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LEGISLATIVE ASSEMBLY ESTIMATES COMMITTEE B

Thursday, 26 May 2022

Legislative Assembly

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ESTIMATES COMMITTEE B

The meeting commenced at 9.00 am.

Division 27: Justice — Services 1 to 8, Attorney General, \$687 414 000 —

Ms A.E. Kent, Chair.

Mr J.R. Quigley, Attorney General.

Dr A. Tomison, Director General.

Dr G. Hill, Director, Legal Aid WA.

Ms J. Stampalia, Executive Director, Court and Tribunal Services.

Ms K. Maj, Executive Director, Strategic Reform.

Ms P. Bagdonavicius, Public Advocate.

Dr J. Byrne, Commissioner for Equal Opportunity.

Mr S. Kerr, Executive Director, Corporate Services.

Mr J. Deery, Director, Finance.

Mr M. Hainsworth, Director, Advisory Services.

Mr J. Lee, Principal Policy Adviser.

Mr D. Emerson, Senior Policy Adviser.

[Witnesses introduced.]

The CHAIR: Good morning. The estimates committees will be reported by Hansard. The daily proof *Hansard* will be available online as soon as possible within two business days. The chair will allow as many questions as possible. Questions and answers should be short and to the point. Consideration is restricted to items for which a vote of money is proposed in the consolidated account. Questions must relate to a page number, item or amount related to the current division, and members should preface their questions with these details. Some divisions are the responsibility of more than one minister. Ministers shall only be examined in relation to their portfolio responsibilities.

A minister may agree to provide supplementary information to the committee. I will ask the minister to clearly indicate what information they agree to provide and will then allocate a reference number. Supplementary information should be provided to the principal clerk by close of business Friday, 3 June 2022. If a minister suggests that a matter be put on notice, members should use the online questions on notice system.

There has been an agreed change to the order, and I believe that we are dealing with division 27 first. I give the call to the Leader of the Opposition.

Ms M.J. DAVIES: Thank you, chair. Attorney General, can we start with paragraph 5 on page 430 of budget paper No 2, volume 2, in relation to the Equal Opportunity Commission? It notes that there has been a significant increase in inquiries and complaints related to the COVID-19 pandemic following the mandated compliance requirements. Would it be possible to quantify that increase or the number of complaints that have been received?

Mr J.R. QUIGLEY: There has been a—I may sit down when I am speaking. It is a committee; sorry.

Ms M.J. DAVIES: It is very formal otherwise, Attorney General.

Mr J.R. QUIGLEY: I am like a trained dolphin! I am given the prompt and I stand up.

The Equal Opportunity Commission has received an increase in its inquiries and complaints due to the COVID-19 pandemic, and from July 2021 to April 2022, complaints increased by 31 per cent and inquiries increased by 24 per cent compared with the 2019–20 financial year prior to the pandemic. This increase has not been uniform with both inquiries and complaints tending to peak each time mandated control measures increased. Most of the inquiries were resolved by an explanation of the scope of the Equal Opportunity Act and that vaccination status is not a valid ground for complaint under the act, and directions made pursuant to the Public Health Act 2016 and the Emergency Management Act 2005 override the Equal Opportunity Act to the extent that they are incompatible. The most common complaint that has come in since the pandemic started was from people who said their medical exemption from wearing a mask was not accepted by a supplier of goods and services. The increase in the workload from the increase in complaints had an impact on the time it took to resolve complaints, but 90 per cent of them were still resolved within the target period of 12 months.

Ms M.J. DAVIES: I am fairly sure I understand, but for clarity's sake, with complaints versus inquiries, what changes the dial on it for it to go from an inquiry to a complaint?

Mr J.R. QUIGLEY: As the commissioner triages those, may I call upon Dr Byrne to answer the difference between the complaint and the inquiry?

Dr J. Byrne: Thank you. I would like to express my appreciation to the committee for the accommodations made for my disability. I am profoundly deaf. I am not sure everyone knew that. Inquiries outnumber complaints about four to one. Inquiries are people seeking information on what are their rights and so forth, whereas complaints need to identify a formal ground. For most of the inquiries, I will explain to people that they cannot complain against the government's mandated pandemic requirements and that resolves the inquiry. Complaints must have a genuine ground. The mask complaints relating to people who had a medical exemption can be valid. The other valid-type complaint is against an employer who excludes a person from employment because they are not vaccinated. The mandates apply only to access to places. They do not tell the employer not to employ people. People can potentially complain about that—not about not being vaccinated. Vaccination is not a ground. They can say they have a religious reason not to be vaccinated. We investigate and try to resolve these complaints, but, basically, at the end of the day, the act says it may not be unreasonable to discriminate against a person on the grounds of their religion, so the employer has a defence. Several of those complaints have been referred to the State Administrative Tribunal. Does that answer the member's question?

Ms M.J. DAVIES: Thank you. What advice on the mandates and vaccination, and the increase in those queries, did the Attorney General receive from the Equal Opportunity Commission, if any? Did it provide advice on this matter?

Mr J.R. QUIGLEY: I have not particularly received the actual advice given to those making the inquiries, but I will defer once again to Dr Byrne if I may, Madam Chair.

Dr J. Byrne: Most of the inquiries are by telephone and we have standard information we provide that is appropriate to the circumstances. About two-thirds of the inquiries are by phone and we developed a set of standard words to respond to situations, such as complaints against the government about vaccination. The act is overridden by the mandate. For complaints against the employer, we explain the situation, and for mask complaints we had about five fairly standard letters we modified appropriate to the circumstances. Most people accepted those letters as a satisfactory response to their complaint and, in many cases, their inquiry also.

[9.10 am]

Ms M.J. DAVIES: In the most recent report published by the Auditor General, she advised that there should be a review of COVID management for instructive purposes in terms of how the government has responded in general. Obviously, there has been a huge number of legal issues surrounding some of the mandates, the imposition that government has imposed as a result of responding to the pandemic on behalf of the Western Australian people to make sure that we can get through it. From the perspective of the Equal Opportunity Commission, because there has been quite a significant discussion around personal rights and there has been an increase in complaints, would the Attorney General see it as instructive to have the Office of the Equal Opportunity Commission and the Attorney General to participate in such a review to inform future management?

Mr J.R. QUIGLEY: The discriminatory conduct captured by the Equal Opportunity Act relates only to the protected attributes within the act, so the commission has limited scope to look at the response across government. It is not as though someone with a disease, for example, has a protected attribute. I think these things need looking at in terms of the act, and I will, but we are confined to the attributes protected by the act. If Dr Byrne thinks he has something extra to add, I will defer to him.

Dr J. Byrne: The Australian Human Rights Commissioner, Lorraine Finlay, has made the point that there probably should be post-pandemic a review of how it was handled. But it is basically a federal issue as well as a state issue. In referring to the state issues, generally, when I found an issue that concerned me that was not necessarily unlawful, but I thought was unreasonable, I got in touch with the appropriate authorities. Very early in the process, for example, when people were put into quarantine, they were not getting access to the medical or psychiatric help they needed. I raised that point—not just me, but also others, so I cannot claim credit for this—and that got addressed. There have also been issues whereby people were not vaccinated, not for medical reasons. But for medical reasons a pregnant woman, for example, was advised by a doctor because she had a reaction to the first vaccination not to have the second one. She had the baby prematurely and then was initially refused access to the newborn child. That was resolved very quickly. Generally, it was quite practical and appropriate to approach the relevant authority about an unreasonable situation, and they have been addressed. In terms of the act, it takes quite a long time. There is not a way of solving problems quickly, because we first have to get the information from the complainant. We need to put it to the respondent. We need to conciliate it. That does not solve a problem quickly. The people administering the pandemic regulations et cetera are quite reasonable when issues have been raised with them.

Ms M.J. DAVIES: Going back to my first question, the Attorney General and the commissioner advised that there had been a 31 per cent increase in complaints and I think it was a 24 per cent increase in inquiries. Is it possible to get a breakdown of how many of them related to COVID?

Mr J.R. QUIGLEY: I do not know. I would have to ask the commissioner.

Ms M.J. DAVIES: The Attorney General has given me a percentage. I just wonder about the number of complaints relating to COVID.

Mr J.R. QUIGLEY: I understand, Leader of the Opposition, but I have not got that breakdown. I have to defer to Dr Byrne again for a breakdown between COVID and non-COVID inquiries and complaints.

Ms M.J. DAVIES: How many in number?

Dr J. Byrne: We have about 400 complaints; a one-third increase of that would be about 120. We typically have about 1 500 inquiries, so a 20 per cent increase would be 300 COVID-related inquiries.

Ms L. METTAM: Just further on that point, I understand that the Equal Opportunity Commission is the body that is best able to deal with issues of discrimination. But one of the challenges that has been recognised nationally has been the great effort it takes for somebody to call out discrimination and to actually seek the support or guidance from the Equal Opportunity Commission. I hope that the Attorney General is able to answer this question: what efforts is the government or the commission undertaking to encourage more individuals to be aware of the Equal Opportunity Commission's role, given it does not—correct me if I am wrong, Attorney General—reach out and it is up to an individual to go to the commission?

Mr J.R. QUIGLEY: That is right. But in terms of the way that the commission publicises itself and increases community awareness of the commission's functions, I will once again defer to Dr Byrne.

Dr J. Byrne: We have a very strong and effective training program. Some of that training is fee-for-service to organisations, but a lot of it is free training—no fee charged—to members of the public. It explains about the Equal Opportunity Act and general issues of discrimination and how to lodge complaints. I would like to assure the member that that is not metropolitan based; it can go into the country areas. One of our Aboriginal training officers will be in Geraldton for a week next week providing that training. We also are trying to develop online training so that we can have web-based training. We had a session last week with about 50 people on MS Teams throughout Australia, the Isabelle Lake Memorial Lecture, and that worked well and we are looking to expand that. We are actually going to regional areas to provide training. We want to make sure that we are accessible. Also we have a very good website, in my opinion. It is a very good website. We have information sheets. We have the inquiry line. Generally, outreach, education and training is a very important part of our function. We put significant resources into that function.

Ms L. METTAM: When is the commission coming to Busselton?

The CHAIR: I am wondering where I can link that, member for Vasse.

Ms L. METTAM: That is my final question. All roads lead to Busselton!

Dr J. Byrne: I will personally be there next week to visit my daughter who lives in your electorate. But generally, we will make sure we include Busselton and other country regions.

Mr J.R. QUIGLEY: No doubt, the commissioner will advise the Deputy Leader of the Liberal Party prior to his visit so she can organise for it.

Ms J.J. SHAW: Just very briefly whilst we are talking about the functioning of the Equal Opportunity Commission, I wondered whether the Attorney General could provide an update on the machinery-of-government changes that took effect on 1 December 2020, transferring the EOC to become an agency of the Department of Justice?

[9.20 am]

Mr J.R. QUIGLEY: Sure. The Commissioner for Equal Opportunity is, as the member knows, an independent statutory office established under the Equal Opportunity Act 1984. The commissioner's powers and functions under the act are supported by the Equal Opportunity Commission. When it was first established back in 1985, it was part of a larger agency and then it later became an independent agency. Following the machinery-of-government reforms, the Equal Opportunity Commission has reverted to being supported within the Department of Justice. This transfer has benefited the Equal Opportunity Commission as it was difficult for a small agency to provide adequate human resources and services to its staff to comply with the various requirements of independent agencies that apply irrespective of the size of the agency. This has happened with other little agencies as well. As a small agency, the Equal Opportunity Commission had high but unmanageable risks in information technology, security and protection of privacy data that require skills that are best provided through the economies of scale by being part of a larger agency. This will be evident later in the estimates committee with other small agencies.

I note that in other states the Equal Opportunity Commissions are part of the Department of Justice or its equivalent in those states, whilst maintaining full independence—I stress this—while maintaining full independence in performing their statutory duties. The commission was successfully transitioned back to the Department of Justice on 1 December 2020. All administration arrangements for the transition of the Equal Opportunity Commission to the Department of Justice had been successfully completed. The Commissioner for Equal Opportunity is no longer responsible for the provision of corporate services, information technology, security and compliance requirements for a small independent agency, and now simply focuses upon its statutory duties unburdened from the administrative tasks.

Ms L. METTAM: Can I just get further clarification? We have finished the section related to the Equal Opportunity Commission, but we have more questions relating to division 27. Will we complete division 27 in its entirety?

The CHAIR: Yes.

Mr J.R. QUIGLEY: Excuse me. Can we excuse Dr Byrne?

Ms L. METTAM: We can excuse Dr Byrne. Thank you.

Mr J.R. QUIGLEY: Thank you, Dr Byrne.

The CHAIR: Thank you.

Mr J.R. QUIGLEY: Could the member take me to a page number?

Ms L. METTAM: Yes. I take the Attorney General to page 430, “Other Significant Issues”. Paragraph 7 refers to the government’s legislative reform agenda. The Attorney General has prioritised such things as electoral reform changes. I am wondering where the bail reform is at, as promised in the lead-up to the 2021 election.

Mr J.R. QUIGLEY: I think that the member might be referring to the bail reforms promised following the tragedy of young Annaliese.

Ms L. METTAM: Annaliese Ugle, that is correct.

Mr J.R. QUIGLEY: Ugle, that is right. I have signed off approval to bring the legislation into the Parliament. That is currently before cabinet.

Ms L. METTAM: I have a further question on Annaliese Ugle and that promise in the lead-up to the 2021 election. Obviously, some other issues have been raised since in relation to the tragedy surrounding Danny Hodgson, who received a significant blow to the head from a perpetrator who was out on bail at that time. There have been other issues around the need for bail reform, not just in relation to sex offenders. Will the bail reform also look at broadening the scope so that it deals with not only those sex offenders who are offending on bail, but also those violent perpetrators?

Mr J.R. QUIGLEY: The bail reforms that I will be bringing into the Assembly will be around bail for those charged with sex offences against minors and the requirement to give very high consideration to the protection of the victim as an overriding consideration. The offender that struck Danny Hodgson—terrible tragedy—was on bail for numerous offences. That will not be addressed in this legislation, but it is being addressed.

If I could just mention what has happened, the young offender, I think, was about 16 years of age and was from Port Hedland. He had not had interaction with the police in South Hedland other than for the most minor matter—nothing that would give any indication of violence. He had not been an abuser of alcohol in South Hedland and was not really known to police. He was a 16-year-old lad who had no experience in life, really, in the city, came down to Perth and went to Yagan Square and was introduced to alcohol. Between January and the time of the assault on Mr Hodgson, I think he had committed dozens of offences. They were a number of assaults, but they were not indictable. They were magistrate hearing-type assaults, such as punching someone. It is just absolutely abhorrent behaviour. Each time he appeared in court, the legal service that was representing him would seek a further remand, so none of these charges was ever definitively dealt with. The tragedy is if he had been dealt with early—the first charge resulted from a January incident that he ultimately pleaded guilty to at the time of the Danny Hodgson matter, so he was guilty—back in January, because he has admitted his guilt, he would have been within the juvenile justice capture and Mr Hodgson would not have suffered what he suffered.

The way that we are dealing with that is the president of the Children’s Court will issue a practice direction about the listing of the matters. These matters were just being put off because people were pleading not guilty and asking for a further remand. This has to stop. When child offenders come before the court on charges that would be indicative of or pointing towards a violence problem, those ones especially have to be dealt with on an early listing. The president of the Children’s Court is working with the practitioners over there to work up a practice direction for all magistrates and counsel. We will get to this later in the estimates, because the Director of Public Prosecutions is in the gallery at the moment; she initiated an early resolution team over at the court. There is \$500 000 for the fit-out for the DPP staff over there. I do not want to use the term “plea bargaining”, but often there is some room to discuss the appropriate charge that is brought. Instead of putting off the whole thing for months for a trial and working out what the appropriate charge is during the trial, we will have DPP staff on board over there so that we can resolve these matters quickly. Therefore, it was not the bail situation that was the problem, because the charges were—I hesitate to use the term “relatively minor”; they are not minor—not indictable. But if they had been dealt with properly, this tragedy would never have happened.

[9.30 am]

Ms L. METTAM: Thank you for that comprehensive response, Attorney General. As the Attorney General says, child sex offences are indictable and very serious. The circumstances that led to that commitment in 2020 ahead of the election meant that it was certainly well supported amongst the community. The government was able to introduce electoral reforms that were not on the agenda very quickly into Parliament —

The CHAIR: Member, stick to the —

Ms L. METTAM: — but when will we see the legislation for the important bail reform before the Parliament? I have asked questions in Parliament about this before. When will we see this important legislation before the Parliament?

Mr J.R. QUIGLEY: Before we get up for winter. As I said, I have this well advanced now. The difficulty has not been that it has been pushed down the queue because of electoral reform or anything else. The bail reform had to be circulated to all the heads of jurisdiction for comments on workability and then come back as reworked. Legal Aid, the Aboriginal Legal Service, and the Western Australian Bar Association put in comments, so then another draft goes out. It is not to appease anyone but to make sure that we have proper working legislation and, at all times, introduce legislation that will offer better protection for child victims.

It is not because something else has been given higher priority, member for Vasse; it is not. It is that we have been working diligently with the courts and the bar to get the legislation right. Just to give the member an idea, when we do these, sometimes we get six or seven—I did not appreciate this in opposition, but the Leader of the Opposition having been a minister would—drafts before we get to the final one. The final draft goes out to the courts and we ask the Chief Justice what they think of it and we wait for a reply. We have this as a priority. Look at what the failing was in that case. The failing was insufficient attention was given to the vulnerability of the child victim. Some attention was given to the offender and where he would appear next and whether it should be over at Narrogin for his safety and whatever.

Mr P.J. RUNDLE: I refer to page 436, service 1, “Court and Tribunal Services”. Attorney General, this matter relates in part to prisoners’ release. How many applications for early release or parole has the Attorney General approved?

Mr J.R. QUIGLEY: I do not receive applications for parole, and I do not know that people actually get the opportunity of applying for parole. The courts themselves set a period during which the person cannot be considered for parole, but in the case of people who receive either a life sentence or an indeterminate sentence, which we used to call the key or the Governor’s pleasure, the Prisoners Review Board makes a recommendation to the Attorney. That is also the case for people who are given a detention order under the Criminal Law (Mentally Impaired Accused) Act.

For both of those, it comes before the executive as to whether it will reject the board’s recommendation in these matters. Before any of these people are considered for parole, they are given what is called an RSP, which is a resocialisation program that normally runs anywhere between 18 months and two years, I believe, with about three stages in it. I cannot describe each stage in detail. The first is within the institution and the second will be out of the institution but in company. The third will be out of the institution but coming back to the institution at the end of the day. So, there is this resocialisation program and the executive has to approve people going onto that. Then, when their minimum term has expired and they have completed a resocialisation program, the Attorney for the executive will receive a full report on how they went on the resocialisation program and the board’s recommendation.

In looking at that, I always look to the comments of the Commissioner for Victims of Crime, who will contact secondary victims; the board will contact secondary victims. The secondary victims are varied in their response. Not unexpectedly, a lot of secondary victims want the person never to have parole. Others say that they are not happy about it, but they realise we cannot keep the offender locked up forever, so they just do not want them anywhere near their suburb, and parole orders are made to secure that. But in terms of the actual numbers, I do not have those by number before me.

Mr P.J. RUNDLE: Would the Attorney General be able to provide those as supplementary information?

Mr J.R. QUIGLEY: To be clear on the actual supplementary information required, could we just stipulate that? Is it how many in the last 12 months since the last estimates?

Mr P.J. RUNDLE: That will be fine. How many has the Attorney General received and how many has he approved?

The CHAIR: Can you clarify exactly what you are going to provide, please, Attorney General.

Mr J.R. QUIGLEY: I will provide, in respect of people who received a life term, how many recommendations I have received from the Prisoners Review Board to admit the prisoner to a parole program, and how many have I approved and how many I have rejected of those.

[*Supplementary Information No B14.*]

Mr J.R. QUIGLEY: Sorry; there is one other category. There is one other category that, fortunately, I do not have to use too often, and that is the serial and mass murderers; I can direct the board not to consider them, which I have used on a couple of occasions.

Mr P.J. RUNDLE: Would the Attorney General be able to also provide that as supplementary?

Mr J.R. QUIGLEY: Fortunately, not a lot of serial and mass killers are coming up for parole, so it would be minimal in number, but I can provide that.

[9.40 am]

Mr P.J. RUNDLE: Is the Attorney General able to include the nature of those crimes as part of that supplementary information?

Mr J.R. QUIGLEY: Sure. I would expect most of them to be murder, and it is not the most pleasant task to have read the full details each month.

Mr P.J. RUNDLE: Is the Attorney General happy to include that as part of the supplementary information?

Mr J.R. QUIGLEY: I am, but just the offence that they were convicted of.

Mr P.J. RUNDLE: Yes; that is it.

Mr J.R. QUIGLEY: As I say, most of them will be murderers and most of them will be pretty grim.

Mr P.J. RUNDLE: No, that is it on that one.

Ms M.J. DAVIES: I refer to the table and the total cost of services on page 429 of budget paper No 2, volume 2. We played this game a little bit last year, so the Attorney General can tell me whether I need to ask him when we get to the State Solicitor's Office if I am not asking it in the right division. But we are just wondering, in relation to the total cost of services for justice, about the final cost of the case that saw Magistrate Crawford suing President Quail. What was the cost to the state in defending President Quail, and was Magistrate Crawford reimbursed for her costs?

Mr J.R. QUIGLEY: Since last year's estimates hearings, the State Solicitor's Office has become a sub-department, and the State Solicitor will be —

Ms M.J. DAVIES: Does the Attorney General want me to ask the question when they are in?

Mr J.R. QUIGLEY: Yes.

Ms M.J. DAVIES: All right. I am happy to do that. I thank the Attorney General for his guidance.

Ms L. METTAM: I go back to page 430 and the section I touched on earlier in relation to the legislative reform agenda, the seventh paragraph. Where is the legislation around our coercive control act? I understand it is being considered by the Law Reform Commission, but what is the time frame and consideration for introducing it?

Mr J.R. QUIGLEY: I do not know about the legislation yet, but the Law Reform Commission is looking at these matters. Of course, coercive control is a form of abuse that undermines the victim-survivor's autonomy and capacity to resist and escape family and domestic violence. It can have a significant and lasting impact. The government announced that the community would be consulted about tackling this, and we announced this only on 29 March this year. Submissions are sought about the current and future legislative responses to coercive control. The consultation process is open for people to write in until 30 July this year. The consultation is being managed by the Office of the Commissioner for Victims of Crime, if any of the member's constituents would like to make a submission, and she could perhaps publish them in her newsletter. There is also a full discussion paper available on the Commissioner for Victims of Crime's website. The discussion paper's focus is on whether the current legislative responses to coercive control in Western Australia are adequate and how they could be improved.

The consultation process has received very strong interest so far from victim-survivors, the public, the legal assistance sector and the family violence sector. A large number of public submissions have already been received. We expect that the Commissioner for Victims of Crime will give us a report in late July of this year and I might be in a position to make a statement soon thereafter.

Ms L. METTAM: Of course, the prospect of introducing legislation will be based on the consultation process, but when might the Attorney General anticipate, at this early stage, that such legislation would be presented to Parliament? What are his views of the challenges associated with the very worthy goal that this proposed legislation seeks to achieve?

Mr J.R. QUIGLEY: I do not want to be rude, but I do not want to answer the member. I would rather wait to comment on the issues around coercive control until all the public submissions are in. If I say now what are the issues around it, I might not be paying proper attention to the submissions. People—victims—may have raised things that I am not yet fully apprised of. I really want to wait until the commissioner comes back to us on that. She is a wonderful Commissioner for Victims of Crime and I am sure she will do a good report. As to the legislation, I get pushback. The member knows what my legislative record is. I want to get them all in here as quickly as possible. She can rest assured on this one; I will do my best to bring it before the Parliament as soon as we can.

Mr C.J. TALLENTIRE: My question relates to criminal injuries compensation, and I am looking at page 431 and the nineteenth paragraph under "Other Significant Issues". Can I ask the Attorney: why does the figure of the sum of awards of compensation paid out to victims of crime in 2021–22 differ from the original budget of the payments of awards?

Mr J.R. QUIGLEY: Thank you, member, for asking the question. In 2021–22, it is forecast that \$90 million of criminal injuries compensation payments will be paid out to victims of crime, which will exceed the original budget of \$31.8 million by a total of \$58.2 million. As part of the 2022–23 budget process, the budget has approved

additional funding of \$58.2 million, and \$9.9 million in the 2022–23 and out years for criminal injuries compensation payments made on behalf of the state. The number of criminal injuries compensation applications assessed and awards granted has increased significantly from 4 777 in the 2020–21 financial year to 5 984 for the first three quarters of the 2021–22 year. It also notes an increase in the overall number of awards granted under the Criminal Injuries Compensation Act during the previous financial year, and this year's result is a result of the dedicated effort of reducing the backlog. Although the number of applications received is significant, the total case load has reduced, because we are clearing the backlog, from 4 949 in 2021 to 4 213 at the end of quarter 3 in 2021–22. This is a reduction of 15 per cent by clearing that backlog. As at 31 March 2022, applications lodged have already increased by 25 per cent of the total lodged in 2021. However, the average award amount has decreased from \$16 581 to \$14 758 in March 2022. The increased number of applications assessed is due to the implementation—I think this has increased the applications—of the e-lodgement system, with the introduction of a streamlined process and the appointment of an additional assessor and additional supporting case managers. It should be noted that the amount paid and the amount awarded each year differs because the amount awarded is the award order figure, which may include future payments that are not paid out at the time the award is granted—for example, ongoing medical costs. The future payments can be paid out at a later date for a period up to 10 years from the date of the award, because a person might have ongoing psychological issues or, in some cases of head trauma, neurological supports going forward. We cannot budget that; we just have to support the victim.

[9.50 am]

Mr P.J. RUNDLE: I refer to page 431 and the eighteenth paragraph, just one up from the last one. I think this is a subject that upsets many people in Western Australia—the criminal and civil time to trial in the Magistrates Court. There is a point here that the department is undertaking a feasibility study to address the demand for additional criminal trial facilities. Can the Attorney General just outline the feasibility study, what his expectations are and whether this will lead to broad reform? Let us face it, it is just taking too long for these trials and so forth to go ahead.

Mr J.R. QUIGLEY: Yes, there are a couple of issues and I am presently going to invite the executive director of court services, Ms Jo Stampalia, to respond to the member's question in detail. But may I preface the director of court services' response by saying this. Shortly after we came to office in 2017, a pipeline of justice model was developed. That model is a computer model with input points. We put different inputs in and it will tell us what we need to service those inputs. For example, our parties go to the election and they promise extra police. Then we put in the input "extra police" and the number. That then predicts how many extra arrests there will be. That leads to how many extra magistrates we will need, how much extra legal aid we will need and how much more the Director of Public Prosecutions will need. This was never done before we came to office.

The District Court, which handles most of the criminal matters, is still under pressure and the pipeline to justice has been delivering an extra judge a year. For each year that I have been the Attorney, there has been an extra judge—not just replacements—added to the court. We have been serious about attacking these delays. Of course, the time to trial has also been significantly affected by COVID, and having to put trials off and the like. If I may, Madam Chair, I invite Ms Stampalia to give the chamber the accurate figures and the details.

Ms J. Stampalia: The Attorney has covered most things very well in terms of what has been happening. I will probably cover time to trial overall for courts. The challenges with time to trial have existed for a while for a number of reasons. The multi-accused trials are presenting great difficulty in all jurisdictions, including the Magistrates Court and the District Court. The multi-accused trials, in particular, are causing difficulties for the jurisdictions. One of the things that the member talked about was the feasibility study for additional criminal trial courtrooms. One of the challenges is the lack of those courtrooms that allow us to have multi-accused in the courtrooms. We only have a limited number of those courtrooms, and that does affect listing practices. In the Magistrates Court, that same thing happens as well. The judiciary is talking about a number of things relating to how they list those trials and how we share the facilities across the three main buildings in Perth. We have the Magistrates Court in the Central Law Courts; the Stirling Gardens building, which is the old Supreme Court; and then the District Court building. There are a lot of challenges in looking at that. The feasibility study that the member referred to in the significant issues point relates to some work we are doing about building a business case to put to government in the 2023–24 budget process that will hopefully get some success with building a facility with up to 12 criminal trial jury facility courtrooms in it as well.

COVID also has impacted the jurisdictions, as the member would have heard the Attorney say. That has impacted a lot of things, such as counsel travelling from interstate, the availability of witnesses and the availability of other people who are involved in the court process as well. A lot of things have contributed to that, but the judiciary are very clear around the need to address that, so we are working with them at the moment. As the Attorney said, we are about to bring on additional judges and magistrates through the pipeline model on 1 July.

The CHAIR: Before you continue, Attorney General, we are still on division 27 and we have a lot of divisions to go. I just want you to be mindful of that.

Mr J.R. QUIGLEY: I just want to make this important observation to the member. Our chokepoint is courtrooms, as Ms Stampalia has just pointed out. The difficulty is—it is not the member's fault; it is not his party's fault at this

point in time—that the previous government built a new Supreme Court centre, the David Malcolm Justice Centre, which is about 35 storeys high. It built an abundance of courtrooms in there. It was a private–public partnership. Unfortunately, a previous administration signed off on this and agreed that there would be no criminals in the building, and therefore no criminal trials in there. It said, “We built a new Supreme Court and we built all these beautiful courtrooms, but you are not allowed to have a criminal trial or a criminal appeal in there.” All the Supreme Court judges who are doing crime trials, such as murder trials, have to go over to the District Court and sit in the District Court’s courtrooms, and displace the District Court. It was just a fatal error in the administration of justice to build a courthouse and say that we cannot have a criminal trial in there. That is why Ms Stampalia is saying we have to do a half a million-dollar business case to try to build a new courthouse, again, to conduct criminal trials. The community has an expectation that when someone does these terrible offences, they will face justice reasonably swiftly and not be put in an interminable queue. It was a failing. It is no good now to go into who was responsible, but we have a huge courthouse and we cannot have a criminal trial in there.

Ms M.J. DAVIES: Attorney General, I refer to page 436 under “Court and Tribunal Services”. This is along the same lines as the question on the Magistrates Court; I am happy to take instruction if there is no-one in this division to answer this question. A number of families within my electorate have been impacted by the length of time the coroner and the Coroner’s Court has taken to resolve issues. Could the Attorney General perhaps make a comment on that?

[10.00 am]

Mr J.R. QUIGLEY: Certainly. I will give the member the figures. The backlog in the Coroner’s Court has increased from 483, as of 30 June 2020, to 810, 12 months later. The overall backlog has increased to 1 325 cases. The number of reportable deaths continues to increase each year, with a record 2 942 reported in 2020–21. By comparison, there were 400 fewer, 2 537, in 2019–20; 2 450 in 2018–19; and it was down to 2 422 in 2016–17. There is a significant backlog because each of these have to be investigated by the coronial inquiry section before the coroner can write them off. A total of 2 737 investigations were finalised in 2019–20, compared with 1 994 in 2020–21. Of those, 1 937 were finalised by an administrative finding, of which 704, that is 36 per cent, were backlog cases; and 57 were finalised by inquest, of which 55, or 96 per cent, were backlog cases. The Coroner’s Court can only progress and complete a coronial investigation upon receiving the final or supplementary post-mortem examination and toxicology reports from PathWest and the ChemCentre, respectively. Once they are provided, the coroner awaits the police investigation report that goes with the file to the coroner. The coroner cannot progress the backlog of investigations that are still with the police or the Department of Health. This is significant, Leader of the Opposition: as at 30 April 2022, of the 1 325 backlog cases, 295 are under the control of the court. The coroner can deal with only 22 per cent of the backlog cases. The backlog cases that cannot be progressed to the court—pending external investigations by, as I said, PathWest, the ChemCentre or police—is 1 030, or 78 per cent of the backlog cases awaiting completion by the coronial inquiry section before they can go to the court.

Ms M.J. DAVIES: I thank the Attorney General. That gives us an understanding of the pipeline that it has to go through to get to the Attorney General’s portfolio responsibility, which is the pointy end, ultimately, and that is where families see the hold-up.

Mr J.R. QUIGLEY: They do.

Ms M.J. DAVIES: There is still a backlog of 295, I think the Attorney General just said, as of this year, regardless. What can be done to reduce that? We are talking about families and individuals who have been through a traumatic event, because to be in that system they have already been through quite a traumatic incident. The individual has obviously moved on but those who surround them have not. Without having that closure, it puts enormous pressure on everyone involved. Is there advocacy for additional resources along that whole pipeline to reduce that being applied? We have a significant budget surplus this year. These are the sorts of things we would think, whilst probably not sexy in making headlines, actually make a real difference for those in the system.

Mr J.R. QUIGLEY: I appreciate the member’s recognition of the fact that before they get to the pointy end of my portfolio, there is a lot that happens before. The director general was anxious to point out to me that the department has met with the police and with PathWest to see whether they could put more resources into accelerating these files. In terms of the Coroner’s Court, the member may well remember—I am sure that the member does—that we acquired a CT scanner so that there do not have to be as many post-mortems.

Ms M.J. DAVIES: Yes.

Mr J.R. QUIGLEY: That is really important for our First Nations people too, who do not want the body disturbed in any way. The coroner can now scan it and say, “Yes, we can identify the brain embolism that took the deceased out”, so we did that. The member might remember that we also introduced a Coroners Amendment Bill to provide better capacity for coroners and deputy coroners to finalise matters without an inquest in situations in which there has been a sudden death but the coroner can identify fairly early via the CT scan that the elderly person found dead at the bottom of the stairs died of a heart attack, not from a fall down the stairs, and say “Well, there was the myocardial infarction right there.” That speeds it up. But it is really that front-end part that we are waiting on.

I have to say that a member of my family who was relatively young, in their 30s, unexpectedly died and the family were ringing me. Not that I could or would want to in any way interfere with the coronial process, but I had to explain to my own family that they are going to have to wait on toxicology. They have got to do post-mortem, they have got to take samples, and then they have got to send it off to PathWest and wait for reports to see what caused the sudden death. I know at a personal level how distressing it was. No funeral arrangements could be made; that immediate grieving was just elongated because the family did not know what had happened. What has caused all this?

Ms M.J. DAVIES: I am sorry to hear about that, Attorney General. I have had a similar experience with a very close friend.

Mr J.R. QUIGLEY: The member knows personally.

Ms M.J. DAVIES: It is extraordinarily distressing not to have closure for more than 12 months on something that is relatively simple. The general public do not understand. I just think that with the resources that this government has, additional effort across portfolios could be made so that we do not have to have those conversations with the people whom we love. It should not be about having to know someone to make that advocacy and change that outcome.

The last point that I want to make on this is that I understand that the coroner was invited to speak or was invited to an estimates committee hearing in the Legislative Council and did not appear and gave a reason that was difficult to understand. Does the Attorney General have any advice on why that might have occurred?

Mr J.R. QUIGLEY: No; I gave no direction or advice to the coroner on whether to appear before the Legislative Council or not appear before the Legislative Council. The coroner is a member of the judiciary. I have been punctilious since coming to office to make sure there has been a hard line of demarcation between the executive and judiciary. I gave no advice, not subtly and not by a nod and a wink, not by anything. In fact, I have not spoken to the coroner since that letter of invitation went to the coroner. I just make the note that other members of the judiciary—for example, the Chief Judge, the Chief Justice, the Chief Magistrate—do not appear before estimates because they are part of the judiciary and not part of policy. That is all I can advance. It was no part of the government.

[10.10 am]

Mr P.J. RUNDLE: I refer to page 430 and the line item “Justice Services Expenditure”, about four lines from the top. There is an allocation of \$41.149 million in this budget year. Can the Attorney General please outline the spending increase? Does any of this money go towards the electronic monitoring trial for family and domestic violence offenders, which was the trial the Attorney General announced with the Minister for Prevention of Family and Domestic Violence on 18 August 2020?

Mr J.R. QUIGLEY: I am just checking that against my papers. Do I understand the member’s question to be: does that increase include electronic monitoring?

Mr P.J. RUNDLE: That is correct.

Mr J.R. QUIGLEY: I am advised by the director general that that is separate. It is not included.

Mr P.J. RUNDLE: Okay. Could the Attorney General point me to the line item for electronic monitoring?

Mr J.R. QUIGLEY: Yes. I wonder if the director general can answer that question, Madam Chair.

Dr A. Tomison: Thank you, Attorney. The point the member was first referring to, the justice services expenditure, is about the entire budget. A lot of that is really corrections-focused, because in terms of size, that is the most part of Justice. However, what the member is actually referring to is the point just above, which is the justice reform program. That is where the money for the electronic monitoring of family and domestic violence offenders was actually allocated. It is in that line just above where the member was looking. That covers a whole number of projects, including the bail support service at Perth, Broome and Derby Magistrates Courts; the prison in-reach legal service for prisoners and defendants appearing at the Central Law Courts; a general court intervention program, which is like a therapeutic court; the family and domestic violence GPS tracking trial, which is a metro area; and the parole in-reach program, which is being developed and is operating at Acacia Prison and Wooroloo Prison Farm. Yes; that is essentially where it sits—the line above where the member was looking.

Mr P.J. RUNDLE: Given that it is covered under that particular line item, can the Attorney General detail how many offenders have been registered through the trial and are currently participating in the trial?

Dr A. Tomison: I might get the Attorney General to hand over to Ms Maj.

Mr J.R. QUIGLEY: I wonder if I can hand over to Ms Maj to answer that question.

Ms K. Maj: Yes, the trial is currently operating. I do not have the figures in front of me of how many people are on the trial today, but the last time I looked, around eight offenders are on the trial at any given point in time. It is also currently being evaluated, obviously to inform any decisions around expansion. We have also had funding approval to extend the trial by an additional year. There were some delays around COVID in getting all the justice reform programs up and running, so we have an additional year on the pilots to make sure that we can assess them properly.

Mr P.J. RUNDLE: That is fine regarding the numbers, but can the Attorney General confirm whether any of the monitors have failed or whether any of those have been removed by offenders?

Mr J.R. QUIGLEY: As to whether they have interfered —

Mr P.J. RUNDLE: Whether any of the monitors have failed.

Mr J.R. QUIGLEY: The member will have to save that for the Department of Corrective Services part of estimates.

Mr P.J. RUNDLE: Okay. Thank you.

The appropriation was recommended.

Division 6: Western Australian Electoral Commission, \$8 754 000 —

Ms A.E. Kent, Chair.

Mr J.R. Quigley, Minister for Electoral Affairs.

Mr R. Kennedy, Electoral Commissioner.

Ms C. Barron, Deputy Electoral Commissioner.

Ms M. Buchanan, Principal Policy Adviser.

Mr J. Lee, Principal Policy Adviser.

Mr D. Emerson, Senior Policy Adviser.

[Witnesses introduced.]

The CHAIR: The estimates committee will be reported by Hansard. The daily proof *Hansard* will be available online as soon as possible within two business days. I will allow as many questions as possible. Questions and answers should be short and to the point. Consideration is restricted to items for which a vote of money is proposed in the consolidated account. Questions must relate to a page number, item or amount related to the current division, and members should preface their questions with these details. Some divisions are the responsibility of more than one minister. Ministers should only be examined in relation to their portfolio responsibilities.

A minister may agree to provide supplementary information to the committee. I will ask the minister to clearly indicate what information they agree to provide and will then allocate a reference number. Supplementary information should be provided to the principal clerk by close of business Friday, 3 June 2022. If a minister suggests that a matter be put on notice, members should use the online questions on notice system.

I give the call to the Leader of the Opposition.

Ms M.J. DAVIES: Attorney General, I am on page 94 of budget paper No 2, volume 1, under “Significant Issues Impacting the Agency”. I wonder whether the Attorney General could give us an understanding of the time line that the Electoral Commission is anticipating in terms of the boundary review as a result of the legislation passing through the house last year, and also in preparation for the 2025 state election. I am looking for the time line of when it will commence and what those key dates will be.

[10.20 am]

Mr J.R. QUIGLEY: As the executive do not take any part in setting out that time line, I will ask the Electoral Commissioner to answer that question.

Mr R. Kennedy: Thank you. Yes; I might just point out at the beginning that the distribution, which is likely to commence around March 2023, is not as a result of the recent legislative changes; it is the standard redistribution that occurs every four years, immediately after a general election. Our process will probably begin around March. I have had some preliminary discussions with the rest of the distribution commissioners. Then, as in the previous parliamentary period, we would aim to have the final results out by November in that year.

Mr C.J. TALLENTIRE: I refer to page 93 of budget paper No 2, under “Spending Changes”, line item “2021 State Government Election” and the sum of \$346 000. I am interested to know what the commission’s efforts are towards ensuring that at state elections there are facilities for booth workers and party volunteers, particularly party volunteers. It is my observation over a number of elections that the commission has no regard for the comfort and wellbeing of party booth workers. We had booths where there were no toilet facilities for booth workers and party volunteers, and that is of grave concern.

Ms M.J. DAVIES: Also, safety for workers.

Mr J.R. QUIGLEY: And the member’s question is?

Mr C.J. TALLENTIRE: What is the commission doing about ensuring that at future elections, party workers and booth workers—those who are in paid positions with the Western Australia Electoral Commission and those people who are there in a volunteer capacity—are given adequate comfort facilities?

Mr J.R. QUIGLEY: I have heard this concern expressed across the political spectrum and —

Ms M.J. DAVIES: We are very interested in the answer as well.

Mr J.R. QUIGLEY: That is what I am saying. I have heard it across the political spectrum and I have stood there at pre-poll as well and heard it from volunteers, and I want to be reasonably circumspect. I will be addressing this issue. That is all I can say at this stage. Before the next election, I promise members that I intend to put my mind to this issue.

Mr C.J. TALLENTIRE: By way of a question, I forewarn the Attorney General that in the past, the response has been that it is down to the individual primary school whether they provide access to toilets. I do not think that is good enough. I ask for the Attorney General's reassurance here. The Electoral Commission negotiates with those schools and other polling facilities, so in that negotiation, can the Attorney General assure us that the Electoral Commission will make an effort to ensure that facilities are available for volunteers?

Mr J.R. QUIGLEY: I do not want to reveal my hand at this stage, but I will refer to what the Leader of the Opposition said. She was acutely interested in the member's question and the answer I give. It is a concern across the board that the volunteers we recruit should have toilet facilities.

Mr P.J. RUNDLE: My question is on the same page but at the bottom line. I refer to page 93 and the last line item, "Technology Assisted Voting Project". Firstly, given that the New South Wales Electoral Commission has decided to pull its iVote software, does the Western Australian Electoral Commission still see electronic voting as part of the future fabric of voting in WA?

Mr J.R. QUIGLEY: At this stage, we are talking about an electronic voting system for people who have registered early. We have looked at the programs so that the visually impaired, the illiterate and people who have a disability have assisted voting and can vote electronically. That is all that is happening.

Mr P.J. RUNDLE: That is all that is on the agenda?

Mr J.R. QUIGLEY: Yes.

Mr P.J. RUNDLE: Further to that, Attorney General, we saw the situation over the previous weekend when we had the COVID scenario, the confusion around telephone voting and the like. Has the Electoral Commission considered how that will play out at the next election if COVID is still an issue at that time?

Mr J.R. QUIGLEY: I defer to the Electoral Commissioner.

Mr R. Kennedy: Yes. It is one of the issues that is at the forefront of our mind at the moment. We are learning as much as we can from the recent federal experience. At the moment, an online solution is not available to the cohort that has been identified in the legislation as able to use technology-assisted voting. No online solution is available in Australia yet that we have been able to identify that we could use here. We have recently done a request for information to the market asking for what is available, and my team are currently looking at that. Any development of that would focus just on those categories of electors that the minister referred to because, legislatively, we are not allowed to offer that service to others. In 2025, if we were in a similar situation again whereby a pandemic of some nature made it difficult for people to get to the static polling situation, then I would approach the government and encourage it to let us extend that, even if it were on a temporary basis, to allow those sort of people that access. The commonwealth solution was a telephone voting service. That figure in the papers that the member referred to is actually part of the cost that carried over from our telephone voting service in 2021.

Ms M.J. DAVIES: I refer to the preparation for elections and pre-poll and when decisions are made around how long pre-poll will be held for and how the cost for the Electoral Commission gets wound into the decision-making process—if we have three weeks of pre-poll, two weeks of pre-poll. We had the threat at this recent federal election whereby booths potentially could not have been open because they could not access workers. I am not talking about volunteers; I am talking about Electoral Commission staff. Are we looking at that and trying to pull back from three weeks of pre-poll to two weeks at least?

Mr J.R. QUIGLEY: Does the member have a preference?

Ms M.J. DAVIES: I do, yes.

Mr J.R. QUIGLEY: What would it be?

Ms M.J. DAVIES: Everyone should vote on the same day. It is election day.

Mr J.R. QUIGLEY: No pre-poll?

Ms M.J. DAVIES: I know that is not possible but —

The CHAIR: A shorter pre-poll would be nice, would it not?

Ms M.J. DAVIES: There should be a shorter pre-poll. It seems an extraordinary expense to me. I understand that we have to provide opportunity for people who cannot vote on the day, but surely, with the technology available and some of the challenges we have faced, we could come up with a solution on that front. It does seem extraordinary that at booths where we could barely sit down 10 years ago, we have a trickle of people coming through, yet we have a fully staffed Electoral Commission cohort for the day that is election day and for the three weeks beforehand.

[10.30 am]

Mr J.R. QUIGLEY: At the last state election, there were three weeks of pre-poll.

Ms M.J. DAVIES: It is too long. There is universal agreement, except for the Electoral Commissioner.

Mr J.R. QUIGLEY: I will take that on board.

The CHAIR: I have to say that I agree, too.

Mr J.R. QUIGLEY: Sorry?

The CHAIR: I agree that three weeks is too long.

Mr J.R. QUIGLEY: The chair is even getting a vote on this one! The commonwealth election pre-polling period was shorter.

Ms M.J. DAVIES: It was two weeks, yes.

Mr J.R. QUIGLEY: I will take that on board.

Ms M.J. DAVIES: It is difficult in regional areas in particular to access those staff and so we do not have the same access, regardless. I think that a three-week pre-polling period is too long.

Mr J.R. QUIGLEY: Yes, we have to allow some pre-polling because of our huge fly-in, fly-out workforce.

The CHAIR: They could vote by postal vote.

Mr J.R. QUIGLEY: I will hand over to the Electoral Commissioner.

Mr R. Kennedy: Thank you. I sense the mood in the room, and I cannot say I agree with the mood in the room. My priority, which I have made known to the minister, is to provide the greatest opportunity for the electors of this state to cast their vote. Most of the feedback I get about the early voting period comes from members of Parliament. The overwhelming support for it comes from electors. The overwhelming feedback we had in 2021, despite the fact that I pushed early voting as a COVID-related matter, was the convenience of it, and I think that was reflected in the federal election as well. I heard some feedback from electors that they enjoyed the convenience of not having to focus on one day.

Ms J.J. SHAW: I am just wondering, in the period prior to having such a lengthy pre-poll period and subsequent to having a lengthy pre-poll period, whether the commissioner has any observations about turnout or the proportion of informal votes.

Mr J.R. QUIGLEY: I am sorry?

Ms J.J. SHAW: Does the commissioner have a bit of a sense?

Mr J.R. QUIGLEY: What was that?

Ms J.J. SHAW: If the case that the commissioner is advancing is that there is an overwhelming preference amongst voters to have long pre-poll periods, I just wondered whether the commissioner had any observations on the impact of that longer pre-poll period on voter turnout or the proportion of formal or informal votes. Has the commissioner noticed any changes in voter behaviour? It is just a general question on whether the longer period has had a difference on the franchise itself.

Mr J.R. QUIGLEY: Obviously, with the pre-poll period, the more convenient we make it, there has been a slight increase and arresting of the decline in turnout. There is always a balancing act. Even the Leader of the Opposition favoured a one-day vote, but said in a concession, I think, "But I realise there has to be some pre-poll". I am not misrepresenting the Leader of the Opposition there, am I?

Ms M.J. DAVIES: No. I do not think it is once every four years that we have a right and a responsibility as an individual to go and vote. I would question convenience over participating in something that is our democratic right and responsibility. I am happy to make it accessible, but I think thought needs to be given to making sure that we are getting an appropriate outcome. I think that three weeks of pre-poll is ridiculous.

Mr J.R. QUIGLEY: I understand the member's position and I take that on board.

Mr P.J. RUNDLE: With reference to my original question, my suggestion is to use the money, condensing it to the level of the commonwealth election, that would have been expended for staff in that first week of the three weeks for advertising so that people actually know what is happening. The biggest challenge is that it always takes the first week before people even realise that pre-poll voting is available. That time could be condensed to two weeks, with greater advertising prior to it.

Mr J.R. QUIGLEY: First of all, I respond to that by saying I take that on board seriously.

Mr P.J. RUNDLE: Who makes the final decision? Is it a recommendation to the Attorney General by the Electoral Commissioner or does the Electoral Commissioner make the decision? How does the decision-making go?

Mr J.R. QUIGLEY: It is in the legislation.

Mr P.J. RUNDLE: As far as the length of time for the pre-poll, is that a recommendation to the Attorney General by the commissioner and then the Attorney General decides or does the commissioner decide?

Mr J.R. QUIGLEY: It is in the act, but the act provides a discretion for the commissioner to have up to 17 days of actual voting.

Ms M.J. DAVIES: Do I understand that the Attorney General is looking to amend the Electoral Act on that position?

Mr J.R. QUIGLEY: I am taking on board what is being said here. I know what the Leader of the Opposition's position is. I know what the member for Roe's position is. I know what the member for Swan Hills' position is. I am taking all of this on board. I do not mouth this and say, "I am listening", and not do anything; that is not my style. The member knows that. I have taken on board what she is saying. But if there is to be a change, it will be introduced in the Legislative Assembly.

Ms M.J. DAVIES: We look forward to having the opportunity to contribute in a formal discussion on that.

The appropriation was recommended.

Division 8: Commissioner for Children and Young People, \$3 115 000 —

Ms A.E. Kent, Chair.

Mr J.R. Quigley, Attorney General.

Ms J. McGowan-Jones, Commissioner for Children and Young People.

Ms N. Hall, Director, Policy, Monitoring and Research.

Mr J. Lee, Principal Policy Adviser.

Mr D. Emerson, Senior Policy Adviser.

[Witnesses introduced.]

The CHAIR: Good morning. The estimates committees will be reported by Hansard. The daily proof *Hansard* will be available online as soon as possible within two business days. The chair will allow for as many questions as possible. Questions and answers should be short and to the point. Consideration is restricted to items for which a vote of money is proposed in the consolidated account. Questions must relate to a page number, item or amount related to the current division, and members should preface their questions with these details. Some divisions are the responsibility of more than one minister. Ministers shall only be examined in relation to their portfolio responsibilities.

A minister may agree to provide supplementary information to the committee. I will ask the minister to clearly indicate what information they agree to provide and will then allocate a reference number. Supplementary information should be provided to the principal clerk by close of business Friday, 3 June 2022. If a minister suggests that a matter be put on notice, members should use the online questions on notice system.

I call the Leader of the Opposition.

[10.40 am]

Ms M.J. DAVIES: I am on page 109, budget paper No 2, volume 1, and point 2.5 wherein it refers to the commissioner's focus, which is listed here as —

continued engagement and consultation with children and young people through online platforms and in person visits across Western Australia

I understand that this refers to engagement. Can the Attorney General tell me whether the commissioner has a role in interacting with young people in custody at Banksia Hill Detention Centre?

Mr J.R. QUIGLEY: I have an answer, but I would like to defer to the commissioner herself to answer that.

Ms J. McGowan-Jones: Thank you, Attorney. Yes, we do engage with the young people at Banksia Hill. I have visited twice since I commenced in January, and I am meeting with the newly established youth leadership group at Banksia Hill again tomorrow. I am also doing a joint visit to Banksia Hill with the National Children's Commissioner in June, and I meet regularly with the Deputy Commissioner, Women and Young People.

Ms M.J. DAVIES: Commissioner, when you go to the facilities, do you engage with the young people, or do you just engage with the staff and hierarchy that manage Banksia Hill?

The CHAIR: Attorney General.

Ms M.J. DAVIES: Through the Attorney General.

Mr J.R. QUIGLEY: Obviously, I defer again to the commissioner, because it is a direct question to her.

Ms J. McGowan-Jones: I do engage directly with the children and young people on each visit. That has included direct engagement with young people in the intensive support unit, and that is one to one. If the young person agrees, I will often enter their cell in the ISU and we have a confidential discussion.

Ms M.J. DAVIES: As a result of those visits, how is that then reflected in the work that the commissioner does? What is the expectation from the Attorney General, as the government, in terms of the work that the commission is doing in reflecting those discussions? Is there a formal report? Is it reported back to the Attorney General directly via meetings? How is that information used or is it an oversight role?

Mr J.R. QUIGLEY: Obviously, I defer to commissioner again.

Ms J. McGowan-Jones: Although we do not have a formal oversight role in terms of corrections—that sits with the Office of the Inspector of Custodial Services—we do report back through to the director general of the Department of Justice and to the Office of the Inspector of Custodial Services with whom we have collaborated on a number of visits as well. When we believe it might be necessary, we would escalate issues through to the Attorney General and to the Joint Standing Committee on the Commissioner for Children and Young People.

Mr P.J. RUNDLE: I refer to page 109 and paragraph 2.1, which is in relation to the implementation of the recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse. Of the 289 recommendations that the WA government accepted in June 2018, how many have been implemented?

Mr J.R. QUIGLEY: I will wait for the commissioner, if I may. Let us take a moment to dig up the actual numbers for the member.

Ms J. McGowan-Jones: Although this is not our area of responsibility, the government has updated us that its progress on meeting the recommendations of the report has been significant. We have questioned the completeness of this progress—for example, on matters connected to the Aboriginal and Torres Strait Islander child placement principle and how complete that is when it is really an ongoing piece of work. The matter of oversight does not sit with my office at this point, so we cannot give the member the full answer. That question would be better addressed to the Department of Communities.

Ms M.J. DAVIES: In relation to the question that the member for Roe just asked, could the Attorney General elaborate a little on point 2.1, on page 109, around the formal role that the commission and the commissioner play in the establishment of those oversight mechanisms?

Mr J.R. QUIGLEY: I will defer to the commissioner.

Ms J. McGowan-Jones: Thank you, Attorney. As I understand it, the matter for oversight is currently sitting with cabinet, and the independent oversight mechanisms have been through a range of mechanisms across government, led primarily by the Department of the Premier and Cabinet and the Department of Communities on how this may go forward. At this point, a decision, as I understand it, has not yet been formally made or announced on who will take on the role of oversight. The legislation enables the oversight to be done through our office.

The appropriation was recommended.

Division 9: Office of the Information Commissioner, \$2 311 000 —

Ms A.E. Kent, Chair.

Mr J.R. Quigley, Attorney General.

Ms C. Fletcher, Information Commissioner.

Ms M. Fitzgerald, Executive Officer.

Mr J. Lee, Principal Policy Adviser.

Mr D. Emerson, Senior Policy Adviser.

[Witnesses introduced.]

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I call the Leader of the Opposition.

Ms M.J. DAVIES: I am on page 114 in the table under appropriations expenses and cash assets. The total appropriations will include staffing. What is the total FTE for the Office of the Information Commissioner as of today?

[10.50 am]

Mr J.R. QUIGLEY: I will ask the commissioner to answer that question.

Ms C. Fletcher: Yes. Thank you, Attorney. Thank you, member, for the question. The current FTE is just above 12. I may have to refer to my executive officer for the precise number, but it is around 12. It stayed at about that number for quite some time and has fluctuated between 11 and 12 over the most recent years. We have not had any increase for some time.

Ms M.J. DAVIES: Thank you, commissioner. That was my next question. Has there been any change in FTE over the last four years?

Mr J.R. QUIGLEY: I will ask the commissioner to answer that.

Ms C. Fletcher: I have those figures in front of me. Over the last four years, it was 10.2 FTE in 2017–18, 11.5 FTE in the following year, and 11.4 FTE and 11.6 FTE. I am a little bit uncertain about the most recent FTE, but I think it is around 12. I do apologise.

Ms M.J. DAVIES: I am still referring to the table under appropriations and the total cost of services. Is a case load assigned for each FTE?

Mr J.R. QUIGLEY: I will have to ask the commissioner to answer that, obviously.

Ms C. Fletcher: Thank you, member. No, we have not assigned specific case loads. The member might be aware, and I am sure she will understand, that the office has two functions. The primary function is to deal with what we call complaints or external review matters that are the review-of-agency decisions in relation to applications made under the FOI Act. That is our primary function. We nominally allocate 70 per cent of our budget to that function. The second main function of the office is to provide what we call advice and awareness services, and we allocate the nominal balance, 30 per cent, of the budget to that. I think the member's question is directed towards our external review of agency decisions.

Ms M.J. DAVIES: Correct.

Ms C. Fletcher: We have no control over our numbers that come in, of course. Roughly, in the year to date, 152 matters have been received. Last year, it was 161 matters, so we are probably on track to exceed that this year. But we have no control over the number of external review applications that come in. The difficulty is that we do not have targets for our external review staff; we deal with the number that come in as best we can. The member may well ask me more questions, and I am very happy to answer them, but at the moment, we are receiving more than we can cope with.

Ms M.J. DAVIES: Would the Attorney General be able to provide the numbers of external reviews requested for the last five years? Can that data be provided by supplementary information? I want to get an understanding of how many reviews the commission is dealing with, and has dealt with, over the last five years. I am happy to go back further.

Mr J.R. QUIGLEY: Do not go back further. Spare us! So the member wants the number of external reviews?

Ms M.J. DAVIES: The number of external reviews that the commission has dealt with on a yearly basis for the last five years.

Mr J.R. QUIGLEY: We can do that. To make it clear, the supplementary information will be the number of external reviews undertaken by the commission over the last five years.

Ms M.J. DAVIES: Yes, please.

[*Supplementary Information No B15.*]

Ms M.J. DAVIES: I just noted the comment from the commissioner that there are more applications coming into the office than probably the FTE allocated or the resources available. Can the Attorney General explain or elaborate on that? Is it because there is an increase in numbers of applications? Is it because of the complexity of the applications? Could the Attorney General provide us with some clarity on that comment?

Mr J.R. QUIGLEY: Would the member like clarity on the numbers that come in?

Ms M.J. DAVIES: The commissioner made a comment that there are more applications for review coming in than the commission has resources for. I do not want to put words in her mouth, but I caught the end of that comment and I just wonder whether that could be clarified.

Mr J.R. QUIGLEY: Certainly, and I will hand it over to the commissioner, but I do not think there is an area of government service in which the demand does not exceed supply, and that is in policing and everywhere. In my portfolio, in the courts, there is more coming in than what we can deal with today. I will let the commissioner answer that. That is perhaps best, given the turnaround time.

Ms C. Fletcher: Yes. Thank you, Attorney. Thank you, member. I can illustrate with some figures what has happened with our workload over the last 10 years. We have done some comparisons of the volume of the external review

work that has come in compared with the staffing resources allocated to work in that particular area, which, as I indicated, has been relatively stable over that period. We have not had any significant increases in resources that we can allocate to that area. But in the same period, over 10 years, there has been approximately a 21.5 per cent increase in external reviews that have come into the office.

Ms M.J. DAVIES: Attorney General, there has been a 21.5 per cent increase over 10 years. Has there been a request from the commissioner for additional resources, particularly given the importance of the work that the office does in reviewing decisions around freedom of information applications and the unique circumstances that we have in this term of government in that there is a difference in the way our parliamentary committee system is working; the current government has control of both houses of Parliament; and there is a diminished opposition in terms of number of people who can provide the scrutiny that the opposition would ordinarily undertake? Has there been a request for additional resources? Does the Attorney General think that that would be of merit in terms of the increase that the commissioner has just spoken about?

Mr J.R. QUIGLEY: No. It is all to do with efficiencies down at the office. I have never received a request for more resources, and that the office is not coping. I have never received that.

Ms M.J. DAVIES: Sorry. Is the Attorney General saying that the people at the Office of the Information Commissioner are not working hard enough?

Mr J.R. QUIGLEY: No. I am saying they are working efficiently and although there has been an increase, the commissioner has never come to me and said, “We’re overburdened. We need more staff.”

Ms M.J. DAVIES: If there were a request, given the increase in the significant numbers of applications, does the Attorney General think it is something that a government in the current financial position of having a significant budget surplus that this government finds itself in would agree to? The office is an important transparency mechanism for governments of both persuasions, and there has been a 21.5 per cent increase in applications over 10 years without an increase in resources. Should consideration be provided to that in a future budget?

Mr J.R. QUIGLEY: We are having a review. We just have to keep an eye on these things, and the commissioner tells me it is under review. But there is nothing there that is so burdensome that the commissioner has had to come to us and request further staffing. It was not part of the budget bid. The member knows what I mean by budget bid.

The CHAIR: The Attorney General has answered that question.

The appropriation was recommended.

Meeting suspended from 11.00 to 11.15 am

Division 28: State Solicitor’s Office, \$50 408 000 —

Mr D.A.E. Scaife, Chair.

Mr J.R. Quigley, Attorney General.

Ms A. Komninos, Acting State Solicitor, State Solicitor’s Office.

Mr A. Panzich, Acting Chief Financial Officer.

Mr J. Lee, Principal Policy Adviser.

Mr D. Emerson, Senior Policy Adviser.

[Witness introduced.]

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I call the Leader of the Opposition.

Ms M.J. DAVIES: Attorney General, we might come back to the question that I asked at the beginning about Magistrate Crawford and President Quail. I refer to page 451 of division 28 under total cost of services in the table at the top. Can the Attorney General advise what the final cost of the case between Magistrate Crawford suing President Quail was? What was the cost to the state in defending President Quail? Was Magistrate Crawford reimbursed her costs?

Mr J.R. QUIGLEY: Leader of the Opposition, I will have to take that on notice. That was a civil proceeding that was settled before completion. The parties settled it. I am not quite sure of the confidentiality terms that surround the settlement, but I will take that on notice, and the Acting State Solicitor and I will look at that subsequently.

Could I just put on notice that what the member is asking for is the total costs and the total legal fees incurred by the state in that case?

Ms M.J. DAVIES: Correct, and whether or not Magistrate Crawford was reimbursed her costs.

Mr J.R. QUIGLEY: Certainly.

The CHAIR: So is the Attorney General offering to provide that as supplementary information?

Mr J.R. QUIGLEY: I am happy to provide that as supplementary information.

The CHAIR: That is the total costs incurred by the state and any amount paid as reimbursement of Magistrate Crawford's costs in the case concerning President Quail and Magistrate Crawford.

[Supplementary Information No B16.]

Ms M.J. DAVIES: Under the same total cost of services, there were reports of—I think we have asked questions about this in Parliament—the Attorney General's intervention in the unfair dismissal case brought by the member for Kwinana's former electorate officer.

Mr J.R. QUIGLEY: Sorry? The Member for Kwinana, that is the —

Ms M.J. DAVIES: Mr Cook.

Mr J.R. QUIGLEY: Yes, and the staffer who —

Ms M.J. DAVIES: The Deputy Premier.

Mr J.R. QUIGLEY: The staffer who parted ways.

Ms M.J. DAVIES: The former electorate officer.

Could the Attorney General advise how much that intervention has cost in both expenditure and staff time from the State Solicitor's Office or other employees in the Department of Justice or other contractors?

[11.20 am]

Mr J.R. QUIGLEY: This matter has not been finalised. There is still a hearing listed and it would be inappropriate to publicly disclose this matter at this stage before the matter is finalised because negotiations are taking place.

Ms M.J. DAVIES: Under the same appropriations, expenses and cash assets table in the total cost of services, I refer to the Attorney General's evidence as part of the Clive Palmer case and the requirement for the Attorney General to return to Sydney to provide additional evidence. Does the Attorney General have details on how much that part of his participation cost?

Mr J.R. QUIGLEY: No. This matter is still before the court, and the costs and all that are still live before the court.

Ms M.J. DAVIES: My question is not about the costs that might be awarded one way or the other; my question is about the cost of the Attorney General having to return to Sydney.

Mr J.R. QUIGLEY: As I say, I am not prepared to discuss any costs related to that case. No doubt, once it is finalised, there will be further questions put to us, but I do not want to discuss the costs in that matter prior to the finalisation of the case. I am so instructed by the State Solicitor. We do not want to compromise the state's position.

Mr P.J. RUNDLE: Has the Attorney General given any thought to paying for some of those costs himself, considering that he gave incorrect evidence and had to return to do that? Given the Attorney General's extensive experience in the courtroom, does he think it is appropriate that the WA taxpayer should have to foot the bill?

Mr J.R. QUIGLEY: The SSO has nothing to do with that and it is not in any part of the appropriation under this division.

Ms M.J. DAVIES: I am seeking some clarity because the question that the member for Roe just asked was very similar to the one that I asked and the Attorney General declined to provide an answer for, given that the case is ongoing. Now he is saying that the State Solicitor's Office has nothing to do with that particular case.

Mr J.R. QUIGLEY: There are different parts of the expenditure. There are the legal costs and disbursements—the whole lot. I am not going to discuss any of those costs, disbursements or anything else prior to the finalisation of matters. We have got very hot litigation going on with Mr Palmer, and I do not wish to compromise the state's position on costs or otherwise.

Mr P.J. RUNDLE: My question was: has the Attorney General given any thought to actually paying for the costs of having to return to redo his evidence, given his experience in the courtroom? It is very unusual that someone of his stature would have to return to give evidence after having provided incorrect evidence. Has the Attorney General given any thought to actually covering that expense himself, rather than the WA taxpayer?

Mr J.R. QUIGLEY: As I said, I am not discussing any of the costs in this case prior to the finalisation. This is not an exercise in hiding from the taxpayers or anything like that. Whether or not the costs are properly incurred and what can be recovered from Mr Palmer in the event of a win and what we might have to pay to Mr Palmer if the decision goes the other way are all matters for the court to determine on the issue of costs, and I am not going to get ahead of the court—full stop.

Mr P.J. RUNDLE: In light of the revelation that the State Solicitor’s Office had a conflict and could not advise the Attorney General, as the Attorney General, how much did it cost to get alternative advice, and what was the nature of the conflict?

The CHAIR: Sorry. If the Attorney General he wants to indulge this, he can. But your question is that the State Solicitor’s Office had a conflict and therefore other costs were incurred. That would seem to suggest that the costs were not incurred by the state —

Mr J.R. QUIGLEY: I am sorry. I did not quite pick that up because of the mask. I am sorry, chair.

The CHAIR: The member for Roe is asking about the State Solicitor’s Office’s line items.

Mr P.J. RUNDLE: Yes.

The CHAIR: But you seem to be saying in your question that the costs were not incurred by the State Solicitor’s Office, so it would seem to me to not be relevant to the line items under consideration. But, Attorney General, if that is incorrect or you want to indulge the question, you can.

Mr J.R. QUIGLEY: No. That is what I was going to say.

The CHAIR: It is not in order, member for Roe. It is not relevant to the appropriation under consideration. Further questions? The Leader of the Opposition.

Ms M.J. DAVIES: Sorry, just bear with me for a moment. Under “Other Significant Issues” on page 452 of budget paper No 2, volume 2 are a number of cases that the State Solicitor’s Office is working on. Is there a line item or provisioning in the budget that is set aside for defamation lawsuits against ministers? How is that allocated from a state budget perspective, Attorney General?

Mr J.R. QUIGLEY: The representation of ministers or other employees of the state, of course, is covered by the guidelines of providing a legal service, and when they are provided by the State Solicitor’s Office, they are absorbed into the normal budgetary process of the department.

Ms M.J. DAVIES: There is the actual cost of providing the advice, but if there is a finding against a minister, is that amount provisioned for in this budget?

Mr J.R. QUIGLEY: It is not part of the State Solicitor’s responsibility to pay the damages.

Ms M.J. DAVIES: Is it just for the provision of the defence?

Mr J.R. QUIGLEY: Yes.

Ms M.J. DAVIES: How much is allocated for that in the budget under “Total Cost of Services”? Is that considered when the budget is being created? Is an amount set aside for that as part of the budgeting process?

Mr J.R. QUIGLEY: No. It is the same with all the other litigation that the State Solicitor’s Office is involved in. It is not budgeted case by case for the purposes of the budget; it is given a global figure for legal services. If a particular case absorbs much of the resources of the State Solicitor’s Office, the SSO can apply for supplementary funding, and it will not be denied.

Mr P.J. RUNDLE: In the case of the Clive Palmer trial, when the Attorney General had to return to give further evidence, was the State Solicitor’s Office required to apply for supplementary funding to assist in that situation?

Mr J.R. QUIGLEY: There has been no request for supplementary funding.

[11.30 am]

Ms M.J. DAVIES: I refer to the spending changes for the State Solicitor’s Office on page 451.

The CHAIR: Is this a new question?

Ms M.J. DAVIES: It is a new question, chair.

Mr J.R. QUIGLEY: Yes. I am just seeing what note it is. Page 451 has got notes here.

Ms M.J. DAVIES: One of the ongoing initiatives is legal costs on behalf of the state. I note that there is an estimated actual in 2021–22 but nothing into the forward estimates. Could the Attorney General just outline what that line item for \$1.9 million actually is?

Mr J.R. QUIGLEY: I am sorry. I am just trying to find the line item on page 451.

The CHAIR: This is the final line item on page 451.

Mr J.R. QUIGLEY: Sorry, yes.

Ms M.J. DAVIES: I am sorry. I should speak up. The estimated actual legal costs on behalf of the state are \$1.9 million and there is nothing across the forward estimates. Could the Attorney General please explain what the legal costs that were incurred on behalf of the state were and what that line item pertains to?

Mr J.R. QUIGLEY: It is inappropriate to discuss the nature of these legal costs publicly. This has the potential to compromise the state's position in the ongoing negotiations. It may pertain to matters that are before the court and under judicial consideration. In some of the instances, the terms of settlements are confidential and it would be inappropriate to divulge the name of the parties. Some of these cases are the subject of confidential settlements. I am informed by the acting State Solicitor that the cases that are involved in that last line item are some matters that are still being litigated before the courts, and it would be inappropriate to discuss or itemise any particular case in advance of the court making a decision.

Ms M.J. DAVIES: Is the Attorney General able to advise whether it the legal costs for representation or defence costs, or is it for costs that have been awarded against the state?

Mr J.R. QUIGLEY: It is for legal costs only.

Ms M.J. DAVIES: So the legal costs incurred by the —

Mr J.R. QUIGLEY: State.

Ms M.J. DAVIES: — state in the pursuit of something that the Attorney General cannot tell me. Okay.

Mr J.R. QUIGLEY: No. We do not hide information on cases that have been concluded; that is different. We have already undertaken to give supplementary information on Magistrate Crawford's case against Quail. That matter is concluded. If it is not subject to confidentiality that is insisted upon by the magistrate, that is not a problem.

Ms M.J. DAVIES: Okay. I have a new question. I refer the Attorney General to the same on page 451. Could the Attorney General advise in relation to ongoing initiatives, additional senior —

Mr J.R. QUIGLEY: I am sorry, there was a cough. I am so sorry.

Ms M.J. DAVIES: It is not permitted, Jeremy; it is not allowed!

Mr J.R. QUIGLEY: And not a COVID cough either!

Ms M.J. DAVIES: Could the Attorney General provide some advice on what the amount of \$865 000 for class actions under "New Initiatives" pertains to? It is not a huge amount of money.

Mr J.R. QUIGLEY: Yes, certainly. The State Solicitor's Office will receive fixed-term funding. That is why there is no funding in the out years there. The fixed-term funding is for three FTEs—one legal grade 5 and two legal grade 6 FTEs—to meet the preliminary costs, with two upcoming class actions.

Ms M.J. DAVIES: Is the Attorney General able to advise what class actions that refers to?

Mr J.R. QUIGLEY: Certainly. There are a couple of class actions and one threatened class action. The late Ms Dhu's family, together with others in a class, have commenced a class action in the Federal Court relating to the Fines, Penalties and Infringement Notices Enforcement Act 1994. That one is ongoing and there is another one. That is separately provided for. The second one that provision is being made for is a threatened class action relating to Banksia Hill that the member may have read about. I hesitated then because I was looking for where in the figures there was the stolen wages class action, but that is further down, just above that bold heading "Ongoing Initiatives". That is a class action relating to stolen wages. We have briefed external counsel.

Mr P.J. RUNDLE: The fourth significant issue on page 452 says "The SSO continues to provide legal advice on significant commercial matters". One of those matters is the sale of the Western Australian TAB. Has the State Solicitor's Office raised any concerns around the enabling legislation for the Western Australian TAB?

Mr J.R. QUIGLEY: This is a matter of commercial law, and the acting State Solicitor headed that section or that division, so I wonder if I could defer to Ms Komninos?

Ms A. Komninos: Thank you. The sale of the TAB commenced some time ago. The original process was abandoned because of COVID and because the market changed substantially through the lockdown. The appetite for the method of the sale and the way the project was being sold changed significantly because of the conditions in the market and the way people attended racecourses and betted. When the original legislation was amended, it was amended and enacted to reflect that original sale process and the sale plan that had been agreed to by government. The process has just been re-enlivened in the last—I dare not say now—six or so months. It seems like yesterday, but it might be longer than that. I sit on the steering committee. The new process is somewhat different to accommodate the change in the way society responds in the betting world. The outcome of that, I understand, will probably require, or may require, amendments to the legislation again. But, again, the steering committee is working through that from the point of view of the new sale.

Mr P.J. RUNDLE: In view of that, can the SSO foresee the time frame for the sale process going ahead?

Mr J.R. QUIGLEY: I am just thinking. No, will I defer to the acting State Solicitor.

Ms A. Komninis: We are in the process of engaging and discussing with the preferred proponents who are putting forward their bids. I actually cannot say how long that process will take. Significant due diligence needs to be undertaken by the proponents, and so it is still part of that normal process of engaging with each and every one of them and for them to do their due diligence before they can put an offer to the state.

[11.40 am]

Ms M.J. DAVIES: I refer to the significant issues impacting the agency on page 452. The seventh point under, “Other Significant Issues” states that it is estimated that litigation matters will increase from 3 959 to 4 341. They are very specific numbers. How did the SSO arrive at those numbers and how does it anticipate what those matters will look like? Is it because the SSO can see the pipeline coming down the track? I do not quite understand how the SSO knows how to arrive at those figures.

Mr J.R. QUIGLEY: I will defer to Mr Panzich to discuss those figures, please.

Mr A. Panzich: The calculation was based on the increase in the matters that had occurred over the past financial year from 1 July 2021. We were just using what was pretty much our increased workload from the past seven months and we then forecast it out.

Ms M.J. DAVIES: Is there any one particular issue that the SSO can attribute to the increase? I am not being very clear. It is quite a specific number and it is a reasonable increase. The SSO is expecting to see that growth again. Is the Attorney General able to shed some light on the type of litigation that the SSO is expecting? Has a particular issue or issues driven that growth, or is it a dark art?

Mr J.R. QUIGLEY: There are two areas that have grown substantially, and they are, firstly, COVID-19 matters. Do not forget, all those health directions and emergency directions were drawn by the office. The State Emergency Coordinator would, obviously, with Health, liaise with SSO in the drawing of all those directions. So there was that, and, secondly, there has been a significant new workload with the passage of the high-risk serious offenders legislation. The Leader of the Opposition might recall that under the previous legislation, which was subsumed into the high-risk serious offenders legislation—that being for dangerous sex offenders—the directions were handled previously by the Director of Public Prosecutions. That has now been transferred through to the State Solicitor. The new legislation captures way more than serious dangers sex offenders. All those people who are coming up for parole and who fit within that category have to be triaged as to whether or not an order will be sought. It is quite a lot of work.

Ms M.J. DAVIES: I am just trying to get an understanding of how much the Attorney General expects the SSO to still be involved in the creation or writing and checking of those directions, given that we are seeing, I would say, a significant reduction—or we are hopeful that there will be a reduction at some point in the future—in the number of those directions. That is not going to be a large proportion over the course of the next 12 months, Attorney General.

Mr J.R. QUIGLEY: In terms of the legal work, it is easier to reduce them than it is to create them, obviously, because that is just a notice of cancellation. But we are still in a pandemic, or, as some doctors would say, it is approaching a permanent situation. The State Solicitor’s Office, as I said, provides legal advice and assistance to all the ministers and to the Chief Health Officer on the proper responses to the pandemic. All emergency management and many public health directions, authorisations and approvals relating to COVID-19 are drafted. Over 1 100 such instruments have been drafted, not including all public health directions or directions given to individuals. During 2021–22, nine applications for judicial review have been filed in the Supreme Court and a further 27 proceedings have been commenced in industrial tribunals or other courts. The State Solicitor’s Office has established a COVID-19-specific legal team so that directions can be drafted and detailed advice on complex legal matters can be given promptly whenever it is required.

Ms M.J. DAVIES: How many FTE are assigned to that COVID-specific legal team?

Mr J.R. QUIGLEY: Last year, it was 10.5. With the turning of the corner, it has come down to 9.5.

Ms M.J. DAVIES: Does the Attorney General anticipate that will reduce further?

Mr J.R. QUIGLEY: We do not, at this stage, anticipate it running down any further, with all the litigation we have got on.

Ms M.J. DAVIES: Is that for the COVID-specific litigation?

Mr J.R. QUIGLEY: Yes. That is why we have the extra people.

Ms M.J. DAVIES: Does the SSO have a COVID-specific team that is providing advice on the directions and is it also managing COVID-specific litigation?

Mr J.R. QUIGLEY: The team changes in and out. I will defer to the acting State Solicitor, if I may, on the details of that.

Ms A. Komninis: The COVID team has some movements within it because of the relentless volume of work. We have put people in and out of the team as the demands and the requirements of the nature of the work has changed.

When we commenced, it was very much about advising on the drafting element. The head of the COVID team is no longer Kirsten Chivers; it is now Craig Bydder. Craig Bydder is the head of the litigation team. We evolve and adjust the team, and backfill other areas as necessary to ensure that the proper skills are available to government on such short notice and to be responsive.

Ms M.J. DAVIES: Could the Attorney General perhaps provide an example of the type of litigation that the SSO is dealing with?

Mr J.R. QUIGLEY: What type?

Ms M.J. DAVIES: Yes, relating to COVID.

Mr J.R. QUIGLEY: Certainly. There is the judicial review—I forget how many. There are 17 matters lodged in various jurisdictions and seven appeals lodged with the Public Service Appeal Board. Of those, there are nine applications to the Supreme Court for a judicial review and 27 proceedings that have been commenced in industrial tribunals or the courts.

The CHAIR: Noting the time, we have 10 minutes left before these divisions end. Do members want to continue asking questions on this?

Mr P.J. RUNDLE: I have one more final question.

Ms M.J. DAVIES: Can we just let the Attorney General finish?

Mr J.R. QUIGLEY: No, that is it.

The CHAIR: Does the member for Roe have a further question or a new question?

Mr P.J. RUNDLE: I have a new question.

The CHAIR: Member for Roe.

[11.50 am]

Mr P.J. RUNDLE: The seventh point on page 457 says that in response to the growth in the demand for legal services, the government has approved an additional \$25.3 million for resourcing as part of this budget. Given the Attorney General's efforts criss-crossing the country for the Clive Palmer trial, the Premier countersuing Clive Palmer, the Attorney General's intervention in the former case of the health minister, and now Dr Tracy Westerman suing Minister McGurk for defamation, would the Attorney General agree that he and his ministers are one of the main contributors to these increased costs?

Mr J.R. QUIGLEY: Of all the cases brought by Mr Palmer, which has really driven these costs up—I think he has brought eight cases against the state—we have not lost one. We have not lost one, despite his National Press Club performance when he got up and said that he has not lost a case. He must have overlooked the fact that he lost the border challenge, and that was a massively expensive case. He lost the challenge to the Mineralogy amendment act, which wiped out his \$30 billion. That was massively expensive. The amount of money he has cost the state is incredible. He started this whole defamation action, and he started it interstate. He could have started it here, but he started it interstate to cause the maximum inconvenience. We applied to give our evidence via video, but that was not accepted. It was his election that has put us to all this expense. We have yet to recover costs—millions of dollars to recover. I do not want to go into exactly what those figures are, although a firm of cost experts has estimated that one of our recovered costs should come to \$1.2 million, but Clive Palmer does not want to pay that, so we will have further litigation that is going to cost further expense and further time. What is happening is just absolutely outrageous. Do not forget that he then brought an action against the then State Solicitor, Mr Egan, and against me, the Premier and the State of Western Australia, claiming \$50 million from each of us. Then he served us with a statement of claim that is about 30 pages long. What he is alleging against us just keeps on going and going. Then we have to employ solicitors and all of this sort of thing. What does he do after we are put to all this expense? He discontinues. He just files a notice of discontinuance after the member and his constituents have been paying for our defence. I do not want to go into the costs of all this because the matter is still before the court. We are still arguing over this. It is outrageous, because he has got unlimited resources—the deepest pockets in Australia. We saw that in the federal election when he spent \$100 million on advertising. He has unlimited resources. What is the state to do? Is it to roll over in the face of him and just give up on these eight cases? Not a bit of it. Now, of course, he has given notice that he intends to start proceedings—this is all public; Senator Cash made a public comment on it—under the Singapore–Australia Free Trade Agreement, which is going to cost us more. There are Queen's Counsels from London and Sydney. It is outrageous.

Mr P.J. RUNDLE: My constituents and I do not want to pay for the Attorney General's second trip across to Sydney to give evidence for something that he forgot. Aside from that—I will go to the last part of my previous question—does the Attorney General have a total for the legal costs that were incurred defending Minister McGurk being sued by Dr Tracy Westerman?

Mr J.R. QUIGLEY: All as I can say is there is a confidential settlement involved here.

Mr P.J. RUNDLE: Again?

Mr J.R. QUIGLEY: We are not the parties that are demanding this. Other people are demanding confidential settlements, but then Ms Westerman came out publicly and said, “Well, tell the public how much.” All I can do is go to what the minister herself said. The minister herself said —

I rise further to refer to a statement I made last week in response to legal proceedings commenced by Dr Tracy Westerman. The matter has been settled by mutual agreement of both parties and the terms are confidential. However, in the public interest, I take this opportunity to inform the house that, as part of the settlement agreement, a total of \$16 500 has been paid, being a contribution towards the legal costs and disbursements incurred by Dr Westerman and Indigenous Psychological Services Pty Ltd in connection with the claim. This payment was made without any admission of liability and no other payments were made to Dr Westerman or Indigenous Psychological Services. As the terms remain confidential, I will make no further comment on the matter.

That is as much as I know on the matter.

The appropriation was recommended.

Division 30: Office of the Director of Public Prosecutions, \$50 873 000 —

The appropriation was recommended.

Division 31: Corruption and Crime Commission, \$31 389 000 —

The appropriation was recommended.

Division 34: Parliamentary Inspector of the Corruption and Crime Commission, \$676 000 —

The appropriation was recommended.

Legal Aid Commission of Western Australia —

The CHAIR: For the minutes, I note that the Legal Aid Commission of Western Australia was not examined.

Meeting suspended from 11.58 to 1.00 pm

Division 15: Primary Industries and Regional Development — Services 1 to 7, Fisheries, \$622 103 000 —

Mr D.A.E. Scaife, Chair.

Mr D.T. Punch, Minister for Fisheries.

Mr T. Hill, Acting Director General.

Ms H. Brayford, Deputy Director General, Sustainability and Biosecurity.

Mr C. Binning, Acting Deputy Director General, Primary Industries Development.

Mr B. Mezzatesta, Executive Director, Operations and Compliance.

Dr R. Fletcher, Executive Director, Fisheries and Agriculture Resource Management.

Ms M. Taylor, Chief Finance Officer.

Mr T. Palmer, Chief of Staff, Minister for Fisheries.

Mr A. Skinner, Senior Policy Adviser.

[Witnesses introduced.]

The CHAIR: The estimates committees will be reported by Hansard. The daily proof *Hansard* will be available online as soon as possible within two business days. The chair will allow as many questions as possible. Questions and answers should be short and to the point. Consideration is restricted to items for which a vote of money is proposed in the consolidated account. Questions must relate to a page number, item or amount related to the current division, and members should preface their questions with these details. Some divisions are the responsibility of more than one minister. Ministers shall only be examined in relation to their portfolio responsibilities.

A minister may agree to provide supplementary information to the committee. I will ask the minister to clearly indicate what information they agree to provide and will then allocate a reference number. Supplementary information should be provided to the principal clerk by close of business Friday, 3 June 2022. If a minister suggests that a matter be put on notice, members should use the online questions on notice system.

Are there any questions? The member for Roe.

Mr P.J. RUNDLE: Thank you, chair. My first question is on the fisheries adjustment scheme special purpose account on page 239. I note the expenditure for the account in 2021–22 was \$5.308 million. Can the minister detail what these payments were related to?

Mr D. PUNCH: Yes. I will refer that to Ms Brayford, because she will have the detail of those appropriations.

Ms H. Brayford: Thank you very much. Those relate to what we call industry-funded fisheries adjustment schemes whereby industry funds the rationalisation of licences within the fleet. We have had three schemes running for

a period of time: the Shark Bay prawn adjustment scheme, which has now concluded; the Shark Bay scallop adjustment scheme, which is due to conclude next year; and the Abrolhos Island scallop scheme, which has several years yet to run, mainly because the fishery has been closed for a number of years because of environmental factors. Those numbers will reflect the payments from industry and then out of the department to the Western Australian Treasury Corporation to fund those schemes.

Mr P.J. RUNDLE: I note that no funds are specified beyond 2022–23. Can the minister explain the funding mechanisms under the scheme through which our commercial fishers will be compensated beyond that time?

Mr D. PUNCH: I refer to Ms Brayford.

Ms H. Brayford: The member may be referring to compensation schemes for marine parks. Would that be correct?

Mr P.J. RUNDLE: Yes.

Ms H. Brayford: Compensation for marine parks is not done through the Fisheries Adjustment Schemes Act; it is done through what is called the Fishing and Related Industries Compensation (Marine Reserves) Act. I think I have got that right. It is a bit of a mouthful. Once the compensation is determined for the relevant marine park, a separate appropriation would be requested to fund compensation for those schemes.

Mr P.J. RUNDLE: Can the minister outline the current status of this process for compensating fishers impacted by the Ngari Capes Marine Park?

Mr D. PUNCH: Yes, there are some matters before the State Administrative Tribunal on that. Other matters have been settled. We have been committed to providing fair compensation for areas that are closed to commercial fishing. With respect to Ngari Capes, offers to eligible licence holders have been made. Some fishers have accepted offers of compensation and, as I said, there are a number before the State Administrative Tribunal. This is the process followed for all state marine parks. We go through that process and hopefully arrive at a settlement, but, if not, there are provisions that enable people to take the matter further.

Mr P.J. RUNDLE: I refer to the work being undertaken to establish the south coast marine park, as the minister knows, in my electorate. Does the minister support the premise that the method by which fishers will be compensated, including determination of the market valuation on which any compensation is based, should be agreed between all parties prior to the establishment of the park?

Mr D. PUNCH: No. The principles have been well established through the act. The process is there, but it is impossible to determine what the compensation quantum will be until the plan for the parks is finalised. That is a process that stakeholders are currently going through in terms of planning for the south coast marine park, and it still has a long way to run. But the principles, in terms of the Fishing and Related Industries Compensation (Marine Reserves) Act, are well established. I do not know whether Ms Brayford would like to add anything to that.

Ms H. Brayford: I am right. That is fine, thank you.

Mr P.J. RUNDLE: Obviously, as the minister says, it is in the early stages. What preliminary work has been undertaken by the Department of Primary Industries and Regional Development to determine the value of the compensation? Does the department look at the past track record of the tonnage and so forth? How will that actually be decided upon?

Mr D. PUNCH: A number of variables go into establishing the quantum of compensation, but it is entirely dependent on the nature of the impact on the commercial fisher subsequent to the plan being established. I will ask Ms Brayford to give the member an overview of the common variables that are taken into account, and certainly catch history is one of them.

Ms H. Brayford: FRICMA operates on the basis of reduction in market value. Once it is determined that a fisher is eligible for compensation—that is, they have suffered loss through the marine park zoning scheme—there is then an assessment of the reduction in market value of that licence through the marine park planning process. I think it is fair to say that that has been fairly challenging over time, particularly if there is a passage of time between the initial planning process and the actual gazettal of a marine park. There can often be a passage of time so a bit of movement can be seen, but the main thing is reduction in market value. More generally, we are working closely with fishers in terms of getting an assessment of what the impacts will be. We also work with the Department of Biodiversity, Conservation and Attractions on providing catch information and information on management arrangements, which all go into the planning process to ensure that we get an appropriate balance between the values that we are looking to protect in the marine park and the activities of commercial and other fishers.

Mr P.J. RUNDLE: It is a difficult one to pinpoint. Is there any time frame, let us say, for the south coast marine park? Obviously, there are a lot of elements to be taken into account, as the minister has said. Would the minister have any thoughts about the time frame involved for this to come to fruition or for this compensation?

Mr D. PUNCH: The planning process for the south coast marine park is actually under the control of DBCA, so the member will need to refer that question on the length of time of the planning process. In terms of the analysis of what compensation is payable, there are two relevant events in that assessment, and I will ask Ms Brayford to give the member a description of those.

[1.10 pm]

Ms H. Brayford: FRICMA looks at two relevant events for when compensation can be triggered. I hope I have the sections of the act right, but one is when the declaration of the marine part is done under the CALM act. I will not give the section number, because I might be incorrect, but it is when they are declared under the CALM act. The second relevant event is when the fisheries orders are put in place to close areas to commercial fishing. They are the two relevant events that can trigger the compensation process, and they will be obviously post the planning process.

Mr P.J. RUNDLE: I guess we have seen a pattern develop over time whereby fishers have at times had their licences reduced and then the compensation package has been determined after that. That is my understanding for certain parts of the state, so it is a concern. I just wondered whether the minister had any comments on that. It makes it difficult for fishers to negotiate when their licence has already been reduced prior to that compensation package being decided upon.

The CHAIR: Can I just clarify, member for Roe? That sounded to me like a general policy question rather than one about a particular item. Is there a particular line item that you are referring to?

Mr P.J. RUNDLE: Yes. This is an extension to the whole fisheries adjustment scheme special purpose account, which covers —

The CHAIR: I will leave it to the minister as to whether he wants to respond.

Mr D.T. PUNCH: Sorry for the pause there, member. It was in the interest of giving the most accurate answer possible. In general terms, there is a 12-month grace period between closure and determination, so there is a period of time for negotiation of that before there is an impact. But we do want to check in relation to the Ngari Capes matter, so I am happy to take that as a supplementary question to give the member a better description of the policy framework that applies in those circumstances.

Mr P.J. RUNDLE: That would be appreciated. Thanks, minister.

The CHAIR: Can I just get clarity? Are you offering to provide that as supplementary information?

Mr D.T. PUNCH: Yes. We will provide supplementary information on the impact of the timing of fisheries closures on compensation.

The CHAIR: Is it for a particular area?

Mr D.T. PUNCH: For Ngari Capes.

[*Supplementary Information No B17.*]

Mr V.A. CATANIA: I refer to page 220. Paragraph 11 states —

Recreational fishing is a significant contributor to the State's economy and lifestyle, particularly in regional locations, with the Department supporting a range of initiatives.

Mr D.T. PUNCH: Sorry, I cannot quite hear the member. Could he just speak up a little?

Mr V.A. CATANIA: It is paragraph 11 about recreational fishing and the plan for three new artificial reefs. I want to ask the minister about the status of the Carnarvon artificial reef, which has 110 Apollo concrete structures, 297 type 4 bomboras, and 169 type 5 bomboras. An agreement was entered into between the department and the Carnarvon Chamber of Commerce and Industry in 2019, under which the government supplied \$300 000 or \$350 000. Can the minister provide the status of that project to the committee?

Mr D.T. PUNCH: Yes, I can. I think this is a question that the member raised with me in question time and referred to it as an election commitment, which of course it was not. It was a funding arrangement in 2019 and the McGowan government invested \$300 000 through the recreational fishing initiatives trust to build the artificial reef off Carnarvon. It is very much a case, as the member would know, of putting recreational fishing licence fees to work in a very practical way to support fishers. In good faith, the Carnarvon Chamber of Commerce and Industry and local volunteers prefabricated the 596 fibre-reinforced reef modules for the new reef. That was done in parallel to Recfishwest working through the approvals process with the commonwealth. As I think the member knows, the commonwealth Department of Agriculture, Water and the Environment administers the Environmental Protection (Sea Dumping) Act, and that provides the pathway for artificial reef permits. That department is reviewing its policy. Although artificial reefs have used those same materials in other locations, it was really unfortunate that there had not been better communication from that department to the chamber of commerce to provide early advice in anticipation that that policy change might result in a non-approval.

The department is continuing to work with the Carnarvon Chamber of Commerce and Industry and Recfishwest to find a pathway forward. There is an absolute commitment to seeing that reef constructed in Carnarvon, so we will be working very much with the department itself, but I will also raise the issue with the incoming federal Minister for the Environment and Water to see whether we can provide a pathway forward, given the precedents that have been established already in relation to those reefs. I was not contacted prior to the member raising the issue in question time by the Carnarvon Chamber of Commerce and Industry, Recfishwest or the local shire. It might

have been useful to anticipate that there was an issue and let me know, because we will certainly work hard to find a solution to address that issue. In terms of raising that issue in question time, I think it reflected that there was not actually a genuine attempt to resolve that issue, because it was sitting there. The department had been working with the respective agencies, and we would have been more than happy to provide a comprehensive briefing or undertake any action that the member thinks might be appropriate or helpful in terms of working together. But to just drop a question that really did not have an accurate premise —

Mr V.A. CATANIA: I would have thought the minister would have been across his brief.

Mr D.T. PUNCH: No. This is a Recfishwest proposal. To drop that question in the way that the member did —

Mr V.A. CATANIA: Funded by the minister's department.

Mr D.T. PUNCH: — was not an appropriate way to represent his constituents in North West Central and get a result.

Mr V.A. CATANIA: Clearly, the minister was not across his brief, more importantly.

Mr D.T. PUNCH: As I have said, we will work through the issues and we will look for a solution. We are going to look at all options to complete that project for the local community, because it is in the local community's interest. Those reefs are an excellent contribution that Recfishwest is making. They are a great idea. I was involved with the initial location of the reef off Marmion and I think they have been very, very helpful in terms of supporting the recfish sector. We are committed to it, so in response to the member's question, yes, we will continue to work through those issues.

Mr V.A. CATANIA: I thank the minister for acknowledging that he is going to work through it to try to resolve the problem, but the immediate problem is that it is costing the chamber of commerce money every month to house these modules for the artificial reef. Will the minister assist in ensuring that this volunteer group is not left out of pocket while this issue is unresolved? Will the minister also come up with the necessary funds of \$1.6 million—the cost to actually rectify this situation in which the chamber of commerce is now left with a huge liability that sits in a yard in Carnarvon? Will he come up with the money that is needed to ensure that that artificial reef is constructed in the appropriate manner?

The CHAIR: Can I just clarify? We are on paragraph 11 of page 220. Is that right, member for North West Central?

Mr V.A. CATANIA: Yes.

The CHAIR: I let the first question go because the minister seemed willing to answer it, but unless this is one of the projects that is referred to in paragraph 11, I do not see the relevance to this appropriation.

Mr V.A. CATANIA: Artificial reefs are totally relevant to the Minister for Fisheries and there is a line item.

The CHAIR: That is one of the less convincing explanations of relevance we have had in estimates.

Mr V.A. CATANIA: I do not know how else I can describe it, chair.

The CHAIR: I am ruling the question out of order. I give the call to the member for Vasse.

Mr V.A. CATANIA: No, sorry. I have a point of order, chair. It is a question in relation to an artificial reef that the department has highlighted on page 220 at paragraph 11.

The CHAIR: Okay. That is not a point of order.

Mr V.A. CATANIA: The only thing —

The CHAIR: Sorry, member for North West Central. It is not a point of order and you do not use a point of order to argue with a ruling of the chair. I have ruled it out of order. That is the ruling. The member for Vasse has the call.

[1.20 pm]

Ms L. METTAM: Thank you, chair, and thank you, minister. I have a question relating to page 218. Under “Spending Changes”, I refer to the new initiatives and aquaculture projects. Can the minister please outline the projects that this budget allocation will fund, and how the projects align with the state's aquaculture plan?

Mr D.T. PUNCH: This is for a number of projects as part of really giving an impetus to the aquaculture agenda in Western Australia. The funding went to support a number of aspects that will really strengthen how we respond to aquaculture, both from a planning and a policy point of view. Funding of \$800 000 went to the Aquaculture Council of Western Australia to support an independent chair and executive officer; \$200 000 was provided to support project funding of the Aquaculture Council of WA; \$150 000 is for a site selection process and publicly accessible GIS mapping of zones; \$100 000 went to support the Abrolhos Islands aquaculture development framework; \$900 000 is for two FTEs to support the aquaculture management directorate; and \$50 000 is for the , monitoring project of the Western Australia shellfish quality assurance program, or WASQAP, which essentially monitors water quality in aquaculture zones to ensure that we can fish sustainably.

Ms L. METTAM: Whereabouts? I appreciate the funding commitments, but what locations are these?

Mr D.T. PUNCH: Sorry, what?

Ms L. METTAM: What are the locations of the aquaculture projects?

Mr D.T. PUNCH: The Aquaculture Council is a Western Australia-wide body that essentially supports industry development across Western Australia. We have particular zones, as I identified, in the Abrolhos Islands. We are also supporting the development of the aquaculture zones in the Albany area. We have aquaculture zones around the Kimberley and in the Pilbara, so there are a number of areas. This funding will essentially be used to develop the architecture that will support aquaculture development across the state. We are in continuing conversations with proponents within the aquaculture sector to look at how we might further support industry development in this area.

Ms L. METTAM: Just in relation to the Albany site, is that the Harvest Road project?

Mr D.T. PUNCH: Harvest Road is one leaseholder in the Albany area, but there are a number of other proponents. As the member would be aware, we are finalising licences and leases in the Oyster Harbour area for stage 1 of the aquaculture zone. We recently advertised for expressions of interest in stage 2.

Ms L. METTAM: What has been the state government's financial support for the Harvest Road project so far?

Mr D.T. PUNCH: In terms of direct financial support into Harvest Road, there has not been any, as far as I am aware. What we do provide, of course, is the nursery and hatchery, which is available to a number of proponents. They provide spat for the Harvest Road aquaculture development itself. That is part of what we find we need in aquaculture—to support both the grow out and incubation of spat, both from a biosecurity and a quality point of view. That supports a number of aquaculture operations, aside from Harvest Road.

Ms L. METTAM: What is the time frame for the projects in Albany—for Harvest Road and others? Is it already being delivered now? What is the status of that project?

Mr D.T. PUNCH: Yes, Harvest Road is operational. As I mentioned earlier, the finalisation of the remaining licences and leases for stage 1 is not far away. We are proceeding with the expressions of interest and assessment of expressions of interest for stage 2, but I might ask Ms Brayford whether there is any more detail that might assist the member.

Ms H. Brayford: No, I think the minister is pretty much spot on there. For stage 1, we have had a number of licence applications. There was a lot of interest in that site, so it was fairly oversubscribed. We have done a lot of work with the applicants to get the best outcome for that area. We have just completed what is known as an environmental management framework, and that enables us to proceed with writing statements of decisions for the actual licences. Once that is done, the minister will then consider leases to provide the tenure in the zone. That is all underway and quite close. Stage 2 will follow, as the minister said.

Mr P.J. RUNDLE: I refer to page 221. About halfway down the page in the table is the statement —

Regional Western Australia has the social amenity, through recreational fisheries, to grow and create jobs.

I asked the minister a question some time back in the Legislative Assembly about fisheries further north. Recreational fishers will pull up a fish and a shark will grab it halfway up. The minister said the department was doing some work on experimental ways of getting those sharks to back off. I was just wondering how that is progressing. Can the minister give us any details on that?

Mr D.T. PUNCH: I draw the member's attention to the *Fisheries science update—April 2022: Shark depredation*, which gives a summary of the outcomes of the research that the department undertook. It provided a range of deterrence options. The shark issue is a serious issue, but at the same time, sharks are an important part of the ecology of the marine environment. It is a really delicate balance of how we manage recreational fishing interests and the frustrations that recfishers have when sharks take a catch, and how we manage the actual sharks and the ecology of the areas themselves. In terms of deterrence, the research has found that the risk of shark depredation can be reduced by about 65 per cent. There is a range of options, including tools to actually repel sharks, as well as fishers moving around locations, because shark behaviour very quickly picks up on popular fishing spots. In a sense, being a bit tactical in terms of where people fish and how they might move around can assist in reducing shark depredation. It is a critical issue not only for recfishers, but also the charter boat sector. We are very mindful of the charter boat sector. The research was conducted at a range of areas, from the Montebello Islands up to Exmouth—right through that popular recreational fishing and charter fishing area. I recommend that the member have a good look at that, and I am happy to arrange a briefing on the outcome of that research if he would like it.

Mr P.J. RUNDLE: Thank you.

Mr V.A. CATANIA: I refer to page 220 and paragraph 11, which states in part —

Planning for three new artificial reefs is underway with deployment of a new reef in Albany, scheduled for late 2022 ...

Can the minister please outline the three artificial reefs? He outlined one, being Albany. What are the other two?

Mr D.T. PUNCH: The other two are Kalbarri and Broome.

Mr V.A. CATANIA: When will Kalbarri be rolled out?

Mr D.T. PUNCH: When will it be?

Mr V.A. CATANIA: Completed and in the water.

Mr D.T. PUNCH: Community consultation on site selection will take place in the second half of 2022. Then we will have procurement, with deployment occurring in 2023–24. Recfishwest will hopefully provide an early application to the commonwealth under the Environment Protection (Sea Dumping) Act 1981.

[1.30 pm]

Mr V.A. CATANIA: It also states here —

The Department is also working closely with Recfishwest on the development of a Western Australian Recreational Fishing Development Plan (the Plan). Responsible stewardship, innovation and maximising the social and economic benefits recreational fishing provides to the community ...

Does that plan cover artificial reefs?

Mr D.T. PUNCH: The plan is in draft form. We are checking to see whether it includes artificial reefs, but I suspect the member is like a shark circling back to Carnarvon.

Mr V.A. CATANIA: I see a whale floating on top of the surface and I am taking a bite!

Mr D.T. PUNCH: We might have to reel the member in on that one! Yes, it does include a reference to partnering applications, but it is in draft form and we will wait to see the final product from Recfishwest.

Mr V.A. CATANIA: It does include artificial reefs. I would like to ask a question about the Carnarvon artificial reef, which is part of this draft plan that the minister has mentioned that is outlined in the budget papers at paragraph 11. Will the minister commit to ensuring that the Carnarvon Chamber of Commerce and Industry, a volunteer group, is not out of pocket from having to look after the artificial reef that is currently in a yard in Carnarvon and is costing it money each week?

The CHAIR: My ruling on that question remains the same, member for North West Central, but the minister has indicated he is willing to indulge it, so I will allow it.

Mr D.T. PUNCH: In the interests of the member for North West Central's constituents, what I am going to commit to is that the department will continue to work with the chamber and Recfishwest to deliver a reef in the Carnarvon area. I have never heard the figure of \$1.6 million. I would be very interested to know whether the member made any representations to his predecessor at the federal level in relation to the sea dumping application, given that this issue has been caused by a policy decision by the federal department—not even a policy decision; a policy review. I would have thought that as a member who has the interests of his constituency at heart, he would have rung up his federal colleague and had a chat with him about the issue.

Mr V.A. CATANIA: Can I respond to that?

The CHAIR: The member for North West Central.

Mr V.A. CATANIA: Unfortunately, when we found out, it was during the caretaker period and we were not able to try to rectify the situation. What is concerning is that the minister responsible for the money given to the Carnarvon Chamber of Commerce and Industry to build this was not aware of this. As the minister said, he was not aware that this project is now costing the Carnarvon Chamber of Commerce and Industry money each week to house a product that is just sitting there. It is a \$300 000 waste of taxpayers' money and it will now cost \$1.6 million to fulfil the minister's commitment to build an artificial reef in Carnarvon. It is actually on him.

The CHAIR: There is no need for the minister to respond to that unless he would like to.

Mr D.T. PUNCH: No; I would like to. I would just like to make the comment that a very good local member would know what is happening in his electorate and do something about it and not just come into Parliament or claim —

Mr V.A. CATANIA: You are the minister. You should know. You are the one who gave the money. You gave the money.

Mr D.T. PUNCH: What I do know, member—it is my turn—is that I have never heard of the \$1.6 million except from him, with no data to back it up. I do know, member —

Mr V.A. CATANIA: Perhaps you should ask your advisers, then.

Mr D.T. PUNCH: Just be quiet.

Mr V.A. CATANIA: Do not tell me to be quiet!

Mr D.T. PUNCH: I know that my department has been working closely with Recfishwest and the chamber to find a solution.

Mr V.A. CATANIA: Ask them for a cost, then, because that is where it has come from.

Mr D.T. PUNCH: I do know that and that is the end of the matter.

The CHAIR: Members. All right. Do we have a new question? The member for Vasse.

Ms L. METTAM: I refer to the works in progress on page 229 and the Geraldton marine finfish nursery facility. I am just looking at the funding arrangements there. Can the minister confirm whether this project will be completed in line with the budget—so, in 2023–24?

Mr D.T. PUNCH: I thank the member for that very sensible and well-considered question. The current status of that project, as I have indicated in Parliament in the past, is that it is linked to the proposal by Huon to develop a kingfish aquaculture project in the Geraldton area. The framework was essentially that that facility would provide the grow out for the fish that would then be purchased by Huon, and then it would grow them out offshore. As the member may know, Huon has recently been the subject of an ownership change. I have met with Huon to discuss its plans. Although Huon is very interested in coming to Western Australia, it has not consolidated that into a definitive plan. Because we do not have a definitive business model from Huon and a commitment to proceed, it makes it very difficult to proceed with the finfish nursery and potentially have it as a stranded asset.

We are still committed to the Geraldton finfish nursery. We are very committed to working with Huon. I have asked the department to continue to work closely with Huon to look at supporting it to develop its business proposal to establish an aquaculture zone in the Geraldton area, but we will not proceed with the Geraldton finfish nursery until we have certainty that there is an offtake agreement for the hatchlings.

Ms L. METTAM: Can the minister explain the reasoning around the selection of Huon for this project? I understand—correct me if I am wrong—that there was some concern in Geraldton that some of the local operators were not given the opportunity to contribute to this project.

Mr D.T. PUNCH: The project will not be a monopoly provider to one operator. If the project is constructed, it will be available to supply stock to anybody who wants to purchase it. At the moment, there is no demand. A local person has been investigating kingfish in that area. I understand he has withdrawn from that as an option. I also understand that there are some research issues to be resolved around parasites in kingfish in the Geraldton area, and that may well have led to that person's decision not to proceed. We are very open to proceeding with that project, but we need to have certainty that there will be a proponent who will take the hatchlings.

Ms L. METTAM: Can the minister confirm that the facility will be constructed in Geraldton?

Mr D.T. PUNCH: That is our proposal. We have done all the research and planning based on a particular site. In the discussions that I have had with Huon as a potential proponent, it is still interested in that Geraldton area, so all the signals are that that is the area of choice for Huon. To the extent that I can give the member a commitment, that is the commitment. We are open to the construction of that facility in Geraldton. We need a proponent to take the offtake.

Ms L. METTAM: What arrangements are being proposed for the ongoing management of the facility? I know we are not there yet, but the department must have an idea of how it will run and how it will be staffed and funded going forward.

Mr D.T. PUNCH: The planning that has taken place to date has been based on an owner–operator sort of model, so essentially the state would operate it. By the same token, if a business proposition comes from a proponent that allows for leasing of the asset or a sharing of the asset in some way, or sharing of risk, then we would be certainly open to that. What I would not be open to is restricting the output of that facility to one proponent. If the state is investing in it, it is about the development of the aquaculture industry, and we will look at supporting any proponent who comes along with a finfish proposal for kingfish.

[1.40 pm]

Ms L. METTAM: When does the minister anticipate getting some certainty around the status of Huon and its role or future role in this project?

Mr D.T. PUNCH: I would like it to be sooner rather than later, but I am entirely dependent on Huon and its business planning. Of course, Huon is dependent on its new owners in terms of their business decisions. It has given me a commitment that it continues to be keenly interested. I understand that it is looking at land-based options for location in the Geraldton area, but it still has to actually commit. That is a decision for its board and I cannot influence that but I would certainly like it to be sooner than later because we have funding tied up with that facility.

Ms L. METTAM: Is a requirement attached to the funding that the facility be constructed in Geraldton? I know the minister assumed or hoped that it would be, but is that a requirement attached to the funding?

Mr D.T. PUNCH: No, there is no requirement attached to the funding. It is in the *Budget statements* that it is a Geraldton facility. If it says Geraldton, it says Geraldton, and I am not sure what else I can give the member. We have a big commitment to aquaculture development in the Geraldton–Abrolhos area. An awful lot of work has gone into looking at zones, and there has certainly been a lot of engagement with Huon, as with other proponents. Unfortunately, we do not have something that has firmed up into a clear business decision that says, yes, it is going

to invest in that area, which would trigger our investment to provide that infrastructure. What I do not want to do is to build the infrastructure in the hope that Huon will come. As the member would know from my days in the South West Development Commission, we did that with the Busselton Margaret River Airport and it may be successful. We will see how that goes. But in relation to Geraldton, I think the risk is too big at this point, because we are reliant on the business decision-making of boards remote from the Geraldton area.

Ms L. METTAM: Okay. Thank you.

Mr C.J. TALLENTIRE: I would like to turn to page 233 of budget paper No 2, volume 1, and the line item “Recreational Fishing Initiatives (includes Fishability)”. There is \$2.1 million in the out years of the forward estimates. Can the minister confirm that that money will go to Recfishwest? What percentage of that will go to the fishability program?

Mr D.T. PUNCH: An amount of \$2 million will go to the recreational fishing industry fund, and \$100 000 will go to fishability.

Mr C.J. TALLENTIRE: Will the money actually go to Recfishwest?

Mr D.T. PUNCH: It will go into the fund itself, and the department will work with Recfishwest and make recommendations to me on the use of that fund.

Mr C.J. TALLENTIRE: To the extent that the minister has the ability to consult with recreational fishing in general, but specifically Recfishwest, does he have the opportunity to suggest programs that they might work on?

Mr D.T. PUNCH: Yes. I meet with Recfishwest on a regular basis, as I do with the Western Australian Fishing Industry Council and the Aquaculture Council of Western Australia, and we discuss a whole range of issues. Our recfishing agenda is going to be guided by the recfishing plan that Recfishwest is working on. As I have said, we have seen a preliminary draft of that. That will really guide the priorities for how we support recfishing into the future and how we guide the support of that from a sustainable point of view.

Mr C.J. TALLENTIRE: Is the minister able to advise Recfishwest on the need to train people in responsible fishing practices so that we do not have this dreadful, cruel practice of people catching beautiful seabirds like pelicans, cormorants, darters and herons when they cast off? These beautiful birds get caught on the hooks or they get caught as the person casts out and the hook gets in the mouth, in the beak, in the wings, all over the animal, leading to, inevitably, more often than not, very cruel deaths? Does the minister have the capacity to ask the recfish industry to educate recreational fishers around this problem?

Mr D.T. PUNCH: I have the capacity to raise any issue with Recfishwest. I understand that Recfishwest does have codes of practice, and I know that it is committed to looking at how to minimise the unintended consequences of recfishing, including impact on other species. I am happy to raise it again. It is very unfortunate that these circumstances occur. I am very confident that Recfishwest does its utmost to educate recreational fishers on options to try to avoid those sorts of impacts.

Mr C.J. TALLENTIRE: If we look at the Recfishwest website, there is nothing about this type of bird entanglement issue at all. Has the minister received advice about the level of knowledge of this within the recreational fishing community?

Mr D.T. PUNCH: No, I have not received any particular advice from Recfishwest but I do not attend the various forums that Recfishwest has with recreational fishers under the recreational fishing clubs. I am happy to raise the member’s concern with Recfishwest, but I do not sit and scrutinise the actions of Recfishwest with recfishers in those areas. If the member thinks there might be a good opportunity to add some information to the website, I am happy to raise that with Recfishwest.

Mr P.J. RUNDLE: I refer to “Recreational fishing special purpose account” on page 240 of budget paper No 2, which states —

... the account is to hold funds, which may be applied by the Minister to any of the purposes prescribed by section 239 of the FRM Act.

Can the minister explain to me what those funds could potentially be put towards? What are some of those examples?

Mr D.T. PUNCH: One example is the buyback of licences for commercial fishers that are to be reduced or closed to reduce the pressure on fish stocks. As the member would be aware, the issue of sustainability is so critical in relation to how we manage the fishery and ensuring that we can continue with the total available catch to be confident that we are not overfishing. That sometimes requires adjustments. This fund can be used for the buyback of those licences as required.

Mr P.J. RUNDLE: Let us say a recreational fisher goes fishing on the weekend in the south coast marine park or the like and catches a few fish. If the south coast marine park potentially takes an area away from them, do they have any ability to apply for funds or is this fund wholly related to licences and the like?

Mr D.T. PUNCH: No statutory compensation is available to recreational fishers. I have every confidence that the marine planning process, which includes recreational fishing interests for the south coast, will provide sufficient areas to enjoy recreational fishing into the future. I understand how important it is to recreational fishers, to local communities and to the tackle industry itself. In that context, I am very confident in the planning process. I certainly hope that those recreational fishers who are part of the consultative process really contribute effectively to highlight the areas that are important from a recreational fishing perspective. There is no statutory compensation scheme for loss of recreational fishing area.

[1.50 pm]

Mr P.J. RUNDLE: I certainly do not share the minister's confidence, after what I have seen with the consultation processes and the like for the south coast marine park. Quite a large number of constituents have come to my office expressing their concerns, so the minister can understand how my confidence levels are low. That is the point I wanted to get across.

Mr D. PUNCH: I am very confident with the process. As I said, it has been met by the Department of Biodiversity, Conservation and Attractions, but the department has had input into that process. I have been to Esperance with the previous Minister for Environment and met with the community, individual stakeholder groups and of course Recfishwest. I am very confident that the process needs to run its course and make a judgement at the end of that process if people feel aggrieved, and there will be a process for dealing with that.

Mr V.A. CATANIA: Licence fees collected from recreational fishers or boating licences or whatever go into this special purpose account. Does the department pay Recfishwest out of that special purpose account?

Mr D. PUNCH: Is the member referring to the recreational fishing fund?

Mr V.A. CATANIA: I am referring to the special purpose account under the Fish Resources Management Act. It is at the top of page 240, referred to by the member for Roe. It states —

Account Purpose: The Recreational Fishing Special Purpose Account was established under the FRM Act. The purpose of the account is to hold funds, which may be applied by the Minister to any of the purposes prescribed by section 239 of the FRM Act. The funds support activity relating to recreational fishing.

Is that where Recfishwest gets its funds from?

Mr D. PUNCH: I will refer to Ms Brayford.

Ms H. Brayford: Yes, the recreational fishing special purpose account is used to fund recreational fishing activities. It does include licence fees, which go into that account. Payments can be used for grants. For example, under the recreational fishing initiatives fund, payments are made to Recfishwest and also to fund our direct costs of fisheries compliance, fisheries management, and also research for recreational fishing. That is the account that we use to manage recreational fishing in the state.

Mr V.A. CATANIA: Does the minister sign off on these grants for which funds come out of the special purpose account, which he is in charge of?

Mr D. PUNCH: Yes, I do. There is no delegate. They are all recommended to me.

Mr V.A. CATANIA: So the minister has the final say?

Mr D. PUNCH: I look at the recommendations and I approve or do not approve them.

Mr V.A. CATANIA: The minister basically has the ability to hold funds if he wants to hold funds for Recfishwest or any other grant. Is that the case?

Mr D. PUNCH: Yes.

Mr V.A. CATANIA: That gives the minister some sort of power, if you like, over Recfishwest to say, "I would like to do X, Y or Z or you do not get your funding." Is that the case? It may not be the case with the minister, but he has the ability to do that.

Mr D. PUNCH: I have a funding agreement with Recfishwest. That agreement sets particular outcomes. Recfishwest's principal responsibility under that agreement is the engagement and consultation with recfishers, particularly in relation to policy issues that the government might be looking at. I do not direct Recfishwest on a day-to-day basis; it has funds from other areas, but its work in relation to government is governed by a funding agreement.

Mr V.A. CATANIA: I understand that but, ultimately, the minister holds the major purse strings for Recfishwest and therefore he has to agree to the agreement, I suppose, because he is the one who is providing the funds. He has a large say on how Recfishwest operates. Is that correct?

Mr D. PUNCH: No, it is incorrect. I have a say in relation to the funding agreement and the outcomes that are required. How Recfishwest operates its business is up to Recfishwest. I am not a shadow director.

Mr V.A. CATANIA: What is the current total in that special purpose account?

Mr D. PUNCH: As at this point in time?

Mr V.A. CATANIA: I would imagine the minister would know the amount as at the end of the financial year.

Mr D. PUNCH: I am advised that the closing balance is \$2 million as per the budget papers.

Mr V.A. CATANIA: If the minister wanted to allocate \$1.6 million to the artificial reef in Carnarvon, he could do it out of that account!

Mr D. PUNCH: I think the member is becoming a white pointer!

I have given the member a commitment that the department will continue to work with the Chamber of Commerce and Industry and Recfishwest to arrive at a solution for an artificial reef at Carnarvon.

Ms L. METTAM: My question relates to the question I asked earlier, but it is a different line item. I refer to “New Works” on page 229 of budget paper No 2. The funding for the COVID-19 response is \$857 000 for 2022–23. Is that a projected overspend on the project? What is that funding for? Why has it been allocated under the COVID response?

Mr D. PUNCH: I will refer that question to Mr Binning, who can provide the detail on that.

Mr C. Binning: At the time of the COVID response measures, an additional appropriation was made to cover additional anticipated costs with the construction of the facility. Detailed design has now been completed. As the minister says, we await the commitment from the proponents prior to proceeding.

Ms L. METTAM: Is this a blowout in the project’s costs due to an increase in construction costs or supply? I assume that this is the same project or is it different?

Mr D. PUNCH: Yes, it is. An initial allocation was made to this project and then a subsequent allocation in relation to the COVID response, and that was part of the stimulus package.

Ms L. METTAM: I guess the question is: has the scope changed?

Mr D. PUNCH: Yes, the planning has been completed at one level and discussions are now being held with Huon in terms of what its requirements might be, given its re-scoping of its business agenda and its new owners, as I indicated. It is very hard to put a figure on what the final cost might be until we have certainty about the level of production Huon might have and any other proponents in that area. We have a nominal account in the budget for the Geraldton finfish project. Once we know exactly what the state of play is in relation to finfish demand, we will be able to revisit that project and the costings and look at that in the context of that business model.

Ms L. METTAM: Can I confirm that this represents the fact that the overall cost to government for this project is over and above what was originally committed to?

Mr D. PUNCH: Given that construction costs have gone up everywhere, clearly it is very difficult to predict until a quantity estimate is done close to the time of construction based on what is to be constructed. We have not had certainty from proponents about the scale of what is required. We have done initial planning on a finfish production nursery, and we can scale that planning up or down depending on short, medium and long-term industry demand. I am indicating to the member that while we have nominal figures in the budget, it is fluid in the sense that we need that certainty from industry to be able to proceed and not have a stranded asset.

[2.00 pm]

Ms L. METTAM: I appreciate the explanation, given that we are seeing blowouts in costs and supplies. This is effectively representative of the blowout in costs from what was originally estimated. Is that fair to say? Is it planned that these funds will go to Huon for the construction of this project?

Mr D.T. PUNCH: Sorry, member, I was just listening to an explanation in one ear. Can you just repeat the essence of what you asked?

Ms L. METTAM: Does the \$857 000 represent what is effectively the cost blowout of this project—a blowout from what was originally estimated, understanding that there has been no change of scope but it is reflective of increased construction costs and the increased cost of supply?

Mr D.T. PUNCH: Yes, that figure essentially is a capital carryover cost. It is reflective of the fact that we have spent money on planning and engineering analysis, and resolving issues related to seawater intake. The project is effectively on hold now until we get to that point that I mentioned earlier with the proponent.

Ms L. METTAM: Are there any limits on DPIRD staff who had worked on the kingfish project being employed by Huon?

Mr D.T. PUNCH: If people leave the employment of the public sector, I do not have the ability to stop them working for another employer. There is a general expectation that matters that are confidential remain confidential. I might ask Mr Hill if there are any provisions within the department relating to intellectual property if somebody moves to the private sector.

Mr T. Hill: There is a capacity to have that. I am unaware of any provisions relating to staff in the department. Mr Binning may be able to confirm that.

Mr D.T. PUNCH: Mr Binning.

Mr C. Binning: Our staff are encouraged to work closely with the industry in the facilitation of aquaculture and undertaking research and development. We are extremely attentive in the management of intellectual property that is generated. In the event that staff leave and there is the potential for any conflict of interest to arise, clear arrangements are put in place that are appropriate to protect the public interest.

Ms L. METTAM: Can I then assume, given the policy that exists for DPIRD staff, that IP would be protected?

Mr D.T. PUNCH: I think Mr Binning's explanation accounts for that. Whether somebody acts very inappropriately, post leaving any public sector agency, is always a difficulty. As Mr Binning has indicated, the protocols are in place.

Mr V.A. CATANIA: I might not be on the right page here. Believe it or not, I am admitting to it! I refer to service 6, "Agricultural and Fisheries Biosecurity and Integrity" under the service summary on page 221. Is the minister aware of any issues that exist outside Cockburn Sound on the other side of Garden Island with seagrass being lost and the effect it is having on the fisheries around that area? I apologise for being vague but something just came up in my head from a conversation I have had with someone, who raised concerns about the seagrass on the Indian Ocean side of Garden Island. Are there any losses of seagrass in that area that are affecting that fishery?

Mr D.T. PUNCH: I am advised that there has not been any and it has certainly not been raised with me prior, so I guess the answer is no.

Mr V.A. CATANIA: I am happy to find out further information and bring it to the minister, but I have had concerns raised about that.

Mr D.T. PUNCH: I am very happy for the member to write to me or raise an issue, and I will follow it up for him.

Mr P.J. RUNDLE: I refer to page 229 again, and the Albany shellfish hatchery scenario. Can the minister enlighten us on the time frame et cetera of the Oyster Harbour leases?

Mr D.T. PUNCH: I think Ms Brayford responded to it in the question earlier. That is being worked through at the moment. I am expecting advice imminently, so they are a work in progress.

Mr P.J. RUNDLE: I am happy to receive some advice. I am seeking information on the time frame. For starters, how long is the lease?

Mr D.T. PUNCH: The length of lease and the terms and conditions of the lease are still subject to the discussions between the department and proponents. I am expecting advice on that shortly. I am not in a position to indicate to the member the basis of those negotiations at this point.

Mr P.J. RUNDLE: Will that information become public when the minister has determined the situation?

Mr D.T. PUNCH: The licences are recorded on the register once they are approved.

Mr P.J. RUNDLE: Is approval for the environmental process that is being undertaken on the expanded nursery and the like far away?

Mr D.T. PUNCH: For the nursery or the zones?

Mr P.J. RUNDLE: The nursery.

Mr D.T. PUNCH: I will ask Mr Binning to respond to that. He can provide the member with the current detail.

Mr C. Binning: The department is working closely with the Department of Finance around expansion of the Albany shellfish hatchery. The plans are close to being finalised. We hope to initiate the final design and construction shortly.

Mr P.J. RUNDLE: Will that proposed expanded nursery impact on surrounding activities?

Mr D.T. PUNCH: No, it should not. The planning takes the impacts into account. I have been out to the nursery. It is a well-established nursery. To date, it has not been having any impact and I would not expect it, in an expanded form, to have any impact either. It is a very well-run and well-managed nursery. I can arrange an inspection if the member would like to look at it. It is really interesting.

Mr P.J. RUNDLE: Going back to the Oyster Harbour leases, will their expansion and the area that they will take up have an impact on surrounding activities? I understand that they will have a major impact on the area they take up.

Mr D.T. PUNCH: I certainly have an expectation that discussions have occurred with people who have traditionally used that area as part of commercial fishing. I am very confident that arrangements can be made that lead to a positive outcome for all parties. It is a matter of when the proponents are ready to engage in that conversation with commercial fishers.

The appropriation was recommended.

[2.10 pm]

Division 17: Small Business Development Corporation, \$15 594 000 —

Mrs L.A. Munday, Chair.

Mr D.T. Punch, Minister for Small Business.

Mr D. Eaton, Small Business Commissioner.

Mr R. Buttsworth, Director, Corporate Resources.

Mr T. Palmer, Chief of Staff, Minister for Small Business.

Mr T. Monaghan, Senior Policy Adviser.

[Witnesses introduced.]

The CHAIR: The estimates committees will be reported by Hansard. The daily proof *Hansard* will be available online as soon as possible within two business days. I will allow as many questions as possible. Questions and answers should be short and to the point. Consideration is restricted to items for which a vote of money is proposed in the consolidated account. Questions must relate to a page number, item or amount related to the current division, and members should preface their questions with these details. Some divisions are the responsibility of more than one minister. Ministers shall only be examined in relation to their portfolio responsibilities.

A minister may agree to provide supplementary information to the committee. I will ask the minister to clearly indicate what information they agree to provide and will then allocate a reference number. Supplementary information should be provided to the principal clerk by close of business Friday, 3 June 2022. If a minister suggests that a matter be put on notice, members should use the online questions on notice system.

I give the call to the member for North West Central.

Mr V.A. CATANIA: I refer to “COVID–19 Business Assistance Packages” under “COVID-19 Response” on page 268 of budget paper No 2. How many applications were received for the business assistance packages?

Mr D.T. PUNCH: Member, do you want them for the full suite of assistance provisions or the hardship grants?

Mr V.A. CATANIA: Probably a full suite. Is that easier or does the minister want to provide a breakdown?

Mr D.T. PUNCH: In relation to the current programs, we have the small business assistance grant from 2021, with 1 852 applications received; the small business hardship grant, 7 468 applications; the small business tenant rent relief grant, 2 195 applications; the landlord rent relief incentive, 14 applications; and the government building tenant rent relief incentive, 13 applications.

Mr V.A. CATANIA: Out of all those, how many were approved?

Mr D.T. PUNCH: I will go through the approvals for the member. For the small business assistance grant, to date, there were 485 approvals; for the small business hardship grant, 1 131 approvals; for the small business tenant rent relief grant, 822 approvals; and for the government building tenant rent relief incentive, seven approvals. Of course, a large number are under assessment at this point.

Mr V.A. CATANIA: Is the minister able to provide a breakdown of the grant recipients by region?

Mr D.T. PUNCH: It is a very complex task. We can do it by postcode.

Mr V.A. CATANIA: Postcode is fine.

Mr D.T. PUNCH: If it is information that is of value, we will endeavour to provide that as supplementary information. I caution the member that that involves a large volume of work. I am very mindful of that, given that the Small Business Development Corporation is a small agency there to service small business specifically. If it is important to the member, we will endeavour to get the information for him.

Mr V.A. CATANIA: I will make it easier. I understand what the minister is saying. Is it easier to go metro/regional or is that still a large body of work?

Mr D.T. PUNCH: It is still a postcode analysis.

Mr V.A. CATANIA: That is all good. I understand. I do not want to put any pressure on anyone.

Is the minister able to provide an update on how much money has actually gone out? I do not know whether the minister just told us the amount; I cannot remember, but I have a figure of 815. Out of the total package, how much went out in 2021–22 and then the last financial year up to this point? How much of it has actually hit the ground?

Mr D.T. PUNCH: I can give the member the data now until 20 May, if that is of assistance. In terms of the total across all programs operated during that financial year, it is \$56 150 000. In relation to assistance given under the individual programs that I just mentioned, \$3.418 million has gone out for small business assistance grants; under the small business hardship grants, the figure is \$10.836 million; for small business tenant rent relief, it is \$2.472 million; and for government building tenant rent relief, it is \$42 million.

Mr V.A. CATANIA: Did the minister say \$58 million or \$59 million?

Mr D.T. PUNCH: I said \$56.15 million.

Mr V.A. CATANIA: Is that the total figure?

Mr D.T. PUNCH: That is the total figure for all programs, including programs that were finalised through the small business lockdown assistance grant for the ANZAC Day long weekend; the small business lockdown assistance grant, round 2, for June 2021; and some components of the tropical cyclone Seroja assistance grant. That is a total amount, and then I have just given the member some sub amounts in relation to the current programs.

Mr P.C. TINLEY: From memory, I understand that the SBDC looks after business migration visas, assisted by the commonwealth. Through COVID, has the government still been processing or receiving applications? How many approvals or recommendations from the state have there been and have they travelled?

Mr D.T. PUNCH: As the member can imagine, COVID has had a profound impact on people wanting to come to Western Australia and our ability to accept people from overseas. I will ask the commissioner to give the member an update on his understanding of where business migration is at.

Mr D. Eaton: I thank the member for the question. Obviously, the impact of international border closures has been challenging. The impact on the business migration program is actually a four-year pipeline. Many of the business migrants who bring their application to conclusion will have applied several years earlier, been here, operated for a couple of years, and then we bring them to conclusion. In fact, that pipeline is still healthy in terms of the businesses here and the capital inflow.

What has been challenged is that the fresh pipeline of applications has been hindered in the past 12 months because obviously applicants are not able to visit, explore business opportunities and therefore apply. As I am sure the member is aware, on behalf of the government, the agency sponsors business migrant's applications that are then put to the Commonwealth. That pipeline has been stalled. We are very focused on being part of that in the next few months, with international borders opening up and various government departments looking to engage overseas, so we can reconnect with those migration markets.

[2.20 pm]

Mr P.C. TINLEY: Obviously, it has fallen off because of COVID, and I completely accept that. What was the monetary value of that pipeline in terms of foreign direct investment, I suppose, in another form?

Mr D.T. PUNCH: I hand over to the commissioner.

Mr D. Eaton: The total capital inflow estimated this year is \$185 million, which is down on a budget in the previous year of \$231 million. We had anticipated a growth there. Similarly, with jobs created, the businesses that are already here have been ended by the factors that are hindering the economy. I am cautiously optimistic. We would suggest, coming out of COVID, that Australia would be a good destination for business migrants globally.

Mr D.T. PUNCH: As the member knows, WA is open for business. Minister Cook is going overseas on a regular basis, talking about the industry opportunities here and connecting with commercial interests overseas. I have every confidence that people will see the great opportunities in a state that is probably one of the best, if not the best, performing economy globally. I would imagine that there is enormous interest in the opportunities here.

As the previous Minister for Innovation, I have seen firsthand the opportunities that are coming out of the innovation sector. We have a very energetic Minister Dawson out there supporting capital inflows for innovation. We have Minister Cook across tourism, across state development, from the large-scale projects to the smaller opportunities. We are out there selling the state. I note that occasionally we seem to get criticised in the Parliament for being out there selling the state but who would not be because it is a great state? I thank the member for the question.

Mr P.J. RUNDLE: I refer to the first paragraph of the significant issues impacting the agency on the top of page 269. I am curious about the figures for tenant relief and landlord relief, which was quite a delicate subject when the legislation went through. I wanted to clarify those figures for tenant relief and landlord relief. How many applications were received and how many were approved?

Mr D.T. PUNCH: Did the member want the figures relating to the number of applications?

Mr P.J. RUNDLE: The number of applications that came in for both tenant relief and landlord relief and also the number of approvals for both of those categories.

Mr D.T. PUNCH: Under the small business tenant rent relief grant—the member will be able to pick these up from *Hansard*—2 195 applications were received. As of 20 May, 822 applications were approved, to a value of \$2 472 000. A further 1 243 applications continue to be under assessment.

Mr P.J. RUNDLE: When does this program wrap up? Is there a certain cut-off point?

Mr D.T. PUNCH: Yes. It is 30 June 2022.

Mr V.A. CATANIA: I refer to “Access to Justice for Small Business” on page 272. Just under the table, paragraph (c) states —

Subcontractor support investigates complaints of non-payment and provides direct support to subcontractors with security of payment issues.

How many complaints have been received through subcontractors not being paid?

Mr D.T. PUNCH: I will ask the commissioner to give the member those figures.

Mr D. Eaton: I thank the member for the question. The subcontractor support unit was originally established to focus on subcontractors in the construction industry. The functions have actually broadened to support the commissioner in investigations, more broadly if anything, that impacts upon the SME sector. To the member’s question about support for the construction industry, there was actually a drop in cases in the past 12 months. That aligns with recent data we have had from the Australian Securities and Investments Commission about the number of businesses that have gone into administration in that 18-month period. In fact, the 18-month period leading up to this last quarter has been the lowest for a long period of time. There has, in fact, in the last quarter been some increase in the number of businesses in that industry going into administration, but it is not beyond pre-COVID levels. At the moment, we are monitoring the situation in the commercial construction area where government projects do impact. We have been working with government agencies for the last 12 months to ensure that whatever they are doing in this commercial construction area does not add to that stress. I think the member will be hearing more about the residential construction sector, which we are looking closely at, but it has not been extraordinary in this state at this particular time in terms of the number of cases.

Mr V.A. CATANIA: Is the minister able to provide a number? If we go pre-COVID, just so we can get an idea of when the minister says it has reduced, the number of cases we have had.

The CHAIR: Minister, if you could just state exactly what you will be happy to provide.

Mr D.T. PUNCH: Yes. We will provide by way of supplementary information the number of cases dealt with up until March 2020 and a comparison with the numbers from March 2020 to date.

[Supplementary Information No B18.]

Mr C.J. TALLENTIRE: I am just looking at page 272 and service 2, “Access to Justice for Small Business”. I am just interested to know what percentage, in general terms, of that justice for small business relates to tenancy matters and whether there could be some commentary on the trend regarding small business problems relating to tenancy.

Mr D.T. PUNCH: Nothing is secret these days.

The CHAIR: Nothing is secret, yes, unless you are deaf like me!

Mr D.T. PUNCH: Can the member just repeat exactly what information he is requesting? The number of tenancy —

Mr C.J. TALLENTIRE: I do not need an exact answer at all. I am interested in the trend here. It relates to the wonderful, excellent work that the Small Business Development Corporation does, helping small businesses access justice. I am curious to know what the trend is in relation to that level of work. Is it increasing when it comes to tenancy matters or is it decreasing?

Mr D.T. PUNCH: I will ask the commissioner to respond to that, but I am grateful that the member acknowledges the excellent work of the SBDC, because that is the feedback that I have received consistently across the sector in the short period that I have been Minister for Small Business. I shall pass on to the commissioner.

[2.30 pm]

Mr D. Eaton: I thank the member for the question. Access to justice is indeed a theme that captures the second last line item, “Cost per client serviced directly in the provision of dispute resolution”, of which the majority has been commercial tenancy disputes. That is its history. Of course, we saw a larger volume during the COVID period, which was the result of us assisting in the resolution of negotiations between landlords and tenants during the COVID period. That trend, in fact, in the last few months of commercial tenancy disputes, has actually dropped off significantly. In fact, at the moment, it is below pre-COVID levels. For example, we would normally expect a caseload of around 200. It is currently at 150, and we are currently doing some research—we are doing some awareness-raising to ensure that those who need the service are aware of it, but also some research—to see why it has actually reduced beyond pre-COVID levels and whether that is, in fact, a reflection of lower disputation in the commercial tenancy area, or some other anomaly.

Mr C.J. TALLENTIRE: Thank you.

Mr P.J. RUNDLE: I, too, acknowledge the work of the SBDC during this difficult time. Minister, just some numbers. Once again, page 269 and the first paragraph, which talks about facilitating the delivery of financial support. Are the school camp providers within the minister’s portfolio?

Mr D.T. PUNCH: No, they are not.

Mr P.J. RUNDLE: That was done directly through Education.

Mr D.T. PUNCH: Yes.

Mr P.J. RUNDLE: Thank you. If I can flow on to business assistance packages for the payroll tax waiver. Does the minister have some figures as to how many dollars were put out there in that?

Mr D.T. PUNCH: We do not have the payroll tax waiver. That is a matter for Treasury.

Mr P.J. RUNDLE: Thank you.

Mr V.A. CATANIA: Minister, I refer to page 270, and the heading “Outcomes and Key Effectiveness Indicators”. The line item, “Total value of capital inflow to the State from the Business Migration program” shows \$231 million for the 2020–21 actual; for the 2021–22 budget, \$359 million; for the 2021–22 estimated actual, \$185 million; and for 2022–23, \$306 million. Has there been an increase in demand for these services with the opening of borders? How does the minister account for that massive increase?

Mr D.T. PUNCH: Member, it is a forecast number based on averages over the previous five years. Given the impact of COVID and how it has created lumpiness in terms of these forecasts, it is really difficult to account for that. These are forecast estimates, and as the commissioner and I have said, there is a pipeline of historical business migration work that is flowing through. We have got this gap in terms of the COVID period, and post-COVID we are just starting to gear up, and I would imagine that people will be turning their minds to the opportunities. Minister Cook’s work is certainly going to push that envelop in terms of awareness of WA overseas and what we have on offer. It is an estimate, and I again acknowledge that it is a five-year estimate, but we have that lumpiness that makes predictability a little uncertain, as a consequence of COVID.

Mr V.A. CATANIA: I refer to page 269 and paragraph 5 under, “Significant Issues Impacting the Agency”. I just want a bit of an explanation. It states —

Through its Business Local outreach program, the Corporation provides important on-the-ground business advisory services to small businesses in the regions.

I just want to know where this is in the budget. Does SBDC have an advertising campaign, particularly in regional WA, including a strong TV presence? Has there ever been an increase in awareness of the services, both in the services and demand from regional businesses? Is there any ability to have regional queries and so forth in terms of regional offices? Does the minister have a budget for creating awareness of what SBDC does? I suppose I became fully aware of SBDC through Kalbarri, through the cyclone and the work that SBDC has done there. Is there a budget for that, minister?

Mr D.T. PUNCH: Yes. I am very pleased that the member has raised that. I think the advertising campaign that is out there at the moment is excellent, and I think there has been a need to raise awareness, particularly in regional WA, but generally, about the supports that are available to small business. Those supports are delivered both directly through the SBDC and through its network of contracted service providers. I will ask the commissioner to talk about any outcomes associated with that campaign. It is interesting; I was at a forum of businesswomen this morning. There is the challenge of supporting networks that enable businesses to grow and develop ideas and strategies, and be much more resilient and nimble in the face of uncertainty. The more we can get those networks functioning, whether through chambers or business organisations, and create awareness of the SBDC and the other support services that exist around small business, then the more I think we will have businesses that are capable of managing change, adapting, being nimble, and really having the potential to grow into the future. I will refer to the commissioner in relation to the particular outcomes associated with that campaign to date.

Mr D. Eaton: Thanks, member, for the question. There is a budget allocated for raising awareness of all our services. We have turned our minds to awareness within the regions. We clearly created increased awareness during the COVID period as a source of information relating to COVID, health advice, and all those sorts of things, but we were somewhat surprised at the number of people we were coming into contact with through grants and those things who were not aware of the broader range of services. We are very conscious at the moment of raising awareness, particularly in the regions, as we come into the recovery phase. We are in the early days of a campaign that is targeting the regional areas, in particular through different messages that we believe, through research, will resonate with those different regional businesses. That is a particular focus and we have some funding going into that.

Mr V.A. CATANIA: We are inundated with the minister’s portfolios, including small business, and we find that the SBDC is very valuable in navigating through some of those issues and the supply. If the minister can provide a budget for a TV campaign to really showcase what the SBDC can actually offer and support small businesses, I think it would be a worthwhile campaign, if I can just say that.

Mr D.T. PUNCH: Yes. We do have a campaign running at the moment, and it is something that, as the commissioner said, is going to be a basis for how we can continuously improve on that basis. Like the member, I have a regional electorate, and I encourage all regional members to encourage their local businesses and chambers to make contact with the SBDC and build up a relationship. Certainly, the SBDC, I know, is out there now talking to chambers, and I have had a number of discussions with regional chambers about how we can build knowledge and awareness of the SBDC.

The appropriation was recommended.

[2.40 pm]

Division 35: Communities — Services 10 and 11, Disability Services; Seniors and Ageing, \$127 625 000 —

Mrs L.A. Munday, Chair.

Mr D.T. Punch, Minister for Disability Services; Seniors and Ageing.

Mr M. Rowe, Director General.

Ms M. Hailes-MacDonald, Assistant Director General, Disability Services.

Mr P. Payne, Executive Director, Regulation and Quality.

Mr M. Burgess, Director, Strategic Policy.

Ms L. Kalasopatan, Assistant Director, Management Accounting.

Mr M. Crevola, Chief Financial Officer.

Mr T. Palmer, Chief of Staff, Minister for Disability Services; Seniors and Ageing.

Ms J. Houston, Senior Policy Adviser.

Mr C. Roberts, Policy Adviser.

[Witnesses introduced.]

The CHAIR: The estimates committees will be reported by Hansard. The daily proof *Hansard* will be available online as soon as possible within two business days. The chair will allow as many questions as possible. Questions and answers should be short and to the point. Consideration is restricted to items for which a vote of money is proposed in the consolidated account. Questions must relate to a page number, item or amount related to the current division, and members should preface their questions with these details. Some divisions are the responsibility of more than one minister. Ministers shall only be examined in relation to their portfolio responsibilities.

A minister may agree to provide supplementary information to the committee. I will ask the minister to clearly indicate what information they agree to provide and will then allocate a reference number. Supplementary information should be provided to the principal clerk by close of business Friday, 3 June 2022. If a minister suggests that a matter be put on notice, members should use the online questions on notice system.

We are ready to go. Member for Vasse, thank you.

Ms L. METTAM: Just before we begin, can I just get some clarification: do we have to stop at three o'clock, right on the dot?

The CHAIR: Yes. This concludes at 3.00 pm.

Ms L. METTAM: Right, not that much time. Thank you. Minister and advisers, I refer to page 523, paragraph 15, which is in relation to the establishment of the Office of Disability. It could be in relation to paragraph 15 or paragraph 14, but what I really want to ask a question on is in relation to the concerning news about Activ and the closure of part of the Activ operations. Some 700 jobs are being lost from August. I took some heart from the comments made by the Premier and perhaps the minister, as well as the federal government. My question is: what assurance can the minister provide that those jobs will not be lost from August this year?

Mr D.T. PUNCH: The first thing I would like to do is acknowledge all the people who are participants with Activ. I think it must have been an incredible shock for them to hear that news from Activ, and I cannot imagine the anguish that many of those people have felt. I saw some reports about the distress that the announcement caused, and I am certainly aware that families and carers are very, very concerned as well.

The member may be aware that the supported employment arrangements, ADEs, were funded originally through the federal Department of Social Services, and that changed mid-last year. The commonwealth, which has always had responsibility for the funding of these employment services, transferred the funding across to the National Disability Insurance Scheme, and the NDIS arrangements, as is the ethos of the NDIS, were made to maximise opportunities for choice and control by people with disability, to ensure that reasonable and necessary services are provided. The ADEs and Activ have taken the view that that funding arrangement does not suit their modes of operation and is leading them into financial losses. I have not seen from Activ the detail of how it has arrived at that conclusion, other than that it has made public —

Ms L. METTAM: The minister has or has not?

Mr D.T. PUNCH: I have not. It has provided public statements about its losses, but I have not seen the detail of those losses.

We, as a government, are very concerned about those issues and the impact on the participants and their families. We raised the issue continuously, for a period of time, with the previous government to try to arrive at a sensible

dialogue about the future of Activ and how, if there needed to be a change to Activ's services—I understand from Activ that it wants to move into an academy style of format—it should be at a pace that people who are participants can understand, be involved with, and have some sense of choice over and control about the services around them, rather than having things done to them. That is the issue I have heard continuously from the disability sector; it is part of the sense of exclusivity that people with disability feel, rather than inclusivity. I have major concerns about the process that has rolled out over the past week, and the lack of a framework from the NDIS to allow for a more sensible discussion and a continuation of people's circumstances until they are able to make a decision either that they want to change, or that they want to move into alternate arrangements in a planned way.

In terms of assurances, I can assure the member that we have raised the issue with the incoming federal government; the Premier has raised the issue with the incoming government. I have been in discussions with the chair of Activ, and I have written to the CEO of Activ asking for a pause on progressing the closure until those further discussions can take place with the incoming government. As you know, we have not yet had a sworn-in federal minister for disability, so that is something that I hope will progress as soon as we have a sworn minister.

It is an appalling set of circumstances, and I feel deeply for those people who have been affected. But I have to reiterate: this is a decision, in terms of the funding arrangements, of the commonwealth. It has always been a commonwealth funding responsibility, and if the commonwealth wishes to change those arrangements, it needs to engage with providers and with people with disability to make sure that sensible outcomes for people with disability are arrived at. I am very hopeful that that will be the case in the future.

Ms L. METTAM: Is the minister saying that it is the model of funding that is the issue here, as opposed to the structure of Activ itself? I know from my own experience, just locally, that there has been such great feedback about the way Activ operates. But can I interpret from that that the model that we need to look at to better support Activ going forward is that model of funding coming from the commonwealth? Is that a fair interpretation of what the minister is saying?

Mr D.T. PUNCH: What I am saying is that Activ has expressed to me two things. One is a general desire to look at its services into the future and the model of service provision; and secondly, that the funding arrangements as they stand now are not sustainable in supporting its current business operations into the future. Those are the two issues that have been expressed to me. I have been into the workshops and spoken with people with disability, so I understand how important that environment, the social context of those workplaces are for those people. I have said to Activ, to the previous minister and to the incoming government that it is very important that if change is to take place—this is change that comes under the purview of Activ and the commonwealth—it needs to be very cognisant of the needs of the people who are participants in those workshops.

[2.50 pm]

Mr P.J. RUNDLE: I refer to page 526 and service 10, "Supporting People with Disability to Access Services and Participate in Their Community". In January, WA's blind cricket team, the Venetians, were unable to secure funding to travel to the National Cricket Inclusion Championships. What funding is set aside within the Department of Communities for disability sports and inclusion in sport?

Mr D.T. PUNCH: The provision of recreational sporting support is not in my purview; it is in the Department of Local Government, Sport and Cultural Industries. The NDIS itself would have provisions in plans for those people who have identified participation for the cost of recreation and sporting activities, but there is not a specific budget allocation for sport and recreational activity within the Department of Communities.

Mr P.J. RUNDLE: Does the minister not undertake any advocacy on behalf of communities and groups that have disability in relation to sports? Does he not undertake any advocacy?

Mr D.T. PUNCH: I would not say that, member. I continually advocate on issues of accessibility and inclusion, and when matters are raised with me, I have certainly raised them with the relevant ministers. But the whole emphasis of the WA disability strategy is about inclusion, and inclusion is about all organisations, whether government or non-government, recognising and accommodating inclusion and people with disability in their mainstream services.

Ms L. METTAM: I refer to paragraph 19 on page 523 in relation to the bilateral agreement for a transition to the NDIS in Western Australia. I know there is a lot of interest across the sector about the work being undertaken at a state level to best inform this agreement and our unique needs as a state with such a significant land mass. Can the minister provide some indication of the level of information gathering and data analysis that is being undertaken so that we can ensure, as a state, that we are putting our best foot forward in terms of the unique needs of Western Australians with a disability as they relate to this agreement?

Mr D.T. PUNCH: Yes. I am looking forward to those negotiations taking place with the new government. The negotiations on the bilateral agreement are in anticipation of the full scheme agreement commencing on 1 July 2023. Work has now started on that and through those negotiations we will need to agree on the total and future projections of Western Australian NDIS participants, but we will also need to take into account issues around, as the member has mentioned, Western Australia's unique geography, the nature of our communities, the nature of rural and

remote communities and culturally appropriate services—a whole range of factors that need to roll into that process of negotiation. The Department for Communities is leading that negotiation, but it is in collaboration with the Department of Treasury and the Department of the Premier and Cabinet. At the moment, we are in the process of identifying the initial steps to develop the negotiation approach. The government's arrangements will surround that, and the initial analysis that goes to the heart of the member's question.

The negotiation strategy is going to be informed by a two-stage targeted stakeholder engagement process, and that, in essence, will be to forward the key issues and provide evidence to inform and shape those negotiations for future arrangements. Clearly, there will be a strong evidence base in how we take those negotiations forward. That engagement, pivotally, has to include people with disability; the disability sector; the importance of mainstream government agencies and non-government organisations in terms of their responsibilities; education; justice; and housing. It also needs to be really reflective in the sense of the outcomes that we are seeking under the Western Australian disability strategy. Our priority is to ensure that the NDIS is suitable for all Western Australians, and my priority particularly is to make sure that Western Australians who are participants in the NDIS feel valued, feel included and feel recognised in terms of the reasonable and necessary need that they have for that sense of ownership and choice, which is so fundamental to the NDIS.

Ms L. METTAM: This is a new question and it relates to either of the NDIS line items. It also relates to a grievance that I presented to the Minister for Community Services in relation to the local care coordinator trial and what was effectively the closure of the Department of Communities office in 2018 in Margaret River. Part of the reason for this trial was that it effectively utilised departmental staff. Basically, these local care coordinators played a role in bridging the gap and providing support for people with a disability, and also those who might have been challenged by homelessness, as well as a range of other areas. It was very much seen and recognised as a successful trial from the local community perspective. There was one local care coordinator that was based in Margaret River, another one based in Busselton, and perhaps other areas as well. It is a Communities role. Given the gap that we are now seeing as a result of that role no longer continuing, is the government rethinking that position that was so successful in the community, and is the minister aware of these issues?

Mr D.T. PUNCH: Can the member advise which line item she is referring to?

Ms L. METTAM: It relates to the NDIS, and it relates to ensuring that people are able to live independently in their communities, so I would say paragraph 15. It was critical to providing that gap in need in support.

Mr D.T. PUNCH: I think it is a very long bow, because that service, as your grievance reflected, falls under the responsibility of the Minister for Community Services. Insofar as I discussed with the member earlier, the negotiation arrangements with the NDIS, implicit in the NDIS is an effective advocacy and planning model, and we fund advocacy services at a state level. The NDIS itself is, in recognition of its responsibility, reinvigorating its role and its obligations in relation to local coordination for NDIS services, so I think the member needs to think of the two as two, even though they might share a title. They are actually two separate things. I am very keen to support the NDIS arrangements on how to improve the support services around people who, firstly, are making plans and, secondly, need to connect into supports and services within the local community.

The CHAIR: Sorry, minister; I have to interrupt. It is three o'clock and we need to end division 35.

The appropriation was recommended.

[3.00 pm]

Division 35: Communities — Services 1 to 6, Volunteering, \$1 072 681 000 —

Mrs L.A. Munday, Chair.

Mr R.R. Whitby, Minister for Environment representing the Minister for Volunteering.

Mr M. Rowe, Director General.

Mr M. Crevola, Chief Financial Officer.

Ms L. Kalasopatan, Assistant Director, Management Accounting.

Ms C. Irwin, Assistant Director General, Strategy and Partnerships.

Mr M. Goff, Policy Adviser.

[Witnesses introduced.]

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A minister may agree to provide supplementary information to the committee. I will ask the minister to clearly indicate what information they agree to provide and will then allocate a reference number. Supplementary information should be provided to the principal clerk by close of business Friday, 3 June 2022. If a minister suggests that a matter be put on notice, members should use the online questions on notice system.

I would just like to point out that in one hour, we need to cover three divisions, division 35, division 3 and division 14. And, member for Roe, do you want to start us off on division 35?

Mr P.J. RUNDLE: I refer to page 539 and the line item “Volunteering WA Digital Platform”, about 90 per cent of the way down the page, just above “Homelessness”. Has the platform been established?

Mr R.R. WHITBY: Thank you, member for Roe. This is one of our main commitments in the areas of volunteering and it is about providing a digital platform to help better engage with volunteers across the community, an online platform. There was a previous amount of \$175 000 committed in earlier budgets and this current budget is inclusive of that amount. The current budget has a provision of \$30 000 to fund the business case and to cost and explore the database. It is not up and running yet, but obviously these web platforms have to be done right. They have to be responsive to the needs of the community and they have to be accessible and easy to use, so that work is currently underway.

Mr P.J. RUNDLE: It is not up and running yet, despite the fact that the government had that funding back in the 2021–22 budget as well. How long does the minister think it will be before it will be up and running and volunteers can access it?

Mr R.R. WHITBY: Thanks, member. It is not as though there is nothing in place at the moment. There is an online process for volunteers to make contact and to be able to offer their services. What this is particularly about is that we know that during times of emergencies and major events there is often a spontaneous mood in the electorate to offer their services to volunteer, so a part of this program or new application is to work out a new, efficient manner of dealing with those surges of community goodwill to volunteer. It is not that we are lacking an online facility for volunteers to reach out and be put in contact with community groups, but that work is going on now to develop and spend this money through Volunteering WA, and we expect it to come back to government with a proposal to deliver that service later this year. I cannot give the member an exact time line, but progress is certainly occurring.

Mr P.J. RUNDLE: Okay. Thank you, minister. I will leave it at that.

Mr V.A. CATANIA: Having an online platform hopefully will help in getting more people to volunteer throughout the year, not just when we just have a disaster like the cyclone that hit the midwest. Where does the minister see volunteering in WA currently, particularly in regional WA? Does he see it on the decline? Does he have any evidence to say that it is declining right across the board, from St John Ambulance to fireys and any other organisations such as volunteer sea rescue? Does the minister see it declining or does he see it as very patchy?

[3.10 pm]

Mr R.R. WHITBY: As the member knows, I was previously the Minister for Volunteering, and that is now a responsibility for Minister Dawson. There was certainly a hit to volunteering numbers during COVID. A lot of volunteering is done by people who are seniors and retirees, and, obviously, during COVID, they wanted to stay safe at home; indeed, many of us wanted to retreat to our homes and make ourselves safe. That inability to get out and about in the community had an impact. Thankfully, it was not as bad an impact as other jurisdictions have experienced. We anticipate it was about a 3.3 per cent reduction in WA volunteers from pre-2020, and then compared with the period after COVID in March 2020. It took a bit of a hit, and it probably has made itself felt unevenly across the board. Organisations that rely on more senior members might be hit a little more, but the average was a 3.3 per cent reduction.

It has just been pointed out that what we are seeing now is organisations modifying their programs to support virtual volunteering. There are a lot of people working, and it might be impractical in many senses. I am sure people cannot fight a fire online, but there are many people who visit people in care, people who are lonely. It is not the same as face-to-face, but obviously going online and making contact with people and still having that social contact is very important. Generally, I think we are very blessed in Western Australia with our volunteers. The member will know, being a regional member, that so many of our regions rely upon people volunteering, often in more than one capacity. We all know the story about the person who has a full wardrobe with different uniforms, and they put on the one that is most appropriate, whether it is St John Ambulance or bush fire fighter or an SES volunteer uniform in orange.

We, as a state, rely on volunteers very much, and although there has been a bit of a hit, I think we have travelled fairly well through COVID, and I think it is part of the government’s responsibility to encourage and to point out the value of volunteering. I know that it is just not the community that benefits; it is actually also the volunteers themselves. They often get a sense of fulfilment, it is good for mental health and increases their social mobility, and it is good for volunteers. In my current capacity, I meet many volunteers with responsibility for Kings Park, for instance. We have volunteer guides there that have been there, some of them, for many decades. There are volunteers in the environmental area who weed areas that are wetlands, for instance, and who go on planting weekends. It is

a quite significant contribution to our economy, and I think, from memory, it is about \$39 billion, if we had to put a value on that contribution. But I think it is probably even greater than that, if we could ever quantify it in monetary terms, because of the social and mental health aspects that it brings.

Mr P.J. RUNDLE: Thank you. I just briefly want to refer to page 540 and the line item, “Volunteering Grants”. How many recipients were there; and, of the grant funds available, how much has been expended?

Mr R.R. WHITBY: In 2021 a total of \$29 141 was awarded to 30 eligible organisations to support events and activities and acknowledge the important role volunteers play in our community.

Mr P.J. RUNDLE: Sorry, minister, can you just speak up a little bit?

Mr R.R. WHITBY: Sorry, member; I was looking down.

Mr P.J. RUNDLE: Yes.

Mr R.R. WHITBY: For 2021, I have a figure here of \$29 141 awarded to 30 eligible organisations to support events and activities to acknowledge the role of volunteers, and there was also Thank a Volunteer Day, where they were eligible to receive grants of up to \$1 000. Thank a Volunteer Day was obviously quite popular.

Mr P.J. RUNDLE: All right, I thank the minister. I think I will leave it at that and move on.

The appropriation was recommended.

Division 3: Premier and Cabinet — Service 5, Innovation and ICT, \$30 762 000 —

Mrs L.A. Munday, Chair.

Mr R.R. Whitby, Minister for Environment representing the Minister for Innovation and ICT.

Ms E. Roper, Director General.

Mr G. Italiano, Government Chief Information Officer.

Mr A.D. Esposti, Chief Technology Officer.

Ms E. Fells, Executive Director, State Services.

Mr A. Brender-A-Brandis, Chief Finance Officer.

Mr P. Bouhla, Chief Information Security Officer.

Mr J. Petersen, Chief Digital Officer.

Ms S. Franz, Senior Policy Adviser.

[Witnesses introduced.]

The CHAIR: The estimates committees will be reported by Hansard. The daily proof *Hansard* will be available online as soon as possible within two business days. The chair will allow as many questions as possible. Questions and answers should be short and to the point. Consideration is restricted to items for which a vote of money is proposed in the consolidated account. Questions must relate to a page number, item or amount related to the current division, and members should preface their questions with these details. Some divisions are the responsibility of more than one minister. Ministers shall only be examined in relation to their portfolio responsibilities.

A minister may agree to provide supplementary information to the committee. I will ask the minister to clearly indicate what information they agree to provide and will then allocate a reference number. Supplementary information should be provided to the principal clerk by close of business Friday, 3 June 2022. If a minister suggests that a matter be put on notice, members should use the online questions on notice system.

The member for Roe has a question.

Mr P.J. RUNDLE: Thank you, chair. Minister, I refer to page 69, item 5, “Government Policy Management: ICT in relation to the ServiceWA app and legislation. On Tuesday, the Premier suggested in estimates that there would be a plethora of additions to ServiceWA. Has the department received any advice on whether legislation is required to enable these additions to ServiceWA?”

Mr R.R. WHITBY: Thank you, member, for the question. I just want to say one thing about ServiceWA. I think the state, people around me and in the agency have done a terrific job on delivering a very useful app that works well and has stood us in good stead during COVID. I think the fact that so many people—I think it was about just short of a million people have downloaded it; something around 900 000—and it has worked very well. So, it is a very good platform, as the Premier said the other day, to add other services and to make life easier for Western Australians with a one-stop shop on their phone, given that almost a million of us have it on our smartphones. We are looking at a business case for a range of applications or services to be added to the app and we are looking very closely at what other states have done; and, indeed, the mistakes made by other states. We have tended to have this approach and we have learnt by others’ mistakes and we have rolled out a very useful and robust service. But I might just answer your question in terms of whether legislation was needed.

[3.20 pm]

Mr P.J. RUNDLE: Yes, and, currently, is legislation being drafted to enable further additions?

Mr R.R. WHITBY: I do not believe we are at that stage. We are still working out what those extra services would be. I might see if Mr Greg Italiano can offer a bit more about that.

Mr G. Italiano: Thank you, minister, member. It is very much dependent on the service that is under consideration. The app currently complies with all legislative requirements today. I think the Premier mentioned in estimates the other day, FuelWatch, for example. FuelWatch sits on a website today which people can access. This is a case of bringing it into the app so it does not invite necessarily any legislative tensions or it needs to look at legislation because it is already a publicly consumable service that is out there on the web today. However, good practice every time we bring a service into the app, we do a review, and we are required to do that. If there are any aspects of that new service that require us to revisit any legislation or policy, we would identify them before going live with the app. I think the Premier also, for example, mentioned a digital driver's licence, which you can imagine is going to entail a lot more diligence around various aspects and how that interacts with things like the Road Traffic Act and a whole range of things. The short answer is that some services are very straightforward and others will require more diligence before they are implemented.

Mr P.J. RUNDLE: Further to that, is there a time line that you foresee that the app could get additional functionality and include those services that you just mentioned? Has the business case got a time line attached to it?

Mr R.R. WHITBY: I might get Greg to continue.

Mr G. Italiano: In keeping with my previous answer, our intent at the moment is to introduce services as quickly as possible for those services that can be introduced with a minimum degree of technical work or do not invite other matters, such as the member referred to earlier around legislation. That is what we are working on at the moment and we are working through that pipeline of services. We would hope to have a list of services in which we could maintain an intensity where new services would be going into the app on sort of a four to eight-week basis for those easier to introduce services. For those services that are more complex, require more work, and may also require additional funding to implement, those will be the subject of a future submission to government.

Mr P.J. RUNDLE: One of the concerns that has been raised over the last year or two is the tracking ability of these particular type of apps, such as ServiceWA. The question is sort of a civil rights question, I suppose, in the fact that this will only increase the amount of potential tracking of our citizens in WA. Are there any potential safeguards in that business case relating to privacy, around people's movements and the like, because, let us face it, it appears to be an increasing trend that people's information is out there? We saw those initial infringements, if you like, when the information was used by police a year or so back. I guess the question is: is there anything in the business case which will improve the safety of that information?

Mr R.R. WHITBY: The member raises a very legitimate concern and it is one that the government shares. Whenever the government implements a process where people are putting information online, there are definite parameters put around that to protect it. I am not as technically minded as Mr Italiano, but I am sure he can elaborate in a moment in terms of the anonymisation of data—so, when it is used and transferred. The point I make is that it is good to remember this issue, because any one of us with a Facebook site, Twitter or whatever other social media we might use, are already putting a lot of data about ourselves out there, and I would suggest that there is a lot more data about us as individuals on social or commercial sites than there would be on the ServiceWA app. We certainly know that that information is protected and it has to have a reputation for security, because we want to encourage people to trust it. I think the fact that so many Western Australians do have ServiceWA on their phones is testament that there is that trust in the process.

Before Mr Italiano elaborates, it is exciting; it is a world-class app. The team within the WA government has done a great job in putting this together, so there is the opportunity for us to parlay that into a better service for citizens. An online licence was mentioned. We need to get that right because it is very important and it needs to be trusted and accepted by other states or maybe other organisations. There have been some teething problems in New South Wales, I understand. There are other opportunities for people to be aware of payments that are due through a central app or, indeed, making payments to the government or the government making payments to them. There is invoicing for small business to speed up the process of settling accounts, especially in the case of small businesses where cash flow is an issue. We would be mad not to make the most of this service and we know that is the way the world is going, but security, obviously, has to be front and centre, and is front and centre whenever we develop a new application. I will hand over to Mr Italiano.

Mr G. Italiano: In relation to the app itself, I will probably just note a few of the measures that have been taken to protect data in the app and secure it. First of all, all the data is stored within commercial data centres in Australia. There is no information stored offshore. The app itself has been through a number of cybersecurity reviews. The member might not necessarily be aware, but within my office is the state cyber security unit, so we have access to very skilled information security—individuals who have done a lot of work looking at the app to make sure that it is both technically sound and also secure. The information is encrypted both at rest and in movement, and because

we interacted with the commonwealth government when we built the app, we had to import the vaccination certificate, as the member may be aware. We had then to comply with the commonwealth Privacy Act and undertake a privacy impact assessment before the app went live. We have taken a number of measures to protect, but we never rest because security is dynamic and threats continue, so the office continues week in and week out to look at ways in which we can enhance that. We have also taken the opportunity to have the app monitored by our state cybersecurity operation centre. In terms of logging and looking at movement in and out, authorisation of people who can access; all of that is monitored, essentially, by our cyber operations centre.

Mr P.J. RUNDLE: I appreciate that there will be some uses. When I have to sit out on my front veranda at the house in Katanning to try and connect to the Department of Transport to pay my registration et cetera, it is very testing, so I can see the uses. I want to make the point that, even yesterday on education in estimates, we were talking about the fact that the online data of our students through things like NAPLAN and so on is now potentially at risk. I think there were 18 million potential incursions in relation to students' data. When we increase the usage of it to our citizens in WA, we are always increasing the potential for that data to be used by some of these corporations. I look forward to potentially some good uses of it, but I worry about the flow-on effects.

[3.30 pm]

Mr R.R. WHITBY: There are two aspects to that. One is whether that information is made available commercially to third parties, and I do not believe that is an intention of the government; and the other concern is being subject to a cyber attack. Every jurisdiction on the planet gets those many thousands of times each year and we are no different. The issue is whether they are able to penetrate the system. We obviously have a range of safeguards. Mr Italiano mentioned the security operations centre, which is an initiative to handle this. We are engaging with agencies across government on a number of cyber initiatives. We are developing cybersecurity policies and guidelines to assist all WA government entities; developing and publishing cybersecurity guidance for the sector; providing technical cybersecurity services to the WA government organisations; and improving cybersecurity awareness training within agencies. So there is a lot going on. When the government makes an investment, it will take on the highest quality security arrangements. Given that we are bombarded with attacks thousands of times a year, the actual number that turns into an actual incident, which is different from an attack—an attack is an attempt, which means it does not necessarily result in a breach—is very small by comparison. I am not sure that there have been any significant issues, but we need to be prepared for this. In the wider spectrum, there are claims about state actors getting involved, too. I am confident that we have the very best technology, but it is obviously something we need to always be prepared for.

Mr P.J. RUNDLE: Minister, when the business cases and the like go forward, will there be a campaign, I guess, for the uptake of the ServiceWA app, which I think you have pretty well confirmed? Can you also confirm who will be the minister responsible for the app? Will it be the Premier or another minister?

Mr R.R. WHITBY: The Minister for Innovation and ICT, Hon Stephen Dawson. The member is right that with any new service there will be free publicity through the media, but also a paid publicity campaign to get the information out to the community.

Mr R.R. WHITBY: Member for Thornlie, you have a question?

Mr C.J. TALLENTIRE: Thank you, chair. My question relates to service 5. On page 69, under the second note, mention is made of the whole-of-government data linkage and analytics project. I am interested to know to what extent that relates to the relationship with the commonwealth government and the sharing of data with the commonwealth, and the benefits that we can receive from data analytics when they are conducted at that national level.

Mr R.R. WHITBY: Thank you, member. We know recently that the application of the proof of vaccination involved interacting with the commonwealth government through the MyGov account in terms of confirming identity. It was a process that even I was able to do without my teenage children to help me. That was an example of that. I can see other opportunities for linking in with the commonwealth in terms of services. But that way of proving your identity is critical, obviously, because if you can do that and establish an identity, then you are not having to go through that again each time when you are signing up for another service. It is a trusted single source of identity confirmation. In terms of other sorts of liaison with the commonwealth, I might get Mr Italiano to elaborate on data linkage.

Mr G. Italiano: This capability that is being established through the funding in this budget is primarily targeting re-establishing a single linkage spine for all linked data in Western Australia, be it health or other sectors. That will create a much richer and more accessible data asset to be used for a range of purposes. Obviously, those purposes have to be approved and passed through the relevant processes. In terms of the commonwealth, we have seen a distinct change in the willingness to share data between the commonwealth and the state over the course of COVID, and a lot of the previous barriers to sharing were overcome more readily than in the past. We have now built up a good relationship with the commonwealth. We have the technical capability to share the data safely. We adopt similar approaches to the commonwealth in the way in which we work to make sure that when data is shared, it is shared on a common understanding and basis. So our linked data asset will ultimately also be able to interact with other linked data assets, and of course one of the crucial aspects of that is the ability to preserve privacy in linked data, so sensitive information relating to health and the like is exchanged in an appropriate manner. There are many

cases where services like health, for example, have both commonwealth-provided aspects to them as well as state, and the ability therefore to look across those things. The sharing of vaccination information is a classic example. The AIR, the Australian Immunisation Register is a commonwealth data asset. That was something that was shared with the state during the course of the pandemic.

Ms L. METTAM: I have a question regarding budget paper No 3, page 103, underneath the “Digital Capability Fund — eInvoicing Pilot” Which agencies will be involved in this pilot? Is it a trial of just one department?

Mr R.R. WHITBY: As I mentioned before, the e-invoicing pilot is quite exciting, and I think it is going to be a good thing for many small to medium size enterprises in terms of quick payment. As the member knows, cash flow is a real issue, and quick payment is a good assistance to small businesses managing their business. So the pilot involves connecting at this stage three pilot agencies. I can reveal to you that the first two of those are the Department of Justice, Main Roads WA, and we are still working on a third pilot agency to be confirmed.

Ms L. METTAM: How long will the pilot study be running for specifically for those agencies? I am making an assumption here, but I imagine that paper invoices would still be an option for some people during this time.

Mr R.R. WHITBY: Thanks, member. Yes. I will hand over to Mr Italiano, who is right across it.

Ms L. METTAM: And just the scope of the pilot as well.

[3.40 pm]

Mr G. Italiano: Member, the intent of the pilot is to make e-invoicing possible in those agencies through adopting certain technological capabilities. For e-invoicing to work, the entity to whom you wish to make the payment also needs to be e-invoicing capable. Not every supplier to government will be in a position to exchange an e-invoice with government, but, increasingly, as e-invoicing is taken up, we expect more and more suppliers to be able to do that. Many of the off-the-shelf accounting packages such as MYOB and the like now are building in this e-invoicing capability as a standard product. This is about the government agency and the supplier being e-invoicing capable, and then, of course, the percentage that might represent of the total number of invoices in an agency at a point in time may start from a small base, but hopefully it will grow over time. We expect that as more suppliers adopt e-invoicing, they are more likely also to want to expect to be paid by government through an e-invoicing method, so we see this as something that will grow. We know that New South Wales and the commonwealth have mandated this in their jurisdiction. Given those large jurisdictions are going down this path, we expect that to also have an impact across the nation as time progresses. The short answer is that it is not about the elimination of PDFs or paper-based methods in and of themselves; it is about, over time, transitioning as many of those invoices to an e-invoicing platform as possible.

Ms L. METTAM: This technology, as you have stated, has been used in other states, and even in WA as well. What is the need for the feasibility study or for the trial? What questions are you seeking to answer?

Mr R.R. WHITBY: I again refer to Mr Italiano, but I guess it is working out the systems that we have in government to be able to handle it, but also the suppliers, because not all businesses out there have actually moved across, and I guess this is an encouragement to purchase software packages that do include this capability. I can also see savings on both sides of the ledger for the supplier and the government, because there is less handling and less staff time required to handle invoices. It is just a cautious approach. We are dealing with money and taking care of invoices to suppliers, so we want to make sure that it is efficient and it is serving the purpose that we intend that it do, and that it works well. It is a good way to step it out—the Department of Justice, Main Roads and a third agency. I can see with the Department of Justice, certainly with fines and other transfers of money, that it makes sense to start there and see how it progresses.

Ms L. METTAM: I think the minister touched on this, or Mr Italiano touched on this, but given we have an older demographic who would be more challenged at using e-invoices, is there an assumption that paper invoices would still be available and invoices by postage would still be a feature going forward?

Mr R.R. WHITBY: Yes, indeed. It is hard to know when that time would switch over, but I think, in business, people would probably have a younger demographic, but not always.

Ms L. METTAM: No.

Mr R.R. WHITBY: Mr Italiano, do you have any thoughts on that?

Mr G. Italiano: The minister has made quite a relevant remark in that most businesses today are at least exchanging invoices via email by attaching PDFs and the like, so that is a partial digital way forward. Using postage and stamps is probably, I suspect, not used that greatly today. I cannot verify that—it is an intuition—but I think there has been movement in that direction. Certainly, we have a range of things also that we are working on around digital inclusion, and helping people with digital skills is very, very important. That is another aspect of this. We suspect that a number of businesses, even small businesses and the like, are going to be sufficiently digitally literate to be able to work with this system.

The appropriation was recommended.

Division 14: Jobs, Tourism, Science and Innovation — Service 4, Innovation and ICT, \$47 538 000 —

Mrs L.A. Munday, Chair.

Mr R.R. Whitby, Minister for Environment representing the Minister for Innovation and ICT.

Ms R. Brown, Director General.

Mr C. Gunningham, Director, Innovation.

Mr G. Marinucci, Director, Health and Medical Life Sciences.

Ms S. Franz, Senior Policy Adviser.

[Witnesses introduced.]

The CHAIR: The estimates committees will be reported by Hansard. The daily proof *Hansard* will be available online as soon as possible within two business days. The chair will allow as many questions as possible. Questions and answers should be short and to the point. Consideration is restricted to items for which a vote of money is proposed in the consolidated account. Questions must relate to a page number, item or amount related to the current division, and members should preface their questions with these details. Some divisions are the responsibility of more than one minister. Ministers shall only be examined in relation to their portfolio responsibilities.

A minister may agree to provide supplementary information to the committee. I will ask the minister to clearly indicate what information they agree to provide and will then allocate a reference number. Supplementary information should be provided to the principal clerk by close of business Friday, 3 June 2022. If a minister suggests that a matter be put on notice, members should use the online questions on notice system.

The member for Roe.

Mr P.J. RUNDLE: On page 198, budget paper No 2, volume 1, up near the top is “ICT Digital Foundations Program”. That is not tied to international education. It looks like there is some connection there, but I assume that is not the case, just for clarity.

Mr R.R. WHITBY: They are not connected, no, member.

Mr P.J. RUNDLE: On that ICT digital foundations program, \$8.3 million will be spent over the forward estimates period to migrate multiple networks, grants, databases and payroll functions into single systems. Firstly, what are the issues with the existing ICT systems?

Mr R.R. WHITBY: It is a general improvement of the operating systems. As the member knows, the government is making a big investment in its digital capacity and it is an important investment that will increase efficiencies and savings to government, and increase the services to the community. I ask Rebecca to elaborate for you.

Ms R. Brown: Thank you, minister, and thank you, member, for the question. As the minister has outlined, it is to generally improve the ICT foundations of the department, including consolidation of all users in our WA international investment and trade office network into a single cloud-based network, and that includes our existing offices and the new offices that were funded and announced as part of the budget process, but also responding to previous issues around having each of the offices operate on different networks. That is an important aspect. But, also, it is about being able to implement a number of small replacement business applications that will help JTSI in its work in terms of particularly working with industry, so having a new grants management system and looking to continually improve the way in which we engage with industry and allocate grants.

We will potentially look at putting in place a customer relationship management system, and also a database for our state agreement. It is both about improving some of our foundations but also ensuring that we have the right technology to operate effectively and efficiently in our role in engaging with industry.

[3.50 pm]

Mr P.J. RUNDLE: How many networks over how many departments does this involve? I understand what you have said regarding engagement and the like. Will it have anything to do with the payroll or HR functions of those areas?

Ms R. Brown: We will consolidate from two systems. We currently have a platform operated through Tourism WA and then separate to that we have a service arrangement with the Department of Mines, Industry Regulation and Safety. This will consolidate us onto one system. We have already consolidated our finance systems and progressively already consolidated our payroll systems. This will enable us to further consolidate some of those systems.

Mr P.J. RUNDLE: Thank you. The next question is: How will the works be rolled out and will it take the entire forward estimates period to get this system in place? What is the timetable?

Mr R.R. WHITBY: Again, director general, if you can elaborate.

Ms R. Brown: The funding is allocated over four years. We are working through the sequence of which aspects we will commence first. Some of those are, as I said, foundational elements; and some of them are around improving

the way in which we engage with industry, which we will also be seeking to progress. There is a potential that we may be able to progress it sooner than over the four years. But taking into account the work that needs to be undertaken, we anticipate that it will happen progressively over the next two to three years.

Mr P.J. RUNDLE: Will this require more staff, or will this actually reduce the number of staff across the requirements?

Mr R.R. WHITBY: Member, the implementation period, which will be a relatively short period, will require some additional staffing. I am just trying to get some details on that, but it is not a large number and that implementation period is limited. We believe it is only a small number, but we are just trying to confirm the actual number for the member. Yes, it would be a couple of FTE to project manage this.

Mr V.A. CATANIA: For the staff recruitment process, are you recruiting in Western Australia, nationally or globally to fill these roles?

Mr R.R. WHITBY: As the member knows, there is a real challenge, particularly in the ICT space.

Mr V.A. CATANIA: That is why I asked. It will be a challenge.

Mr R.R. WHITBY: It is a challenge for the commercial world as well as government. This is a challenge and I think our preference will be to source local people and not have to cast the net wider. I am hopeful that we can find local people. Given that it is for a short time, there is some impracticality in translocating people from further afield. But, director general, do you have any more on that?

Mr V.A. CATANIA: Can they work remotely as well?

Ms R. Brown: Yes. Thank you, minister. The program itself is not overly complex, so we are not competing with some of the big players that are looking for ICT personnel. This is largely around project management to ensure the delivery of the project. We have an in-house ICT team that supports the department. They will still be heavily involved in the project, so it is a very small number of additional staff. Through the project, we would be confident that we could engage them locally and, ideally, from within the public sector if they are already there.

Mr C. TALLENTIRE: My question is on page 202, paragraph 20.1, and it is about the new industries fund. I am curious to know whether we have a public exposure of the successes and failures of those and, indeed, if we celebrate the successes but also celebrate the failures that occurred through that new industries fund so that we can learn about it in a true entrepreneurial fashion.

Mr R.R. WHITBY: Yes, as the member pointed out, the new industries fund in the 2021–22 budget included an additional \$16.7 million for new industries and demonstrates our commitment of more than \$33 million supporting and driving innovation in terms of that fund. The government has committed \$500 000 to further partnering with the West Tech Fest to highlight Western Australia's innovative startups, emerging businesses and SMEs to attract investment to reach new global markets with an international reach. There is \$616 000 to the Extend WA program, which is a fantastic social program in terms of supporting female founders, Aboriginal people and businesses in regions in terms of starting their businesses. The renamed innovation booster grant, which was formerly the innovation vouchers program, is supporting early stage startups as well. So there is some success there and those programs are designed to bring more success right across the board.

There is also the continuation of the new industries fund in terms of statewide delivery of a range of popular programs that I have just spoken about. Stakeholders are aware that nationally this is important and this is why we are doing this. In 2020, startups received a total of \$7.4 billion in funding across all funding types. That is across the nation, of which Western Australia's portion was approximately \$270 million. In terms of the \$7.4 billion that was on offer across Australia, \$270 million came to Western Australian companies, which is 3.6 per cent of the offering. There is this glaring disparity in terms of our startups and access to that funding. I do not believe our startups are any less innovative here than they are around the country, so we need to encourage that situation to change, and the new industries fund is a way of doing that. Of course, if we support these companies to get off the ground and start to emerge, they are also able to prove their case for assistance from national pools of financing as well, so it is very important.

I do not have any cases of failures that I can detail for the member, but we do know that this is a game where you cannot be sure that every investment has a return. That is the nature of startups, you learn by your mistakes. Some of our most successful companies were born from failures.

Mr C. TALLENTIRE: Exactly.

Mr R.R. WHITBY: So at least their founders had a bumpy ride to success, so I do not see that as a negative or something to be embarrassed about. I think we need to invest in people with good ideas and energy and innovation, and some of them will fail, but some of them will be very successful.

The CHAIR: Thank you, Minister Whitby. I think given the time, that is closing down division 14, Department of Jobs, Tourism, Science and Innovation, service 4, Innovation and ICT.

The appropriation was recommended.

Meeting suspended from 4.00 to 4.10 pm

Division 29: Fire and Emergency Services, \$158 366 000 —

Mrs L.A. Munday, Chair.

Mr R.R. Whitby, Minister for Environment representing the Minister for Emergency Services.

Mr D. Klemm, Commissioner.

Ms G. Camarda, Chief Financial Officer.

Mr R. Burnell, Executive Director, Corporate Services.

Mr C. Waters, Deputy Commissioner, Operations.

Mr M. Carter, Executive Director, Rural Fire Division.

Ms M. Pexton, Deputy Commissioner, Strategy and Emergency Management.

Mr M. Dixon, Senior Policy Adviser.

[Witnesses introduced.]

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Mr R.R. WHITBY: If I can just be indulged by the chair and members today, I just wanted to make special mention that we have a new Department of Fire and Emergency Services deputy commissioner in Mel Pexton. Many people will know Mel as the state recovery controller for the cyclone Seroja response. It is wonderful to have her as deputy commissioner and she is the first woman deputy commissioner in Western Australia. This is her very first day on the job.

The CHAIR: No pressure!

Mr R.R. WHITBY: Straight into uniform and straight into estimates so —

The CHAIR: No better learning place, minister.

Mr R.R. WHITBY: She might have left it a day or two later to take up the position, but she is very keen to get involved and I know that members opposite, particularly the member for Moore, will have had contact with the new deputy commissioner in terms of her great work in our midwest after Seroja. While I am here, can I also make special mention of the retired deputy commissioner Mal Cronstedt, who spent many years in the service of protecting Western Australians in DFES and its predecessor agencies. Mal was a volunteer in 1976 and joined the Bush Fires Board of WA full-time in 1982. I gather that Mal is sailing on the Swan River somewhere today and not having to attend estimates for the first time in a number of years, so we wish him all the best.

The CHAIR: Lucky man. Thank you very much. Before I start, I just want to let you know that we have three divisions to get through from 4.00 pm to 6.00 pm, so we are just going to keep you up to date with that. Who would like to start? Member for Vasse.

Ms L. METTAM: I refer to page 471 under the table of “Details of Controlled Grants and Subsidies.” I want to ask about the bushfire mitigation activity fund. My understanding is that when this fund first began, a contribution was made to local governments for planning to undertake some bushfire mitigation activity. Can the minister confirm that funding was dedicated to that purpose and perhaps explain why that funding is no longer available?

Mr R.R. WHITBY: My awareness of the portfolio from when I was minister is that certainly local government is still funded to plan for mitigation burns. The commissioner is pointing out that that is included in a couple of line items under “Bushfire Risk Management Planning”.

Ms L. METTAM: Can I just clarify that because it is different from the local government feedback that I have received that funding to local governments will be ongoing so that they can undertake their bushfire mitigation funding activities?

Mr R.R. WHITBY: I will just refer to the commissioner for more detail on that one.

Mr D. Klemm: Thank you, minister. The funding for the bushfire risk management planning process is listed in the line item under “Bushfire Mitigation Activity Fund”. Under the structure, the bushfire risk management planning process funds and assists local governments to develop a plan, which then gets ticked off by the Office of Bushfire

Risk Management, which sits within DFES. Once the local government plan has been approved, it opens up the bushfire mitigation activity fund for local government to apply for a grant to undertake mitigation activities against the plan on any given year. An extensive amount of detail sits underneath that, which I can get from the executive director of the rural fire division, Murray Carter, if that is what the minister wants to do. We started off with a very small number of plans and that has grown exponentially over the last three or four years. I think we are up to around about 80 now, but Murray will certainly be able to talk to that, minister.

Ms L. METTAM: Perhaps the planning process was fully funded in its first year, but now it is only 50 per cent funded.

Mr R.R. WHITBY: I will get Murray to elaborate on this, but my understanding is that there is an obligation on the local government to do its work in terms of putting its plan together. At that point, it can seek funding for mitigation burns but —

Mr D. Klemm: Indeed, it could be for burning or slashing—any of those activities—but not necessarily just burning.

Mr R.R. WHITBY: There is a range of mitigation. Is Murray able to elaborate?

[4.20 pm]

Mr M. Carter: The commissioner is quite correct in that the original funding started three years ago—nearly four years—when the rural fire reforms were announced. We started with 16 local governments so we had shared bushfire risk planning coordinators across those. We have now expanded over that period and we have 90 local governments in the program now. On the way, approximately two-thirds of those have had completed their bushfire risk management plans through the assistance of the risk planning funding, and then that opens up eligibility for the mitigation activity fund, which funds groundworks under the other line item there. We have needed to move some of the local government support into the new local governments as we have expanded the program. As we are moving them through, they are picking up additional local governments. Some local governments, particularly in the south west, have had plans for a number of years. Their plans are complete and in the implementation phase, so we have had to shift the support further east into the great southern and wheatbelt shires to support them on the way through.

Ms L. METTAM: It is a very valuable program. In terms of the rollout of this program across the region that I represent in part, what has been its progress to date and what is hoped to be achieved over the next 12 months?

Mr R.R. WHITBY: Is the member talking about —

Ms L. METTAM: In the City of Busselton and the Shire of Augusta–Margaret River.

Mr R.R. WHITBY: Yes. I will get Murray to respond.

Mr M. Carter: Yes, absolutely. Both of those are real success stories. The City of Busselton was particularly proactive in getting in early, and the Shire of Augusta–Margaret River was actually one of the first ones. Prior to the 16 that I alluded to, a pilot program was run in four of those areas and Augusta–Margaret River was one of the first four. It has been in it almost as long as any of them. Both were made eligible through the completed and approved plans very early in the piece, which the commissioner referred to, and have now had several years' access to the mitigation activity fund for on-ground activity and have used that very successfully. In fact, earlier this fire season, the suppression of the fire in the Meelup Regional Park between Dunsborough and Cape Naturaliste was directly supported by some mitigation activity fund burns that were conducted on the outskirts of Dunsborough, which are of significant benefit. That is a very recent example of where that is starting to have some success. Similarly, through Augusta–Margaret River we are starting to see some traction on the ground whereby smaller burning and mechanical mitigation works around town sites have assisted with bushfire suppression operations for bushfires, such as in my example before. Some of the mitigation works done by the Department of Biodiversity, Conservation and Attractions and others have been assisted by adjacent smaller burns that were done last year by brigades and funded through the mitigation activity fund. Both those local governments the member referred to have been very successful in that area.

Mr R.S. LOVE: I turn to page 471 of budget paper No 2, volume 2, and the Emergency Services Volunteer Fuel Card. Before I ask the question, I also congratulate the new deputy commissioner and wish her every success in her role. The Emergency Services Volunteer Fuel Card was originally valued at \$2 000 per brigade group or unit, and it was then reduced to \$1 000 in the first budget of the Labor government. Has that cut been reversed and what level is the fuel card at now, given that the price of fuel in regional WA has doubled since the card was first introduced?

Mr R.R. WHITBY: Have we reversed the cut? When we came to government, there was no provision to further fund that card, so it faced the fact that it was not going to be funded at all. We recognised the importance of the card.

Mr P.J. RUNDLE: Was it royalties for regions?

Mr R.R. WHITBY: I am explaining to members that in the budget, there was no provision for this fuel card funding to be extended. We decided to reverse that decision and make it available.

Mr R.S. LOVE: Is the answer that there will be no increase in the value of the fuel card?

Mr R.R. WHITBY: Yes, member, it is still \$1 000 per card.

Mr R.S. LOVE: Thank you. I have a different question. I refer to page 471 again and “Local Government Emergency Services Grants”. Could the minister please provide a breakdown of this item? Does it include the local government grant scheme? It is about halfway down the table.

Mr R.R. WHITBY: My advice is that it does.

Mr R.S. LOVE: It does include the local government grant scheme.

Mr R.R. WHITBY: Yes.

Mr R.S. LOVE: The funding for the local government grant scheme seems to be somewhat stagnant, but we know that the emergency services levy is increasing throughout the forward estimates. Why is that funding being held at that level?

Mr R.R. WHITBY: I can seek some more elaboration. As the member would probably be aware, the starting point is to work out what is an appropriate level of funding for our emergency services in Western Australia and the range of services and equipment that we have to provide to keep Western Australians safe. The member is talking about the ESL, which is an element of that in terms of that grant provision for those particular groups. Not every element that makes up the cost of emergency services is increasing by five per cent, but the global figure that was worked out was a requirement to fund our emergency services at a certain level. I imagine that not every line item is increasing by five per cent. It is based on need, and I am sure that some of the line items go up by a greater figure. It is a needs-based budget, as the member would imagine.

Mr R.S. LOVE: Is the minister saying that the need is stagnant?

Mr R.R. WHITBY: No. I am saying that the global figure for the funding needs to be agreed upon and that then translates to an increase in the ESL charge for households. Within that budget for the items that the ESL helps to fund are a range of provisions that go up by varying degrees each year according to need.

Mr R.S. LOVE: Further to that point, does the minister know whether the grants for 2022–23 have been decided at this point; and, if so, can they be provided to the committee?

Mr R.R. WHITBY: Is the member talking about the requests from local government?

Mr R.S. LOVE: Yes, the local government capital grants.

Mr R.R. WHITBY: For this budget period, I will defer to the commissioner.

Mr D. Klemm: The local government emergency services grants line item is made up of operating capital grants. The capital grants are for trucks and the like. The member will see some carryovers where the number goes up and down in the preceding years. Those carryovers are due to some issues with cab chassis delivery, most of it centred around supply chain issues caused by COVID and other events. The actual operating grant component sees a history of the last two years of expenditure for each local government and that drives funding in the subsequent year. Any sort of increase in costs that might occur in a local government operating grant will get picked up in an increase going forward. It very much just replicates that history of expenditure.

[Mr D.A.E. Scaife took the chair.]

Mr R.S. LOVE: I think I have finished with that point.

[4.30 pm]

Mr P.J. RUNDLE: I refer to page 260 of budget paper No 3 and the line item “Emergency Services Levy”. It states that the estimated actual for 2021–22 is \$373 million and for 2022–23 it is \$398 million. That is a 6.6 per cent increase in the emergency services levy. Why was the government advertising last week, as part of the budget, that the emergency services levy is going up by only five per cent?

Mr R.R. WHITBY: There is an explanation here and Georgina would be the best person to explain it.

Ms G. Camarda: Within our budget papers, the increase in the emergency services levy average residential charge is budgeted to go up by five per cent for category 1. The five per cent increase was in the average residential charge for category 1. On the actual collection of the ESL, we collected \$391.3 million in 2021–22, and we will be collecting \$417.5 million this coming financial year. That is a 6.7 per cent increase in ESL revenue, but the five per cent in the budget papers was about restricting the increase in the average residential charge for category 1.

Mr R.R. WHITBY: It does not represent the increased charge to the householder, which is still five per cent.

Ms G. Camarda: That is right. In fact, we have the latest property data from Landgate that we will be using to raise the levy. The latest property data will result in the average residential charge for category 1 going up by 4.8 per cent—so, just a little bit less than the five per cent that was budgeted for.

Mr P.J. RUNDLE: Can the minister see how this is confusing to the average person on the street looking at the budget when it says operating revenue of the government and it shows a 6.6 per cent increase? As I said, the Premier and everyone else advertised that the levy was going up by only five per cent.

Mr R.R. WHITBY: The key to this is how it will affect the pocket of a householder. That is the number that people want to know. As the member just heard, it is actually below five per cent; it is 4.8 per cent. One could say that we were wrong on the upside. I understand what the member is saying about total revenue, but the key is how it will affect category 1 householders, which is the vast majority of people who pay the ESL. The full service in the metropolitan area will increase by 4.8 per cent. We have said to householders that it is going to be five per cent, but it will be a bit less than that. As I understand it, as a householder, it will be defined in the rates notice and the amount will be apportioned in the rates payment.

Mr P.J. RUNDLE: Is there a breakdown of how much of this levy ends up in the regional areas versus the metro area? Does the minister have a general figure?

Mr R.R. WHITBY: Yes, I am happy to pass it on in detail, but I would imagine, as a sort of first examination, and knowing the amount of investment in resources right across Western Australia—I might be going out on a limb—that it is actually a higher proportion than the ESL raised from category 1 in the metro area and elsewhere. Would the commissioner like to elaborate?

Mr D. Klemm: It is a difficult figure to get to because many parts of our business are funded and they service both metro and country. A really good example of that is our 000 call centre, which takes 000 calls from all around the state. We do not necessarily attribute the cost of that to either metro or country. Similarly, our aerial fleet, which is obviously very active during the bushfire season, just gets funded and it operates in either the metro or country area, wherever it is needed. I could keep going with our academy, which develops all the training packages that are used in both metro and country. A whole range of staff operate in both metro and country, so it is very difficult to get that really clean slice to say that we spend this much there and we spend that much there.

Mr R.R. WHITBY: There is a lot of blurring, as the member would know. When there is a big fire, metropolitan firefighters, including volunteers, go out to the regions and vice versa. We sometimes call regional firefighting crews to the cities. It is impossible to distinguish.

Mr P.J. RUNDLE: These increases are starting to impact quite heavily on some of the rate bases of regional landholders, if you like. But we will leave at that.

MR R.S. LOVE: I would like to ask a question about the emergency services helicopter, but before I do that, I would just like to correct the minister. That is actually a copy of the 2016–17 budget and forward expenditures for royalties for regions showing that the volunteer fuel card was indeed funded from royalties for regions in the 2016–17 budget. I will leave the copy with the minister when he leaves the chamber. He can then read it at his leisure.

I move now to page 460 of budget paper No 2, volume 2. Under “Ongoing Initiatives” in the spending changes, the second line item is “Emergency Services Rescue Helicopter—New Lease Arrangements”. What consideration has been given to basing an emergency services helicopter in Geraldton? Given the expansion of tourism into the Abrolhos Islands, the growing development of many mines and gas plants et cetera within the area and the recent experience of cyclone Seroja, surely it is an opportune time, with a \$5.7 billion budget, for the government to consider providing a basic and necessary lifesaving service within the midwest.

[4.40 pm]

Mr R.R. WHITBY: The aerial capacity of DFES is an important issue. It has received a lot of extra funding in recent years. I remember when we came to government that the south west emergency helicopter service was not funded and needed to be to provide that service as well. We have a very large state, member, and we need to work out the best options to cover all of Western Australia. The member would be aware of the budget announcement of a major investment in three new helicopters with increased range to get to more of Western Australia. I imagine that we will never be able to buy a helicopter that can travel to any point in Western Australia given that it is such a large state, but the range of these new helicopters is significantly increased. When we talk about Geraldton and the midwest, the new helicopters on order have the ability to fly directly through, I believe, most of the midwest—certainly to Geraldton. The issue is with the 700-kilometre range. Those helicopters will need to be refuelled to make a return journey that is outside that 700-kilometre range capacity. I think that is actually good news.

Mr R.S. LOVE: Could the minister clarify that it is a 350-kilometre return trip range? When the minister says “700-kilometre range”, what does he mean? I understood it to be a 350-kilometre range.

Mr R.R. WHITBY: My understanding is that the helicopter has a 700-kilometre range. The point at which it would have to be refuelled is after it has travelled more than 350 kilometres in one direction, because it would need to be refuelled to get back.

Mr R.S. LOVE: Yes. So it is a 350-kilometre radius from Perth that is covered. They are not going to be flown to the Abrolhos.

Mr R.R. WHITBY: No. Member, that is if the helicopter wants to return.

Mr R.S. LOVE: Most people would.

Mr R.R. WHITBY: There will be many instances in which they may want to return immediately without landing, but there will be many instances in which helicopters are required to land so that they can be refuelled. So that increases the range dramatically, with a 700-kilometre one-way radius. We can talk about getting much further than 350 kilometres to do the work that is required, and if the helicopter can be refuelled, it can come back within that 700-kilometre range. Helicopters are required in all sorts of circumstances. It is disingenuous to say that this does not dramatically increase the capability and range of the service provided.

Mr R.S. LOVE: With regard to my original question, is there no plan from this government to base a helicopter in the midwest? It is a yes or no answer; it is simple enough.

The CHAIR: I just want to be clear before the minister answers this, because I made a ruling earlier today. My view on relevance when it comes to the appropriations is that you cannot ask questions that say, “I would like you to spend the money on something else.” It has to be a question about the appropriation that is actually before the house. My ruling on asking about projects that are not funded in the budget papers is that that is not relevant. I will allow these questions if the minister is willing to indulge them, because I do not want to stand in the way of a discussion about it, but I do not think that these questions are relevant unless there is a line item that is funding that initiative. It is a matter for the minister whether he wants to respond to this.

Mr R.R. WHITBY: Thank you, chair, for that guidance. In terms of what is before us in this budget, it is an announcement about the funding of a brand new fleet of three helicopters that will dramatically increase the capability and range of that service. That is a good thing for all of Western Australia, whether it is the midwest, the south west or wherever, because it will increase the ability of those helicopters to respond. We will always consider the requirements of the state based on the advice from people in DFES about what is the best location, and those discussions are ongoing, but this is a dramatic increase in service and capability and it will increase the ability of those helicopters to travel not just to the midwest, but also further afield. This budget has provided extra funding to make that happen.

Ms L. METTAM: I refer to page 466 of the *Budget statements* and the asset investment program. The first paragraph refers to the prioritisation of new and replacement stations that involves the consideration of demographics, dwellings and traffic volumes. In terms of the prioritisation of stations and the recommendations of the 2011 Keelty report, is consideration being given at this stage for a Vasse career station? I understand there has been a land swap. I understand that DFES currently has land in the City of Busselton for this purpose and previous considerations determined that it would be dependent on population growth and demand. Clearly, that has happened, so I want some feedback on where that project is at.

Mr R.R. WHITBY: As the member would be aware, career fire stations exist in Perth and, I think, the major regional centres of Bunbury, Geraldton, Albany et cetera. They do not exist in every local community in every town. As the state grows, more pressure and decisions will need to be made about where we increase the number of career fire stations in the regions. Having said that, I would not undervalue the ability of the volunteer services across the state, including in the Vasse region, to respond. The member would be aware that they are very capable and very dedicated. I know that in my electorate of Baldivis we have a volunteer fire and emergency service response. They attend all the incidents that a career crew would attend, they have the same equipment and they perform to the same high level. We are well served, whether we rely on a career station or a volunteer-based station. The people of Dunsborough and Vasse are well served by their current volunteer service. It is a case of looking at where the need arises. The next new career fire station is going to be located in the south east of Perth—Byford way. The member talked about population growth and where the need is most apparent. I know that there has been a lot of growth in Dunsborough, but I think that as the city expands further to the south east, there has probably been more growth in that south-east corridor around Byford. That requirement is being addressed and that will be where our next new career fire station is located. As I say, the largest regional centres in Western Australia have career stations, and a place like Dunsborough or Busselton would require that extra growth. I know it is happening and it is something that we are always monitoring. I know that DFES is always looking at the demands and where it makes sense to position the next career fire station. But in the interests of the entire state, we need to respond to where demand and growth is highest.

Ms L. METTAM: Were some questions raised about the recommendations in that 2011 report? I guess the reason Vasse was highlighted was that the closest stations are in Bunbury and Albany, it is a region with a high fire risk and its population is increasing? Does the minister have any insight there?

Mr R.R. WHITBY: As I said, member, we still have volunteer brigades right across Western Australia. We have them all through the south west where they are actually highly concentrated. These volunteers are very adept and very skilled. Would the commissioner like to elaborate?

[4.50 pm]

Mr D. Klemm: As the member pointed out, we have managed to secure some land there, which is good forward planning. That land has been there for some period of time. One of the biggest challenges that we often have is that if we do not deal with these things well ahead of time, securing land of the size that we need for career fire stations can be problematic, particularly in the metro area where there is obviously quite often a shortage of blocks

of land of the size that we need to get our hands on. I cannot give the member a date or say in what year we are going to build a career fire station in Vasse. The work done by the volunteers, be they from the bushfire brigades or the volunteer fire and rescue service in Busselton, Dunsborough or Bunbury—those two services together—is incredibly effective in their response. If it gets to the point at which the quantum of incidents that occur in that area are becoming problematic for the volunteers, and often that is something the volunteers feed back to us, it is at that point that we would be looking to fund a career station. But at this point in time, I cannot give the member an exact year that we would do that.

Ms L. METTAM: That is okay; thank you.

The CHAIR: New question—the member for Moore.

MR S.A. MILLMAN: Sorry, chair, mine was a further question to the question from the member for Vasse related to regional firefighting services.

The CHAIR: I am giving the call to the member for Moore. If the member for Mount Lawley wants to ask a further question, he can when I give him the call.

Mr R.S. LOVE: Thank you, chair. That was very fair of you. I turn to page 461 of budget paper No 2, volume 2, significant issues impacting the agency and paragraph 5 on the recovery for major events, which outlines the events in Wooroloo, the fires in the wheatbelt and, of course, tropical cyclone Seroja. I want to ask some questions around Seroja and the recovery effort thus far. The minister was the Minister for Emergency Services for much of this period so I am sure he knows a lot of it. I refer to the, I think, \$104.5 million of commonwealth–state funding made available. Could the minister perhaps outline what percentage of those funds have already been granted in each of the programs? If the minister cannot now, could he provide that to me as supplementary information?

Mr R.R. WHITBY: Yes, I am happy to, member. With the new deputy commissioner here, we are very aware of the scale of that disaster and the fact that we were able to secure with the commonwealth the biggest joint disaster recovery funding agreement in the state's history. I will go through the amount of money that has been expended in each of those categories but I just want to make a point about the nature of the economy at the moment. It is booming along, there is a shortage of tradespeople and a shortage of materials, which everyone is reporting in terms of building a new home, because of COVID and other supply chain issues. It is never a good time to have a disaster when you need to rebuild, but this is certainly the worst of times for that because it presents particular challenges in getting tradespeople and supplies of materials, with a very stretched insurance industry that is dealing with a range of major disasters on the east coast, with assessments onsite in Western Australia and getting those moneys paid.

There have been some great challenges but I think the response has been enormous. When I was minister, I was very pleased with the breadth and the depth of the response that came from across the major commonwealth–state agreement and went on the ground to provide information and clinics and contacts in many of the smaller communities across the midwest. It has been an enormous effort and the State Recovery Controller has done a magnificent job, as I am sure the member will agree, and it is great to see her in her current role. She will continue to oversee that process. Also, as the member would know, the nature of this funding arrangement is determined by the rules of the agreement. The commonwealth is very precise and ensures that they are followed. The money has to be expended first and then the state repays that money. Then the state goes cap in hand to the federal government for recoupment of 50 per cent of those moneys. If we do not cross every t and dot every i, there is the chance that the state will not be reimbursed. So it is very important we get it right. It is also a very demanding time at the moment, with Western Australia proclaiming 24 disaster events under the arrangement since November 2018. That ranges from flooding events to cyclones, of course, to major bushfires.

The information I have on Seroja is that at the moment, given all that background and the issues about getting tradespeople to do work, remembering that it is a reimbursement arrangement, the current expenditure is \$21.9 million in financial support that has been directly provided to affected residents, businesses and communities. The breakdown is as follows. I will round these figures. There is close to \$3.3 million in emergency welfare support that has been co-funded with the commonwealth; \$3.85 million in state government emergency assistance; \$7.6 million—again this is rounded to the nearest major number—in disbursements from the Lord Mayor's Distress Relief Fund; close to \$258 000 in the repair of community recreational assets; and \$5.73 million in relief for power and water outages. There are a range of grants, as the member would be aware, for primary producers, heritage restoration, small businesses and individuals that rely on people applying, going through the process and providing the right information, and then making arrangements for that money to be paid on the disbursement arrangement.

I know there were some issues with farmers. The cyclone was a mixed blessing because it brought in a lot of rain at seeding time, from memory. Farmers, and I have spoken to quite a few of them, were intent on getting the crop in. They might have had damage and issues to address but their priority, quite rightly, was getting the crop in. It turned out to be the best season in Western Australian history with the tonnage so that was the silver lining in the cloud. Of course, at the other end, they had a bumper harvest to get off the farm and get to market. That is the good part but it meant that many farmers put the other issues of responding to and applying for grants as a secondary consideration. It probably turned out to be a good decision because of the bumper harvest they enjoyed.

It is a process and I think there is a two-year window for all applications to be made and processed. We all want things to happen more quickly but given the state of the economy, the circumstances of Western Australia right now and the other issues involved, I think it has been a wonderful success. I know that people have been in awkward situations with housing, and we have responded with caravans and temporary housing. We have responded with temporary accommodation for workers in very small communities. I am not aware of any outstanding issues in that regard but I do know there is an issue right across Western Australia with service worker accommodation, not just tradespeople coming into locations. The deputy commissioner and recovery controller is here so she might like to elaborate. I think I have given a broad picture of the challenges involved.

Ms M. Pexton: If the question has been answered, chair, I am happy to leave it at that, unless there are any further questions.

[5.00 pm]

Mr R.S. LOVE: I think one of the reasons for some of the slow uptake is with the way the grants are structured in some circumstances. For instance, with some of the heritage grants to help rebuild houses, people actually have to do all the work and then claim back the money. I think this system is a bit daunting to people because they have to be able to finance the work themselves and then recoup the money. Can the minister explain, or just elaborate on, whether that system is subject to any review, or if there are will be some changes in the administration of some of those grants to make it more achievable for people to get the money and get the project underway?

Mr R.R. WHITBY: I think the member is right. My understanding is that those are the rules of the agreement. Again, I have pointed out that if we as a state do not follow those rules, we will be left to pick up the whole of the cost. This is the federal government we are working with. I am no longer the minister, but I think major events like this always come with lessons, and that is probably something we can talk about. The commissioner would like to elaborate.

Mr D. Klemm: Indeed, I believe the member is quite correct on some of the challenges we had early on with people having to wait until the actual works had been completed and signed off before they could recoup the money. We are really beholden to the federal government on what we can and cannot do in relation to providing the grant and the works have to be completed before the funds can be given. However, we have tried to reduce the time frame to make it a little bit easier on householders who have to pay out the money and then get the funds back and allowed the program to fund directly to the contractor. That will save the contractor having to give an invoice to the home owner, and the home owner having to pay it and then provide the chit, the receipt, under the disaster recovery funding arrangements. We have shortened up that process as much as we can, given the stringent requirements that we have on us from the federal government.

Mr R.S. LOVE: Further to that point, I am bringing it up so that the work can get underway. I know the local community and the local shire are very concerned about people leaving the district because of the loss of housing, so it is very important that whatever incentives are available can be applied to get them back and work underway. Another issue that has also been raised about that recovery program is the lack of flexibility in what the local community can spend on its own community assets. I understand the shire, for instance, is trying to get funding to rebuild along the foreshore in Kalbarri, which is a key environmental and economic asset for the community, and is necessary to get the town back on its feet, but there are some roadblocks in there. Again, I ask whether there is any way that we can reconsider how grants are administered or disbursed to encourage, or enable, that type of redevelopment and get the place back on its feet as quickly as possible.

Mr R.R. WHITBY: I think the grants are available directly for the result of damage caused by that specific disaster, but maybe I can refer that to the deputy commissioner.

Ms M. Pexton: Thank you, member, for the question. We are working with a number of stakeholders and partners that are supporting the local government, particularly the Shire of Northampton, as the member indicated, against and around the redevelopment of that foreshore area. We are again in a situation under our commonwealth–state arrangement for the disaster recovery funding whereby the core principle is that people build back to the same standard and they can build or repair only the infrastructure that has been damaged. I know that the Shire of Northampton had some grander plans with that for some revitalisation along with some of those repair and reconstruction efforts. We are still working alongside the shire and have had further conversations as early as this week with the commonwealth to see whether we can access some further funding to support it in those endeavours.

Mr P.J. RUNDLE: Thank you. I refer to page 475, under “Bushfire Risk Management”, and the mitigation activity fund emergency services levy grants. Why is there a 45 per cent reduction across the forward estimates between 2022–23 and 2023–24? Can the minister explain that?

Mr R.R. WHITBY: I will get Mr Murray Carter to elaborate, but I am aware that there have been particular issues in the last couple of years and in the last financial year with COVID preventing works being done. My understanding is that unspent money would be carried over, but Mr Carter will elaborate.

Mr M. Carter: Thank you, minister, and thank you, member. That is exactly correct. The issues that we have had over the previous 12 months and the estimate that we made were not realisable for on-ground works as a result of

COVID, access to contractors as a result of that and some other reasons. Therefore, we have rolled over into the extra year. Again, that is not unusual. That has happened for the previous couple of years and will likely happen again. Again, there were the delays we discussed earlier around the plans being completed and approved, and then access to the mitigation activity fund. There were some delays through that difficult period that we have just come out of now, so it is a carryover issue.

Mr P.J. RUNDLE: Minister, can I ask what has happened with the royalties for regions funding, which seems to disappear altogether after 2023–24? Why has that funding been reduced and will then cease?

Mr R.R. WHITBY: Thank you, chair. I might refer that to Mr Carter as well.

Mr M. Carter: That is just a straight factor of part of the second lot of royalties for regions funding that has been applied—we are very grateful to receive that—goes to the mitigation activity fund, which appears in these papers, and another part goes to the Department of Biodiversity, Conservation and Attractions and others for crown land works. It is very well received and well utilised. The second round was three-year, fixed-term funding, and that reflects the end of the third year of funding.

Mr P.J. RUNDLE: Minister, it is obviously a mitigation activity. What would be the majority of activities that are conducted under this ESL grants program? What sort of mitigation is undertaken—two, or three, or four different types of activity? Could the minister explain that?

Mr R.R. WHITBY: I will get the commissioner to respond.

Mr D. Klemm: It is a mixture of activities from burning which, as the member would be well aware, is very much reliant on appropriate weather conditions, through to slashing, thinning, the construction of strategic breaks and the like. It is centred back to the bushfire risk management plan that is developed in each local government, and the type of vegetation and country in a particular area drives the type of mitigation activity that is undertaken.

Mr S.A. MILLMAN: Minister, I refer to page 460, under the heading “New initiatives”. I was after information on the large air tanker. Can the minister please explain the state’s plans for the use of the large air tanker in 2022–23?

[5.10 pm]

Mr R.R. WHITBY: Absolutely, member, and thank you for the question. For many years, we know that the intensity of fires in Western Australia has increased. We have a range of aerial craft to assist what goes on on the ground and in the last few years we have also had the large aerial tanker come into play. It serves a good purpose and it is a part of the overall firefighting effort. I think it is very good, as the commissioner can elaborate, in laying containment lines. Until now, we have been fortunate that we could rely on the national aerial fleet to have that tanker located here. It has been here on the goodwill of the national arrangement. That is good when there are no fires in the east or anywhere else in Australia. It might not be good when there are. Therefore, a decision was made at the national level of where that asset should go and where it can be best deployed. There is always a chance, if we ever suffer a major fire, as during the major fires on the east coast a few years ago, we could be without a large aerial tanker asset.

This budget ensures that we will have a presence—it is \$11 million over the forward estimates for a large aerial tanker to be based in Busselton. It is a central location, because a lot of our fires are in the south-west corner of the state, but being a large aircraft, it can travel very swiftly to where it is needed. During that time it will be parked in Busselton, it will be for the exclusive use of Western Australia to fight our fires. I have some figures here for the national LAT. It performed 76 drops, totalling almost a million litres of retardant in WA last summer. We also had some borrowed large aerial tankers as well that dropped about another 500 000 litres of retardant. That is one and a half million litres of retardant that was dropped and well over a hundred drops in Western Australia. They are a larger aircraft. They have larger capacity, a longer range and they can fly in fairly extreme conditions. They are part of the mix. The choppers get in low and are direct, and the LATs are used to set large containment lines. It is impressive to see them, and I think there is a community expectation now that we need these large aerial tankers in place. We never saw them a few years ago anywhere in Australia and now they are commonplace. It is another extra resource. That is obviously a fairly expensive exercise, but we believe that it is worthwhile. The other thing that I will add is that for this last summer, for the first time we had two Black Hawk aircraft, which were able to operate very well. They are large capacity helicopters. I think it is a great addition to the mix of aerial assets that we have to keep us safe.

Mr P.J. RUNDLE: Thanks to the member for Mount Lawley for the question. My electorate is 5 812 times the size of the Mount Lawley electorate.

Mr V.A. CATANIA: The member got out a calculator and a measuring tape!

Mr P.J. RUNDLE: We certainly value the large air tankers.

Mr V.A. CATANIA: He is concerned about the member for Mount Lawley’s community, too!

Mr P.J. RUNDLE: To be honest, I attended several fires several fires and we cannot underestimate the value. Minister, I might have missed it, but there is \$2.7 million right through the forward estimates, so is this a hire arrangement or is this a purchase arrangement?

Mr R.R. WHITBY: It is a lease arrangement. The commissioner can give the member the details.

Mr D. Klemm: Yes, it is a lease arrangement, and we take it for three months of the bushfire season each year—December through to March. We have some flexibility in the contract to be able to extend if we need to, depending on how the bushfire season goes. There is a degree of flexibility there; it just depends on weather conditions. If we are getting rain at particular times of the year, we might be able to finish it at the end of March, or alternatively extend it through. But certainly, it is a lease arrangement and it is all done through the National Aerial Firefighting Centre; all the states and territories access their leased aircraft through that sort of common tendering arrangement, yes.

Ms L. METTAM: I refer to page 471, underneath the “Details of Controlled Grants and Subsidies”. I am referring to the “Local Government—Community Emergency Service Managers” line item. Does the small increase in funding between the 2021–22 estimated actual and 2022–23 provide for any increase in the number of community emergency service managers?

Mr R.R. WHITBY: I might get the commissioner to respond.

Mr D. Klemm: I could not talk to the amount of some \$90 000 that is the increase there. It may well just be indexation across increasing salaries or costs; I am not sure. It is salary increases, yes, as confirmed by the chief finance officer.

Ms L. METTAM: Are they salary increases?

Mr D. Klemm: Yes.

Ms L. METTAM: At last year’s estimates hearings, we learnt there were three local government areas that requested these managers; however, funding was not available to support that request. I understand in Three Springs, Brookton and Mingenew that was not granted. Given the increase in the ESL by more than six per cent a year for the next two years, is there an opportunity to provide more support for additional community emergency service managers?

Mr R.R. WHITBY: It is a shared funding model and we rely on the local government to, obviously, jointly fund and be willing to be part of that. We look at where the best locations are for those officers to be deployed. It is often over multiple local government areas, is it not? It can be a shared arrangement between local governments. It is not always one.

Mr D. Klemm: Did the member refer to the Shire of Brookton?

Ms L. METTAM: Yes, Brookton, Three Springs and Mingenew all formerly requested.

Mr D. Klemm: There is a CESM now at Brookton and I think we put that in maybe the last financial year, previous to this one, and it is actually shared across Brookton–Corrigin. As it turned out with that significant fire that was out there earlier this year, and I think maybe in Pingelly, but there is one of those nearby local governments. We have been able to, in some circumstances where a local government has decided it does not want a CESM any longer, and there has been some of those, we have been able to reallocate that funding into other spots and, certainly, Brookton comes immediately to mind. It has a CESM now, shared with other local governments. In the last two years, we have also been able to put one into Serpentine–Jarrahdale as well as a result of another local government pulling out and not wanting it anymore.

[5.20 pm]

Ms L. METTAM: Is the minister or the department aware of the significant inequities when it comes to the employment conditions and salary across the CESMs? Is that what we are calling them—CESMs?

Mr D. Klemm: There are a number of CESMs in the metropolitan area who are DFES employees, and then custom and practice outside the metropolitan area is for the CESM to be a local government employee. In both situations, they are a shared funding arrangement, albeit in rural and regional Western Australia they are a local government employee and DFES provides a grant to the local government for a portion of the salary depending on the rate base of that particular shire or, indeed, collection of shires. In some instances, certainly, there may be a difference between the metro and the country because they are under different awards.

Ms L. METTAM: Just to clarify—I can assume the answer—that small increase in funding had nothing to do with trying to or addressing the inequity issue? Is the minister saying that the reason that there is a difference between CESMs that are employed by DFES or the local government is because the roles are different and the employee arrangements are different?

Mr D. Klemm: Yes. It is about CESMs being on two different awards. That is the issue between the metro and the country. The increases the member can see in the out years, as reported by the CFO, are about salary increases over that time.

Ms L. METTAM: On this particular topic, has the department fully or formally reviewed this issue? Is the minister aware of this issue about the inequity with CESMs in terms of their pay and employee conditions?

Mr R.R. WHITBY: Member, appreciate that not being the minister, I am not aware of the current situation or the issues being raised, but I am happy to refer to the commissioner.

Mr D. Klemm: It is pretty well as I have said, member. The people in the metro area are employed under one award and the others in rural and regional WA are employed on a separate award. I think if the member is asking whether they are all be employed by DFES—put them all together with DFES or put them all together with local government, in terms of a review of that—no, we have not done a review of that.

Ms L. METTAM: Yes. That is okay.

Mr P.J. RUNDLE: I refer to page 466 and paragraph 4.3 on the \$2.8 million pilot works, including \$355 000 for the fixed repeater tower in Esperance, which will obviously contribute to enhanced bushfire management in that region. Was this one of the recommendations from the coroner's inquiry in 2019 after the devastating Esperance fire in 2015?

Mr R.R. WHITBY: Yes, it was, member.

Mr P.J. RUNDLE: In 2019, the state coroner handed down 12 recommendations following an inquest into those 2015 fires. The state government supported the majority. In reference to the positive announcement of the repeater finally receiving funding, which recommendations under the 2015 Esperance fire coroner's inquiry have not been fulfilled?

Mr R.R. WHITBY: It is a bit difficult to respond in terms of the context of this budget. I think some of the recommendations might apply to agencies other than DFES. One of the recommendations was for a career fire station in Esperance. We have just heard the member for Vasse talking about the need for a career fire station in Busselton. Again, never underestimate the capacity of volunteers and as a state we have an obligation to put our career fire stations where they make sense and where there is greatest need, with a burgeoning population in the metropolitan area and those major regional centres. Esperance, I would have thought, is not of the same scale as Geraldton or Bunbury in terms of size, and we have to make the right judgement that serves the interests for the state.

Mr P.J. RUNDLE: Would the minister perhaps like to provide by way of supplementary information details of the recommendations that have not been fulfilled?

The CHAIR: I think the difficulty with the question, member, is that it falls foul of the point I made earlier, and the minister reflected that in his original answer, which is that it relates to a document that is not actually the budget papers. You are asking about things that are not in the budget papers. Like I say, I allow these questions if the minister wants to indulge them, but it is not what I would normally contemplate being supplementary information in the process of budget estimates.

Mr R.R. WHITBY: I share your point, chair. It is not in the context of the budget and the member already has the ability to put questions on notice to the government.

Mr P.J. RUNDLE: Has this government allocated additional funds to provide improved fire services for Esperance and the region three years on from the coroner's recommendation?

Mr R.R. WHITBY: Absolutely. I point the member to the repeater tower that was pointed out in the budget. The commissioner is telling me that seven new fire appliances have been presented to brigades in the Esperance region.

Ms L. METTAM: I refer to page 461, significant issues impacting the agency and the reference to the COVID-19 pandemic. It is a general question, although specific to that line item, about the role that DFES has undertaken to assist St John Ambulance in driving ambulances. Has this come at any financial cost, or what has been the cost to DFES as an agency?

The CHAIR: Member for Vasse, that was an excellent effort, particularly this late on a Thursday evening, but I am ruling that question out of order on the basis of relevance.

Mr P.J. RUNDLE: Thanks, chair. Sorry; there was one other question I forgot to ask earlier about the large air tanker. Has this been procured or leased, as the commissioner pointed out, from an Australian company or is this from overseas or elsewhere?

Mr D. Klemm: Thanks, member. The final tenderer, or the final contract, has not been decided yet. It is currently with the National Aerial Firefighting Centre and its procurement processes. The contract itself for that particular aircraft has not been awarded.

Mr P.J. RUNDLE: The next part of my question is: do we have capability within Australia to provide those large air tankers or is it just overseas companies and the like?

[5.30 pm]

Mr D. Klemm: The majority of contractors that provide those aircraft are overseas companies and there are a couple of reasons for that, and one outlier. The couple of reasons for it are that they are put into use around the world for 12 months of the year, so if they are going to own these aircraft, they want them operating and earning money for them as many months of the year as they can. Therefore, they spend some time here and time in Greece and Canada and the US during the Northern Hemisphere summer. Certainly, the large air tankers have been in use in the US and Canada for a lot longer than they have here in Australia, so these are established companies with really good solid track records and safety records. That means they are attractive from a contracting point of view for Australian fire

and emergency service agencies. Then there is the expense of setting that up and getting the aircraft and setting it up to drop the water and retardant. Those are a couple of the drivers right now. I think, member, we are approaching a point at which the critical mass of large air tankers in Australia will see some entry of Australian companies into that market. It is worth pointing out that our helicopters, which we also lease or contract, as many fire and emergency service agencies do around Australia, some of those are with Australian companies that operate Helitak water bombers. That capability has been in place in Australia for much longer than the large air tanker capability has. The other point I make is that the New South Wales Rural Fire Service purchased its own large air tanker, as I am sure the member knows, which is a bit of a separate arrangement to the arrangements that we would use.

Mr P.J. RUNDLE: Okay, thank you.

The appropriation was recommended.

Meeting suspended from 5.31 to 5.40 pm

Division 41: Water and Environmental Regulation — Services 4 and 6 to 9, Environment; Climate Action, \$147 056 000 —

Mr D.A.E. Scaife, Chair.

Mr R.R. Whitby, Minister for Environment; Climate Action.

Ms M. Andrews, Director General.

Ms H. Manderson, Chief Finance Officer.

Ms K. Faulkner, Special Adviser, Business Continuity.

Ms S. McEvoy, Executive Director, Strategic Policy.

Mr S. Meredith, Executive Director, Environmental Protection Authority.

Mr A. Wiley, Senior Policy Adviser.

[Witnesses introduced.]

The CHAIR: The estimates committees will be reported by Hansard. The daily proof *Hansard* will be available online as soon as possible within two business days. The chair will allow as many questions as possible. Questions and answers should be short and to the point. Consideration is restricted to items for which a vote of money is proposed in the consolidated account. Questions must relate to a page number, item or amount related to the current division, and members should preface their questions with these details. Some divisions are the responsibility of more than one minister. Ministers shall only be examined in relation to their portfolio responsibilities.

A minister may agree to provide supplementary information to the committee. I will ask the minister to clearly indicate what information they agree to provide and will then allocate a reference number. Supplementary information should be provided to the principal clerk by close of business Friday, 3 June 2022. If a minister suggests that a matter be put on notice, members should use the online questions on notice system.

I give the call to the member for Vasse.

Ms L. METTAM: I refer to climate change on page 686 and ask: what is the role of the minister in regard to future climate change legislation?

Mr R.R. WHITBY: This is a very broad question! Climate change, as the member knows, is an issue that I think everyone is starting to address. It is crucial to respond to it. We all accept the challenge. The Western Australian government is initiating, or has initiated under the previous minister, the program of a sectoral emissions reduction strategy to assess ways to reduce emissions in Western Australia. There is going to be a lot of engagement across the Western Australian community. For sectoral emissions in industry types, that process began late last year and continues. We recently, a few weeks ago, addressed a group of industry groups to start off the public part of the process. There will be sectoral or industry groupings to—basically, we are asking the community and industries: What are your challenges? What are your ideas to government? What are your good ideas to reduce emissions? Do you have hurdles in the way that the state government can assist? It is a big body of work and it will be going on until the end of next year. After that, we hope to have a state target—an ambition—for our reductions for 2030 and leading to, of course, 2050 being net zero emissions.

On legislation, the Premier has indicated that he is interested in developing some legislation. From the SERS process and from other works being carried out in government, we can develop some legislation that talks about the way forward and there is a need for clarity for the business community. The community generally, but the business community in particular, need to know and want to know that there is ambition in this area—if they spend money to reduce their emissions, it is something that is going to be required.

In a broader sense, member, I think this is happening with or without the government. I think the government needs to be part of it. Companies that I speak to are actually stepping up, wanting direction, wanting clarity because their own shareholders are demanding a response from those companies to reduce emissions. Shareholders, investors,

banks are not going to lend you money to build a coal-fired power station, for instance. There is a real change that sees this issue become not just an environmental issue but also an economic one. For our part as a government, we realise that we have a community leadership role and we need to demonstrate emission reductions, too. We are doing work in that regard.

Ms L. METTAM: The minister touched on this, but will the targets be something that are legislated and brought to Parliament? Would it be yourself, minister? What time frame are we looking at for such legislation coming before the house?

Mr R.R. WHITBY: The process of the SERS that we are engaged in now is going to help inform what legislation might be required and the way forward. I think that process would need to play out to some degree. We do not want to rush to legislation before we are actually engaged in the consultation and getting the feedback. We do not know what good ideas are out there. It is sort of a two-way street whereby we want to engage, we want to offer our insight as a government and we are investing in modelling to help inform that process as well. When we engage with the community and we work out what the ambitions look like, that will further inform us on what legislation is appropriate. I cannot give the member a time frame, but I would think the SERS process is going in; over the end of 2023, we would be reporting back to the community. I would say within that time frame, if we were going to embark on legislation, that would be the period.

Ms L. METTAM: Would the minister anticipate that those that the government is consulting with on this legislation would be seeing the draft legislation and, given his comments, is he suggesting that it would be in 2023?

Mr R.R. WHITBY: Yes. I think it is more likely 2023. We have an open arrangement with most legislation and particularly this would be important legislation to guide industry and guide to the community. I would see no reason why there would not be consultation and drafts put up for public comment.

Ms L. METTAM: How would such legislation fit in with what is being undertaken in this area at the commonwealth level? What would be the relationship between what the state is trying to achieve and what is happening nationally?

Mr R.R. WHITBY: It is an interesting story, because I think things are changing nationally after a change of government. I am confident and optimistic of a reset in terms of the approach to this issue across Australia, but particularly at the commonwealth level. Again, as the commonwealth goes through the SERS process, we will be able to see what happens and that will help us inform our SERS process to know what is going to happen at the federal level. We know what the federal opposition previously had in terms of commitments to 2030 targets. That is helpful to know, but we are waiting to find out more a detailed and full explanation of where the federal government might go to help inform our process. We need to be aware of what is going on at the federal level as well.

[5.50 pm]

Mr R.S. LOVE: My question really follows on from the issue of what we are trying to get to with the climate change policy. Can the minister clarify, when the state government talks about net zero, is it talking about net zero from government activities or is it talking about net zero from all industry in Western Australia?

Mr R.R. WHITBY: The ambition, as the Paris Agreement points to also, is across the whole of industry—net zero by 2050. There are some companies out there that are ambitious to achieve that before 2050. The state is currently working on our ambitions in that area. That is the 2050 ambition but there is an important stage before we get to 2050, and that is our ambitions for 2030. If we are going to achieve those, we need to start now, so a lot of work is being done. When we talk about the ambitions of net zero by 2050, it is the entire community, government included.

Mr R.S. LOVE: How would the government measure the total carbon emissions of this state? Beyond large industry and beyond government, how could it measure the emissions of individual small business or householders, of farms and other dispersed smaller emitters, which collectively could be quite a large amount? It could also be fire practice et cetera. It is not simply a matter of taking, say, Chevron and adding that to what the Department of Water and Environmental Regulation reports from its own sources. How is the government going to actually go about measuring it?

Mr R.R. WHITBY: It is a good question, member. As he said, it is those regulated operators that produce a large amount above the threshold level are measured. But one comment I would make is that the more renewables in the system, the less reliance on what creates our energy source, which would have an impact on ordinary individuals. It is an interesting area but I would call on Sarah McEvoy to perhaps elaborate.

Ms S. McEvoy: Thank you, member and minister. The question of carbon accounting, if you like, is an issue that is obviously important not just for Western Australia but throughout the world. We need to have a common kind of understanding of how we measure these kinds of things. The federal government produces national accounts, if you like, for all the various sectors that are measured, including land use, land change, forestry, agriculture et cetera. It also includes transport and energy. When the minister is referring to the sectoral emissions reduction strategies, we would also use those same kinds of divisions of the various sectors that are done. There is a common methodology there, published annually. There are estimations using accepted techniques for the contribution across Australia, including in Western Australia, of carbon emissions.

Mr R.S. LOVE: What is the total emissions of the state of Western Australia today, annualised?

Mr R.R. WHITBY: It is currently 91 million tonnes of CO₂ equivalent per annum. That is the current last published figure.

Mr R.S. LOVE: Is that for the entire state of Western Australia? You have measured all emissions in Western Australia and it came to that level.

Mr R.R. WHITBY: I will refer to Sarah McEvoy, but that account is an estimation across the board.

Ms S. McEvoy: Yes, and it is provided by the commonwealth in annual reporting.

Mr R.S. LOVE: How far back are the records of carbon emissions measured in that way? Is this the first year or when did the government start measuring it and what is the earliest we have?

Mr R.R. WHITBY: I will indulge the question. On reflection, we are sort of ranging further than the context of the budget but, for the member's benefit, I will refer that question to Sarah McEvoy.

Ms S. McEvoy: I do not know the first year but it has been done for quite a number of years. It would be done under the United Nations framework for climate change, which is the kind of umbrella body that deals with this kind of thing. It would be going back to the 1990s, but there are estimations that go back before that. They are probably less accurate as you go right back in time.

Mr R.S. LOVE: One would be tempted to ask a follow-up question of: what is the margin of error in those calculations, or estimations, that the executive director has just spoken of?

The CHAIR: If the minister wants to —

Mr R.R. WHITBY: Again, I will use your indulgence, which is outside the budget, too. We have most of the world's scientists agreeing that we have an issue. Whether there is any margin of error, this is something we need to take seriously.

Mr P.J. RUNDLE: My question relates to page 686, and it is on the "Native Vegetation Policy for Western Australia". My first question is: who will be on the steering committee driving the implementation of this particular program and will any landholders be brought onto the steering committee?

The CHAIR: Sorry, member; where is the reference to the steering committee?

Mr R.R. WHITBY: This is a process that has already had very broad and widescale community engagement including from the rural farming communities and many others. It is important to understand this policy is about the way the government handles this issue because native vegetation is spread out across 15 different pieces of legislation and various agencies have an impact on native vegetation clearing. This is about actually having a way of dealing with this issue in a more holistic way, understanding the cumulative impacts of clearing native vegetation and the determination within government to have a more joined-up approach to this issue. We realise that if we are in a silo situation, we are in bunkers and we do not realise that over here native vegetation is being cleared and it is conducted in different policy approaches, then we are really going to lose more and more native vegetation. We want to be able to retain as much as we can. The policy is about having a net gain in native vegetation over time. It is about the government's internal connections in terms of this policy working better, being joined up and being more strategic in our approach as a state government. That involvement, that consultation, has already occurred with the community. This is about how we deal with the issue in government, whether it is a council of regulators or various directors general, and, of course, they are very aware of their agency stakeholders all the time, but they will have a direct involvement in making sure this is a successful policy.

I also want to reflect for a moment that part of this policy involves an initial framework on the wheatbelt. We know there has been historically high massive clearing across the wheatbelt, so it is about revegetating parts of the wheatbelt that have suffered environmentally because of that clearing. There are opportunities for carbon farming and sequestering carbon within the soil in the land and within trees, obviously. We are looking at a way we can benefit from that as well.

[6.00 pm]

Mr P.J. RUNDLE: I guess that is what I was getting to. Quite often, as the minister knows, the stewards of our native vegetation are pastoralists, farmers and the like. I personally think it is very important that they be included, just as they have with the Aboriginal cultural heritage regulation changes. They are in amongst that mixture as well. I understand what the minister is saying about how the government is going to handle it, but certainly for inclusion, has the department met with the likes of the Pastoralists and Graziers Association or the Cattlemen's Association or those types of bodies to include them? Is the Department of Agriculture and Food also going to be included?

Mr R.R. WHITBY: Thank you, member. Certainly, the Department of Agriculture and Food will have a key role in this. As we develop the framework for our regional basis of looking at broad-scale landscapes in terms of regeneration, that will be another opportunity to reach out into local communities, farming organisations, and pastoralists et cetera. When we had our sectoral emissions reduction strategy peak group, there were I think Pastoralists and Graziers Association representatives and farmer groups represented there. We had a workshop

where I was on each table, and I have certainly met and had direct involvement with them on that day. That was the start of a process. These issues are very much linked. The SERS process will have that ongoing engagement and one of the sectors will be agriculture. In terms of the native vegetation policy, certainly there has been that opportunity already and we are continuing with its implementation.

Mr P.J. RUNDLE: The minister mentioned that the wheatbelt was chosen as a focus in relation to native vegetation. Does the minister have measurements of how much native vegetation there is in the wheatbelt and also the state as a whole? What is the native vegetation coverage?

Mr R.R. WHITBY: This is the challenge. I might get some advice in a moment. Part of this process is working out what is there, and the member is right: in order to know what we are losing, at what rate, we need a baseline. Work is being undertaken in terms of satellite technology, for instance, and investment in technology where we can look at the broader landscape and work out the type of vegetation in each part of Western Australia. It is important to do that. Development of that technology is part of this policy. In terms of numbers of vegetation for each region or percentage of vegetation we have, it is a difficult one because this is historic since European settlement. What is your baseline? What have we lost from what year? Maybe Kelly Faulkner would—Kelly, do you want to opine in terms of what the member has asked? It is difficult. I am just handballing it over.

Ms K. Faulkner: Thank you very much, member, and thank you, minister. I do not actually have the figures with me. There has been historical mapping that has been done and that commenced some years ago through the former Department of Agriculture. One of the benefits of this policy and the roadmap actions is to actually improve on that because it is based on, as I understand, quite old technology with the satellite imagery, and now we have got better systems, better information and better satellites. The intent for this is to actually start and one of the strategies is to focus on the wheatbelt to do that extent mapping and to do the ongoing monitoring as well, so there is more regular monitoring with it.

Mr R.S. LOVE: I have not had time to read the policy as it came out today; I have been doing other things all day. In the draft policy, as I recall, the regions were defined more by bioregions. “Wheatbelt” is probably not a term that actually adequately defines it, because in Western Australia we have the regional development commissions as well. When we say wheatbelt, that includes Jurien Bay and it includes Hyden but they are not in the same environment bioregion. To save me from actually digging out my computer, did it retain that landscape approach rather than a line defined by the regional development commissions?

Mr R.R. WHITBY: My colleague here just gave me a really good answer, and rather than just repeat it verbatim, I am going to let him.

Mr A. Wiley: Yes, that was part of the original draft policy. It moved away from that approach on the basis that working on more of an economic definition of a region was a much better way. The feedback that we got through the consultation process had indicated that was a much better way to approach it. Obviously, it has a very defined set of stakeholders and that is the thing. No, it is more on a regional basis rather than bioregion.

Mr R.S. LOVE: Having spent many years battling unjust decisions based on the over clearing of areas hundreds of kilometres away from where my patch of the world is, that actually disappoints me greatly. I will just put that on the record. I would have preferred to have kept it at that landscape approach.

Mr R.R. WHITBY: Our interest is for the best outcomes and, as the member heard, that feedback came through consultation and because in economic terms it is better to base it on the economic use of the land because you are dealing with the same group of stakeholders. Do you want to respond further to that, Adrian?

Mr A. Wiley: Thank you, minister. I think there is certainly a bioregional approach to the mapping and that translates into some regulatory decision making. In terms of the regional planning exercise that we are undertaking as part of the native vegetation policy, it is much more about bringing a set of stakeholders together, a set of government agencies together, who deal in that region and know the most about that region, and to come up with a plan for managing native vegetation and also restoring native vegetation in that area. To some extent we have got a slightly different approach with the regulatory side of it. This is about coming up with a strategic plan for restoration and the like, so doing it on a regional basis makes more sense.

Mr R.R. WHITBY: Within that process, they would still be able to identify different vegetation groups and respond accordingly.

Mr P.J. RUNDLE: I was very impressed with the carbon emissions tally earlier on and the way that it has been measured. Is the minister able to supply as supplementary information the baseline data that you are working with and what regions, or whether it be economic regions or the like, just so that we can understand where the baseline data starts and where it emanates from?

Mr R.R. WHITBY: Member, with respect, it might be conflating issues a little bit in terms of emissions and the vegetation policy. Yes, they are linked but if the member would like some information on emissions, I think some information has been published. Director General?

Ms M. Andrews: We are very happy —

Mr P.J. RUNDLE: Can you take your mask off, please?

Ms M. Andrews: My apologies, member. We are very happy to provide the baseline information that we hold at the moment. In regard to the native vegetation policy, that is particularly what the member is are looking for, native vegetation —

Mr P.J. RUNDLE: It is really about the measurement or where the department started from as far as mapping in what region. The member for Moore pointed out the same thing. Sometimes the wheatbelt is a massive area; sometimes it is the Wheatbelt Development Commission. If we could have some baseline information of the native vegetation, what regions the department is looking at or what it quantifies as the wheatbelt region and how much native vegetation it is are measuring in that to start with.

[6.10 pm]

Mr R.R. WHITBY: There is this data on the department's website, so it is public information. It might be difficult to comprehend what it all means, but maybe the member would be better at comprehending it than I would. We can supply the member with the information for the link, and then he can look at that himself if he wishes.

Ms L. METTAM: I refer to page 685 and underneath spending changes, the last line of the new initiatives, which is the rebuild of the Australind jetty. The state government has committed \$3 million in funding towards the upgrade of the jetty. There is a bit of frustration locally about an apparent—is this not your area?

Mr R.R. WHITBY: No, it is not, member. Sorry.

Ms L. METTAM: Oh. It looked out of place, but it is on the same —

Mr R.R. WHITBY: Sorry.

The CHAIR: Further questions or new questions? A new question, member for Moore.

Mr R.S. LOVE: Returning to the issue of climate change—and by the way, where would that jetty fit if it does not fit here? Who owns the jetty?

Mr R.R. WHITBY: So it is water in terms of the minister—Kelly.

Mr R.S. LOVE: Is it the Minister for Water?

Mr R.R. WHITBY: Yes.

Mr R.S. LOVE: Okay. There you go. All right.

We move then back to page 686 on the climate change issue and the significant issues impacting the agency. I want to turn to a document that was supplied to us from the Treasurer, the climate change risk management guide. This is the document here. Apparently, it is a guide for government to address risk, our management to do with climate change and to lead to adaptation policies et cetera. It has got the Department of Water and Environmental Regulation on the front cover, so it is obviously a joint document between the department and Treasury. I am wondering how much this document cost to produce and which agency was responsible for its production.

Mr R.R. WHITBY: In terms of cost, it was done with internal resources. There was no outside consultant or anything like that. It was done within the capacity of the government and the department itself.

Mr R.S. LOVE: Is it intended to be a document that helps guide Western Australia in its unique environment?

The CHAIR: This question is a long way from the budget, member for Moore.

Mr R.S. LOVE: No, it is actually on climate change.

The CHAIR: No, do not argue with me about the ruling, member for Moore.

Ms L. METTAM: Are you saying the Australind jetty is more relevant?

The CHAIR: Member for Vasse! If the minister is willing to answer it, he can, but we are a long way from the budget papers now.

Mr R.R. WHITBY: The member for Moore is always trying, is he not? I know the point he is trying to score here, but the point is that it is not about the Western Australian natural environment, which is distinct and special from other jurisdictions; it is about the process within government. State governments are quite similar and there are lessons always to learn from other jurisdictions and the way governments respond to challenges.

Mr R.S. LOVE: Further to that, is the minister aware that it basically ripped off a New South Wales document here, I think? The total number of pages, which are similar, is written here. I do hope that we are actually going to have some original thought if we are going to tackle climate change, because our industries are different in Western Australia. If we apply the types of philosophies that New South Wales might apply, we may have very poor outcomes for our state and our economy. I implore the minister to actually look for Western Australia rather than just take documents off the shelf and try to push them onto the government.

Mr R.R. WHITBY: Member, I can only repeat what I have said. This is not about dealing with the Western Australian economy or the Western Australian environment, as distinct and special as we are; it is about the processes within government. I think it is a smart move to go to other jurisdictions and learn what they have done. I have to say, is Matt Kean still the environment minister over there?

Mr R.S. LOVE: No.

Mr R.R. WHITBY: In New South Wales?

Mr R.S. LOVE: No, he is not.

Mr R.R. WHITBY: He is the Treasurer now and Minister for Energy. The former environment minister of New South Wales and the current Treasurer and Minister for Energy is a chap by the name of Matt Kean—I am sure the member is a big fan of his. He is very progressive. He is a bit of a lone voice on that side of politics and he has a lot of good ideas. I think he would have come up with some very good things. I am not ashamed of getting advice and good ideas from wherever they come from and I think we need to do that. We are part of a global community. As special and unique as Western Australia is economically and environmentally, there is nothing wrong in looking around at how other jurisdictions have handled it. This is about the internal processes of government and the way the government responds to this challenge.

Mr R.S. LOVE: Very good.

Mr S.A. MILLMAN: I refer to page 687 of budget paper No 2, volume 2, and the Murujuga rock art monitoring strategy. Can the minister please provide an update on the implementation of the monitoring program for the Burrup Peninsula?

Mr R.R. WHITBY: Absolutely. The member would know that the Aboriginal rock art on the Burrup is many tens of thousands of years old. It is significant internationally—globally—and it is a very special cultural asset for not just the traditional owners in the area, but also Australia and Western Australia. There have been a number of years of a lot of work and dedication to looking at whether there is an impact on that art from the emissions in the area. The member will know that there are some processes that go on on the Burrup that emit material, so we want to make sure that we protect that rock art. There is probably the most exhaustive of its type of process ever undertaken in the world to be able to measure these emissions and get baselines to work out whether there is any deterioration or change so that we get a very early warning if there is an issue and then we can act very early.

The most important thing about this, I think, is that the local traditional owners are at the very centre of this process. I have been up to the Burrup and I have seen the monitoring stations that have been installed, and they are significant pieces of technology and they are recording all sorts of data. As a result of a stakeholder reference group that engaged all stakeholders and examined the process, we have a wider area—50 000 hectares of land—that is now being monitored. The very good thing about it is that young Aboriginal rangers, employed by the Murujuga Aboriginal Corporation, are actually part of that process. They are going out to these stations, maintaining them, taking readings, making sure that they are operating.

This is a fantastic project. We obviously in Western Australia have a balance of industry and a lot of heritage, whether it is natural heritage or cultural heritage in the environment. We need to be very careful that we get the right balance and protect valuable assets. This is one of the most valuable assets you can imagine. So the process has been exhaustive and the monitoring is starting. I think the last of the monitoring stations are going in towards the end of this year and then we will start to get that data next year and it will be monitored and assessed. The Murujuga Aboriginal Corporation will be at the heart of that process. I think it is a model of how to monitor these situations and protect valuable heritage. It is good story. We need to be on alert. We need to ensure that we have the earliest possible alert if there is an issue. Of course, there is monitoring the operations up there as well, and those are restricted in terms of greenhouse gas emissions, and that the appetite for further restrictions and changes is always developing. The other question is: what impact, if any?

[6.20 pm]

MR R.S. LOVE: I refer to budget paper No 2, volume 2, at page 687. I think something has gone wrong with the numbering here. I want to talk about the Environmental Protection Authority approvals situation, and for some reason my numbers jump around in this book, so it does not work. However, I just want to know what the average wait time is for EPA approvals at the moment and whether it has been coming down. I know the government invested money in the Streamline WA program. Could the minister give me an update on that program and the numbers of recruits that the department has been able to get in there, and whether there is an appreciable difference in the approval time line?

Mr R.R. WHITBY: Sure. This is a challenging area, because with the strength of the Western Australian economy and the handling by the government of COVID and the economy generally, we are getting a lot of proponents come to us with projects. We are getting historic high numbers in terms of projects seeking approvals. As the member mentioned, the Streamline process had a \$120 million investment in the 2021–22 budget, and I think the aim was to employ 175 or 150—I think we have got it up—it is probably going to be closer to 175, extra FTEs, and that is

across government. A lot of those positions have been filled. I think within DWER, the proportion is 70.5 FTEs for that department alone. There is a challenge, as the member would know, as the labour market is very tight. These people are very skilled and their experience is in demand, and what we find is, quite often, our own officers are being attracted to the private sector to be able to put those applications in. They are very highly sought after. It is a real challenge. There is a range of things we have done. One of them was a new graduate program for DWER. Recently I was at DWER's headquarters in Joondalup and got to meet about 12 new graduates. These are the brightest and best from our universities across Australia, and there is a real appetite to work in this area because a lot of these people are very keen to do their bit for the environment and they see working in this area as a great aspiration and making a meaningful difference.

A huge amount of work is also being done within government to work out ways that we can increase efficiency of the approvals process, whether it is agencies talking more, being in contact, and sharing resources, and also focusing on where we need to increase our resources to get those key crucial projects out of the way that are big projects and big job creators. There is a range of initiatives; I could go on. We are also reducing the burden on the private sector in terms of it reporting to us. Having less bureaucracy actually frees up the resources of our staff to be able to put into the approvals process as well. The member might have noticed that recently—this was well received by the business community—60 per cent of the licence requirements were either done away with entirely or had reduced reporting burdens. That meant that often a proponent, which operates a situation whereby there is no change from year to year, was required to report each year. We have changed that so that it is not an annual event that they have to go through. There are also changes in scheme amendments being referred to the Environmental Protection Authority. A lot of minor scheme amendments end up in the EPA. They are inconsequential, but they are nevertheless required to be looked at it, which requires time. We have cut, dramatically by half, first scheme referrals to the EPA.

There is a lot going on and I have a long list of initiatives. It is a challenge. We are finding that even with the increased burden of approvals coming into the system we are keeping the rate of approvals similar to the productivity of the department, similar to what we have had in previous years. Although the number of approvals coming in the door has increased significantly and we often have fewer staff, we have managed to keep the same amount of approvals as previously, admittedly being less of a proportion because more is coming through the door. I think the agency and across government we performed incredibly well, but it is a challenge. We are doing everything we can. The money is there to employ people and we have largely done that, but there also initiative in recruiting staff from interstate as well. All stops are being pulled to address the situation.

MR R.S. LOVE: I think the part of the question that I asked then—I did not actually find my place back again; there is a random page from this section in another section, which has thrown me completely—was if the minister could provide some idea of the average wait time or how long applications are going. I know not all applications are the same, but there has to be some sort of metric to measure these things. Could the minister also provide the current numbers of staff, even by way of supplementary information? I expect that would be the best way. I note the minister said it had recruited 70-odd people, but I understand that as soon as they are recruited, others are leaving. The net situation is not quite so rosy. It is not a “gotcha” thing, but I just want to know and get an understanding of what is the actual situation is inside the EPA at the moment in terms of staff and the number of vacancies it has at the moment.

Mr R.R. WHITBY: I will just go through that. To be clear, 70.5 FTEs was the extra provision to the agency, and various parts of the agency contribute to the approvals process and there are some numbers there. I might hand over to Shaun Meredith.

Mr S. Meredith: Thank you, minister. I thank the member for the question. To answer his first question about the duration of approvals, it is of course very variable. It depends on the complexity of the proposal. It also depends on the number of changes that proponents request and the type of proposal or the location, in many cases, too. It is very hard to define an average proposal. But typically, we might say for a large major proposal it takes anywhere between 18 months to two years to get through the full process. That is the time frame and that has been the time frame that we have been working on for many years. That has not changed, as the minister mentioned, despite the challenges we have been facing over the past few years.

With regards to FTE, inside the particular group that I work with we currently have about 34 FTE working on those proposals, but more broadly across the department we have a range of specialists in biodiversity and air quality who also participate in those assessments. The actual numbers of FTE that are working in environment impact assessment, on those assessments across the department, is in the mid-70s.

[6.30 pm]

Mr R.S. LOVE: How many vacancies are there in that area? Are many positions unfilled?

Mr S. Meredith: Of the two different types of areas I mentioned, in the area that serves directly the EPA services team, we currently have in the order of about 10 vacancies that we are looking to fill. We have employed a strategic HR or recruitment consultant to help us fill those. That is the person who is working interstate, as well as across government to find suitable employees to do that. We are also plugging some of the gaps that we have in assessment

with consultants as well to make sure that we can continue to meet those time lines. That is how many FTE we have in that particular area. More broadly across the department, I cannot give the member a total FTE across those areas, but no significant hold-up is occurring within those assessment areas at the moment, from air quality to terrestrial branches, for example.

The appropriation was recommended.

Division 42: Biodiversity, Conservation and Attractions — Services 1 and 3 to 10, Environment; Climate Action, \$427 261 000 —

Mr D.A.E. Scaife, Chair.

Mr R.R. Whitby, Minister for Environment; Climate Action.

Mr M. Webb, Director General.

Mr P. Dans, Deputy Director General.

Dr M. Byrne, Executive Director, Biodiversity and Conservation Science.

Dr F. Stanley, Executive Director, Conservation and Ecosystem Management.

Ms A. Klenke, Chief Finance Officer.

Mr J. Foster, Executive Director, Regional and Fire Management Services.

Ms W. Attenborough, Executive Director, Zoological Parks Authority.

Ms S. Thomas, Senior Policy Adviser.

[Witnesses introduced.]

The CHAIR: The estimates committees will be reported by Hansard. The daily proof *Hansard* will be available online as soon as possible within two business days. The chair will allow as many questions as possible. Questions and answers should be short and to the point. Consideration is restricted to items for which a vote of money is proposed in the consolidated account. Questions must relate to a page number, item or amount related to the current division, and members should preface their questions with these details. Some divisions are the responsibility of more than one minister. Ministers shall only be examined in relation to their portfolio responsibilities.

A minister may agree to provide supplementary information to the committee. I will ask the minister to clearly indicate what information they agree to provide and will then allocate a reference number. Supplementary information should be provided to the principal clerk by close of business Friday, 3 June 2022. If a minister suggests that a matter be put on notice, members should use the online questions on notice system.

I give the call to the member for Moore.

Mr R.S. LOVE: I refer to page 710 of budget paper No 2, volume 2, and paragraph 13 under “Biodiversity Conservation and Ecosystem Management”, which states —

The Department has commenced preparation of the next Forest Management Plan ...

That is interesting because I was referred back to the Minister for Forestry when I asked a question about this the other day. What directions were given to the department for the preparation of the forest management plan 2024–2033? What are the guiding principles for the plan?

Mr R.R. WHITBY: As the member knows, the government made a policy decision about ending logging in native forests, which is, of course, an important government commitment. The new forest management plan will obviously take account of that policy requirement, and protection of the natural environment is always a concern. There are a range of issues that the plan has to account for each year, but I think that is a significant change and will have a significant impact on the new forest management plan.

Mr R.S. LOVE: Was the intention, at this stage of the government, to allow under the forest management plan for the use of karri thinnings for the laminated veneer that Wesbeam uses at the moment?

Mr R.R. WHITBY: I will refer that query to Dr Fran Stanley.

Dr F. Stanley: I thank the member for the question. Given the change in forest policy direction, the focus of the forest management plan is changing to a forest health focus. One of the activities that we are looking at using to deliver forest health is the ecological thinning regime in both jarrah and karri forests. The matter of whether forest products are generated from that for those operations, commercially used, will be a matter for the Forests Products Commission because it deals with any contracts that may arise to allow for the use of those products.

Mr R.S. LOVE: I guess the issue though for the forest management plan is to know whether there will be available product to provide into the market. Whoever or wherever it might go after that, in terms of the Forest Product Commission, is not really the issue. The reason I am asking is that it is a part of a process that provides structural beams for Western Australian builders. I am just trying to keep an assurance that there will be some availability of that karri thinning product under this new plan, or if that is the intention.

Mr R.R. WHITBY: I think Dr Fran Stanley might be able to elaborate again, but there will be product available through the thinning process. I think the intention is that if there is any commercial application—I am sure there will be—in terms of the new plan, the ecological thinning of forests and what that may produce, there is obviously timber coming from mining operations that will still be available. There will still be timber available for commercial use, and I guess that is a matter for the commission to determine in the usual way. The plans are for 10 years and each time a new plan is put in place, there is an obligation or a market whereby the commission looks at what companies are out there and what resources they might want. That is a continuing process with each new plan.

Mr R.S. LOVE: The issue of mine clearing, is that it is mainly in jarrah country, with not much karri I would have thought, but I could be wrong. No doubt there are people over that side much more expert than me who would know. I take it then from the minister's answer that mine site clearing will still be included in the forest management plan as an available product?

Mr R.R. WHITBY: Yes. Part of the decision that the government made was that that resource would be available commercially.

Mr R.S. LOVE: In terms of the development of the plan, what is the consultation process? Who in industry will be consulted with? Who in the community is the department going to be working with to develop that plan?

[6.40 pm]

Mr R.R. WHITBY: It will be all stakeholders, and there will be the ability for the public generally to submit their input into the process.

Mr R.S. LOVE: Specifically, I wanted to get an understanding if this would involve what we might call activists, rather than groups or community elected representatives or anything like that. I believe that one green activist has already been given a seat at the table for the consultation committee or process that the department is running, a Mr Swarts, I think his name is. Is that the case?

Mr R.R. WHITBY: I do not know what the member is talking about. I think, in a broader sense, in terms of public comment and ability to take part, that is open. I do not determine “you cannot comment because you—you know, you are an activist”, for instance. I will refer to Dr Fran Stanley. If she knows what you are talking about, then she can respond.

Dr F. Stanley: Thank you, minister. Yes, the consultation process that we are undertaking is fairly broad. We have undertaken some targeted meetings with key stakeholders that includes industry groups but also groups that have a focus on different sectors. We have run a series of focus groups and through those focus groups some organisations and individuals were provided an opportunity to have their input through that. Ray Swarts is involved with an organisation called Nannas for Native Forests and that group was part of one of the focus groups. We have also run a publicly available online survey that anyone could undertake. That could have been any member of the public, someone representing an organisation or an individual. There will also be another opportunity for people to have their input through the statutory public consultation phase, which is a two-month period when the plan is open for public comment. That is anticipated to occur later this year.

Mr P.J. RUNDLE: I refer to page 709, the fifth paragraph “Joint Management”, under “Significant Issues Impacting the Agency”. This refers to the department progressing the plan for our parks and mentions the proposed south coast marine park. What stage is the development of this new marine park at, has public consultation completed and has planning concluded?

Mr R.R. WHITBY: I know the member has an interest in that part of the world. This is a significant body of work and it is a very aspirational—well, not aspirational; it is very ambitious and a very broad marine park. As the member would know, it is a very special part of the world that is incredibly beautiful and diverse in its environment values. The process is ongoing. It has started, but there is ongoing consultation and that will continue. In terms of the time line, I might seek some advice. Certainly, there has been extensive consultation and there continues to be, and I know there are various stakeholders with commercial interests. We, as a government, want to make sure that all concerns are listened to. We are setting up national parks all around the state and it is always the way that we need to accommodate all interested parties, whether they are recreational or commercial fishers, or traditional owners or the local community. This is a big marine park, in scale, and there is a lot of valuable marine environment down there. Peter Dans might be able to elaborate on the process and timing.

Mr P. Dans: Thank you, minister. During 2021, the department, with its partners in the project the Department of Primary Industries and Regional Development, developed a community engagement strategy. That was done with stakeholders. That led to the establishment of a 12-member community reference committee. That reference committee first met in December 2021. It met again earlier this year and will meet for a third time in June. It is expected that that committee will meet between probably six and eight times during the development of an indicative joint management plan for the marine park. There is a statutory requirement for that indicative joint management plan to go out for a minimum of two months' public consultation, similar to the forest management plan that Dr Stanley referred to. We are not at that stage yet. There is a lot more consultation to go through that community reference committee structure. Sector reference groups have also been established. They represent various sectors:

tourism, commercial fishing, recreational fishing, environment, science, youth, snorkelling, diving and the like. The chairs of those sector reference committees sit in on community reference committee meetings and provide input from a sector point of view into the process. It is very early days so far. We are anticipating, at this stage, that probably early in 2023, perhaps the first quarter of 2023, we will be at the stage whereby we will be releasing an indicative joint management plan. We will take public submissions on that. It will come back. The planning team, including the department, DPIRD and joint management partners will consider those submissions and a final management plan, which precedes the establishment of the park, will hopefully be considered by government. The Minister for Environment will refer it to the Minister for Fisheries and the Minister for Mines and Petroleum, which is a statutory requirement. It needs their concurrence to formally establish the park. We are hoping to do that late in 2023.

Mr P.J. RUNDLE: Thank you for that comprehensive response. The minister said that the department was working with DPIRD and the like. Is it working with fisheries to determine the value of the fishing licences in that area?

Mr R.R. WHITBY: Member, that is outside my area of responsibility. That comes under Minister Punch in terms of fisheries. I think he addressed this issue in the estimates earlier today.

Mr P.J. RUNDLE: I would have thought by that answer that the member gave about working with DPIRD—is there an ability to determine the value of the fishing licences in the area and will the economic value of the fishery be included in the considerations of the marine park boundaries?

Mr R.R. WHITBY: Again, it is a matter that comes under fisheries. It is not part of the planning for the national park, but it is certainly an issue that Fisheries is responsible for and it would have its own methodology. The only thing I would say, and it is certainly outside my ability, or appropriateness, to answer, is that all stakeholders are very much involved in the planning and the discussions of this and their concerns about access are part of these negotiations and consultations. As a starting point, we would hope that we can have a national park that allows access for commercial activities and allows recreational fishers to have their enjoyment, but does so in a way that we can have a sustainable long-term resource there. These are actually good things for the commercial sector as well. I was recently in Exmouth and I spoke to a charter operator. He welcomed the new marine park in the Exmouth Gulf because he is keen on seeing the fish stocks protected and having a sustainable catch. That is the long-term prosperity for these operators. This is not a bad thing; this is a good thing and commercial operators appreciate this and know it to be so. I would hope that we come out of this process with a successful marine park plan that has a sustainable fishery in there that allows those commercial operations to continue, and that is why we consult them. It is a very broad and detailed process, as Mr Dans has explained. I do not see this as a negative. If there is an impact on commercial operations, there is an ability, under the Minister for Fisheries, to deal with that. I would hope that the consultations are good and productive, and allow everyone's interests to be served.

[6.50 pm]

Mr P.J. RUNDLE: Who is the chair of the reference group?

Mr R.R. WHITBY: The chair is Mr Fran Logan. I think we are very fortunate to have a former minister in that role. Fran, as the member would know, is someone who has abilities and certainly knows his way around government. I think he is doing a very good job in the role.

Mr P.J. RUNDLE: Has Mr Logan got any fisheries experience, minister?

Mr R.R. WHITBY: I think former minister Murray might have had some fisheries experience! Look, I do not know if he is a keen fisher, but he has experience in dealing with issues and people. I think he makes a very good appointment.

The CHAIR: He likes to surf.

Mr P.J. RUNDLE: I look forward to improved consultation.

Ms L. METTAM: I am hoping I can ask this. I refer to page 712, under “Service Summary” and the line item “Visitor Services and Public Programs Provided in National Parks and Other Lands and Waters”. My question relates to one of the most visited national parks in the state, the Boranup forest as part of the Leeuwin–Naturaliste National Park. What progress has the Department of Biodiversity, Conservation and Attractions made in relation to the six-point plan, which has been put together by the Shire of Augusta–Margaret River and the Margaret River Busselton Tourism Association, around the sustainability of this park, appreciating that there has been significant need for renewal? I look forward to the minister's response.

Mr R.R. WHITBY: I am very happy to respond, and I know that it is obviously very dear to the member's heart. The Leeuwin–Naturaliste National Park is one of the most popular national parks because of its location and its shape; it is long and thin, because it hugs the coast down along the capes. It is very visited. It is a different national park in terms of the public access. People can come at it from all sides and from the east. It is heavily visited. We obviously had some issues with fire over summer, which impacted it as well. When I went down to look at the fires, I also had the opportunity to get under the spell of Mr Stuart Hicks, who the member knows very well, who is very, very passionate about his Karri Bowl plan. I was taken to the location—I was very familiar with it already—and the caves in the area. A lot of work is going on at the moment with the rebuild after the fire impacted those cave entrances run by DBCA, and I think there is enormous potential down there.

What we have done with national parks—I think of the Kalbarri Skywalk—these wonderful places to visit, is if there is an investment in a major attractor, it escalates visitation and the value we get out of these national parks. I am very happy to look at this Karri Bowl proposal. I have been taken through it step by step, and it is something I am really keen to pursue in the future. Obviously, we look at where the best spend is and we are spending millions and millions of dollars on facilities and upgrades in our national parks right across the state. The member will notice a lot of work done in Collie on mountain biking and the work on the mural at Wellington Dam. It has an amazing return to the state. Visitation is huge, and a lot of that is linked to COVID, but I think it is beyond that—people are discovering their state. Now that they have discovered it, I think they are going to keep going back for more. Leeuwin–Naturaliste is a special place, and there is extra pressure on it because of visitation and because it is so accessible, and we want to protect that. But in the longer term, I think there is an opportunity and it is one that I want to look at, when we have completed our program of investment, which was many tens of millions of dollars in other national parks. We have the six-point plan—already made—proposal there, and I am keen to look at that.

Ms L. METTAM: As the minister said, it has been challenged in recent times. Lighthouse revenue is down 60 per cent and caves revenue is down 30 per cent. There is also the challenge of enjoying visitors to the region from the eastern states as well. Has any progress happened on the six-point plan since January? I understand there was a meeting in January with DBCA.

Mr R.R. WHITBY: It is a plan that has been put to me and was one of my first visits as minister to inspect the damage that was done. The focus now is getting those caves operating and replacing the destroyed infrastructure; that is the first priority. But this is a longer term ambition, and it is great that it has local support in the local community down there, and the council and chamber see it as adding to the experience in the southwest. There is a lot of connectivity to the DBCA caves in the area. It is just something that we need to look at in the future. I cannot point to anything in this budget that talks about that, but there are so many projects right across the state that are deserving of attention, and many are getting attention now. We have an ambitious program, whether it is at Karijini, Kalbarri, further afield or closer to home, but this is one that has a good plan that has been presented and I am keen to look at it further in the future.

Mr R.S. LOVE: I refer to page 708 of budget paper No 2, volume 2, under “New Initiatives”, “Climate Action—Carbon Farming on Lands Managed by the Department”. I am aware that the department has a lot of pastoral leases and the like, so I assume that is the type of area it might be seeking to do this on. I just wonder whether the department has an idea of how much atmospheric carbon would be sequestered with that expenditure of \$6.362 million.

Mr R.R. WHITBY: It might have been a question that we could have attempted in the last division. DBCA’s expertise is not in terms of —

Mr R.S. LOVE: It is in this division.

Mr R.R. WHITBY: Yes. We are talking about climate issues, but in terms of emissions into the atmosphere —

Mr R.S. LOVE: That is carbon farming on DBCA land. Carbon farming is actually the harvesting of carbon on the land.

Mr R.R. WHITBY: That allocation is about extra FTEs. It is not about any measurement of carbon.

Mr R.S. LOVE: Sorry?

Mr R.R. WHITBY: That reference you made, I am informed, is about the addition of six FTEs to be able to manage that program. DBCA has the tenure of land. The government as a whole is looking at options for carbon farming and sequestration. There has been the appointment of six FTEs to manage that program. It is about what this agency can do to plant vegetation and to encourage that to happen, but it is not strictly on the emissions side.

Mr R.S. LOVE: It is not on DBCA land?

Mr R.R. WHITBY: It is on our land. It is DBCA managed land. I will refer to Jason Foster to further clarify.

Mr J. Foster: Thank you, minister. As the minister said, the new initiative provides us with resources so that we can undertake feasibility studies on lands that we currently manage on behalf of government, on our conservation estate and also on unallocated crown land that we manage on behalf of the state. In terms of the member’s question about quantifying carbon tonnage or outcomes, we cannot do that until we actually undertake the feasibility studies because the rangelands will be very different to the outcomes we are getting in the south of the state.

Mr R.S. LOVE: Thank you. That has cleared it up for me.

Mr R.R. WHITBY: It is not this agency’s job to quantify that measurement, is it? It is our job to make sure that programs are a success.

The appropriation was recommended.

The CHAIR: That completes consideration of the estimates by this committee.

Committee adjourned at 7.00 pm

