEPUTY CHAIR: Have you signed it?

Hon MICHAEL MISCHIN: Yes.

Hon SUE ELLERY: I appreciate we do not have a copy of the amendment, but I think everybody understands that Hon Michael Mischin wants to substitute "3rd" for "5th". That is the proposal. The government cannot agree to that amendment. I appreciate the arguments put by the honourable member, but the government's position, as alluded to briefly in speaking to my amendment, is that it favours a review after five years to ensure that there is sufficient data to support meaningful findings. The review will need to include consideration of the progress of matters through the court, and a five-year period allows time for that. Although some matters might have been concluded and some data may be available, it is the government's view that the five-year period is reasonable to allow a complete rather than piecemeal, to use the honourable member's word, approach. Also, the advisers at the table have advised me with respect to cases in other jurisdictions and how long they have taken. Since the Victorian provisions that lifted that state's limitation periods came into effect in 2015, two cases have been determined by the court. Since the New South Wales legislation to lift limitation periods took effect in 2016, only one case has been determined by the court and one case has been subject to an interlocutory judgement.

Hon NICK GOIRAN: I rise briefly to support the amendment moved by the shadow Attorney General, Hon Michael Mischin. Over the past fortnight the passage of the Civil Liability Legislation Amendment (Child Sexual Abuse Actions) Bill 2017 has on the whole been a good, collaborative exercise by members of this chamber. As a result there have been, at the very least, some improvements to the legislation. However, it must be acknowledged that a number of concerns remain unaddressed. The government acknowledges that there is a theoretical problem with section 3A of the Civil Liability Act 2002. The government acknowledges that there is an issue with respect to issue section 21 of the Criminal Injuries Compensation Act, and that is why it has had the matter referred to its review. It may benefit members to be informed that yesterday, during question time, I asked the Leader of the House representing the Attorney General about what I have now referred to as the infamous review of the Criminal Injuries Compensation Act. The disturbing aspect of the answer from the Leader of the House representing the Attorney General is that there still are no terms of reference for that review. There is talk that a discussion paper is being prepared. But get this: I asked, "Will members of the public be invited to contribute to the review?" The answer I received was, and I quote —

> The department has proposed that the Chief Assessor of Criminal Injuries Compensation, heads of jurisdiction, the Commissioner for Victims of Crime and victim support services be consulted.

To top it off, the final question I asked was —

> Will one outcome of the review include a report tabled in Parliament?

The simple answer to that question was, "No". I have no confidence that the matters that have been raised during this debate will be properly ventilated during this review process. The review process will involve the internal stakeholders, plus victim support services. However, the general public will not be asked to contribute to this process. In any event, the review will be secret and will not be tabled in Parliament.

This goes to the point made by the shadow Attorney General, Hon Michael Mischin, that we need a review sooner rather than later. It is unacceptable for the government to kick this issue into the long grass and say it will have a review in five years. That is not in the interests of the victims of child sexual abuse. During the debate on this bill over the last fortnight, I have pleaded with the government that it reconsider section 21 of the Criminal Injuries Compensation Act. I am absolutely confident that as a result of this legislation, many victims of child sexual abuse will be worse off, because they will be forced to seek proceedings independently of the Criminal Injuries Compensation Act. I do not believe this matter was properly considered prior to the government bringing this legislation into this chamber. I do not want to have to wait five years—not for any necessary amendments to be made, but for the review to start. Members should note that the amendment proposed by the Leader of the House states —

> The Minister must prepare a report based on the review and, as soon as is practicable after the report is prepared, cause it to be laid before each House of Parliament.

In other words, that might never be done, or it might be done in an indefinite time. The government has not made any attempt to ensure that the report will be tabled within six months, as has been proposed by the shadow Attorney General, or within 12 months, as is customary in legislation. Therefore, who knows when we will see the outcome of that review. As a result, many victims of child sexual abuse will be worse off. The shadow Attorney General has been very generous in proposing that the review be conducted within three years. I will be supporting his amendment on the amendment, and I would encourage all members to do so. We simply cannot wait for the fifth anniversary of the day on which section 5 comes into operation.

Hon ALISON XAMON: I rise to make some comments on the amendment on the amendment. I first thank the government for being prepared to put a review clause into this legislation. That is a very important and good addition. I have been thinking about the merits of a three-year or five-year review. I can see merit on both sides. However, I want to put on the record some of my concerns. I can see the merit of a three-year review, because early in the operation of legislation, issues may arise that we want to have addressed sooner rather than later. I note the important matter that was spotted by Hon Nick Goiran and subsequently included. That goes to the fact that sometimes we do know the full implications of a piece of legislation and how it will unfold. On the other hand, I can see merit in a five-year review, because there may be unforeseen complexities as a result of appeal decisions. Appeal decisions may take several years to come to the fore, and it is often only at that time that people become aware of problems that have emerged in the operation of legislation. I can see an argument for both three and five years. With three years, we would be able to pick up immediate obvious problems that were just unforeseen, and with five years, we would pick up the more complex matters that would come out at a later date.

The minister has said during the debate in committee, and I was also advised during the briefings that I received on this legislation, that the Attorney General will be keeping a very close eye on the implementation of this legislation and not just after three years. I understand that it is intended to be an ongoing process to see how it is rolled out to ensure that we do not have unforeseen consequences. Before making a decision on either of the amendments, I suppose I am asking for a little more detail on how those informal review processes will be undertaken. If there is an obvious problem that needs to be addressed as a matter of urgency along the lines of the concerns that have been raised by Hon Nick Goiran, I want some sort of indication of how swiftly the government intends to address those sorts of issues. I agree that if we were to wait for five years, we would effectively be talking about holding over justice for people who are waiting to finally get justice.

Hon SUE ELLERY: I appreciate the honourable member's question. I am not able to give her any detail about how that might be executed. I understand that the Attorney General has given her his commitment. That is what has been explained to me by the Attorney General—that he will keep a very close eye on what is happening. If changes need to be made because something happens that was not anticipated, he has given an undertaking that he will act swiftly. I cannot give the member any more detail about how he will do that or what mechanisms he might put in place to do that because I do not have it. But he has said that he wants to keep a close eye on that. The honourable member will make her decision as she sees fit. The government's position is that, in all the circumstances, a five-year review period is appropriate.

Hon NICK GOIRAN: Briefly, for the benefit of Hon Alison Xamon and the chamber, I will raise one matter. To get any sense of the swiftness with which the government will operate, we need look only at its review of the Criminal Injuries Compensation Act. The government made a decision in September. It was communicated to the department in October. Last week I asked who is undertaking the review and I was told that it does not know. We

found out this week that it is the Department of Justice, and since then there has been nothing else. Since September, the only thing that has been done has been the identification of the Department of Justice. Yesterday I had to ask a detailed question and I was told that the department is currently preparing a discussion paper. Unless this government is pushed to the extreme, there will be no haste. This is precisely why we need it to be a three-year period, not a five-year period.

Division

Amendment on the amendment (deletion of words) put and a division taken, the Deputy Chair (Hon Matthew Swinbourn) casting his vote with the noes, with the following result —

Ayes (17)

Hon Martin Aldridge	Hon Colin de Grussa	Hon Michael Mischin	Hon Alison Xamon
Hon Jacqui Boydell	Hon Diane Evers	Hon Simon O'Brien	Hon Ken Baston *(Teller)*
Hon Robin Chapple	Hon Donna Faragher	Hon Tjorn Sibma	
Hon Tim Clifford	Hon Nick Goiran	Hon Aaron Stonehouse	
Hon Peter Collier	Hon Colin Holt	Hon Dr Steve Thomas	

Noes (15)

Hon Alanna Clohesy	Hon Laurie Graham	Hon Samantha Rowe	Hon Darren West
Hon Stephen Dawson	Hon Alannah MacTiernan	Hon Robin Scott	Hon Pierre Yang
Hon Sue Ellery	Hon Rick Mazza	Hon Matthew Swinbourn	Hon Martin Pritchard *(Teller)*
Hon Adele Farina	Hon Kyle McGinn	Hon Colin Tincknell	

Pair

Hon Jim Chown	Hon Dr Sally Talbot

Amendment on the amendment (deletion of words) thus passed.

Division

Amendment on the amendment (insertion of words) put and a division taken, the Deputy Chair (Hon Matthew Swinbourn) casting his vote with the noes, with the following result —

Ayes (17)

Hon Martin Aldridge	Hon Colin de Grussa	Hon Michael Mischin	Hon Alison Xamon
Hon Jacqui Boydell	Hon Diane Evers	Hon Simon O'Brien	Hon Ken Baston *(Teller)*
Hon Robin Chapple	Hon Donna Faragher	Hon Tjorn Sibma	
Hon Tim Clifford	Hon Nick Goiran	Hon Aaron Stonehouse	
Hon Peter Collier	Hon Colin Holt	Hon Dr Steve Thomas	

Noes (15)

Hon Alanna Clohesy	Hon Laurie Graham	Hon Samantha Rowe	Hon Darren West
Hon Stephen Dawson	Hon Alannah MacTiernan	Hon Robin Scott	Hon Pierre Yang
Hon Sue Ellery	Hon Rick Mazza	Hon Matthew Swinbourn	Hon Martin Pritchard *(Teller)*
Hon Adele Farina	Hon Kyle McGinn	Hon Colin Tincknell	

Pair

Hon Jim Chown	Hon Dr Sally Talbot

Amendment on the amendment (insertion of words) thus passed.

The DEPUTY CHAIR: We are now dealing with the amendment as amended. For the sake of clarity, I shall read out the words to be inserted —

Page 16, after line 30 — To insert —

(7) The Minister must carry out a review of the operation and effectiveness of this section and Part 7 as soon as is practicable after the 3rd anniversary of the day on which the *Civil Liability Legislation Amendment (Child Sexual Abuse Actions) Act 2017* section 8 comes into operation.

(8) The Minister must prepare a report based on the review and, as soon as is practicable after the report is prepared, cause it to be laid before each House of Parliament.

Amendment, as amended, put and passed.

Hon NICK GOIRAN: One issue that we canvassed under clause 1, which we agreed we would leave to clause 8, related to proposed section 6A(2) and whether it is sufficient to ensure that claims can be made against the state.

Hon SUE ELLERY: We canvassed this, but the answer is yes. In the general sense it is proposed section 6A(2) and in the specific sense it is 6A(3)(a) and (b).

Hon NICK GOIRAN: If proposed section 6A(2) is sufficient, why do we need 6A(3)?

Hon SUE ELLERY: This is a non-lawyer trying to explain a very technical legal provision. To put the question beyond doubt, proposed subsection (3)(a) is required to cover off the previous bits of legislation referred to, in that case the Crown Suits Act and section 47A of the previous limitation legislation, to make the point that it is not a limitation period. I am sorry if that was a convoluted non-legal person's explanation.

Hon Nick Goiran: It is like extra insurance.

Hon SUE ELLERY: It is. It is for completeness. It is to ensure that the field is completely covered.

Clause, as amended, put and passed.

Clause 9: Section 9 amended —

Hon MICHAEL MISCHIN: What is clause 9 meant to achieve?

Hon SUE ELLERY: It is to ensure that wherever limitations are referred to in this act, proposed section 6A is referenced.

Clause put and passed.

Clause 10: Part 7 inserted —

Hon MICHAEL MISCHIN: I just have a question about proposed section 92, which provides for the setting aside of previously settled causes of action and to the agreements affecting the settlements that are termed as settlement agreements.

My understanding is that many of these settlement agreements that have been entered into in the past, whether before or after the expiration of relevant limitation periods, have confidentiality and other provisions—quite apart from eliminating any causes of action and the like—about what can be disclosed about the nature of that settlement and agreement. It is a bit like the chicken and the egg scenario. If it allows for the setting aside of the agreement to a certain extent, either in part or in whole, does a claimant who has entered into a settlement agreement in the past that bound themselves to certain confidentiality, expose themselves by breaching that confidentiality and then instructing others or approaching, again, the institution with which it has entered into that settlement? Perhaps the minister can assist. It may be that she does not have any information about it, but again, that is something we hope will be elucidated in any review of the act within three years.

Hon SUE ELLERY: A couple of protections are built in. One is in proposed section 92(3)(b), which states —

> to the extent necessary for that, ….

The other protection is found at the beginning of proposed section 92(3), which states —

> The court may, if satisfied that it is just and reasonable to do so —

Those are the two levels of protection. Even when it is just and reasonable to do so, it is only to the extent necessary for that or the extent to which it relates to the child sexual abuse that is the subject of the cause of action.

Hon MICHAEL MISCHIN: In short, the government has considered the matter and sees no potential problem for claimants who reopen matters that have been settled in the past.

Hon SUE ELLERY: That is correct, and those protections have been put in place to build into the court's considerations the extent to which it is just and reasonable and the extent to which it applies in only a narrow set of circumstances.

Hon NICK GOIRAN: What happens if the court does not set aside the settlement agreement? For example, a victim of child sexual abuse has entered into an agreement, prior to our legislation passing, that includes a confidentiality clause, as identified by the shadow Attorney General. They bring their action to the court to have the settlement agreement set aside and the court says no. Have they then breached the confidentiality agreement and become subject to an action for that breach?

Hon SUE ELLERY: They have a statutory right to bring this matter before the court.

Clause put and passed.

Title —

The DEPUTY CHAIR (Hon Matthew Swinbourn): Hon Michael Mischin, you have an amendment on the notice paper. Do you wish to move it?

Hon MICHAEL MISCHIN: Ordinarily, I would not proceed with this. Perhaps I can take some guidance from the Deputy Chair on it. It is my intended review clause, which was meant to form a part of the Civil Liability Legislation Amendment (Child Sexual Abuse Actions) Bill 2017 that is now before the house, requiring a review—in similar terms to what has currently been passed—after the third anniversary of the day on which a major operative part of this bill related to limitation periods comes into operation. I see on the notice paper that the Leader of the House has a motion in her name at serial 5/5 for a review of the parts of the Civil Liability Act that are introduced by this bill. In anticipation of that, I would not ordinarily proceed with this particular motion.

However, I note that the government opposed not only a reduction in the anniversary review from five to three years, but also, when the words "5th anniversary" were deleted, opposed inserting a "3rd anniversary", and when that insertion was successful, it voted against its own review clause. Judging from that attitude, I have no confidence that the government will seek to recommit for the purposes of considering an amendment to clause 5 that is in the Leader of the House's name. If she is able to give an assurance that that amendment will be proceeded with, I see no reason to proceed with mine. But what I do not want to happen is that there be no follow-up on the review provisions, which I understood was going to be done.

Hon SUE ELLERY: I am happy to give the member an assurance that I will move that the bill be recommitted for the purpose of dealing with the review of clause 5. The chamber will do with that what the chamber will do with that, but for the purposes of the debate, that is the assurance I am prepared to give the honourable member.

Hon MICHAEL MISCHIN: So that I understand, and correct me if I am wrong, but if I do not proceed with my proposed amendment at 3/NP4 on the supplementary notice paper, then the Leader of the House will, nevertheless, move to recommit the bill for the purposes of reconsidering clause 5 and move the proposed amendment at 5/5 on the supplementary notice paper.

Hon Sue Ellery: That is what I just said.

Hon MICHAEL MISCHIN: In those circumstances I do not propose to move the amendment in my name.

Hon SUE ELLERY: I move —

Page 1, after the first bullet point insert —

- **The *Criminal Injuries Compensation Act 2003*; and**

This is consequential to an amendment that the committee passed earlier, which had the effect of amending the Criminal Injuries Compensation Act 2003. That act needs to be included in the list of acts that this bill amends.

Amendment put and passed.

Title, as amended, put and passed.

Bill reported, with amendments.

Recommittal

HON SUE ELLERY (South Metropolitan — Leader of the House) [3.20 pm]: I move —

That the Civil Liability Amendment (Child Sexual Abuse Actions) Bill 2017 be recommitted for the purpose of reconsidering clause 5.

This is as a consequence of discussions behind the Chair about adding review provisions to the bill. The recommittal would give us the opportunity to go back and insert the review clause in the place that the government would prefer it to appear.

Question put and passed.

Committee

The Deputy Chair of Committees (Hon Laurie Graham) in the chair; Hon Sue Ellery (Leader of the House) in charge of the bill.

Clause 5: Part 2A inserted —

Hon MICHAEL MISCHIN: To reflect the opposition's previous views on the review clause, we thank the government for having taken on the responsibility of crafting what is, in its view, an appropriate review clause to address the concerns that were expressed and which motivated my proposing a review, with the one rider—that the opposition considers a third anniversary review is more appropriate than a fifth anniversary review, and would be consistent with what was dealt with earlier. I move to delete "5th" and substitute "3rd".

The DEPUTY CHAIR: The Leader of the House has to move her amendment first.

Hon Sue Ellery: You haven't even let me move the amendment.

Hon MICHAEL MISCHIN: Sorry; I jumped the gun!

Hon SUE ELLERY: I move —

Page 14, after line 15 — to insert —

Division 5 — Review of Part 2A

15M. Review of Part

(1) The Minister must carry out a review of the operation and effectiveness of this Part as soon as is practicable after the 5th anniversary of the day on which the *Civil Liability Legislation Amendment (Child Sexual Abuse Actions) Act 2017* section 5 comes into operation.

(2) The Minister must prepare a report based on the review and, as soon as is practicable after the report is prepared, cause it to be laid before each House of Parliament.

Hon MICHAEL MISCHIN: As I have just explained, here is a copy of my proposed amendment. I move —

To delete "5th" and substitute —

3rd

Hon SUE ELLERY: The government's position is consistent. Our preference is that it stay at "5th". The house will do what the house will do, but for the purposes of executing the government's policy, the government will not accept the amendment. I will divide once for members' benefit and then move forward.

Division

Amendment on the amendment (deletion of words) put and a division taken, the Deputy Chair (Hon Laurie Graham) casting his vote with the noes, with the following result —

Ayes (17)

Hon Martin Aldridge	Hon Peter Collier	Hon Colin Holt	Hon Alison Xamon
Hon Jacqui Boydell	Hon Colin de Grussa	Hon Michael Mischin	Hon Ken Baston *(Teller)*
Hon Robin Chapple	Hon Diane Evers	Hon Simon O'Brien	
Hon Jim Chown	Hon Donna Faragher	Hon Aaron Stonehouse	
Hon Tim Clifford	Hon Nick Goiran	Hon Dr Steve Thomas	

Noes (15)

Hon Alanna Clohesy	Hon Laurie Graham	Hon Samantha Rowe	Hon Darren West
Hon Stephen Dawson	Hon Alannah MacTiernan	Hon Robin Scott	Hon Pierre Yang
Hon Sue Ellery	Hon Rick Mazza	Hon Matthew Swinbourn	Hon Martin Pritchard *(Teller)*
Hon Adele Farina	Hon Kyle McGinn	Hon Colin Tincknell	

Pair

Hon Tjorn Sibma	Hon Dr Sally Talbot

Amendment on the amendment (deletion of words) thus passed.

Amendment on the amendment (insertion of words) put and passed.

Amendment, as amended, put and passed.

Clause, as amended, put and passed.

Bill again reported, with an amendment.

Report

By leave, reports of the committee adopted.

As to Third Reading — Standing Orders Suspension — Motion

On motion without notice by **Hon Sue Ellery (Leader of the House)**, resolved with an absolute majority —

That so much of standing orders be suspended so as to enable the bill to be read a third time forthwith.

Third Reading

Bill read a third time, on motion by **Hon Sue Ellery (Leader of the House)**, and returned to the Assembly with amendments.

HEALTH PRACTITIONER REGULATION NATIONAL LAW (WA) AMENDMENT BILL 2017

Committee

Resumed from 28 March. The Deputy Chair of Committees (Hon Laurie Graham) in the chair; Hon Alanna Clohesy (Parliamentary Secretary) in charge of the bill.

New Part 2A —

Progress was reported on the following new part 2A moved by Hon Alanna Clohesy (Parliamentary Secretary) —

Page 55, after line 5 — To insert —

Part 2A — *Health Practitioner Regulation National Law (WA) Regulations 2010* amended

97A. Regulations amended

This Part amends the *Health Practitioner Regulation National Law (WA) Regulations 2010.*

97B. Regulation 4 amended

In regulation 4(1) delete "from time to time" and insert:

on 6 December 2017

Hon ALANNA CLOHESY: Yesterday in Committee of the Whole House, I undertook to find out some information for Hon Nick Goiran about commencement dates. The information provided to me from the Victorian government law database is a table of amending instruments, which is what I am quoting from.

I will table page 19 of the National Law Regulations.

[See paper 1203.]

Hon ALANNA CLOHESY: I will go through the four changes.

Hon Nick Goiran: We need only the last one.

Hon ALANNA CLOHESY: I said I would give the member the whole lot, sorry. The first date of commencement on publication by the Victorian Government Printer was 7 October 2011; the second, 20 June 2013; the third, 3 June 2015; and the fourth, 12 October 2016. There have been no further amendments to the national regulations since then. They were the two issues I was asked to find out about.

Hon NICK GOIRAN: The parliamentary secretary was also going to check whether the minister will amend the Health Practitioner Regulation National Law (WA) Amendment Bill to ensure new part 2A comes into operation on the assent date.

Hon ALANNA CLOHESY: I can advise the chamber that the minister has accepted that the bill can be proclaimed as soon as possible after assent.

Hon NICK GOIRAN: It is certainly the case that it can be proclaimed as soon as possible, but is that the government's intent? What does it mean by as soon as possible? Will it be proclaimed on or before the day after assent?

Hon ALANNA CLOHESY: It cannot be proclaimed as soon as possible after royal assent. I cannot give the member a yes on the day after because, as the member will know, it requires an Executive Council meeting. I can give indicative dates. That is why I said as soon as possible. I understand there may be, for example, an Exco meeting on 24 April, which will then have the proclamation instrument gazetted on 27 April. They are indicative dates because I have no control over Executive Council meetings. But that is an example of as soon as possible.

Hon NICK GOIRAN: Is it the government's intention to proclaim this provision on the first available date after assent?

Hon ALANNA CLOHESY: Yes.

Hon NICK GOIRAN: With respect to the issue of the date set out at proposed new section 97B, which is 6 December 2017, why is the date not 12 October 2016 now that the parliamentary secretary has informed the chamber that that is the last date that amendments became effective in Western Australia?

Hon ALANNA CLOHESY: That was the date the minister agreed to and signed the amendment.

Hon NICK GOIRAN: Would there be any implication or consequence if the date read 12 October 2016, instead of 6 December 2017?

Hon ALANNA CLOHESY: There would be no difference.

Hon NICK GOIRAN: Will the government then move to amend its proposed amendment to reflect the superior date of 12 October 2016?

Hon ALANNA CLOHESY: No. We are concerned that if we shift the date in a tight turnaround like we have today, there may be unintended consequences. Without time to consider what they may be, we would prefer to keep the date the government set, which is the date the minister accepted the amendment, which is a reasonable point in time—a reasonable line in the sand. To make sure that there will be no unintended consequences, we would like the amendment to stand as is.

Hon NICK GOIRAN: The opposition will support the amendment moved by the parliamentary secretary on the basis that government needs more time to do its homework.

New part put and passed.

Clauses 98 and 99 put and passed.

Clause 100: *Civil Liability Act 2002* amended —

Hon NICK GOIRAN: A few days ago, the parliamentary secretary tabled an amended explanatory memorandum. The explanatory memorandum at clause 100 now contains a considerably large portion of text. The explanatory memorandum that was tabled in the other place comprises a mere two paragraphs of text. Why the difference?

Hon ALANNA CLOHESY: An amendment was made in the other place that necessitated a more detailed explanation at clause 100.

Clause and passed.

Clauses 101 to 117 put and passed.

Title —

Hon ALANNA CLOHESY: I move —

Page 1 — To insert after "***2010***" —

and the *Health Practitioner Regulation National Law (WA) Regulations 2010*

By way of explanation, this amendment in Committee of the Whole to the long title of the bill is necessary to ensure that the amendments to the WA regulations are within scope. Without this amendment, any amendments to the regulations would be outside the scope of the long title. As mentioned earlier, the amendments will prevent the Western Australian regulations from automatically adopting changes that may be in force from time to time elsewhere.

Amendment put and passed.

Title, as amended, put and passed.

Report

Bill reported, with amendments, and, by leave, the report adopted.

As to Third Reading — Standing Orders Suspension — Motion

On motion without notice by **Hon Alanna Clohesy (Parliamentary Secretary)**, resolved with an absolute majority —

That so much of standing orders be suspended so as to enable the bill to be read a third time forthwith.

Third Reading

Bill read a third time, on motion by **Hon Alanna Clohesy (Parliamentary Secretary)**, and returned to the Assembly with amendments.

STANDING COMMITTEE ON PROCEDURE AND PRIVILEGES

Forty-seventh Report — "Corruption, Crime and Misconduct Amendment Bill 2017 — Extension of time" — Tabling

THE PRESIDENT (Hon Kate Doust): I am directed to present the forty-seventh report of the Standing Committee on Procedure and Privileges titled "Corruption, Crime and Misconduct Amendment Bill 2017 — Extension of time".

[See paper 1204.]

Extension of Reporting Time — Motion

HON SIMON O'BRIEN (South Metropolitan) [3.56 pm] — without notice: I move —

That the reporting date for the Standing Committee on Procedure and Privileges inquiry into the Corruption, Crime and Misconduct Amendment Bill 2017 be extended from 10 April 2018 to 10 May 2018.

I seek leave to continue my remarks at a later stage of this day's sitting.

Leave granted.

Debate adjourned, pursuant to standing orders.

[Continued on page 1464.]

SHIRE OF CHITTERING REPEAL LOCAL LAW 2017 — DISALLOWANCE

Motion

Pursuant to standing order 67(3), the following motion by Hon Robin Chapple was moved pro forma on 7 November 2017 —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the Shire of Chittering Repeal Local Law 2017 published in the *Government Gazette* on 7 July 2017 and tabled in the Legislative Council on 16 August 2017 under the Local Government Act 1995, be and is hereby disallowed.

HON ROBIN CHAPPLE (Mining and Pastoral) [3.57 pm]: This was a very simple regulation that the committee had to deal with. I spoke at length when I tabled the report. I urge the chamber to follow our recommendation on page 4 of the report, which states —

The Committee recommends that the *Shire of Chittering Repeal Local Law 2017* be disallowed.

HON SUE ELLERY (South Metropolitan — Leader of the House) [3.58 pm]: When local governments make local laws, they are required to follow the process set out in section 3.12 of the Local Government Act 1995; and, if they fail to follow that process, the local law is potentially invalid and may be overturned. The committee has concluded, as we have heard, that the shire has not followed the correct process by not publicly advertising its intent to make the repeal local law, inviting public submissions or providing a copy of the draft repeal local law to the Minister for Local Government as required under the act. The government supports the committee's recommendation and the motion to disallow the Shire of Chittering Repeal Local Law 2017.

HON DONNA FARAGHER (East Metropolitan) [3.59 pm]: On behalf of the opposition, I indicate that, in line with the committee's recommendation and also the comments by the Leader of the House, we also will support the disallowance.

Question put and passed.

SHIRE OF NORTHAMPTON LOCAL GOVERNMENT PROPERTY LOCAL LAW 2017 — DISALLOWANCE

Motion

Pursuant to standing order 67(3), the following motion by Hon Robin Chapple was moved pro forma on 7 November 2017 —

> That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the Shire of Northampton Local Government Property Local Law 2017, published in the *Government Gazette* on 1 August 2017 and tabled in the Legislative Council on 16 August 2017 under the Local Government Act 1995, be and is hereby disallowed.

HON ROBIN CHAPPLE (Mining and Pastoral) [3.59 pm]: Again, this is a very short report, but a very important one. The procedure in section 3.6(1) of the Local Government Act requires that before a shire makes a local law, it first obtains the Governor's approval to apply the local law to places outside its district. The shire had requested the Governor's approval but this was not provided until after the local law was made. As a result, the committee recommends that the Shire of Northampton Local Government Property Local Law 2017 be disallowed.

HON SUE ELLERY (South Metropolitan — Leader of the House) [4.00 pm]: If a local government wants to make a law that applies outside its district, as we have just heard, it needs to obtain the Governor's approval before the local law is made. If the local law is made without the Governor's approval, it is potentially invalid. In this case, the Shire of Northampton sought to regulate activities on local government property, including beaches, jetties and bridges, and the council resolved to make the local law on 16 June 2017, four days prior to the Governor giving approval for the local law to apply outside the district. The government supports the committee's recommendations and the motion to disallow the Shire of Northampton Local Government Property Local Law 2017.

HON DONNA FARAGHER (East Metropolitan) [4.01 pm]: Again, similar to the motion we have just dealt with, in line with the recommendations made by the Joint Standing Committee on Delegated Legislation and in respect of the comments made by the Leader of the House, the opposition will also support this disallowance motion.

Question put and passed.

BIOSECURITY AND AGRICULTURE MANAGEMENT ACT 2007 NOTICE UNDER SECTION 130(1) — DISALLOWANCE

Motion

Pursuant to standing order 67(3), the following motion by Hon Robin Chapple was moved pro forma on 7 November 2017 —

> That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the Biosecurity and Agriculture Management Act 2007 notice under section 130(1), published in the *Government Gazette* on 27 June 2017 and tabled in the Legislative Council on 16 August 2017 under the Biosecurity and Agriculture Management Act 2007, be and is hereby disallowed.

HON ROBIN CHAPPLE (Mining and Pastoral) [4.02 pm]: I will spend a little more time on this one. I think it is important to note that this is one of the rare occasions on which we disallow an instrument that was not validly made and therefore had no legal stature. Section 130 of the Biosecurity and Agriculture Management Act 2007 authorises the Minister for Agriculture and Food to determine a rate chargeable on specified land, or classes of land, for each financial year for the purposes of the declared pest account. This rate is set by gazetting a notice of the minister's rate determination. Such a notice was published in the *Government Gazette* on 27 June 2017.

The Joint Standing Committee on Delegated Legislation is of the view that the minister, before gazetting the notice, did not consult affected landowners individually, as required by section 131 of the act and regulation 4(2)(b) of the Biosecurity and Agriculture Management (Declared Pest Account) Regulations 2014. Accordingly, the notice was made invalidly. The notice offends the committee's term of reference 10.6(a) because it is not within power of its enabling act. The committee recommends that the Biosecurity and Agriculture Management Act 2007 notice under section 130(1) be disallowed.

HON COLIN de GRUSSA (Agricultural) [4.04 pm]: I have some concerns and questions about this disallowance. I understand the mechanics of how the regulation is gazetted and that it comes into effect on 1 July 2017. That is fine. Under the act, as is pointed out, in so far as is reasonably practicable, a copy of the notice must be sent by post to each owner of affected land. I am concerned that this process raises funds for regional biosecurity groups to do their job. I would like to know—I am not sure whether the minister can answer this question—whether levies have been collected under that proposed regulation. What will happen with those levies as a result of this disallowance? Do they have to be repaid? Does that leave those biosecurity groups in uncharted and uncertain territory?

I have spoken to a number of biosecurity groups that carried out a lot of consultation and wrote to landowners in their own right. The minister did not write to the landowners; the biosecurity groups did. I am not sure whether that is acceptable under the act. If it is not, this must be resolved swiftly because of the uncertainty from a financial perspective of not only the regional biosecurity groups, but also biosecurity in general. We depend on the funding from these rates to keep our biosecurity very strong in this state. If I can be satisfied with some answers to those questions, we will consider the disallowance.

HON JIM CHOWN (Agricultural) [4.06 pm]: I rise on behalf of the opposition. It is regrettable that the Minister for Agriculture and Food has decided to breach regulation 4(2)(b) of the Biosecurity and Agriculture Management (Declared Pest Account) Regulations 2014 and section 131 of the Biosecurity and Agriculture Management Act 2007. This is an annual requirement. The minister explained that she believed that it was unreasonable and unnecessary to write to a number of landowners about the new rate notices. The act was pretty clear in stating that 30 days' notice in writing is required. A number of these landowners live in remote and regional Western Australia. I do not know whether they receive the paper regularly. The mail is always collected. It gives them an opportunity to appeal to the minister in writing. That is why this requirement is in the regulations. I think Hon Colin de Grussa made some very good points. Be that as it may, due process is due process. It is there for a reason and this has been due process for many years. I support the disallowance. We have just seen a previous disallowance in which local government did not abide by due process. If this minister wants to go down the line of throwing due process in the bin, I think we are bereft of our responsibilities in this house.

HON ALANNAH MacTIERNAN (North Metropolitan — Minister for Agriculture and Food) [4.07 pm]: I need to make it clear that we are not opposing this disallowance. I thank Hon Colin de Grussa for raising a number of important issues. Under section 42 of the Interpretation Act 1984, a disallowance takes effect only when the disallowance is made. This disallowance will not invalidate any rates that have been collected in the past. I understand the argument put by Hon Robin Chapple that the document itself was not valid, but that is not made so by this disallowance. I do not think we need to be concerned that we are generating that problem in this disallowance, because it is true that the money has been raised and spent.

In relation to the comments of my good friend Hon Jim Chown, I inform him that this practice started under his government. The decision that ample discussion and consultation should occur via the regional biosecurity groups was made in the first instance under his government in 2015. Any problem that we might be seeing this year is a problem that will exist in relation to the rates that were collected in 2015 and 2016, so do not sit there and be so cocky, because this was part of the problem that the former government generated. I believe that this is absolutely one of the consequences of deskilling the Department of Agriculture and Food—slashing and burning that department and taking out its skill base. I believe that the analysis in the committee report is sound and there is a real problem here. One of my challenges is to try to rebuild some of the capability within the department and particularly within its legal affairs unit. We have begun some consultation with the industry to look at how we might amend those regulations to make this a more practical regime. I recognise that landowners should know whether they are going to be subject to a biosecurity levy. Many of these levies really just continue to roll over year after year. Therefore, this house may want to consider implementing a regulation that required any new levy or major increase in a levy to be the subject of individual landowner notification, and perhaps levies that were simply a rollover could be treated differently. We appreciate the work of the committee. It has been sound and has highlighted a problem that emerged three years ago and we will undertake to deal with it.

HON ROBIN CHAPPLE (Mining and Pastoral) [4.11 pm] — in reply: I am not going to get into "he said, she said" or any of that sort of stuff. Part of the role of the Joint Standing Committee on Delegated Legislation is to review regulations that come before us. From time to time we review regulations as they come before us, we check them and we find out that maybe in the past we have not done our job as well as we should have. From time to time, and this occurs many times, we find a regulation or something we have handled in the past and let go through to the keeper and we pick it up. This was one of those. That is not to say that whoever was doing it beforehand was doing a bad job or a good job; maybe it is down to us. I have seen many regulations we have reviewed afterwards and we have gone back to our records and found out that five or six years ahead—not ahead, we do not do that—five or six years ago we missed one. We do miss them because we get hundreds of regulations. In this case we picked up on this and it did not comply, and that is why we moved the disallowance. I just need to make it very clear that this is a joint house committee and we do the very, very best we can to review all the regulations that come before us. From time to time we will find one that we missed in the past, and this was one of those cases.

Question put and passed.

Sitting suspended from 4.13 to 4.30 pm

QUESTIONS WITHOUT NOTICE

TAXI AND CHARTER OPERATORS — LEVY

196. Hon PETER COLLIER to the minister representing the Minister for Transport:

I refer to the proposed legislation for taxi reform following the minister's comments made in the Legislative Assembly on Wednesday, 21 March 2018, on the proposed 10 per cent levy to be applied to all taxi and charter operators and that the levy will now be modified to exclude all regional taxi operators outside Perth and the Peel–Harvey area.

(1) Can the minister confirm that taxi or charter operators who do transfers between regional Western Australia and the Perth and Peel region also will be exempt from this levy?

(2) Can the minister clarify whether all charter operators will be paying the levy?

Hon STEPHEN DAWSON replied:

I thank the Leader of the Opposition for some notice of the question.

The answer to that question does not appear in my folder. If it comes in towards the end of question time, I will read it then. I also advise the member that the only question I have from him in my folder is question 187. I am not sure whether the member has asked any further questions, but that is just in case he has.

[The following material was incorporated; see page 1470.]

(1) I can confirm that all taxi and charter fares that start from or finish in the defined Perth and Peel area will be subject to the levy.

(2) All charter operators state-wide will be required to pay the levy on any on-demand passenger fares that start from or finish in the defined Perth Peel area. Any scheduled tourism services will not be classified as an on-demand service and therefore will not be subject to the levy.

ALBANY WAVE ENERGY PROJECT — CARNEGIE CLEAN ENERGY — ELECTRICITY REVENUE

197. Hon PETER COLLIER to the Minister for Regional Development:

I refer to the Albany wave farm.

(1) Can the minister confirm that the state will not receive any revenue from the sale of electricity exported from Carnegie Clean Energy's Albany wave project?

(2) Can the minister confirm that none of the electricity exported from Carnegie's Albany wave project will be used to power homes in Western Australia as Carnegie has no off-take agreement with Synergy and cannot be a provider of electricity to residential homes in the south west interconnected system?

(3) Has a business case for the $15.75 million funding to Carnegie been completed to justify the investment? If yes, will the minister table the business case; and, if no, why not?

(4) What was the basis for the decision to allocate $15.75 million to this project?

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question.

(1) This is extraordinary given that the former minister put out press release after press release about his support for Carnegie Clean Energy and wave energy back in 2009 and 2010 and seemed to understand that the purpose of co-investment by the state was to drive a new technology. That is what happened when the previous government continued the funding, which I must say started under Labor, and continued to co-invest with CETO 5. Of course, we know that the technology has to move on. It started in Fremantle. It then moved to Garden Island. Now is the time to go into the big seas off Albany to try out the potential of this technology. Yes, Carnegie will receive the proceeds of any power sold during the trial. I want to point out to the Leader of the Opposition that Carnegie is investing $25.6 million into this project. In fact, the ratio of investment from the private sector into this project is higher than it was in the one that the previous government put out media release after media release about —

Hon Peter Collier: For five megawatts; what's yours—one megawatt?

Hon ALANNAH MacTIERNAN: Do you actually know how much energy is being generated at the Garden Island one, because I think, my friend, you will find it is actually less than one megawatt.

Hon Peter Collier interjected.

The PRESIDENT: Order! I just want to say that it is not debating. You have asked your question; the minister is trying to provide a response. You might let her provide the response.

Hon ALANNAH MacTIERNAN:

(2) As explained earlier in the week, Carnegie will use the merchant arrangement as it is proposing to do with its solar farm development in Northam. It does not need a power purchase agreement with Synergy or anyone else.

(3)–(4) The decision to invest in a wave energy technology development project followed a comprehensive request for proposal and a valuation process.

DEPARTMENT OF EDUCATION — SAVINGS MEASURES

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

Thank you, Madam President —

Hon Peter Collier interjected.

The PRESIDENT: Hon Donna Faragher has the call and, sadly, I have not been able to hear her voice yet.

Hon DONNA FARAGHER: Will the minister provide a table of all savings measures that were identified by the Department of Education and approved by the minister on or before 13 December 2017 and which formed part of the minister's announcement on that same day; and, if not, why not?

Hon SUE ELLERY replied:

I thank the honourable member for some notice of the question. I am unable to provide an answer today. However, I undertake to provide an answer to this question in the next sitting week.

Hon Donna Faragher: I've been asking this question for two weeks!

Hon SUE ELLERY: And you'll get an answer.

SPECIALIST DOMESTIC VIOLENCE INVESTIGATION UNIT

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

On what date in March 2017 did the state family violence unit special case team become active?

Hon STEPHEN DAWSON replied:

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

The Western Australian Police Force advises that the state family violence special case team became active in March 2017, with positions in the team filled progressively between April and September 2017. The Western Australia Police Force advises that no specific date is available.

SKIPPERS AVIATION — PERTH–CARNARVON ROUTE

200. Hon JACQUI BOYDELL to the minister representing the Minister for Transport:

I refer to the regular public transport flight route between Perth and Carnarvon.

(1) Is Skippers Aviation fulfilling its contract with the state government?

(2) Given that services have declined significantly, what has the minister done to ensure Skippers is maintaining services as required by that government contract?

(3) With key tourism events and school holidays nearing, what will the minister do to ensure services continue to operate to an appropriate standard between now and the end of the Skippers Aviation contract?

Hon STEPHEN DAWSON replied:

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

I do not seem to have any answers for questions lodged today for that minister. We will chase them down and find why they are not in the folder. If they come in, I will provide them at the end of the question time; and, if not, I will try to provide them as part of members' statements if that is possible. I will certainly endeavour to provide the answers today. If anyone else has lodged a question to the Minister for Police today, they do not seem to be here at the moment.

[The following material was incorporated; see page 1469.]

(1) No. Skippers Aviation is operating at a reduced schedule of services due to a significant loss of pilots in recent months.

(2) The Department of Transport (DoT) has had substantial engagement with Skippers Aviation over recent weeks. This has resulted in Skippers increasing the size of its planes from 30 seat to 50 seat planes on some services which provides an increased seat capacity despite a reduced schedule.

(3) DoT will continue to liaise with Skippers in respect of its schedule for services for Carnarvon over the remaining period of the deed agreement with the State Government. The Government has appointed Regional Express Airlines to operate on this route from 2 July2018.

UNEXPLAINED WEALTH DECLARATIONS

201. Hon AARON STONEHOUSE to the Leader of the House representing the Attorney General:

I refer to a report dated 28 April 2017 on the ABC website in which the Attorney General is said to have blamed the low number of unexplained wealth declarations over the past decade on the Director of Public Prosecutions having had "insufficient resources" to pursue criminals in this regard.

(1) How many unexplained wealth declarations were applied for in each calendar year between 2000, when the Criminal Property Confiscation Act 2000 became law, and 2017?

(2) How many of those applications were granted?

(3) How many subsequently led to confiscations?

Hon SUE ELLERY replied:

I thank the honourable member for some notice of the question. I table the attached document.

[See paper 1205.]

GOGO STATION — IRRIGATION

202. Hon COLIN TINCKNELL to the Minister for Agriculture and Food:

Agricultural development is an important priority, but it is also important that that development is sustainable. My question relates to the proposal to establish an irrigated agricultural development at Gogo Station in the Kimberley.

(1) Has the department conducted a land capability assessment?

(2) If yes to (1), what were the outcomes, and can the Department of Agriculture and Food provide a copy of the assessment?

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

Hon ALANNAH MacTIERNAN replied:

(1)–(3) I thank the member for the question. I understand his general concerns and I understand this whole issue of sustainability. It is not generally the practice of the state government to do land capability studies other than at a very macro level, so the state government has not done specific studies on the land of Gogo. That is obviously the responsibility or in the interest of the pastoralist, who is seeking to have a diversification permit with irrigated horticulture. It is important to understand that some of the concerns the member might have are currently being dealt with by the Environmental Protection Authority, which is doing an extensive examination of all the environmental factors associated with this proposal. Land and water assessments are being undertaken by my department and the Department of Water and Environmental Regulation, but they are more strategic in nature. The assessment of the impact of the Gogo proposition is fundamentally being dealt with by the EPA.

TRANSPORT — SCHOOL BUS SERVICE — MARGARET RIVER–METRICUP

203. Hon DIANE EVERS to the minister representing the Minister for Transport:

I refer to the Margaret River–Metricup school bus service.

(1) What is the maximum capacity in student numbers of this bus?

(2) Is the bus currently at maximum capacity?

(3) If yes to (2) —

  (a) are any children being denied access to the service;

  (b) have any children who have had complimentary approval to ride on this service had that approval rescinded; and

  (c) can a larger bus be made available?

(4) What are the student passenger numbers for each segment of the route?

(5) What is the forecast demand over the next three years for students requiring this bus service?

Hon STEPHEN DAWSON replied:

I appreciate the honourable member giving us notice of that question. Unfortunately, that question was lodged today. It was asked of the Minister for Planning and/or the Minister for Lands and/or the Minister for Transport. None of those questions and answers appear in my folder. If it comes in by the end of question time, I will provide the answer then. Again, I apologise to the house. Any member can obviously ask a question that they have put in the folder today, but I remind members that if they have other questions in the folder, they perhaps might want to ask those and they might get an answer.

[The following material was incorporated; see page 1469.]

(1) 57 adults (over Year 4) or 83 students (less than Year 4).

(2) No. However, to address capacity issues within the Margaret River area, three Margaret River 'orange' bus services, including the Margaret River Metricup service, are currently under review with an intention to make seats available for 10 eligible waitlisted students. From 9 April 2018, some students will be reallocated to different services and 17 complimentary passengers will no longer be able to travel on the service.

(3) (a) Yes.

(b) Yes.

(c) No.

(4) The Margaret River Metricup service is split into 3 bus runs. Run 1 has a maximum of 31 students, Run 2, 42 students and Run 3, 45 students. noting from 9 April, run 3 will increase to 65 students, the other runs will remain the same.

(5) There is no specific forecast for this service.

HERITAGE — ARTHUR HEAD PRECINCT

204. Hon SIMON O'BRIEN to the Leader of the House representing the Minister for Local Government:

(1) Has the City of Fremantle sought assistance from the state government to address the deterioration of heritage structures in the Arthur Head precinct; and, if so, what was the nature of that request and the government's response?

(2) What initiatives, if any, has the minister taken to protect these heritage structures and ensure they are maintained in the future?

Hon SUE ELLERY replied:

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

(1) Yes. Officials from the City of Fremantle and the Department of Planning, Lands and Heritage have met to discuss an appropriate way forward for managing the deteriorating cliff face. Discussions included short-term stabilisation of the cliff face to ensure public safety risks are addressed and the development of a long-term conservation strategy. The department will continue to offer its advice and support to the city as both these plans are developed, finalised and executed.

(2) The Round House and Arthur Head Reserve is on the state Register of Heritage Places and afforded the protection of the Heritage of Western Australia Act 1990. Accordingly, any works proposals must be referred to the Heritage Council of Western Australia for advice to ensure the identified cultural heritage values of the place are maintained. The City of Fremantle is responsible for maintenance of the Arthur Head precinct under a management order from the state.

ERIK LOCKE — RESIGNATION

205. Hon TJORN SIBMA to the Leader of the House representing the Premier:

I refer to media reports concerning allegations of bullying levelled against the Deputy Premier's former chief of staff, Mr Erik Locke, and Mr Locke's subsequent resignation.

(1) Is it the case that Mr Locke actually tendered his resignation; and, if so, when, to whom, and in what form?

(2) If yes to (1), will the Premier table a copy of Mr Locke's resignation?

(3) What is the nature of the financial entitlements or compensation package to which Mr Locke is entitled as a consequence of his resignation, and what compensation is he precluded from accessing?

(4) Has Mr Locke lodged a claim against, made a submission to, or otherwise sought redress from his employer concerning matters related to the termination of his employment?

(5) If yes to (4), what is the nature of Mr Locke's claim?

Hon SUE ELLERY replied:

(1) Mr Erik Locke tendered his resignation to Mr Guy Houston, chief of staff for the Premier, Hon Mark McGowan, MLA, on 16 February 2018.

(2) It would be inappropriate to table the resignation letter as it contains information of a personal nature.

(3) Mr Locke received his normal public service entitlements such as annual leave.

(4) The premise of the question is wrong. Mr Locke was not terminated.

(5) Not applicable.

ELECTORATE AND RESEARCH EMPLOYEES GENERAL AGREEMENT

206. Hon MARTIN ALDRIDGE to the minister representing the Minister for Commerce and Industrial Relations:

I refer to the Electorate and Research Employees General Agreement 2014.

(1) Given that the agreement expired on 12 June 2017, why has the agreement not been renewed to date?

(2) What matters remain in contention that are preventing the renewal of the agreement?

(3) What consultation has occurred with employees who are not union members but are subject to the agreement?

(4) What consultation has occurred with members of Parliament who manage staff subject to the agreement?

(5) What are the agreed annual salary increases across the term of the new agreement being negotiated?

(6) Will staff members employed under the agreement receive back pay to 13 June 2017, which is when the new agreement was expected to commence?

Hon ALANNAH MacTIERNAN replied:

(1)–(6) The government understands that the negotiations on the Electorate and Research Employees General Agreement are progressing and it expects that an outcome will be reached in due course. However, the questions should be directed to the Presiding Officers, given that they relate to a schedule 1 entity under the Public Sector Management Act 1994.

ROYALTIES — REVIEW

207. Hon ROBIN SCOTT to the minister representing the Treasurer:

(1) Is the Treasurer aware of any plan or intention on the part of the government to conduct a royalty review of any commodity; and, if so, which commodity or commodities?

(2) Is the government planning to engage the services of the chairman of the Pilbara Development Commission, Mr Brendan Hammond, to participate in such a review; and, if so, in what role?

(3) Will the Treasurer give an undertaking that the exploration incentive scheme and the gold royalty shall not be included in any review?

Hon STEPHEN DAWSON replied:

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

(1) No. A review of royalties was conducted in 2014.

(2)–(3) Not applicable.

SOLAR PROJECTS — GOLDFIELDS

208. Hon TIM CLIFFORD to the Minister for Regional Development:

I thank the Minister for Regional Development for her response to my question on Tuesday regarding the government's feasibility study into solar projects in the goldfields region.

What is the time frame for considering the preliminary assessment and when does the minister expect to announce her recommendations?

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question.

I need to explain that those recommendations will have cross-portfolio implications, so I am currently consulting with ministers from the other portfolios that will be affected. I cannot give the member a definite time line but we would like to see it released sometime in the next couple of months.

DEBT REDUCTION STRATEGY

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

I refer to the 2017–18 budget paper No 3, pages 52 and 53, which outline the government's debt reduction strategy, in particular the table labelled "Repaying Consolidated Debt Account", which identifies a one-off duty assessment of $169 million in 2016–17 and RiskCover returns of surplus capital of $60 million in 2017–18, and $36 million, $35 million and $38 million in the forward estimates years as debt reduction payments.

At the rate of repayment identified in the government's budget, how long will it take to pay off the total public sector net debt of over $43 billion?

Hon STEPHEN DAWSON replied:

I thank the honourable member for the question. Under the previous government's watch, consolidated account borrowings increased from nil at 30 June 2008 to $22.3 billion at 30 June 2017. This government takes the task of budget repair seriously and one of many measures the government is taking to pay down those borrowings is the creation of a debt repayment account through which unexpected or windfall revenue is to be applied to the repayment of centrally held debt. Unexpected revenue will not, on its own, be a sufficient source of funds to pay down the very substantial central debt inherited from the previous government. The path back to sustainable finances and the capacity to materially pay down consolidated account borrowings will require the general government sector to return to a consistent operating surplus position. The member should also note that this budget, in the context of a $5 billion revenue writedown since the *Pre-election Financial Projections Statement*, materially reduces net debt to $43.6 billion, which in the absence of the government's corrective action that we hope will be supported—this, again, is an old question—would have reached $47.2 billion. The 2017–18 budget outlines a path to surplus by 2020–21, which will then allow this government to start the significant task of substantially paying down the previous government's debt.

BROOME ABORIGINAL SHORT STAY ACCOMMODATION FACILITY

210. Hon KEN BASTON to the minister representing the Minister for Housing:

I refer to the Broome Aboriginal Short Stay Accommodation Facility on Dickson Drive, currently under construction.

(1) What is the due date of practical completion and the handover?

(2) Is the facility still expected to be fully operational in the first half of 2018 as per the Department of Communities' housing website information page regarding this project?

Hon STEPHEN DAWSON replied:

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

(1) They are yet to be confirmed, following unprecedented heavy rains impacting the final fit-out and landscaping works.

(2) No; it is most likely that the facility will open in the second half of 2018. The website will be updated. I thank the member for bringing this to my attention.

RACING AND WAGERING WESTERN AUSTRALIA — REGIONAL TROTTING CLUBS — CLOSURE

211. Hon COLIN HOLT to the minister representing the Minister for Racing and Gaming:

I refer to today's *The West Australian* article that states that Racing and Wagering Western Australia will no longer allocate meetings at Kalgoorlie's Golden Mile Trotting Club.

(1) Can the minister rule out any further closures of regional racing and trotting clubs under his watch?

(2) What, if any, financial or other assistance has the minister and/or RWWA offered to keep the Golden Mile Trotting Club viable?

(3) Does the minister concede that the industry needs a cash injection to ensure the future viability of regional clubs?

(4) If yes to (3), will the minister today guarantee that the proceeds of the sale of the WA TAB will be returned in full to the industry?

Hon ALANNAH MacTIERNAN replied:

We have learnt a lot. I thank the member for the question. The following information has been provided to me by the Minister for Racing and Gaming.

(1) The charter of Racing and Wagering Western Australia, RWWA, is to foster development, promote the welfare and ensure the integrity of metropolitan and country racing in the interests of the long-term viability of the racing industry in Western Australia. In some cases, RWWA may decide to cease the allocation of race dates to clubs based on thorough economic and industry analysis, but not without appropriate consultation. The Minister for Racing and Gaming is committed to the sustainable operation of the racing industry in Western Australia and will continue to work with RWWA, as the principal racing authority in the state, as well as the clubs, to achieve this.

(2) Significant consultation and collaboration with the Golden Mile Trotting Club has occurred over numerous years including various levels of support and assistance, such as a hardship grant payment of $30 000 that was made following the 2016–17 season.

(3) No; the Minister for Racing and Gaining is committed to sustainability, which entails analysis of economic viability—not simply a cash injection—to ensure the industry's future. The minister is concerned that the model of capital cash injections at various intervals is vastly inadequate for achieving long-term sustainability of an industry or club.

(4) Not applicable.

HEAVY VEHICLE PILOT LICENCE EXEMPTIONS

212. Hon COLIN de GRUSSA to the minister representing the Minister for Transport:

I refer to the minister's answer given yesterday to question without notice 184.

(1) Aside from discussions with the Agricultural Vehicles Advisory Committee, what consultation with the agricultural sector was undertaken by Main Roads Western Australia, the department and/or the minister's office before the "Heavy Vehicle Agricultural Pilot Authorisation 2017" was applied?

(2) Regarding the minister's answer to part (2), what time frame has the department put on identifying classifications of agricultural machinery?

(3) Regarding the minister's answer to part (3), is the minister ruling out any relaxing of vehicle and equipment size parameters that are allowable under the exemption?

Hon STEPHEN DAWSON replied:

Again, I inform the house that the answers to those questions do not appear in my folder. If they come in by the end of question time, I will, of course, provide them to the member.

[The following material was incorporated; see page 1469.]

(1) Consultation was not required as the Agricultural Pilot Authorisation ensured continuation of the access already-available to the agricultural industry was maintained following the introduction of the legal requirement of the pilots to be licenced.

(2) Main Roads and Department of Transport have been working with WA Farmers on this issue and WA Farmers are currently surveying their members to confirm the type of agricultural machinery that needs to be considered. Once the survey results are in, Main Roads and Department of Transport will work with WA Farmers to expedite a solution. The date for completion is subject to the WA Farmers' survey results.

(3) Yes, due to the safety implications outlined in the answer to QWN 184. The Commissioner of Main Roads has a legal obligation for the safety of all road users on public roads.

MENTAL HEALTH COMMISSION — TRANS-CULTURAL MENTAL HEALTH UNIT — REVIEW

213. Hon ALISON XAMON to the parliamentary secretary representing the Minister for Mental Health:

I refer to public consultation undertaken by the mental health sub-networks to inform the development of a model for a trans-cultural mental health unit.

(1) Has a preferred model been presented to the Mental Health Commission for consideration?

(2) If no to (1), what is the expected time frame for a model to be presented?

(3) If yes to (1), does the commission support the proposed model?

(4) If yes to (3), when does the commission expect to commission a business case for the model?

(5) If no to (3), what steps are being taken ahead of finalising a mutually agreeable model?

Hon ALANNA CLOHESY replied:

I thank the honourable member for some notice of the question. This question was answered on 13 March so the answer is accurate to that date. I am advised of the following information.

(1) Yes. A project proposal entitled "A model for an effective and sustainable state-wide transcultural mental health service for Western Australia" was presented to the Mental Health Commission on 6 March 2018 following in-principle endorsement by the mental health network executive advisory group.

(2) Not applicable.

(3)–(5) The Mental Health Commission is in the process of reviewing the project proposal and will progress actions as appropriate in discussion with other members of the executive advisory group.

HYDRAULIC FRACTURING MORATORIUM — BARROW ISLAND

214. Hon ROBIN CHAPPLE to the minister representing the Minister for Mines and Petroleum:

I refer to the Western Australian *Government Gazette* on 8 December 2017, page 5849, and subregulation (2) of regulation 5, "Moratorium on hydraulic fracturing in other areas of the State".

(1) Does this regulation include all forms of stimulation?

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

(3) Does this apply to petroleum operations on Barrow Island?

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

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question. The Minister for Mines and Petroleum has provided the following information.

(1) No.

(2) What is included in the term "hydraulic fracturing" is defined in regulation 3.

(3) No.

(4) The moratorium does not cover petroleum operations at Barrow Island, which had longstanding approvals at the time the McGowan government was elected.

DIGNITARY PROTECTION UNIT — SCARBOROUGH BEACH — PROTESTER

215. Hon JIM CHOWN to the Leader of the House representing the Premier:

I refer to the answer given by Hon Sue Ellery to my previous parliamentary question without notice 159, asked on Tuesday, 27 March 2018. I quote the answer she gave —

> A lone-person protester was observed at the opening. It was the decision of the attending DPU personnel to approach and speak with this person.

The role of dignitary protection unit personnel is to protect dignitaries, not to be utilised for political purposes and, as such, an exercise is not part of WA Police Force operational procedures. I ask again why the Premier's dignitary protection unit was utilised as a political instrument to block a peaceful protester's banner?

Hon SUE ELLERY replied:

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

No comment will be provided on operational matters surrounding dignitary protection unit clients. I can advise that DPU procedures remain the same as they were for the previous government.

METRONET — INFRASTRUCTURE UPGRADE — METROPOLITAN TRAIN STATION

216. Hon PETER COLLIER to the minister representing the Minister for Transport:

I refer to the government's plans for Metronet.

(1) Has the minister received any advice on requirements to upgrade infrastructure at Perth train station and/or Perth Underground train station as a result of the expansion of the network; and, if so, what was the nature of that advice?

(2) If yes to (1), will the minister table that advice; and if not, why not?

(3) What is the expected cost of these upgrades to support expansion of the network?

Hon STEPHEN DAWSON replied:

I thank the Leader of the Opposition for some notice of the question.

(1) Yes. Verbal advice has been received from the Public Transport Authority as part of general discussion on various potential upgrades required to address future capacity requirements at both stations, which has been considered as part of the PTA's route utilisation strategy.

The advice includes consideration of enhanced vertical transport capacity—lifts, stairs and escalators—noting some current upgrades are already underway as part of replacing a number of escalators in Perth underground, and potential longer-term platform modifications at both stations.

(2) Advice has been verbal to date and is summarised in answer (1) above.

(3) Potential costs for upgrades are subject to further investigation and development.

WATER FOR FOOD PROGRAM — SOUTHERN FORESTS IRRIGATION SCHEME

217. Hon DIANE EVERS to the Minister for Regional Development:

I refer to the southern forests irrigation scheme, part of the Water for Food project.

(1) Were public participatory processes undertaken that influenced the development of the SFIS?

(2) If yes to (1) —

(a) please describe the participatory processes that were implemented;

(b) how many stakeholders and citizens were involved;

(c) were the stakeholders and citizens involved demographically representative of the community in the area; and

(d) to what extent did participants' contributions influence the final version of the southern forest irrigation scheme?

Hon ALANNAH MacTIERNAN replied:

I thank the member for some notice of the question. I note that she took advantage of our offer to have a briefing on this project from our officers.

(1) I am advised that an extensive marketing campaign and a consultation process were undertaken to communicate the scheme to the local community. This involved public briefing sessions, newspaper advertisements and articles, radio coverage, information stalls at community events and direct mail-outs to over 500 recipients. I note that the majority of this occurred under the previous government.

(2) (a) Community engagement has included a combination of workshops, information sessions and public briefings.

(b) I am advised that seven workshops were held involving approximately 335 attendees along with specific grower workshops where up to 30 people attended.

(c) All efforts were made to include the broadest demographic possible that would be interested in the scheme. Project governance structures put in place included a local project steering group comprising industry representatives, a local shire and government agencies as well as elected grower representatives.

(d) I am advised that it was clear from the outset that without community support and input, it would be difficult to progress the scheme. I understand that the original design of the project changed fundamentally following industry and community consultation.

ABORIGINAL OFFENDERS — INCARCERATION ALTERNATIVES

218. Hon ROBIN SCOTT to the Leader of the House representing the Attorney General:

In light of recent confirmation of the excessively large number of young Indigenous Australians who are behind bars, will the Attorney General consider legislating for courts to have a further alternative to custodial sentencing for young offenders so that instead of putting a young offender behind bars, a court will be able to appoint a full-time mentor to the offender?

Hon SUE ELLERY replied:

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

The Attorney General is currently considering a range of legislative amendments regarding the interactions that Indigenous Western Australians have with the justice system, including alternatives to custodial sentences for a range of matters and shares the member's concern about high rates of incarceration of adult Aboriginal people.

In relation to young offenders, the member should address his question to the minister representing the Minister for Corrective Services.

KIDSPORT

219. Hon TJORN SIBMA to the Leader of the House representing the Minister for Sport and Recreation:

For the minister's reference, this is question C135, which I put in last week.

I refer to the government's decision to reduce KidSport funding from $200 to $150 per child and to exclude the parents and guardians of scouts, girl guides and cadets from applying for the KidSport subsidy.

(1) What was the public health and physical activity objective of the KidSport scheme as it was originally devised and how have these objectives changed?

(2) How many KidSport vouchers have been used by scouts, girl guides and cadets for each year since the inception of the program and what was the financial value?

(3) Further to (2) above, what is the corresponding level of KidSport voucher uptake for other sport and recreation purposes for each year since the inception of the program, and at what cost?

(4) What savings does the government anticipate as a result of its decision to reduce the size of the subsidy by $50 and to exclude scouts, girl guides and cadets from the scheme?

(5) How many children involved in the scouts, girl guides and cadets are likely to be affected by this decision?

Hon SUE ELLERY replied:

(1) It is to increase opportunities for young people aged five to 18 years from financially disadvantaged families to participate in sport and recreation in a club environment. The objectives of the program have not changed.

(2) I seek leave to have the information, which is in tabular form, incorporated into *Hansard*.

Leave granted.

The following material was incorporated —

Question 2 – Attachment 1.

SCOUTS

SCOUTS		
YEAR	**VOUCHERS**	**AMOUNT**
2011	1	$200.00
2012	219	$25,489.00
2013	476	$45,505.00
2014	763	$71,976.00
2015	879	$89,922.67
2016	809	$154,139.79
2017	904	$170,459.56
2018 (until 22 March 18)	405	$59,616.00
TOTAL	**4,456**	**$617,308.02**

GIRL GUIDES

GIRL GUIDES		
YEAR	**VOUCHERS**	**AMOUNT**
2011	2	$400.00
2012	108	$12,938.00
2013	144	$14,617.00
2014	179	$14,853.00
2015	174	$17,004.00
2016	187	$35,770.00
2017	262	$47,682.00
2018 (until 22 March 18)	114	$16,950.00
TOTAL	**1,170**	**$160,214**

CADETS

CADETS		
YEAR	**VOUCHERS**	**AMOUNT**
2011	0	0
2012	7	$711.00
2013	13	$1,305.00
2014	31	$2,860.00
2015	23	$2,120.00
2016	52	$8,891.82
2017	55	$9,830.00
2018 (until 22 March 18)	40	$5,735.00
TOTAL	**221**	**$31,452.82**

(3) Obtaining the information is not possible in the time required, and I therefore ask the honourable member to place this question on notice.

(4) (a)–(b) The answer is zero. The reduction in the subsidy is not a savings measure, but to accommodate the 10 to 20 per cent annual growth in the program.

(5) Eligible children involved in scouts, girl guides and cadets are still able to receive KidSport vouchers to use towards participation in an eligible sport and club.

SHENTON PARK REHABILITATION HOSPITAL REDEVELOPMENT SITE — BUSHLAND CLEARING — LEMNOS STREET

220. Hon ALISON XAMON to the minister representing the Minister for Planning:

I refer to my questions without notice 60 and 116 regarding the Shenton Park rehabilitation hospital site.

Will the minister please table —

(a) the Department of Water and Environmental Regulation letter LandCorp received on 6 February 2018, referenced in the answer to question 60(4); and

(b) the email and letter sent to DWER dated 22 December and referenced in tabled paper 1163?

Hon STEPHEN DAWSON replied:

Again I have to apologise to the house. Those questions and answers were not in the folder today, as I have said a few times. If they come after question time or indeed later today, I will provide the answers as soon as I can.

[The following material was incorporated; see page 1469.]

(1) (a)–(b) Yes. On the next sitting day.

PARLIAMENTARY QUESTIONS

Statement by Leader of the House

HON SUE ELLERY (South Metropolitan — Leader of the House) [5.06 pm]: I wonder whether I might be granted the—I do not know—luxury of making a short statement about questions that were not provided today.

The PRESIDENT: Sure.

Hon SUE ELLERY: I do apologise to the house for what happened today. Although I was not in the chamber yesterday afternoon, I listened to members' statements and issues raised then. The deputy leader and I have made our best endeavours today to get answers, including contacting ministers' offices during question time. I can assure members that when we gather on Tuesday, this matter will be raised.

QUESTION WITHOUT NOTICE 197

Tabling of Paper

HON PETER COLLIER (North Metropolitan — Leader of the Opposition) [5.07 pm]: Just as a point of clarification, I asked the Minister for Regional Development a question on the Albany wave farm today. She gave a response that I know was ad-libbed, but she was reading from a document. I did not receive any written response. Was there a written response?

HON ALANNAH MacTIERNAN (North Metropolitan — Minister for Regional Development) [5.07 pm]: They were my notes that I wrote to guide me. There was no formal —

Hon Peter Collier: So there's no written response?

Hon ALANNAH MacTIERNAN: No.

Hon Peter Collier: I am not surprised.

Hon ALANNAH MacTIERNAN: The member can get it from *Hansard*.

BUNBURY PORT — BAUXITE — TRUCK MOVEMENTS

Question without Notice 176 — Answer Advice

HON COLIN HOLT (South West) [5.07 pm]: Yesterday, I asked a question of the minister representing the Minister for Transport and was told an answer would be provided today. I am wondering whether that has been made available.

The PRESIDENT: Minister for Environment, it may very well be that if the answer was not available yesterday and the difficulties you have had today —

Several members interjected.

The PRESIDENT: Excuse me, I am talking. You are not! Given the responses the minister did not have available today, you might actually have to wait until we return in April to provide that answer to Hon Colin Holt.

Hon Colin Holt: That's two days.

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Environment) [5.08 pm]: Madam President, you are correct. It is not here with the answers to the other questions. If those answers come to me this evening, or indeed next week, I am happy to provide answers to members behind the Chair. When Parliament comes back, I will of course provide them appropriately at the end of question time too.

LOCAL GOVERNMENT — SUSPENSIONS

Question without Notice 194 — Correction of Answer

HON SUE ELLERY (South Metropolitan — Leader of the House) [5.09 pm]: I rise in accordance with standing order 109(2)(a) to provide a correction to the answer I gave yesterday to question 194 from Hon Donna Faragher to me in my capacity representing the Minister for Local Government. In response to part (2), I provided a list of five occasions on which a council had been suspended under section 8.19 of the Local Government Act 1995 and an inquiry panel appointed. I have been advised by the Department of Local Government, Sport and Cultural Industries that there were in fact six occasions. The additional suspension was the City of Wanneroo on 12 November 1997. The final outcome was that the council was reinstated.

DEPARTMENT OF EDUCATION — SAVINGS MEASURES

Question without Notice 143 — Answer Advice

HON SUE ELLERY (South Metropolitan — Minister for Education and Training) [5.09 pm]: I refer to Hon Donna Faragher's question without notice 143 asked on 22 March 2018, to which I undertook to provide the information in the week of 26 March 2018. Unfortunately, due to the number of documents to be sourced and collated from various locations, including regional offices, it will not be possible to provide the information in the time frame as promised. I undertake, and I have provided this information to the honourable member behind the Chair, to provide the information in the week of 10 April 2018.

SCHOOLS — LEAD CONTAMINATION

Question without Notice 168 — Answer Advice

HON SUE ELLERY (South Metropolitan — Minister for Education and Training) [5.10 pm]: I have information for Hon Donna Faragher in relation to question without notice 168 asked on 27 March 2018, which I undertook to provide. The answer is as follows.

(1) Yes. Following evidence provided to the parliamentary inquiry on 6 September 2017 by Peter McCafferty, chief executive of ChemCentre, I instructed the Department of Education to work with the Department of Finance, Building Management and Works, and the Department of Health to investigate. In addition to briefing notes below is a list of meetings and verbal updates received on this matter between the minister's office and the Department of Education, between departments, and directly to schools.

Madam President, I have a list of dates in tabular form, so I seek leave to have the document incorporated into *Hansard*.

Leave granted.

The following material was incorporated —

8 September 2017
13 September 2017
18 September 2017
9 November 2017
27 November 2017
4 December 2017
22 December 2017
15 January 2018
l6 January 20l8
19 January 2018
22 January 2018
27 January 2018
28 January 2018
29 January 2018
30 January 2018

(2) I table the attached "Contentious Issues Briefing Note". In cases in which the names of individuals are mentioned in the briefing note, rather than requesting the member to put in a freedom of information application so that privacy provisions and processes can be undertaken, I have redacted the names. The redactions in other documents provided are matters not related to water testing.

[See paper 1206.]

STANDING COMMITTEE ON PROCEDURE AND PRIVILEGES

Extension of Reporting Time — Motion

Resumed from an earlier stage of the sitting.

The PRESIDENT: Hon Simon O'Brien, did you want to make any further comment on the report that was tabled earlier today?

HON SIMON O'BRIEN (South Metropolitan) [5.12 pm]: Madam President, by leave of the house, unless there are any questions, I take it as read and look forward to the support of the house to provide a short extension to the reporting date so that the committee can provide a more comprehensive report that we believe will meet the needs of members.

Question put and passed.

GENETICALLY MODIFIED CANOLA — MARSH–BAXTER CASE — DEPARTMENT OF AGRICULTURE AND FOOD REPORT

Statement

HON JIM CHOWN (Agricultural) [5.13 pm]: This is a continuation of my remarks on the last day of sitting. It is now patently obvious that the anti-GM movement and its supporters are bereft of any morals and will take any action, whether legal or otherwise, to pursue its ideological stance against an agricultural crop that is grown over billions of acres worldwide, and a crop that has justifiably been scientifically scrutinised and peer-reviewed to the point at which today it is, without fear, the safest form of food that the human population on this planet has ever produced. These anti-GM activists are, in effect, the equivalent of ISIS operatives, and I will substantiate that statement by quoting from an article that was published on 13 October 2015. It was written by a journalist who is now part of the parliamentary journalistic team, Mr Colin Bettles. I will quote certain points from this article and members are more than welcome to download it. It states —

> Emails obtained under a recent US-based Freedom of Information request show the proposal in an exchange between WA organic food entrepreneur Georg Kailis and US agricultural research professor Dr Charles "Chuck" Benbrook.

It goes on with regard to these email communications —

> In communications with Dr Benbrook released in the FOI trail, Mr Kailis suggested $1.5 million had been provided to boost Mr Marsh's legal case in the WA courts, against his neighbour Mike Baxter.
>
> …
>
> "We just did two years of prep work for the Steve Marsh case which cost $1m of pro bono from Australia's biggest lawyers, plus $500k from us (The Safe Food Foundation).

It goes on further to state —

> In his reply email, Dr Benbrook told Mr Kailis he would charge $200 per hour to be an expert witness in the Marsh case.
>
> He also warned about going down the "academic route" but could "ramrod" the proposed research that would question the safety of GMs.
>
> …
>
> "I will ramrod it, but cannot take it on unless fully funded.

Further on in the email trail that was found under the FOI process, he states —

> "I charge $200/hr—I have lots of trial and depo experience."
>
> In another email, Mr Kailis asked what the costs and outcomes would be of choosing the "ramrod path" of four to eight months.
>
> Dr Benbrook's reply said, "Off the top of my head, if I am the ramrod, I would need full control of process and right to be a slave driver/dictator, and at least $100k, and probably will regret promising to do it for that amount".

When this became public, a senior university lecturer at the University of Melbourne, Dr David Tribe, said that the email exchange showed that there was a public relations plan to produce a predetermined outcome on the efficacy of genetically modified crops, not a scientific one. The article goes on to state —

> "This exchange shows that Mr Kailis is prepared to pay for research that has a preordained outcome and is confirmation of bias," he said.
>
> Dr Tribe also said the email exchange showed Mr Kailis had a global network of anti-GM and pro-organic connections he was working with.
>
> But he said it was "curious" that despite this network of allies, including the Safe Food Foundation, they were unable to find a solitary witness who was able to testify at the Marsh v Baxter court case, and give evidence, proving GMs are unsafe.
>
> "This 'dollars for the findings we need' playbook is a worrying departure from open-minded scientific investigation," he said.

In fact, members, this is more proof that the anti-GM people are more than prepared to pay for and fabricate evidence for a trial. As I stated last night, not only did somebody who sympathised with them actually place plants on Baxter's property, but also they are prepared to mess with the legal system, not just the farming system. They want to play God, which is a gross contradiction of the ideological viewpoint they have against GMs—that is, that GMs are not natural—yet they do not like the natural legal outcomes of the common law process of this state. I say again that these people should not be held in high regard at all and should be considered unworthy of consideration in any debate due to the lengths that they are prepared to go to.

What is more worrying is the fact that a committee is looking into an issue that is predicated on the GM trial of Marsh v Baxter. Hon Matthew Swinbourn is the chairman of that committee. I state with regard to the reasons that he is holding an inquiry into some form of compensation or legal —

Hon Matthew Swinbourn: Be very careful.

Hon JIM CHOWN: I do not have to be careful. I refer to the reasons he is holding an inquiry into some form of compensation or the legal requirements of this trial. I quote from Hon Matthew Swinbourn's statement to the Legislative Council when presenting the forty-seventh report of the Standing Committee on Environment and Public Affairs —

> The recent case of Marsh v Baxter in the Supreme Court of Western Australia, which appears to be the first of its type in Australia and involved a farmer taking legal action against a neighbouring farmer for damages for contamination, has drawn significant attention to this issue in Western Australia. It ignited debate on whether the common law provides adequate remedies and whether a compensation mechanism is required.

I ask a question with regard to —

Hon Darren West interjected.

The PRESIDENT: Order!

Hon JIM CHOWN: I ask why this particular inquiry is taking place, on the evidence presented over the last two nights. I understand that the inquiry is underway and I certainly hope that members of the committee look at *Hansard* with regard to this matter that I have addressed on two occasions and take it into consideration.

ABORIGINAL RIGHTS — MARITIME INDUSTRY

Statement

HON KYLE McGINN (Mining and Pastoral) [5.20 pm]: I rise today to share a recent experience I have had, which has strengthened my commitment to closing the gap for the traditional owners of this land. Throughout my time in the union, I was kept energised by my fellow members and the leadership on standing together with Aboriginal people and stamping out injustice, industrially and throughout the community. In my days as a seafarer based in Darwin, I met a very passionate wharfie. His name was Thomas Mayor. He had worked on the wharf since he was 17 years old and worked his way up. Eventually, Thomas became the Northern Territory organiser and that gave him a bigger voice in fighting for Indigenous rights. After many years of advocacy, he became the elected branch secretary for the Northern Territory. One campaign I recall as a highlight was the continued support from the Northern Territory branch of the Maritime Union of Australia for the Wave Hill walk-off—a dispute that a member of the Northern Territory MUA branch, Brian Manning, directly supported. I had the pleasure of meeting Brian before he passed away. He was a very strong advocate for Indigenous rights. He used to drive his old J-series Bedford down from Darwin to drop off much-needed supplies to the guys in the dispute.

Thomas Mayor always called out injustice against Indigenous people in the maritime industry in the north, where it was rare to see training and employment engaged on the waterfront for Indigenous people. I quote Thomas's own words, according to my notes, on what he learnt from the docks —

> "It's on the docks and as a union official that I learnt the value of unity. But more than that, I learnt that unity must be worked on, I learnt that unity means little without structure and legitimate accountable leadership, compromise and discipline, toward collective goals."

Thomas is now fully engaged with the Uluru Statement From the Heart. I was lucky enough to see Thomas last week during his journey around the country, seeking support for the Uluru Statement. Also with him was David Collard, whom I met for the first time, and I could see the same passion and drive in his eyes and from his informative talk on the statement. I got to hear from them a firsthand account of the dialogue that led to the Uluru Statement From the Heart. Getting to hear from two people who were at the meeting was inspiring and gave me a real sense of the passion and pain that went into the creation of the statement.

I cannot say this better than Thomas, so I will speak now from Thomas's perspective and what I learnt from that speech. This is what I heard on the day, according to my notes —

> The dialogues were held over three days. Workshops were based on recommendations of the past that, as with many aspirations of our people, had never been adopted and implemented by Parliament. From my perspective, I saw the dialogues and the culmination of those dialogues at Uluru as a great opportunity to empower us to achieve changes. I asked the Elders in the room, "Has there ever been an opportunity like this—13 three-day regional dialogues, informed discussion, accurate records of meetings, with elected delegates from meetings coming together in a place like Uluru?" The answer was a strong no.
>
> I thought, "Wow! This is an opportunity. This is a chance for my people to build power. If we reach a consensus, we will have something specific to campaign for nationally. At the dialogues and convention there was high tension and hot debate. Seven delegates walked on the second day of Uluru; I knew they would. That was their right. But around 250 remained and completed that day's discussions.

> On the morning of the third day, the Uluru Statement from the Heart was read for the first time by Professor Megan Davis. She read the last words, "In 1967 we were counted, in 2017 we seek to be heard. We leave base camp and start our trek across this vast country. We invite you to walk with us in a movement of the Australian people for a better future."

What happened next, Thomas will never forget. He continued —

> The entire room stood as one, the Uluru Statement from the Heart was endorsed by standing acclamation.
>
> There were no amendments. One reading, Endorsed with standing acclamation by around 250 First Nations People elected in 13 regions.
>
> First Nations people need a political voice that is accountable to their First Nations people, a voice, not chosen by a Prime Minister or the media. A political voice that is unapologetic in its representation, not sensitive to the axe that a Government can wield over funding.
>
> This Constitutional Recognition considers our past. It considers that symbolism alone only achieves so much. It considers what happened to ATSIC. It picks up on our obligation, our responsibility to the next generations to avoid detrimental repetition.
>
> If we build it, it must last.

I will now read the Uluru Statement From the Heart. It states —

> We, gathered at the 2017 National Constitutional Convention, coming from all points of the southern sky, make this statement from the heart:
>
> Our Aboriginal and Torres Strait Islander tribes were the first sovereign Nations of the Australian continent and its adjacent islands, and possessed it under our own laws and customs. This our ancestors did, according to the reckoning of our culture, from the Creation, according to the common law from 'time immemorial', and according to science more than 60,000 years ago.
>
> This sovereignty is a spiritual notion: the ancestral tie between the land, or 'mother nature', and the Aboriginal and Torres Strait Islander peoples who were born therefrom, remain attached thereto, and must one day return thither to be united with our ancestors. This link is the basis of the ownership of the soil, or better, of sovereignty. It has never been ceded or extinguished, and co-exists with the sovereignty of the Crown.
>
> How could it be otherwise? That peoples possessed a land for sixty millennia and this sacred link disappears from world history in merely the last two hundred years?
>
> With substantive constitutional change and structural reform, we believe this ancient sovereignty can shine through as a fuller expression of Australia's nationhood.
>
> Proportionally, we are the most incarcerated people on the planet. We are not an innately criminal people. Our children are aliened from their families at unprecedented rates. This cannot be because we have no love for them. And our youth languish in detention in obscene numbers. They should be our hope for the future.
>
> These dimensions of our crisis tell plainly the structural nature of our problem. This is the torment of our powerlessness.
>
> We seek constitutional reforms to empower our people and take a rightful place in our own country. When we have power over our destiny our children will flourish. They will walk in two worlds and their culture will be a gift to their country.
>
> We call for the establishment of a First Nations Voice enshrined in the Constitution.
>
> Makarrata is the culmination of our agenda: the coming together after a struggle. It captures our aspirations for a fair and truthful relationship with the people of Australia and a better future for our children based on justice and self-determination.
>
> We seek a Makarrata Commission to supervise a process of agreement-making between governments and First Nations and truth-telling about our history.
>
> In 1967 we were counted, in 2017 we seek to be heard. We leave base camp and start our trek across this vast country. We invite you to walk with us in a movement of the Australian people for a better future.

That is very powerful stuff. I again echo Thomas's words, as he notes, according to my notes —

> that the Uluru Statement from the Heart is written to you, the Australian People. We cannot let this Statement be another trophy on the walls of Parliament. A reminder of Indigenous aspiration again dashed on the jagged rocks of political expediency.

> When the nation walks with us to enshrine our rightful place in the Nation, we will be on the path to closing the gap. The Uluru Statement is a once in a generation opportunity. If you want to help, speak out in public. Do it regularly. Condemn those in parliament who have rejected the reasonable, but powerful step toward Makarrata. Congratulate those in parliament who have committed to the Voice ... Join and support in any way you are able. Join the people's movement for the Uluru Statement from the Heart.
>
> A Peoples Movement is needed now. This must go beyond black and white. Beyond Left and Right.

GENETICALLY MODIFIED CANOLA — MARSH–BAXTER CASE — DEPARTMENT OF AGRICULTURE AND FOOD REPORT

Statement

HON DIANE EVERS (South West) [5.29 pm]: I rise tonight to respond to comments made earlier and I have to say I am disappointed that my colleague Hon Jim Chown had to leave on urgent parliamentary business because I was hoping he would hear my comments, and I still hope he sees them at some point. The claims he made were outrageous and preposterous. This is a matter that has gone through the courts and it is ridiculous that he is raising the things he is suggesting now. It makes no sense. It represents the sort of archaic thinking that he must believe in. This is not a war; this is a discussion. This is a chance to look at the material, talk about it and bring everyone in on the discussion. This is an opportunity to look forward to our future, not to look at the past. It is just outrageous that Hon Jim Chown would suggest that somebody would do something like that; the idea of a person going to court and putting their life, their finances and their families through that is too much. A person could not do that in the way Hon Jim Chown was suggesting and I find it preposterous. I cannot believe he can get away with saying such things.

Hon Jim Chown also did a disservice to the Department of Agriculture and Food by taking its confidential document and tabling it here, thus making it public, and reading words into it that are not there. It was a document that was clearly written for a court case. It was clearly written to state things fact by fact, but Hon Jim Chown, by way of innuendo, suggested there was more to it. It was unfortunate, wrong and highly distasteful. I cannot understand how someone can get away with that, but I am learning.

I wonder why Hon Jim Chown stood up and said this now. He was talking about an incident that happened seven, eight and nine years ago. It suggests that maybe there is some fear that someone is going to lose something. Why fight now with those words, to try to get us all emotional about an issue that is about science? It is not an emotional issue; it is about facts. We are trying to work out what is right and what is wrong and go forward with it. It just does not appeal to me to have this emotional stuff brought in here to make us all doubt and wonder. It is wrong. I just do not like it and I do not see why we continue with that.

Hon Jim Chown was wondering about the reason for this Standing Committee on Environment and Public Affairs inquiry. It has nothing to do with the previous case. It is about moving forward. It is about trying to find out what we should do, what we can do, and how we can protect those people out there who feel they may be hurt by this. It is about moving forward, looking at the facts, reviewing them and seeing where we go with the matter. One thing the previous case raised is that our court system is not set up to deal with things like this. The case was a big waste of plenty of resources. It went on for a long time and it did not resolve anything. In fact, some of the submissions to the inquiry, which are all publicly available, are coming back with legal information on them. I want to read a part of one of them, because I think it makes sense and it gives us more reason to understand why this inquiry is happening. This was written by a senior lecturer at Curtin University law school and another from the University of Western Australia law school. I would think that they are pretty knowledgeable about what they are writing about. It states —

> In the absence of legislative change, farmers who have suffered economic loss caused by contamination by GM material will not be able to obtain compensation by bringing civil litigation. The law of torts is unlikely to provide affected farmers with a remedy.
>
> If the Parliament of Western Australia desired to provide a means for affected farmers to obtain compensation in the courts, it could consider introducing: (1) a statutory concept of 'genetic damage' into the *Civil Liability Act 2002* (WA); or (2) a statutory tort, tailored to provide compensation for affected farmers. Alternatively, it might consider the establishment of some kind of no-fault compensation scheme, analogous to that funded by car registrations in order to compensate victims of motor vehicle accidents. These are matters which deserve further detailed consideration by legal researchers; ideally, they would be the subject of an inquiry by the Law Reform Commission of Western Australia.

This is what we need to look at. We need to find the facts and we need to work out how we can manage this so that one farmer is not financially hurt by the actions of his neighbour. Farmers do not want to go to court with their neighbours. They live beside them, they live in the same community and they share the same community resources and the same family, friends, churches and schools. They do not want to take their neighbour to court. I hope that the inquiry may resolve this and that we may look into these issues using facts, not emotions, and keep it rational to find the best response possible.

I will just leave members with a four-line quote, and I will leave it with Hon Jim Chown to remember the last line, "First they ignore you, then they laugh at you, then they fight you …". I will leave it there.

The PRESIDENT: Hon Nick Goiran, a number of members want to speak tonight and a minister has a reply to a question, so if we can accommodate everyone tonight, that would be really lovely.

CIVIL LIABILITY LEGISLATION AMENDMENT (CHILD SEXUAL ABUSE ACTIONS) BILL 2017

Statement

HON NICK GOIRAN (South Metropolitan) [5.35 pm]: I would like to make a few remarks about law reform for victims of child sexual abuse and indicate my pleasure that the legislation passed through our house earlier today. In particular, I acknowledge that the government was willing to amend its legislation and I congratulate the government for doing that. I also acknowledge the work undertaken by the Leader of the House to facilitate that. I take the opportunity to put on the record my thanks to all the members of the house for the way in which the Civil Liability Legislation Amendment (Child Sexual Abuse Actions) Bill 2017 was dealt with, and indicate that it has been an exercise over the last fortnight that has, in some respects, restored my faith in the effectiveness of our bicameral system. However, in the limited time that I have, I also want to express my disappointment that the government was not willing to amend section 3A of the Civil Liability Act 2002. Despite admitting that there is a problem, the government would not amend it to protect victims of child sexual abuse with respect to section 21 of the Criminal Injuries Compensation Act, thereby making it a virtual certainty that some victims will be worse off because of the legislation that we have passed this afternoon. Nevertheless, the government says that it wants the issue dealt with by way of a review of the Criminal Injuries Compensation Act. As I have indicated to members previously, that review has not yet started even though it was decided that it would commence in September last year and there are zero terms of reference at the moment. It was unfortunate that the government was not in a position to update the house on its position on the national redress scheme and that it has no current plans for a broader review of the Limitation Act.

In summary, notwithstanding those few points of disappointment, I nevertheless was pleased to be able to support the bill, as my view is that some law reform for victims of child sexual abuse is better than none. I am sorry to those victims of child sexual abuse who will be worse off because of the legislation that we have passed. I plead with the government to accelerate its review of section 21 of the Criminal Injuries Compensation Act and to consult broadly and not simply give great weight to internal stakeholders and little weight to external stakeholders, in the event that it even allows there to be consultation with external stakeholders. I have one last request of the government. I ask that the government acknowledge the work done by Dr Graham Jacobs on the originating reforms and find some way possible to have him invited to witness the concluding phases of this law reform and possibly make a request to the Governor that, at her pleasure, he might be able to witness the assent of the bill.

PARLIAMENTARY QUESTIONS

Statement

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Environment) [5.39 pm]: I rise to indicate to the house that I have been able to get some answers to questions that were asked earlier today.

Hon Peter Collier: This might take a while.

Hon STEPHEN DAWSON: It will; that will depend on whether I read them out.

The PRESIDENT: If there are no interjections, I am sure we will move quickly.

Hon STEPHEN DAWSON: I will ask for all of them to be incorporated into *Hansard*.

I have an answer to question without notice 220 from Hon Alison Xamon to me as the minister representing the Minister for Lands. I ask that it be incorporated into *Hansard*.

Leave granted. [See page 1463.]

Hon STEPHEN DAWSON: I also have an answer to question without notice 203 from Hon Diane Evers to me as the minister representing the Minister for Transport in relation to the Margaret River–Metricup school bus service. I seek leave to incorporate that answer into *Hansard*.

Leave granted. [See page 1456.]

Hon STEPHEN DAWSON: I also have an answer to question without notice 200 asked by Hon Jacqui Boydell of me as the minister representing the Minister for Transport in relation to regular public transport services between Perth and Carnarvon. I seek leave to have that incorporated into *Hansard*.

Leave granted. [See page 1454.]

Hon STEPHEN DAWSON: I also have an answer to question without notice 212 asked by Hon Colin de Grussa of me as the minister representing the Minister for Transport. I seek leave to have that incorporated into *Hansard*.

Leave granted. [See page 1459.]

Hon STEPHEN DAWSON: I also have an answer to question without notice 196 from Hon Peter Collier to me as the minister representing the Minister for Transport. I seek leave to have the answer incorporated into *Hansard*.

Leave granted. [See page 1453.]

Bunbury Port — Bauxite — Truck Movements — Question without Notice 176 — Answer Advice

Hon STEPHEN DAWSON: Yesterday during question time, Hon Colin Holt asked a question of me as the minister representing the Minister for Transport. I indicated yesterday that an answer would be provided today. I now provide that answer to question without notice 176. I seek leave to have it incorporated into *Hansard*.

Leave granted.

The following material was incorporated —

(1) Alcoa's target number of truck movements is 252 per week.

(2) From the Wagerup Refinery the trucks head southbound on South Western Highway and turn right onto Willinge Drive in Picton, then travel on to Estuary Drive to the Port.

The return route is along Estuary Drive to Willinge Drive and Forrest Highway, then through Kemerton Industrial Park, along Marriot Road, and back on South Western Highway to the Wagerup Refinery.

(3) There have been no adverse impacts as the road network was designed for such truck movements.

(4) The route used is on the Restricted Access Vehicles (RAV) network and is available for use by all appropriate RAV trucks.

(5) Alcoa are currently in discussion with the State Government to obtain the required approvals to build a loading facility at the Bunbury Port for bauxite.

SHENTON PARK REHABILITATION HOSPITAL REDEVELOPMENT SITE — BUSHLAND CLEARING — LEMNOS STREET

Statement

HON ALISON XAMON (North Metropolitan) [5.41 pm]: I rise tonight to make a few comments about the Shenton Park Royal Perth Rehabilitation Hospital site because two significant things have happened.

On the weekend I participated in a rally of over 300 people at which I spoke. As a result of that rally, more than 250 people sent handwritten letters, which were delivered on Monday, calling on the Minister for Environment to save the bushland. I have stated many times that this particular patch of bushland not only is precious to the local community, but also has value to the entire state of WA. Broadly, our planning policies and strategies already require us to take the best care of this bushland, as has been demonstrated many times.

The other significant thing that happened is that I recently received formal advice from the Department of Biodiversity, Conservation and Attractions about the proposed clearing of that land. The officer advice and recommendation is very clear: the reports on the environmental values of the site were done prior to Perth's iconic banksia woodlands being listed as a threatened ecological community, but now that is the case, the woodlands are recognised and the site contains them. The DBCA analysis of key taxa and habitat suggests that this is very likely to be an instance of banksia woodland floristic community type 24. That means that amongst the various types of banksia woodland, it is particularly significant and particularly endangered. The conservation advice for the banksia woodland states that a high priority action is to prevent vegetation clearance, fragmentation or detrimental modification of remnants of the threated ecological community—for example, during residential and associated infrastructure development. The advice went on to state that areas that form important connections, such as wildlife corridors, should be considered for inclusion in formal reserve tenure or other conservation-related tenure and that other vegetation remnants near patches of the TEC should be retained where they are important for connectivity. It is solid advice and is exactly what the community has been saying. It is difficult being right all the time, but there we go!

The officer's recommendation goes further and, once again, it is exactly what the community has been saying. It states that the validity of clearing a corridor of banksia woodland linking to a Bush Forever site for the purposes of reducing fire risk to the proposed adjacent developments is questioned and that other means of reducing fire risk should be explored. Amongst the documents I received was a 2017 environmental consultant's report, which supports the clearing. The community has already raised some significant concerns about the completeness of this report, noting specifically that it lacks any acknowledgement of the banksia woodland and the approved conservation advice for dealing with banksia woodland, that the site is within six kilometres of a critical habitat radius from a Carnaby's cockatoo major roost site, that the Karrakatta central and south vegetation complex is substantially unrepresented in areas secured for conservation, and that the value of the ecological linkage is discussed only in terms of 10 species of small birds. It is clear from the advice of the Department of Biodiversity, Conservation and Attractions on this matter that this bushland should not be cleared in any way and that it should instead be preserved and protected, and that those few currently disturbed areas should be enhanced. It is clear from the actions we have seen that LandCorp does not want to hear that advice, which, frankly, is ridiculous. Why on earth do we have a situation in which one government agency is attempting to dodge the advice of another government agency?

I remind members that this is a really solvable matter. Nothing has been destroyed yet—yay. That bushland and threatened ecological community can still be saved. It can exist harmoniously with infill and be absolutely consistent with state planning policies. We just need to make sure that we are designing it better and building it better. Once again, I am calling on the Minister for Planning to think about what is happening here. We really need to look at why on earth we would need to go ahead in the way LandCorp wants when we could have something that the entire community wants and that is better for the environment.

PARLIAMENTARY QUESTIONS

Statement

HON DONNA FARAGHER (East Metropolitan) [5.46 pm]: I want to say a couple of words about answers I have received in this place over the past couple of weeks, perhaps in light of some of the responses Hon Alison Xamon was referring to yesterday in her member's statement. My concerns relate to some of the answers, or non-answers more particularly, that I have been receiving from the Minister for Education and Training. Members would know that for the past couple of weeks I have asked questions without notice of the minister on a number of occasions about the cuts that were announced on 13 December and which remained when decisions were made to reverse some of the cuts, I think on 13 January this year. I remind members that the minister's press statement of 13 December states —

> Department of Education budget analysed line by line, program by program, to reduce duplication and determine where services could be provided more efficiently

She then went on to refer to a number of programs that were to be cut. I appreciate that some of those cuts have now been reversed, but for the purposes of this statement I will refer to them. Six camp school sites were to close, Schools of the Air would close, Tuart College would be repurposed, program delivery at Canning College would change, funding for Landsdale Farm School would cease, residential accommodation in Moora and Northam would close, intake into the level 3 classroom teacher program would be put on hold, funding for gifted and talented programs would be reduced, and fees for vacation swimming lessons would increase. One would think, quite rightly, on reading that press release that they were the cuts amounting to an estimated $64 million in savings as the minister had outlined, yet we know that more cuts were part of that announcement but were never announced or included in that press statement. We know that because one or two days later we heard that Herdsman Lake Wildlife Centre was losing its funding. Was that in the press statement? No, it was not. I asked questions in this place last week about community kindergartens. The government is now going to cut their funding by changing the model. Was that in the press release? No, it was not. I have asked a series of questions to this minister—quite clear questions—dating back to 15 March. I asked whether she could confirm that other cuts to education were not included in the original press release; and, if yes, to list them. The response from the minister was —

> As stated in the media statement of 13 December 2017, the Department of Education will continue to review programs. Decisions relating to the department's budget are occurring as part of the 2018–19 budget process and remain confidential until the release of the state budget on 10 May 2018.

I accept that the minister's press release stated that further savings will be made. Outrageous as that may be, she has indicated that. I am not asking about that, and it has been very clear from my questions. She knows it and I know it. I am referring to the cuts that were part of the announcement on 13 December. Even if we were to accept that the minister is referring to just future cuts, I have asked specifically about programs that now make up, according to the minister's press statement on 13 January, savings worth approximately $41 million. Again, I appreciate that this is an estimate, but the minister and the government clearly have a list of programs and services that will be cut or whose funding will cease that amount to around $41 million. The government knows what they are and has repeatedly refused to provide that information to this house. In my view, that is completely unacceptable.

I accept that the minister has told us that future budget cuts will be made and all will be announced in the budget. That is not what I have been asking. I even asked the minister a direct question. I asked her whether she could guarantee to this house that all the remaining cuts had been made public. I still did not even get a yes or no answer to that. I do not think that I am asking difficult questions. Yet the minister, in my view, is evading the question, not answering the question, and deliberately not wanting to provide me with the information.

Today, I thought I would get even more specific to help the minister. I asked whether the minister would provide a table of all the savings measures identified by the Department of Education and approved by the minister on or before 13 December 2017 and formed part of the minister's 13 December announcement. She answered —

> I am unable to provide an answer today. However, I undertake to provide an answer to this question the next sitting week.

This has taken two weeks and I still cannot get an answer! The simple fact is that the minister knows those areas that have been cut. I am not referring to further internal savings that keep on being referred to in the answers that have been provided to me. I am referring to those cuts that are part of the original announcement. The minister

cannot even tell me, when I refer to the remaining cuts, whether they include Moora Residential College and the camp school sites. Those cuts still remain; she cannot even provide me with that information. In my view, it is completely unacceptable that this minister can continue to provide me with this response—or should I say lack of or no response—to quite clear questions. The minister has said today that she will provide me with an answer next week. I absolutely expect that come the end of question time on the Tuesday we next meet, the minister will provide me with a full list. I have to tell the minister that I know some of the cuts that have not been announced. I know what they are and she has never announced or referred to them. We would not even have known about the community kindergartens if the question had not been asked in this place. I was very pleased to see an article in *The Sunday Times*. That would never have been announced. The Herdsman Lake Wildlife Centre has never been announced in any press statement, yet we all know that it will lose $165 000 at the end of the year and will inevitably close. That is what will happen. That was never announced.

The PRESIDENT: I wish everyone a very happy and safe Easter break.

House adjourned at 5.53 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

PUBLIC SECTOR MANAGEMENT — EXITED STAFF

520. Hon Ken Baston to the Leader of the House representing the Premier:

I refer to *The West Australian* newspaper of 6 December 2017 and the article entitled, "Fat cat cull", and I ask:

(a) how many State Emergency Services staff have left the public service since 12 March 2017;

(b) what was the position of each staff member who left the public service;

(c) how many years' service did each public servant who left work for the Western Australian Government; and

(d) has the number of consultants hired by the Western Australian Government increased since 12 March 2017 and, if so, by how many?

Hon Sue Ellery replied:

Based on the clauses of the member's question and the contents of the referred article, it is unclear whether the member intended to ask about the State Emergency Services or the Senior Executive Service, both of which share the SES acronym used in the article.

It is also difficult to compare the number of consultants engaged by the West Australian Government without a requested time frame for comparison.

If the member was to clarify these matters, I will endeavour to answer it.

DEPARTMENT OF MINES, INDUSTRY REGULATION AND SAFETY — STAFF — SHAREHOLDERS

525. Hon Tjorn Sibma to the minister representing the Minister for Mines and Petroleum:

With respect to the answer provided to question on notice No. 429 concerning the management plans that apply to 51 departmental employees who have direct shareholdings in resources companies and mining (and petroleum) equipment and services companies, I ask:

(a) can the Minister provide a list of the 51 employees subject to a management plan by their job title and the nature and value of their shareholding;

(b) can the Minister advise with whom these employee declarations and management plans are made;

(c) can the Minister advise how these declarations and management plans are used in practice to reduce or avoid conflicts of interest, or perceived conflicts of interest, in respect of departmental decision making, and advice provided by departmental employees to executive Government; and

(d) who audits compliance with these management plans and how frequently are these audits undertaken?

Hon Alannah MacTiernan replied:

(a) This information contains personal information which will not be disclosed for privacy reasons.

(b) Declarations were made to direct Managers. Declarations and management plans are subsequently approved by the relevant Executive Directors and reviewed on an annual basis, or more frequently as necessary.

(c) The management plans are determined on a case-by-case basis and developed using a risk-based approach taking into account the nature of the position, the seriousness of the conflict and the risk to the department. The declaration process and individual management plans are consistent with the Public Sector Commission's recommended approach to managing conflict.

(d) Declarations and management plans are approved by the line managers and Executive Directors, each declaration and management plan is reviewed on an annual basis or more frequently when necessary. DMIRS has recently implemented a framework where declarations and management plans are also reviewed by an independent position within DMIRS.