



Parliamentary Debates

(HANSARD)

FORTY-FIRST PARLIAMENT
FIRST SESSION
2021

LEGISLATIVE COUNCIL

Thursday, 16 December 2021

Legislative Council

Thursday, 16 December 2021

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

CHAMBER ETIQUETTE

Statement by President

THE PRESIDENT (Hon Alanna Clohesy) [10.03 am]: Good merry morning, members. Members, I would like to remind you that there is Christmas etiquette and there is chamber etiquette, and never the two shall meet. Thank you for your entertainment, honourable member. The entertainment is over.

Several members interjected.

The PRESIDENT: Let us start that again. Good morning, members.

Hon Alannah MacTiernan: What about Hon Dan Caddy?

Several members interjected.

The PRESIDENT: Third time lucky. Good morning, members.

REGIONAL ECONOMIC DEVELOPMENT GRANTS

Statement by Minister for Regional Development

HON ALANNAH MacTIERNAN (South West — Minister for Regional Development) [10.04 am]: This week we kicked off the unveiling of the fourth round of the McGowan government's highly successful regional economic development grants, announcing six job-creating projects in the Peel region. The RED grants initiative will invest \$40.8 million over seven years into locally-driven projects to stimulate local economic growth in the regions. Round 4 of the Peel RED grants will deliver \$780 000 to six projects, building on the region's strengths in agrifood and beverage development and manufacturing.

Caravan King will use a \$160 000 grant to expand its workshop, allowing the business to meet supercharged demand for caravan maintenance and repairs in Peel. Spinifex Brewing will receive \$150 000 to increase its packaged beer sales in the Australian domestic market and export the "The Taste of Australia" range by installing a canning line in the Spinifex production brewery within the Western Australian Food Innovation Precinct. A \$170 000 grant will support Eden Towers to establish Australia's first solar-powered vertical farm in the Peel Business Park as part of its growing bush foods program. Smartstream Technology's \$120 000 grant will help fund the procurement, installation and commissioning of a rotomoulding machine to allow the company to expand and meet demand for its waste and stormwater products used by the civil and industrial industries. Chaff City's expansion will be backed by a \$90 000 grant to semi-automate the mixing and packaging processes for its muesli and grain mix production. Hunsna Smallgoods will receive \$90 000 towards new equipment, including a vacuum fill and portion system, to increase its capacity to service its growing export contracts.

We have also taken a major step forward in activating the East Keralup landholding, which has sat empty in government hands since the 1990s. Following a state government expression of interest process in 2018, agricultural composting company C-Wise will become the first tenant at the site with a project that will create around 130 local jobs. On Tuesday we also turned the sod on the access road to the site, an \$8.65 million McGowan government investment to drive local jobs in the Peel region.

Our latest round of RED grants will help these existing Peel businesses take their operations to the next level and drive opportunities in manufacturing and agriculture across the region. We look forward to announcing RED grants in regions across the state in coming months.

The PRESIDENT: Members, I was a little distracted in my order of business this morning, so I will make a statement now.

E-PETITIONS

Statement by President

THE PRESIDENT (Hon Alanna Clohesy) [10.08 am]: In September, the Legislative Council agreed to the e-petitions temporary order recommended in the sixty-fourth report of the Standing Committee on Procedure and Privileges titled *Review of the standing orders*. I remind members that the trial of the new and innovative e-petitions procedure will commence from 1 January 2022. Members will be aware that in the past some petitioners have been advised that their e-petitions, created in good faith with the assistance and support of organisations such as change.org, failed to comply with the standing orders and could not be laid before the Council for its consideration. Petitions are one of

the methods by which the public can engage with the legislature and participate in a parliamentary democracy. The right of a citizen to petition the monarch and the Parliament was established as early as 1215 under the Magna Carta, and reaffirmed by the Bill of Rights 1689. The Council's e-petitions temporary order will now enable a greater level of participation and engagement in our democracy.

From 1 January 2022, petitioners will be able to use tools on the Parliament's website to create an e-petition and they will need to approach a member to facilitate an e-petition on their behalf. If a member agrees to facilitate an e-petition, the e-petition will be hosted on the Parliament of Western Australia's public website for the duration of the nominated hosting period. During this hosting period, the e-petition will be open for the electronic distribution and collection of electronic signatures from supporting petitioners. At the conclusion of the hosting period, the Clerk's office will arrange for the printing of the e-petition in full and provide it to the facilitating member for tabling and presentation to the Council. As with traditional paper petitions, all e-petitions presented to the Council shall stand referred to the Standing Committee on Environment and Public Affairs in accordance with standing orders. I thank all members for their assistance in bringing this modernised procedure to the Council.

PAPERS TABLED

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

DISALLOWANCE MOTIONS

Notice of Motion

1. City of Wanneroo Animals Local Law 2021.
2. City of Greater Geraldton Bush Fire Brigades Local Law 2021.

Notices of motion given by **Hon Lorna Harper**.

McGOWAN GOVERNMENT — STATE FINANCES

Notice of Motion

Hon Dr Steve Thomas (Leader of the Opposition) gave notice that at the next sitting of the house he would move —

That this house notes that —

- (a) the McGowan government is in the process of blowing the 2019–22 economic boom, which has given it the highest revenues and largest budget surpluses in the history of Western Australia;
- (b) the boom has been the result of high iron ore prices and the new deal struck with the commonwealth on GST;
- (c) despite this record income, the McGowan government has failed to adequately deliver services to the people of this state, and that many of their ministers have failed in their tasks; and
- (d) thanks the Morrison federal government for the GST fix that has delivered billions of dollars into the state coffers.

RETAIL TRADING HOURS AMENDMENT BILL 2021

Introduction and First Reading

Bill introduced, on motion by **Hon Wilson Tucker**, and read a first time.

Second Reading

HON WILSON TUCKER (Mining and Pastoral) [10.14 am]: I move —

That the bill be now read a second time.

I am excited to introduce the Retail Trading Hours Amendment Bill 2021. This bill will amend the Retail Trading Hours Act 1987 to extend trading hours for general retail shops in the district of Perth, bringing Saturday trading hours in line with weekday trading hours and providing additional time in the morning for shoppers on Sundays.

This bill will give shoppers more choice, while attracting people back into the City of Perth and giving the local economy a much-needed boost. This bill is the next step in the long road towards modernising trading hours regulations in this state. Under the current Retail Trading Hours Act 1987, trading hours in this state are regulated on the basis of metropolitan or non-metropolitan areas and by their classification as either general retail, small retail or special retail shops.

This bill will increase the shopping hours in the area of Perth by making a simple change to the act, while not affecting the trading hours for the rest of the state. This will be achieved through clause 4, which provides a definition for the “district of Perth”, which is taken from the City of Perth Act 2016. Clause 5 provides that the trading hours applied to general retail shops in the metropolitan area will not apply to those in the district of Perth. Clause 6 of the bill will create a new section to define the trading hours of general retail shops in the district of Perth, extending Saturday trading hours from 8.00 am to 5.00 pm to be the hours of 8.00 am to 9.00 pm, and extending Sunday trading hours

from 11.00 am to 5.00 pm to be the hours of 8.00 am to 5.00 pm. The Retail Trading Hours Act 1987 does not prescribe when shops must be open, but rather prescribes when shops must be closed. This bill does the same. It will remain the case that decisions about when a shop will be open will be made by the owner of a shop themselves.

Western Australia's retail trading hours restrictions are outdated and out of step with other jurisdictions. New South Wales, Victoria and Tasmania have no restrictions on retail trading, except for certain public holidays. South Australia exempts most retail shops from restrictions based on floor size. In Queensland, retail shops in the south east of the state can trade until 9.00 pm on a Saturday. The changes proposed in this bill are backed by industry groups including the Chamber of Commerce and Industry of Western Australia, which claims that relaxing trading hours restrictions will lower prices for consumers, create convenience and more jobs for Western Australians, and boost economic growth. This change is also supported by the residents of Perth, who in the 2005 referendum voted in favour of extending retail trading hours to allow general retail shops to trade until 9.00 pm Monday to Friday and for extended hours on Sunday. More recent opinion polls have also shown majority support for this change by Perth residents and those of the greater Perth area.

Perth businesses are facing new challenges, including the impact of COVID-19 restrictions, lockdowns and a lack of tourists and domestic shoppers. Since the beginning of the COVID-19 pandemic, online sales have increased almost 60 per cent, as shoppers prefer to stay at home and have more flexibility to purchase goods according to their schedules. The City of Perth has reported a decline in foot traffic over the past two years, with drastic decreases during each snap lockdown. These challenges are compounded by the rise of large online retailers that not only have lower overheads, but also are not bound by trading hours restrictions. The current restrictions on Perth retailers are not fit for purpose in a highly competitive, increasingly globalised and constantly changing market. Of course, these problems existed before COVID. Yagan Square is Perth's own canary in the coalmine. Once celebrated as a world-class food hall, Yagan Square has seen the majority of its food vendors close their doors, citing poor foot traffic as a major cause of their struggles. As of July 2021, Perth's vacancy rate is 26.7 per cent and has been climbing for the past decade. Some of Perth's malls and arcades have vacancy rates as high as 50 per cent. The benefits of modernising retail trading hours include an increase in not only trading hours for the extended hours of operation, but also retail sales as a whole, as seen in other jurisdictions around Australia. Since reforming retail trading hours in 1998, Victoria has seen retail sales grow at twice the rate of the national average.

By allowing Perth retail shops to trade later on a Saturday and earlier on a Sunday, this bill seeks to reinvigorate the City of Perth. While the entertainment precincts of Perth are busy on a Saturday night, the commercial precincts are a ghost town. Bringing shoppers back to the city on a Saturday night will inject new life into the commercial precinct and make Perth an attractive destination for families. Allowing general retail shops to open earlier on a Sunday will improve amenities for the residents of Perth and remove the odd spectacle of shoppers lining up at 10.45 on a Sunday morning, waiting for shop doors to open. It is long overdue for retail trading in Perth to be brought out of the Dark Ages. The changes outlined in the bill will give more trading options to Perth shoppers, and give owners, rather than bureaucrats and politicians, more responsibility for determining when they can open.

The Tourism Council WA has challenged the McGowan government to think big to attract tourists back into the state after the COVID-19 border restrictions, and to compete with other cities for interstate and overseas visitors. One way of making the City of Perth more competitive and marketable would be to allow for more flexible trading hours, reflective of other states, territories and locations around the world. This bill aims to do exactly that, giving more options to shoppers and bringing the City of Perth into line with other jurisdictions. The City of Perth is home to new and exciting projects and facilities, including Optus Stadium and Elizabeth Quay. The City of Perth deserves modern trading hours to unlock the full potential of these and other future projects.

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

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

[See paper [1000](#).]

Debate adjourned, pursuant to standing orders.

DIGITAL INCLUSION

Motion

HON WILSON TUCKER (Mining and Pastoral) [10.20 am] — without notice: I move —

That this house —

- (a) recognises the benefits of digital inclusion, particularly in remote and regional areas of Western Australia;
- (b) notes that despite the rollout of the NBN, many regional Western Australians still lack network access and remain effectively digitally excluded; and
- (c) calls on the state government to increase investment in initiatives to improve network access and digital inclusion for regional Western Australia.

I am excited to speak on this motion on digital inclusion today. Digital inclusion is an area in which I have a little expertise. I have a computer science background and until recently I worked in the technology sector for several years. I have been fortunate enough to work on teams that have been responsible for building front-end web-facing applications available to the general public. I understand the benefits of ensuring that these applications are user-centric, fit for purpose, and available to a wide range of people.

The silver lining of this pandemic is that we have discovered that the old model of working in a centralised, in-person environment is not strictly needed in many different industries, and we are now experiencing an accelerating digital transformation in many aspects of our society as a result. As we change to a more disrupted and digitally connected world and start participating in this new world digital economy, it is important to keep digital inclusion in mind and allow everyone to participate; otherwise, we will run the risk of alienating certain people.

For the benefit of *Hansard* and members, digital inclusion is about ensuring that all Australians can access and use digital technologies effectively. If we break down digital inclusion, the four main areas are connectivity, affordability, skills and design. It is important to take these into account to ensure that, as we design systems, build applications and roll out infrastructure, we do so in a way that gives everyone the opportunity to benefit from and engage in digital technologies.

As a result of this pandemic, not only are we working remotely more often; we are also increasingly using technology and devices in a number of different areas. A few examples include: managing health records; accessing education services; participating in cultural activities; organising finances; following news and media—some of it more factual than others; and connecting with friends and family. The last example is certainly important to me, as I have friends and family in other countries and other jurisdictions of Australia. I am sure it is very applicable to a lot of other Western Australians also.

If we are talking about digital inclusion, we also need to talk about digital exclusion, which is the other side of what is called the digital divide—the difference between those who are able to enjoy the benefits of being online and using technology confidently to improve their day-to-day lives, and those who cannot. There are real-world consequences for lacking internet connectivity and being digitally excluded, and the COVID-19 pandemic has highlighted and exposed many of these consequences. The report by the Bankwest Curtin Economics Centre titled *Falling through the net: The digital divide in Western Australia*, which was published in 2018, is excellent and I encourage members to read it. It found that 2.5 million people are not online because of affordability issues. Research also undertaken by BCEC found that during the height of the pandemic, many people struggled with access to government services, helping their children to undertake online study and engaging in telehealth services. These are very important services and it can be incapacitating for people who do not have online access. Digital exclusion is not only related to people being unable to access their favourite Netflix shows or FaceTime their friends, but also can be profoundly damaging for a lot of people and puts individuals at a disadvantage to the rest of the community. Typically, people who are considered to be digitally excluded are already in the disadvantaged or marginalised categories, so it exacerbates their already worse-off situation. There is a clear link in this country between the levels of internet access and relative socio-economic disadvantage. Those regions reporting lower internet access are also the areas of higher socio-economic disadvantage, with the reverse also being true. A report by Carnegie Trust concluded that loneliness, depression and economic deprivation were significantly higher among the digitally excluded. They are the very real world consequences.

How is Australia and Western Australia tracking on digital inclusion? The Australian Digital Inclusion Index tracks and reports on digital inclusion in Australia, as members would expect. As a whole, Australia ranks quite well. We are a very fortunate and wealthy country. The rating system is based on a set of criteria. Australia rated 67.5 in 2020 and 71.1 in 2021. The scores between the metropolitan and regional areas remain divided. Regional areas scored around 67.4, which is 5.5 less than in metropolitan areas. Regional residents are more digitally excluded than their metropolitan counterparts. As a whole, Western Australia places quite well. It is equal with Victoria, which is typically a fairly good state yardstick to base ourselves on. Western Australia's score is 72, the Australian Capital Territory is the highest at 77 and Tasmania is the lowest at 66. Unsurprisingly, the breakdown for Western Australia shows that the metropolitan area is above the national average, which is good. If we focus on the breakdown of regional Western Australia, we can see that it is lower than the metropolitan areas. Interestingly, the regional areas that see more investment in the resources sector are typically above the national average. They include Broome, the East Pilbara, Port Hedland, Karratha, Ashburton, Leonora and Kalgoorlie–Boulder. This can be attributed to private investment to keep the mining royalties flowing. Areas where we do not see as much investment and that also have a higher Indigenous population lag the national average. They include the East and West Kimberley, Halls Creek and Meekatharra. These low digital inclusion numbers directly correlate with low household internet access. The lowest performing region in Western Australia is the East Pilbara, with 55 per cent of households not having access to the internet, followed by Halls Creek at 47 per cent, Leonora at 44 per cent and Derby–West Kimberley at 41 per cent. There is a direct correlation between digital inclusion and internet access.

I will switch focus and refer to internet connectivity, which is the connectivity part of digital inclusion. This remains the foundation of a minimum level of participation for a lot of people in this state. According to the Economic Intelligence Unit, Australia ranks thirty-fourth in the world for fixed-line monthly broadband affordability. Australia

obviously has the tyranny of distance to contend with when rolling out internet cables across the continent. We have seen some large-scale federal initiatives in this space with varied levels of success. I am sure members can expand on some of the finer points of that. According to the BCEC report in 2018, approximately 83 per cent of Western Australian households had internet access. However, access in regional areas is significantly lower, with less than 50 per cent of households connected in some areas.

Other problems with internet connectivity in regional areas besides availability, which I spoke about, include affordability, data congestion and unreliability. There are no set standards or guidelines in this country or this state for internet access, and that is clearly evident. The national broadband mobile black spot database has identified 450 black spots in WA, which is, obviously, a very large number. In 2019, the infrastructure audit found that in regional towns and remote communities, telecommunications networks often deliver services at a costlier rate and with poorer connectivity, speed and data allowances than those in metro areas. People in the regions face a number of challenges in comparison with their Perth and metropolitan counterparts and, certainly, availability and affordability of a decent internet connection is one of them.

Talking about Aboriginal communities with respect to digital inclusion and access to mobile coverage, target 17 of the Closing the Gap agreement reads —

By 2026, Aboriginal and Torres Strait Islander people have equal levels of digital inclusion.

I find it disappointing that the state government's *Closing the gap jurisdictional implementation plan: Western Australia* does not specifically mention digital inclusion other than a few initiatives that are indirectly linked. I have done some research to find out how many Indigenous communities in WA do not have internet access and where they are located. The data has not been easy to find. I have asked several questions in this chamber on the topic to try to get some insight. The government's response so far has been that digital connectivity is a federal issue. I found that a disappointing and shallow answer considering the state government is a party to the Closing the Gap agreement. When doing some further digging, I read a report titled, *Remote Indigenous communications review: Telecommunications programs and current needs for remote Indigenous communities*, which was created by the Australian Communications Consumer Action Network. It was federally funded and provides a high-level analysis of the number of remote communities in WA that have mobile coverage. It shows that 128 communities with a population of fewer than 50 people do not have mobile coverage. Three communities with a population of between 51 and 100 people do not have mobile coverage. Two communities with a population between 101 and 200 residents do not have mobile coverage. The report also mentions that the Department of Primary Industries and Regional Development —

... has analysed the list of all WA Indigenous communities (including outstations) against carriers' coverage maps, added in existing mobile service details, population figures where available, and other information ...

Based on this report, it appears to me that the state government has access to the information on how many regional and Indigenous communities do not have mobile access, but that information, sadly, has not been forthcoming. I would also like to draw the government's attention to "Priority Reform Four" of the Closing the Gap agreement, which requires —

Aboriginal and Torres Strait Islander people have access to, and the capability to use, locally relevant data and information to set and monitor the implementation of efforts to close the gap, their priorities and drive their own development.

It means that the information should be made available. It should be transparent and provided to those communities. I implore the minister to comment on this point and, hopefully, she can shed some light if this information is available.

I acknowledge some of the work that the government has done in this space. The state government's regional telecommunications project—RTP—was built on the completed regional mobile communications project and has provided over \$100 million for new and improved mobile communications infrastructure. Some of the funding allocated to RTP is used to meet the state's contributions to the commonwealth's Regional Connectivity Program and the Mobile Black Spot Program that I previously mentioned. Certainly, the RTP and similar commonwealth programs are appreciated. However, they focus only on the connectivity aspects of digital inclusion. For digital inclusion as a whole, a draft government strategy doc titled *Digital inclusion in Western Australia: A blueprint for a digitally-inclusive state* was published in June 2020 last year. I am glad to see the government is taking this topic seriously, at least at the conceptual level. There appears to be no comprehensive program for improving digital inclusion. If the minister it is able to comment, I am open to feedback on that point. Digital inclusion is a topic that cuts across many different government initiatives, providing affordable internet and mobile coverage, making online services accessible to people on the full spectrum of abilities and disabilities, and providing training and awareness to the people of Western Australia to have a basic degree of digital literacy.

It is not clear, from what I can see, which current government projects have adopted the principles outlined in the state's digital inclusion blueprint or which projects are being directly funded as a result of this blueprint. I would also like to draw attention to the fact that responsibility for the state digital blueprint lies with the Minister for Innovation and ICT and the Department of the Premier and Cabinet; however, the development, rollout, delivery

and management of regional connectivity projects is managed by the Minister for Regional Development and the Department of Primary Industries and Regional Development. This involves two separate departments, so it might be a case of one hand not knowing what the other is doing, but, again, I will be happy to be proved wrong on this point.

Another concern I have with the current approach to regional connectivity is that the state government's strategy to date seems to be around leveraging state funding to attract private and commonwealth investment. This is not necessarily a bad thing, but it does mean that state funding is contingent on commonwealth funding and, essentially, relies on the commonwealth government coming to the party. If those contributions dry up, regional communities will be left with no certainty. The budget papers show an investment of \$21.2 million towards the regional telecommunications project in 2021–22; however, there is no funding commitment over the forward estimates. I believe that Hon Martin Aldridge has asked a few questions in this place on that point. The government claims that further funding will be considered as part of the normal budget process, but that is of little comfort to people and is contingent on a commonwealth commitment.

When we talk about responsibility for digital strategy and regional connectivity, although it is true that the regulation of telecommunications is a federal issue, in my view, the state cannot abdicate its responsibility to improve the welfare of its own residents—we are talking about people who live in this state; they are Western Australians after all! If commonwealth funding is not forthcoming for its commitments to telecommunications infrastructure in WA regions, that is precisely when the state government needs to step up and meet the shortfall. That really gets to the heart of this motion, in which paragraph (c) asks that this house —

calls on the state government to increase investment in initiatives to improve network access and digital inclusion for regional Western Australia.

In summary, the government has invested about \$105 million since 2012 to improve telecommunications infrastructure. This might sound like a lot, but \$100 million over 10 years is a very modest amount when compared with other vital infrastructure projects. As more and more people require digital services in their day-to-day lives, it is clear that the state government's investment needs to increase, regardless of the commonwealth's commitments.

As I said earlier, the government's digital inclusion blueprint is certainly a good start, but I would like to see this taken beyond the conceptual phase and see some concrete projects with a clear vision, and not the scattershot approach that we have seen to date, which is split between various departments.

Hon Alannah MacTiernan: In what sense is it scattergun?

Hon WILSON TUCKER: We can debate the topic, minister.

Hon Alannah MacTiernan: That is what we are doing.

The PRESIDENT: Order! Please allow the honourable member to continue.

Hon Alannah MacTiernan: You're not supposed to be reading; you're supposed to be debating now.

Hon WILSON TUCKER: Minister, the strategy for digital inclusion is created by one department and implemented by another. That is what I was referring to when I mentioned scattershot.

Several members interjected.

The PRESIDENT: Order!

Hon WILSON TUCKER: I look forward to hearing from members on both sides of the chamber on this topic and also to improving public access and outcomes for regional WA.

The PRESIDENT: I gave the call to Hon Martin Aldridge, so he can go ahead—a Christmas mistake!

HON MARTIN ALDRIDGE (Agricultural) [10.38 am]: Thanks, President. I rise on behalf of the opposition to support this worthy motion on the last sitting day of the Legislative Council for 2021. I congratulate Hon Wilson Tucker for moving such an important motion that focuses on an important issue in regional and remote Western Australia. This is the reason why the Legislative Council should continue to have regional specialists like Hon Wilson Tucker represented amongst its members. I think the Legislative Council has a good history —

Several members interjected.

The PRESIDENT: Order! Hon Martin Aldridge has the call.

Hon MARTIN ALDRIDGE: Thank you, President. The Legislative Council has a good history of debating a significant number of matters of interest to regional and remote Western Australia, and I think that has a lot to do with the construction of this place over many years.

Turning to the motion in front of us, as Hon Wilson Tucker said, digital inclusion is not just about access or networks. That is obviously one part of inclusion, but how people use that access and those networks is equally important. A person can have access but not use that access, and that therefore results in them not having digital inclusion. If members are not aware, a report has been published annually since 2015 called *Measuring Australia's digital divide*:

Australian digital inclusion index. It is a collaboration between Telstra, the ARC Centre for Excellence for Automated Decision-Making and Society, RMIT University and the Centre for Social Impact at Swinburne University of Technology. The latest report of 2021 made some interesting observations. I want to quote from a section under the heading “The number of highly excluded Australians has declined, but remains substantial”, which I think is directly relevant to this part of the motion. It says —

The percentage of highly excluded Australians has decreased between 2020 and 2021. In 2020, 17% of the Australian population were highly excluded (defined as recording an Index score of 45 or below). In 2021, this has dropped to 11% of the population.

In 2021, highly excluded Australians are most likely to have not completed a secondary education (38%); fall in the lowest income quintile (31%); live in a single person household (26%); have a disability (23%); currently be unemployed (21%); or not be in the labour force (22%).

The percentage of excluded Australians (defined as recording an Index score of above 45 and below 61) has not changed since 2020 and remains at 17% of the national population. Taken together, the number of highly excluded and excluded Australians is substantial, equalling 28% of the national population in 2021.

That was quoted directly from the 2021 *Australian digital inclusion index*. Obviously, some really good aspects of the important role of digital inclusion have been well canvassed. I think the pandemic, in particular, has brought many of those things to the fore of our thinking. It has impacted how we engage in commerce and trade. Education, in particular, was one of our significant vulnerabilities, as we contemplated, but did not really move towards, the home schooling approach in the early stages of the pandemic. I think we would have had most serious shortcomings in our ability to educate our children outside the school environment. Again, social inclusion is an issue that has always been there but has been brought to the fore by the current pandemic environment. It is about the way we keep people connected to their family, friends, services and community. Sometimes, people have even participated in important occasions like weddings and funerals through digital inclusion. There have been significant developments, breakthroughs and advances in the health space over the last decade or so in the provision of health services and the type of care that we provide, particularly in emergency care, through the world-leading services that we have in Western Australia such as the emergency telehealth service, which provides specialist support to sometimes remote areas of the state.

Obviously, some of those good things are well known. I want to talk a little about some of the problems that come with digital inclusion, because I do not think those things are necessarily as well canvassed. The level of digital inclusion among our youngest Western Australians can have significant impacts on their cognitive development. It can lead to eye impairment and physical deformation. It can also have a significant impact on the development of their social skills and their engagement with not just their family unit but also their community. There are some interesting resources online if members are interested, including a study titled “Growing Up Digital Australia”. I will quote from a report that appeared in *The Conversation* on 28 April this year, which said —

These are some of the findings from our Growing Up Digital Australia study. In 2020 we surveyed nearly 2,500 parents, grandparents and caregivers across Australia. This yielded data about 5,000 children aged 5–17 on their use of digital devices at home during the pandemic.

Our study shows more than 80% of children in this age group own a screen-based device and that children today, on average, have three different digital devices. Our data show children start owning devices from as early as four years old.

Only 46% of parents said their child could spend a whole day without using a digital device.

It is quite a significant report and I encourage members to consider it further.

In Western Australia, we have somebody who is leading some research in this space. Earlier this year, I attended a gala event, along with Hon Donna Faragher and a number of members from the other place, and we heard from Professor Desiree Silva, a leading paediatrician in this state, about the impact of digital technology on our youngest Western Australians. The Telethon Kids Institute, in conjunction with Professor Silva, is doing some really interesting research, tracking the impact over time of digital engagement on young people. I want to quote from a statement from the Telethon Kids Institute, which says —

ORIGINS Project co-director Professor Desiree Silva said the early use of digital technology was resulting in less free play, unsupervised viewing, sleep disruption, addictive behaviours, obesity, speech and language delay, and difficulties around social interaction and self-regulation.

“Parents are confused around management of digital technology, with education policy calling for increased use of technology to support learning, and public health policy calling for no screens for very young children and very limited use by slightly older young children,” Professor Silva said.

These are some of the good and bad things that come with increasing digital inclusion in our society that I think we need to be very much conscious of as we have this debate.

A couple of other aspects of this motion that I want to touch on in the limited time that I have are the two remaining limbs: (b) and (c). Limb (b) refers to some of the limitations of the NBN in Western Australia and that some Western Australians still lack network access. Limb (c) calls on the state government to increase investment. This is an area in which I think the state and commonwealth have co-invested in not only mobile technology, but also fixed technologies for some years, if not several decades. It goes back quite a long way to when governments formed telecentres and invested in some of the first mobile phone towers in this state. That co-investment strategy is not something that has occurred just in recent times. I do acknowledge some difficulty in access; but, also, equity in access is a significant issue. Sometimes the cost of accessing some regional services is inequitable when compared with metropolitan services, and that is particularly the case when we compare restrictions on the level of data that someone can access over NBN satellite, for example, versus fibre-optic or fixed-wireless solutions.

The last point of the motion is about increasing state investment. I am concerned that the government confirmed during budget estimates that there is no funding in the forward estimates for new investments in regional telecommunications. That is particularly concerning given that the federal government has announced \$80 million for round 6 of the Mobile Black Spot Program. It is interesting that the midyear review is being handed down today. I would be interested to know from the Minister for Regional Development, who has responsibility for royalties for regions and the investment in these programs, whether she is in a position, in a few seconds' time, to inform the house whether the state government has made money available to continue the co-investment with the commonwealth government in this program.

HON ALANNAH MacTIERNAN (South West — Minister for Regional Development) [10.48 am]: I rise to respond to this motion on behalf of the government. I will focus mostly on digital connectivity. The broader issues of inclusion were comprehensively developed and discussed in the digital strategy recently released by Hon Don Punch, which has obviously been read by the member who moved this motion as he quoted much of it when talking about inclusion.

I acknowledge a point that was made by Hon Martin Aldridge, which is that this is not unmitigated good, and I think the work that has been done to really examine the impact on the growth and development of young children is very important. I note that there is a general principle amongst the gurus in Silicon Valley that they do not allow their children to have access to any screens before they are seven years old, because they are conscious of the potential impact that screens can have on a child's cognitive development.

Let us get back to, I guess, in a big sense, the main game, which is digital connectivity. I urge Hon Wilson Tucker, if he is really interested in this issue and if he really understands that there is an inequitable distribution of digital connectivity, which there is, to get out and campaign for a federal Labor government, because what has been done under successive federal Liberal governments, beginning with Tony Abbott, has been an absolute tragedy. They have sabotaged the rollout of the national broadband network. There is a direct parallel with the sabotage of our response to climate change.

Labor had a principle of rolling out the NBN. Read the Constitution, Hon Wilson Tucker! This is not us handballing it. The Constitution actually sets out—this was even understood 121 years ago—that telecommunications is a federal responsibility. NBN was being rolled out and it was going to make us the envy of the world—a system was going to be rolled out right across the nation, with only seven per cent of people having to rely on satellites. But, of course, Tony Abbott did not believe in it, and all Malcolm Turnbull could do to get something happening was to have a completely dumbed down, stupid, mixed-medium system that saw us pull back on fibre. Who were the real sufferers? They were the people in regional Western Australia who are all crowded onto Sky Muster when the majority of them should have had access to fibre or, if not fibre, fixed wireless. If Hon Wilson Tucker is concerned about it, he should get out there and support the Labor team, because it has committed to fixing this and getting 660 000 Australian regional homes onto fibre so that there will be more room on the satellite. It has also committed to improving the fixed wireless network.

We are not dodging responsibility. As I think the member in part admitted, we have been stepping up and trying to fill that gap—the systemic failure of the feds to deal with this issue. One program I particularly want to acknowledge is the education project. The member's idea that we have a department that is responsible for digital inclusion and then we have other departments that operate under that program is naive in the extreme. That is actually how government works. The Office of Digital Government is out there providing guidance to all government departments, which are then using that strategy to inform their implementation.

I think this is a really fantastic program. In 2019, the Minister for Education and Training announced that we would be rolling out a major reform of bandwidth to schools across Western Australia. This program started in January 2021, and I think it is fabulous for not just connectivity, but also the broader principles of inclusion, because kids will get access to high-speed broadband in their schools. Phase 1 has been completed and phase 2 will be completed by the end of this year. There are 499 metropolitan schools and 144 regional schools included. In fact, member, 100 of these schools are in the member's electorate of Mining and Pastoral. Schools such as La Grange Remote Community School, Looma Remote Community School, One Arm Point Remote Community School, Baler Primary School, Roebourne District High School, Pannawonica Primary School and Onslow School will all get internet upgrades

to 400 megabits per second. Another series of schools in the Kimberley and the Pilbara will get access to up to 2 500 megabits per second, which is pretty incredible, and a whole bunch of schools in the Kalgoorlie area will get between 600 and 1 500 megabits per second. It is a fantastic program. The government is talking to Telstra about how we can leverage that for other communities.

I acknowledge that the previous government also did this in trying to patch up Tony Abbott's incredible trashing of our digital system. That man's name will go up in lights among people who made the most negative contribution to this country. The Mobile Black Spot Program has been a co-investment program since around 2014 and so far about \$80 million has been spent on it. We have continued that co-investment. Of course, it is a model. As if we should just step in and tell the commonwealth government that it is off the hook and we will do it—this is the GST all over again—no, we will fight to have the commonwealth continue to invest. The government has money in its budget at the moment and as we do our budget development for next May's budget, further moneys will be added for the years across the forward estimates. It is a work in progress. It will not be part of the midyear review; it is part of the bigger budget discussions going on for the period across the forward estimates.

In addition to that program that has been under both governments, we introduced another program called the Digital Farm Grants program, which has been massively successful. We have seen the work done by farmers such as Darrin Lee in Mingenew and how he has been able to use PIX Mobile to improve his coverage very dramatically. We thought that if we could get clusters of farmers working together, we could do this much more comprehensively, and it has been a magnificent success. So far we have invested \$13.2 million, which has been a co-investment with the private sector and local government. Through that, we are now covering some 2 340 farming businesses across 110 000 square kilometres, covering 55 per cent of the grain belt region, plus the horticultural precinct of Kununurra and the Gascoyne. These have been immensely effective interventions and we have been getting really positive feedback. I have an email from Alex Pearse from Mingenew, which says —

We have just been connected to Node1 wireless internet through the north Mingenew tower near our farm and it is brilliant, having faster internet speeds than we experience anywhere.

In fact, many farmers in the midlands and other areas report that they get bigger and better coverage than when they come to Perth. That has been a successful intervention.

We are conscious that there is an issue in those Aboriginal communities. Communities do not always, perhaps for the reasons highlighted by Hon Martin Aldridge, unambiguously desire this connection. The member needs to understand that even though he thinks it is a good thing, it is not necessarily for some communities. In the 1980s or 1990s, some communities chose to set up remote communities, and they do not necessarily want to be connected in that way. I am not saying this is not an issue, but it is not quite as simple as the member might be placing it because of the complexity of these communities. Certainly, in this year alone, we have had special programs and invested in providing broadband satellite to Jigalong and Kalumburu. We have had programs that have added fixed wireless broadband to Halls Creek and mobile voice and data to Bidyadanga. These communities are very much part of our thinking.

We are looking at farm businesses, because we very much appreciate—I guess this was one of the insights from when we first came to government—that all the development in ag-tech, in both data analytics and precision farming, absolutely requires a commercial-grade linkage to the internet. That had been absolutely lacking, so we developed that particular program, and it has been a great success. People are hearing of that success and more want to be involved in the program. Hon Kyle McGinn and Ali Kent, who at the time was a candidate for Kalgoorlie and is now the member, and I worked on a project to do something similar in the northern goldfields, because we were hearing very much about similar issues in the towns of Leonora, Laverton and Leinster. Hon Kyle McGinn will talk more about that. We have gone out to tender on that project. The tenders have closed and I hope that we will be in a position to make an announcement on the extension of that project early next year, in January.

We are making incredible investments across government. As I said, what is happening in the 144 regional schools is absolutely transformative. They will have commercial-grade broadband. It is absolutely fantastic that schools all the way up to Lagrange and One Arm Point will now have a high level of connectivity. But make no mistake about it: this problem must be dealt with at a federal level. I absolutely urge Hon Martin Aldridge and Hon Wilson Tucker to get out there and support Labor in the next federal election so we can once and for all get a decent national broadband network right across this nation!

HON DR BRIAN WALKER (East Metropolitan) [11.03 am]: I will say just a few words before we hear the words of more experienced members across the chamber. I rise, of course, to support the motion. I am delighted to hear that the government is very much on board with the whole question of digital inclusion. Although it has some concerns about the motion, the intent of the motion is well supported. However, it has been claimed—I am very happy to hear this—that much is being invested in this area. I have a bit of a vested interest in this matter. Upon hearing about the wonderful broadband speeds in Wiluna and One Arm Point, I really think I ought to move my electorate office, because 300 metres away from this chamber the internet connection is abysmal and fails at times. When it comes to the availability of internet access, I think the point we can make is that we are striving for better, but it is by no means perfect.

I think back to the time—this was before the time of Hon Wilson Tucker—when televisions were first introduced. I must have had my first glimpse of a TV in 1963. It was a remarkable thing, showing, I am sad to say, government programs for only two hours a day. That was in another country. Watching TV is a really great way of falling asleep. Since that time, TV has become the standard. Without TV, a house does not exist. Although I was delighted in 1970 to see my first colour TV, in the present day I do my best to avoid watching TV and I hardly ever look at it. I have moved beyond that because it takes time away from me.

I think back also to the 1960s and the telephone calls that my parents made from Perth to their parents in Scotland. The connection, with an undersea cable, was expensive and crackly; that is, when we got through for a few precious minutes. How much things have improved since then with the availability of online voice over internet protocol services, whereby we can not only hear, but also see the person we are speaking to. It is almost like being next door to the person we are calling. There have been great advances in this space.

We need now to look at the availability of broadband and how we can bring that into the purview of every person in our state who wants it. I take on board the points that the honourable minister made very well. We are looking not only for equity here, because not everybody wants access to the internet; there are enclaves of people who are determined to return to, say, the seventeenth century, when people lived in relative peace and freedom from the intrusion of other people's voices.

I think also of the ability of working normally. Does anyone here remember standing in a queue at the bank to get money out?

Hon Dan Caddy: Just standing in a queue at the ATM!

Hon Dr BRIAN WALKER: That can be compared now with going online and transferring money to the Australian Taxation Office, which I am sure is an advancement for our society!

We are also looking here at schooling. I am delighted to hear that the government is forging ahead with broadband services for all schools. I think back to recent COVID-19-related school shutdowns and the issues with students accessing teaching. Some schools were particularly brilliant at establishing a network of online training. In my boy's school, for example, students were required to sit in uniform at the computer as though they were sitting in school. Of course, no-one saw that below the level of the desk they were not wearing their pants, but their shirt and tie was there. I hope they never stood up!

Availability of good broadband services all over the state is helpful for people's mental health, too. It is exceptionally important for maintaining communication with loved ones and, indeed, in times of trouble, accessing someone who can lend a listening or supportive ear. This is being developed further. I am very pleased to hear that telehealth will now be a part of standard medical care, something that we have been asking for for a decade but had been denied. We are often told that we cannot have this and we cannot have that. Why is innovation so difficult to bring to society? I have another question about government. Why is it that when we want a job to go slowly, we give it to government? I can think of no better way of making things go really slow and sludgy, and feel as though we are wading through mud, than by putting something into the hands of a government organisation. I think that in this motion my colleague is saying, "Thank you for what you are doing, but can it be faster, please, because at the moment it is not good enough?" This is true, I think, of any government in the world. I think back to the *Yes Minister* series; we are just propagating the same approach of slowing things down because there are reasons for that. Change is always difficult.

I also bring to members' attention that Elon Musk, of *Time*'s Person of the Year fame, has helped launch all these satellites. We now have Starlink available. It does not work at my place because of the buildings, but people in the middle of nowhere can access full internet broadband using Starlink. This is a wonderful thing we can do and I am very glad to hear that it is available. It does cost money, however. I think that remote Indigenous communities would find it hard to access these services. It is something that the government could look at developing by using our modern technology and, indeed, maybe even engaging artificial intelligence to allow us to make more sensible choices rather than putting them into the hands of bureaucrats, who think in 1960s and 1970s terms.

I commend the motion to the house. I take on board that it does not quite fit with the government agenda, being perfect in all things as it is. But things could perhaps be better. In that sense, I support the motion and commend the member for bringing it to our attention.

HON KYLE MCGINN (Mining and Pastoral — Parliamentary Secretary) [11.10 am]: I am very happy to rise to talk on the motion today and also to give a bit of an update on the crowdfunding of the satellite to find Melissa Price in Durack and Rick Wilson in O'Connor! It is not quite ready yet. Unfortunately, they were planning to use the national broadband network to connect to the satellite, but they do not have it because of Tony Abbott.

I thank Hon Wilson Tucker for bringing this motion to the chamber; it is worthy of discussion. But I want to ask: has the member written to the federal members in O'Connor and Durack?

Hon Wilson Tucker: About what?

Hon KYLE MCGINN: About digital connectivity and the NBN. The federal government has dropped the ball catastrophically in regional Western Australia. It has not given any thought to what happens in regional WA. In

the member's electorate, there are two federal members who are missing in action and have done nothing—zero, “squilch”—about connectivity. I write to members of federal Parliament when there is a federal issue. This is a federal issue. The honourable member should be lobbying these two missing-in-action members and pressing them to get the Prime Minister to show some respect to Western Australia and actually invest in regional WA.

The member spoke about Victoria and the Australian Capital Territory and where we sit with those states on digital connectivity. He should look at the geographical differences in WA. It is great that we are on par with Victoria, but in my view that is going above and beyond because of the geographical challenges that we face. We face far more difficult circumstances than regional Victoria faces. The member knows for a fact that our electorate is 2.4 million square kilometres in area and goes all the way up to Kununurra. It is massive. At the moment, we have a total lack of any type of representation by the Liberal members in those federal seats. They have done nothing. They do nothing to lobby for digital connectivity. They do not even come out to the electorate. I cannot remember the last time I saw them fire a shot. I really hope that the Liberal Party in Kalgoorlie can get the funds and get that satellite working because we need it. We really need a federal government that listens to people who talk about what we are missing out on in the Mining and Pastoral electorate.

Hon Darren West: We can't even get them on Zoom!

Hon KYLE McGINN: That is right.

I am very proud to stand and talk today. Obviously, I am the Parliamentary Secretary to the Minister for Innovation and ICT and I am very proud of what Minister Punch has done in that space in launching the digital strategy. It is a space that I know he is very passionate about. I attended an innovation forum with professors earlier this year and they gave me some books on, I believe, the old PP4 computer—they were 1970s handbooks—and asked me to pass them on to the minister. I was not sure that giving the minister a book from the 1970s was going to go down well, but it was on the computer that Minister Punch had used back then. It was really exciting to listen to the professors talk about digital inclusion. The minister has real passion and drive in this space. From what I have understood so far this year, Joondalup is a huge driver in digital technology, particularly in digital security—scams and stuff like that.

Hon Alannah MacTiernan: Joondalup ECU?

Hon KYLE McGINN: Yes, Edith Cowan University; definitely. I think the local member, Emily Hamilton, is also driving hard to get a bit of a hub set up there. It is in a really good position to continue to push. We talk about digital stuff as well.

I want to touch briefly on where we are getting with scams. I have had the pleasure of attending three or four scam forums for seniors. I can tell members that they have been well attended. The people who provide the speeches are very good at what they do, particularly a man named David from the University of Western Australia. He made a really great connection with seniors on how to become more secure. What I found interesting is that one of the key reasons seniors are vulnerable is that they are far more polite than we are. My generation has grown up with short and sweet text messages. The senior generation grew up with signing off with, “Yours sincerely”, followed by their full name, address and everything else. That is exactly what scammers want. When a senior gives that response, they are basically giving the hacker everything they want, and that is really scary. I am a big supporter of the forums. I want to give a big mention to Hon Kim Beazley, who is a patron in that space and attended pretty much all the forums I went to. We are doing a fair bit in that space.

Moving out into the regions, I am really proud of the member for Kalgoorlie, Ali Kent, and her grit. She worked hard with Minister MacTiernan as an election candidate to fight for the Digital Farm Grants package in Leonora. We went out to Leonora during the election campaign. Have you been out to Leonora, member?

Hon Wilson Tucker: Not yet, no.

Hon KYLE McGINN: Leonora is pretty far out. I would also suggest that the member starts getting out to some Indigenous communities and seeing some of the challenges that come with trying to establish digital connectivity. One of the good things that has happened in regional Western Australia is the establishment of community resource centres that provide internet access. People can go to a CRC and access the internet. That is making it easier for people in regional WA. The wheatbelt has plenty of CRCs and there are other CRCs scattered throughout regional WA. For example, there is a CRC at Tjuntjuntjara. If the member gets a chance to go to Tjuntjuntjara, I would really recommend it. It is a really nice community. The member will see when he gets out there the challenges that we are facing in trying to improve that infrastructure.

That is why I am a huge fan of the Digital Farm Grants program. It is giving us the ability to do something that the private sector will not do. The private sector sits on its hands. In my view, this goes back to the pathetic leadership of John Howard, who sold Telstra. I hope opposition members are smiling. He got rid of Telstra. The only way he could cook his books was by selling everything. We now have to deal with a Telstra that sits back and says, “Just sell every asset. Why not? Just privatise everything.” That is exactly what John Howard did. He just sold everything. That is exactly what he did.

Several members interjected.

The DEPUTY PRESIDENT: Order, members!

Hon KYLE McGINN: That is exactly what he did.

Several members interjected.

The DEPUTY PRESIDENT: Order, members! The interjections are coming from both sides of the chamber, and I just want to hear from Hon Kyle McGinn.

Hon KYLE McGINN: I know they do not like to hear history, but that is the truth right there.

Hon Tjorn Sibma: I just want you to be accurate.

Hon KYLE McGINN: That is very accurate. He sold Telstra! What does the member want me to say?

Several members interjected.

The DEPUTY PRESIDENT: Order, members!

Hon KYLE McGINN: He sold Telstra, and now we are dealing with private companies. That government should not have sold assets like that. To see that was disgraceful from that government.

Several members interjected.

The DEPUTY PRESIDENT: Order, members! The interjections are continuing, and it would also be helpful if Hon Kyle McGinn does not invite them.

Hon KYLE McGINN: I will try my best, but the truth has to be told in this chamber, if anywhere. I can tell members now that the honourable members on the other side obviously do not understand what it is like to have to deal with selling all our assets.

I want to touch on a couple more projects —

Several members interjected.

Hon KYLE McGINN: Oh, mate! It is just dribble, dribble, dribble, dribble!

The minister mentioned five projects in my community this year to improve connectivity. A couple more have also been done in our electorate, Hon Wilson Tucker. There were two in the Gascoyne, at 14 Mile Camp, Warroora–Nyinggulu Coastal Reserve, and at 3 Mile Camp, Macleod, and two in the Kimberley, at Kadjina and Dampier Peninsula. It is really good that we now have some connectivity in those places.

Hon Neil Thomson: Have you been to all of those communities?

Hon KYLE McGINN: Have you, member? It is hilarious that I hear from Hon Neil Thomson, who is really close to Melissa Price but cannot seem to get hold of her because her phone is constantly engaged. Let us worry about that, honourable member.

Where has the honourable Rick Wilson been? I have not seen him in Kalgoorlie for three years. Now that an election is coming up, he is going to come out and try to throw some cash around. What a disgrace! If Liberal Party members opposite stand up for those federal members at the next federal election, they will be letting down regional Western Australia, because those federal members have done nothing for regional Western Australia. Members opposite should be absolutely ashamed of themselves.

As the honourable member mentioned, we have seen a massive take-up in telehealth services since the onset of the COVID-19 pandemic, which is great. Telehealth has been really welcomed in places such as Kambalda, Coolgardie and Wiluna, which I have been to. I know that some honourable members have not been there because it is hard for them to get out of their comfy ivory tower in Broome, is it not?

Hon Martin Aldridge also made a couple of good points on education and children's screen time. That is something that I also fear. We do not know what will happen with children getting so much screen time at a young age. I think we will see a lot more of that into the future and, hopefully, the effects will not be as negative as I fear. Thank you, members, and have a good day.

HON SANDRA CARR (Agricultural) [11.20 am]: I rise very quickly to say that I cannot support Hon Wilson Tucker's motion. Although I agree that it is incredibly important that we have digital inclusion, he has made the mistake of swallowing, hook, line and sinker, Scotty from marketing's message that everything is now the state government's responsibility. Telecommunications is—let me say this very, very clearly—a federal responsibility.

Hon Neil Thomson interjected.

Hon SANDRA CARR: Is the member struggling to understand or should I mumble into my beard?

The federal government cannot keep passing on what is a federal responsibility. I would like to give members a little bit of a history lesson. I can see honourable members across the floor having a bit of a giggle about the privatisation of Telstra during the Howard era, but I would like to tell members how that happened. It is not a funny story. Howard needed some members to support that motion, so he got old Brian Harradine from Tasmania, who wanted to ban the drug RU486 for women, to trade women's reproductive rights for the sale of Telstra. It was an absolute disgrace.

Women were forced into having surgical and medical procedures so that Telstra could be sold and privatised, and that was supported by the Liberal–National government. It was an absolute disgrace. That is how that came about. Now we are left with a Telstra that has no real performance indicators and has free rein and open slather in the market. That is not equity and that is what we are now left with—very little by way of checks and balances against the services that it delivers. I heard Hon Martin Aldridge talk about the funding of the regional Mobile Black Spot Program. That would be great if it were done with integrity and if Telstra provided transparent data on the coverage and the service it is delivering. We cannot continue to fund and throw money into these programs that do not deliver the services they are paid to deliver. It is not good enough and that is why it is a federal problem.

HON JACKIE JARVIS (South West) [11.23 am]: I want to thank Hon Wilson Tucker for bringing forward this motion. Digital inclusion is something that I know a little bit about from living in regional Western Australia.

Hon Neil Thomson interjected.

Hon JACKIE JARVIS: Sorry, member? Good telecommunications infrastructure —
Several members interjected.

Hon JACKIE JARVIS: Can you blokes all just shush?

A member interjected.

The DEPUTY PRESIDENT: Order, member.

Hon JACKIE JARVIS: I know about the benefits of digital inclusion for economic growth and social wellbeing. I know that regional Australia is disadvantaged because it receives less access to national broadband network fibre technology. I have lived this. I have lived through my daughters coming home from school and telling me that their English teacher has told them that they need to watch a movie on YouTube for their English class. We had to tell them that we did not have enough data and that they would have to go to the school library in their lunchbreak to watch it.

Let me put this in the context of where I live; it is incredibly remote. I am 275 kilometres south of Perth. I am eight kilometres outside the town of Cowaramup. I am 12 kilometres from Margaret River, a big tourist hub. I am five kilometres, as the crow flies, from Bussell Highway, where the main fibre-optic cable runs. What makes it even more disappointing is that a secondary fibre-optic cable, a backup cable, that connects Margaret River to Busselton runs along my property on Wurring Road, and I cannot access it. Instead, the federal government insists that I use a thing called Sky Muster. When Sky Muster was designed in the mid-2000s, I received a briefing from Senator Stephen Conroy, who was the first in charge of Labor’s offering for the NBN. It was really clear in the early days that Sky Muster was for only the very few people who could not access fibre optics. It was designed for those people living in the middle of station country, such as Alice Springs. It was not designed for people like me who live eight kilometres from the closest township, yet Sky Muster is all I can get. Do members know what that does? It increases the cost. Someone the other day asked on Facebook whether anyone knew of any good limitless wi-fi plans in regional Western Australia. I laughed—laughed and laughed.

Hon Darren West: And laughed.

Hon JACKIE JARVIS: And laughed! I am pretty sure we pay about \$80 a month for 80 gigabytes. However, that is not enough to run a business and for a teenage daughter, so we have three plans at \$80 a month to get 80GB on each of those plans, and we juggle them. I come to Perth and, my God, it is \$50 for unlimited wi-fi! Hon Sandra Carr wonders why I am streaming stuff from the 1990s. I have never watched this stuff—I am catching up!

Internet access does cost more where I live. I am in the fortunate position that I can afford to pay for that, but I am constantly texting my daughter to say, “Stop. Turn off that modem and turn on the other modem.” I have just had to pay \$1 800 to Telstra to get an aerial put on my house so that I can access mobile phone coverage in more than one room in my house. For 20 years when the phone has rung, I have had to stand by the window —

Hon Sandra Carr interjected.

Hon JACKIE JARVIS: Yes, especially if it is raining. Luckily it never rains in Margaret River—only for about six months of the year!

The federal government has let us down; it has let down all of regional Australia. Digital inclusion is incredibly important for our children. I find it amazing that every three years the federal government rolls out a regional telecommunications review. Apparently that is set in stone. It is going to do that every three years; it is going to review regional telecommunications. In 2018, Wendy Duncan, former member for Kalgoorlie and a well-respected regional woman, was part of that review committee. In 2021, my friend Sue Middleton is part of that review committee. I look forward to the report, because I suspect that the committee just keeps making the same reports every three years saying, “Actually, service is a bit crap.” People want to be able to access the internet and they want to be able to access it at good speeds. We are fortunate that we have great, strong representation in Canberra, as Hon Kyle McGinn pointed out! The member for O’Connor has been there for nine years —

Hon Kyle McGinn: Done nothing.

Hon JACKIE JARVIS: — and has done nothing. The member for Forrest, where I live, is the Assistant Minister for Regional Development and Territories. She has had 15 years to assist. My favourite, though, is the member for Durack—the Minister for Science and Technology.

Several members interjected.

The DEPUTY PRESIDENT: Order, members! This is getting a little too lively for our last sitting day.

Hon JACKIE JARVIS: I am extremely grateful that Anthony Albanese has made an announcement that 1.5 million homes and businesses in regional Australia will be connected to the NBN—that is 660 000 extra homes and businesses in regional Australia—to try to fix this digital divide. I am less enamoured with some of the responses I have heard. I laughed out loud yesterday when I saw our Prime Minister on TV announcing a youth advisory council on online safety. He is going to get the yooof! I get that online cyber safety is important and that cyberbullying is an issue. Here is the thing: my teenage daughter just wants to be able to access Snapchat in her house. That is not too much to ask. I always know when there is a federal election in the air, because the aforementioned member for Forrest always comes out and gives cyber safety speeches at primary schools. Every four years we get a letter home from the school. I tell you what: there is nothing more the kids want to hear than a woman older than I am telling them about cyber safety!

Several members interjected.

Hon JACKIE JARVIS: Yes.

Every year when the note used to come home from my daughter's primary school saying that the member for Forrest would like to make a cyber safety speech, my daughters would say, "Please do not write on the note again that this is blatant politicking!"

Hon Kyle McGinn: At its best!

Hon JACKIE JARVIS: At its best!

Hon Dan Caddy: At its worst!

Hon JACKIE JARVIS: At its worst!

What do we have to fix the issue of digital inclusion? We have a youth advisory council and a regional telecommunications roadshow that every three years gives the federal government a list of issues.

I thank Hon Wilson Tucker for recognising the issue. As I said, it is an issue I have lived through and it has frustrated me. How many years have we had the coalition in power? Is it since about 2013? I certainly look forward to a federal Labor government trying to fix this mess.

HON DARREN WEST (Agricultural — Parliamentary Secretary) [11.30 am]: Along the same lines, I acknowledge and thank Hon Wilson Tucker for bringing this important issue forward. I will focus on the second part of the motion today, which is about digital inclusion and how we can better work together to improve digital and internet access in regional WA. The issue comes up time and again. Of course, this is an adversarial business we are in, but I think everybody who has made a contribution today has added something to the debate. We all need to acknowledge that the federal government has to do better. For us in regional Western Australia, the sale of Telstra was a mistake. At least that part of the business should have been kept under some sort of public ownership with a community service obligation. Once that community service obligation is removed, by law, corporations such as Telstra have an obligation to their shareholders to maximise profit and therein lies the problem in regional Western Australia. We know that a corporation that must by law make a profit acts in the best interest of its shareholders rather than its customers. As regional people, we are the customers. That is not to say that services have not improved over time or that some areas in the state have a good internet connection. But as a collective, we all need to get our heads together to think forward.

I agree with the minister. I think the best way forward for us is the election of an Albanese government because we will get some action on digital accessibility in regional Australia and there will be more fibre to businesses and homes. To me that is the first step because that will remove the pressure from satellites and towers. It should be quite logical for most people to understand that an investment in fibre to people's homes and businesses will make it better for everybody else who does not have access to homes and businesses. When we look forward, especially in agriculture and all kinds of industries, we see, for instance, that Co-operative Bulk Handling Ltd now has an online app. As a farmer leaves their paddock with their load of grain, they put their details into the app, the site picks up that they have arrived and all the details are entered. I can look on my phone today at the status of all the loads of grain that have been delivered under our carter delivery number. That is an amazing piece of technology that is benefiting us. It is contactless, so throughout the COVID pandemic, people are not passing bits of paper back and forth to each other across the day. That has been a major benefit to us as growers. However, CBH has had to invest heavily in wi-fi on many of its sites because there is no internet connectivity. Even the site of Avon at Northam on the Great Eastern Highway has very, very poor phone reception and digital connectivity, so CBH has had to invest in a booster to put its own wi-fi onsite. These are the sorts of things we can work on, together with the federal government, to help improve access.

Hon Alannah MacTiernan interjected.

Hon DARREN WEST: Yes.

If the federal government will not do that, we know that the state government and this minister will step up to the plate to deal with a lot of the broadband issues on farms. In the years to come—it will not be very long; it will be in all of our lifetimes—in our paddocks across the state we will have driverless tractors that will be controlled from a central location across farms. There will be three or four machines working at once with one person controlling them. This is the future for us, but we will need that digital bandwidth to manage these operations.

Yes, we can all point the finger and blame. It is a federal government responsibility and, to be honest, this federal government has been hopeless. Since it scrapped the national broadband network, things have gone downhill. That decision needs to be reversed, and I am pleased that Anthony Albanese has given a commitment that a federal Labor government will reinstate the NBN. We have a lot of work to do and we do it best when we work together.

Motion lapsed, pursuant to standing orders.

DISALLOWANCE MOTIONS

Discharge of Order

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

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

1. Non-Coronial Post-Mortem Examinations Code of Practice 2021 — Disallowance.
2. Shire of Waroona Health Local Law 2021 — Disallowance.

INDUSTRIAL RELATIONS LEGISLATION AMENDMENT BILL 2021

Committee

Resumed from 15 December. The Chair of Committees (Hon Martin Aldridge) in the chair; Hon Stephen Dawson (Minister for Industrial Relations) in charge of the bill.

Clause 1: Short title —

Progress was reported after the clause had been partly considered.

The CHAIR: Members, we are in Committee of the Whole, considering the Industrial Relations Legislation Amendment Bill 2021. I draw members' attention to supplementary notice paper 53, issue 2, of Tuesday, 14 December 2021.

Hon STEPHEN DAWSON: Yesterday Hon Nick Goiran and I were in conversation about an answer I gave to question without notice 1013, asked on Thursday, 18 November. The honourable member had asked questions about the Public Service Appeal Board and the issuing of summonses. In my answer to part (4) of that question, I stated —

There have been no summonses issued in proceedings before the board in the last financial year.

That answer was given on the basis of specific advice from the registrar at the time. I sought further information from the registrar overnight and the registrar advised that the response that was provided to the member was that no summonses had been issued in proceedings before the PSAB in the last financial year. However, there had been one matter—PSAB 4/2020—in which the parties, not the board, had filed and served two summonses, dated 12 and 16 November 2020, with the declaration of service filed on 24 November 2020. That hearing was vacated on 19 January 2021 by consent of the parties—that is, the matter did not proceed. As a result of the matter not going to hearing, the parties were advised that the summonses issued to them no longer had effect and they became void. The department's administrative statistical record identifies that when a document is void or cancelled, it is no longer a valid record and therefore is a nil response. Hopefully, honourable member, that clears up that issue. If any honourable member thinks that I misled the house, I am happy to apologise for it, but certainly the information that was given to me by the registrar at the time suggested that no summonses had been issued.

Hon NICK GOIRAN: Let us start with this issue. I will say at the outset that there is no suggestion on my part or by my colleagues that any misleading was intentional on the minister's part and I thank the minister for the explanation that he provided. It is absolutely acknowledged and accepted that on 18 November this year, when the minister responded to question without notice 1013, he did so on the basis of the information provided to him. That said, it does not change the fact that the record at the moment in the Legislative Council, notwithstanding the comments that have just been made, reflects that the question was asked —

Were any summonses issued in proceedings before the board in the last financial year?

The response was —

There have been no summonses issued in proceedings before the board in the last financial year.

It appears to me that that information is incorrect and I seek the minister's confirmation that that is the case.

Hon STEPHEN DAWSON: Summonses were issued, but they were voided.

Hon NICK GOIRAN: Summonses were issued before the board in the last financial year, notwithstanding the answer that was provided. I will leave it at that point and I will leave it to the minister to decide what remedial action he might want to take on that. We have a stack of business to conduct today. I reiterate that from our perspective there was no bad intent on the part of the Minister for Industrial Relations, but the record currently reflects an incorrect response to question without notice 1013. I simply make the point before I move on to the next line of questioning that when we were in government, a very similar situation occurred when Hon Peter Collier, again, based on advice that was provided to him, regrettably provided an incorrect response to the house. The Leader of the Opposition at the time, Hon Sue Ellery, felt so aggrieved about the matter that there was a referral motion to the Standing Committee on Procedure and Privileges all because a particular set of circumstances had been asked and the response that was provided, to the best of my recollection, was no, when the answer should have been yes. Here we have a similar situation whereby, effectively, the answer that was provided on 18 November 2021 was no, when the answer should have been yes. I will leave it at that because I think that more than just the Minister for Industrial Relations need to reflect on that; there are other individuals who participated in the crafting and the drafting of the response that was provided on 18 November 2021, and those individuals may want to take some remedial action themselves, consistent with the precedent set in the Turnseck and Home case that members are aware of. I will leave it at that for the time being because we have a lot of business to conduct, but I hasten to thank the Minister for Industrial Relations for providing that information to the chamber this morning.

Another matter that was effectively taken on notice—the discussion was left partly heard yesterday afternoon—was on the Surveillance Devices Act. The minister introduced that act into the debate partly in response to the concerns by the opposition that unionists will be able to undertake certain surveilling activities. The minister indicated that any such surveilling—I am paraphrasing the minister—would need to be consistent with the Surveillance Devices Act. In particular, the minister made reference to private conversations that might be recorded. He indicated that it might be possible for private conversations to be recorded unintentionally, and that there might be some form of defence, exemption or exception to the rule for a unionist if they came along and said that they had recorded a private conversation but that it was unintentional. Does the government have any further advice about the scope of the defences and exemptions under the Surveillance Devices Act that would apply if a unionist sought to use a surveillance device to record certain activities, whether in a person's home or workplace?

Hon STEPHEN DAWSON: As previously noted, the power to electronically record will be subject to other legal requirements and protections, such as the Surveillance Devices Act 1988, which prohibits the intentional recording or publishing of a private conversation or activity and provides a fine of up to \$5 000 and/or imprisonment for up to 12 months for an individual. If an authorised representative unintentionally captures a private conversation or activity using electronic means, and subsequently knowingly publishes such material, for example, on a social media site, they will commit an offence unless a specific exemption applies. I refer to section 9(2) of the Surveillance Devices Act, which provides exemptions for publication in the course of any legal proceedings or the protection of the lawful interests of the person making the publication. Section 29 of the Work Health and Safety Act 2020 provides that visitors to a workplace must comply with any reasonable instruction of the person conducting the business on WHS grounds, with a fine of up to \$55 000 for an individual, as well as common law and statutory rights relating to intellectual property, patents, copyrights, trade secrets, defamation, injurious falsehood and the like.

Hon NICK GOIRAN: To be clear, things seem to have evolved a little since yesterday. It now seems to be the case that if a unionist were to unintentionally record a private conversation, that unintentional recording would not be an infraction of the law. However, I think the minister has indicated that if that information was subsequently published by that person, they would be breaching the law. The protection is that although the recording might exist, it cannot be used other than in legal proceedings or the lawful interests of the person.

Hon STEPHEN DAWSON: Section 9(1) of the Surveillance Devices Act states that a person shall not knowingly publish or communicate a private conversation. If they knowingly do this, they are captured.

Hon NICK GOIRAN: If they knowingly publish a private conversation, they are in breach of the law irrespective of the circumstances in which they obtained the information. I think yesterday we discussed whether the recording of the conversation was intentional or unintentional. Let us say, for the purpose of this discussion, that it does not matter whether the recording was intentional or unintentional, what matters is whether they intentionally publish the information.

Hon STEPHEN DAWSON: I am told there could be two offences. It could also be an offence if they intentionally recorded it.

Hon NICK GOIRAN: The first offence is if they intentionally record the private conversation. The second offence, irrespective of whether the recording was intentional or unintentional, is if they proceed to intentionally publish that information. If they do that, they will have breached the law. The minister indicated a couple of exemptions; one is that it is a legal proceeding. Presumably, if a unionist were summonsed in a case and required to give evidence and they disclosed the content of the conversation that they had recorded, whether intentional or unintentional, the

disclosure of that information in the legal proceedings would be an exemption in that particular case. Can the minister confirm that, for example, in an unfair dismissal case, it would be possible for a unionist to disclose the information in the private conversation, irrespective of whether the recording had been intentional?

Hon STEPHEN DAWSON: I am told, honourable member, that it could potentially be used, but the information might have to be compelled or summonsed.

Hon NICK GOIRAN: In other words, if a person is compelled by law to provide the information, they might have an exemption. The minister also referred to the lawful interests of the person. How would that apply if a unionist has recorded information—a private conversation—in a home, whether it was intentional or otherwise? What is intended by this particular exemption of lawful interests of the unionists?

Hon STEPHEN DAWSON: Honourable member, it would be up to the court to decide on what it thinks the lawful interests are of the person making the publication.

Hon NICK GOIRAN: What if it is for the purposes of the unionist assisting somebody in an unfair dismissal case? Would that be part of the lawful interests of the person?

Hon STEPHEN DAWSON: Again, honourable member, it would be up to the court to decide if that were in the lawful interests of the person. My advisers have said that quite clearly to me a couple of times now.

Hon NICK GOIRAN: Do any other exemptions apply apart from this lawful interests of the person test and legal proceedings?

Hon STEPHEN DAWSON: I can draw the member's attention to the Surveillance Devices Act 1998. Section 9(1) has the line about "shall not knowingly publish or communicate a private conversation". Section 9 also states —

(2) Subsection (1) does not apply —

(a) where the publication or communication is made —

- (i) to a party to the private conversation or the private activity;
- (ii) with the express or implied consent of each principal party to the private conversation or private activity;
- (iii) to any person or persons authorised for the purpose by the Commissioner of Police, the Corruption and Crime Commission or the Chair of the Board of the Australian Crime Commission;
- (iiia) to a designated Commission or to any person or persons authorised for the purpose by a designated Commission;
- (iv) by a law enforcement officer to the Director of Public Prosecutions of the State or of the Commonwealth or an authorised representative of the Director of Public Prosecutions of the State or of the Commonwealth;
- (v) in the course of the duty of the person making the publication or communication;
- (vi) for the protection of the lawful interests of the person making the publication or communication;
- (vii) in the case of the use of a listening device or an optical surveillance device in the circumstances referred to in section 5(3)(d) or 6(3)(b)(iii), as the case requires, in the course of reasonable action taken to protect the lawful interests of the principal party to the conversation or activity who consented to the use of the device;
- (viii) in accordance with Part 5; or
- (ix) in the course of any legal proceedings;

Hon NICK GOIRAN: Will any clause in this bill enable a unionist to use a surveillance device?

Hon STEPHEN DAWSON: The words "electronic recording" are not used, but clause 24 of the bill seeks to insert the words "view, and take photographs, film and audio, video or other recordings of". Although the words "electronic recording" are not used, that is essentially what those things are.

Hon NICK GOIRAN: How will clause 24(5) work in light of the Surveillance Devices Act that the minister has just referred to? In what circumstances would a unionist actually be able to take photographs, film and audio, video or other recordings in the absence of consent? I acknowledge at the outset that if the people on the worksite were to consent to the taking of photographs, film and audio, video and other recordings, I think that is already captured by the exemption at section 9 of the Surveillance Devices Act. In what circumstances will a unionist be able to utilise the power set out in clause 24(5) if they did not have consent?

Hon STEPHEN DAWSON: If they have identified a potential breach, they could come out and say, “I’m going to record you; I’m going to record this issue”; but, obviously, if somebody says they do not want to be recorded, there is an issue associated with that.

Hon NICK GOIRAN: Is it that the unionist will be able to take only photographs, films, audio, video or other recordings with consent?

Hon STEPHEN DAWSON: At the moment, honourable member, someone is able to provide a statutory declaration or an image; essentially, they could draw a picture of the breach. This legislation will allow for an electronic recording to be provided. If someone has a camera and says, “I’m going to take a photo of this breach”, people know what they are going to do. It is implicit that they are going to take a photo of it. Obviously, if they say no, there is an issue associated with that.

Hon NICK GOIRAN: I am trying to ascertain whether consent is required for a photograph to be taken or a recording to be made.

Hon STEPHEN DAWSON: It is not required under the Industrial Relations Act, but it is under the Surveillance Devices Act. It is a different thing.

Hon NICK GOIRAN: I take it from the minister’s earlier comments that the two pieces of law need to be read together. Unionists cannot just walk into a person’s home or a workplace, even with an order from the Industrial Relations Commission—we will get to that clause a bit later—and rely on just the Industrial Relations Act; they will have to be cognisant of the Surveillance Devices Act. When read together, is the government’s position that they will be unable to take photographs, film or make audio, video or other recordings without consent?

Hon STEPHEN DAWSON: I am told that it will have to fall within the definitions of “private activity” or “private conversation” in the Surveillance Devices Act 1998. The definition of “private activity” is —

... any activity carried on in circumstances that may reasonably be taken to indicate that any of the parties to the activity desires it to be observed only by themselves, but does not include an activity carried on in any circumstances in which the parties to the activity ought reasonably to expect that the activity may be observed;

The definition of “private conversation” is —

...any conversation carried on in circumstances that may reasonably be taken to indicate that any of the parties to the conversation desires it to be listened to only by themselves, but does not include a conversation carried on in any circumstances in which the parties to the conversation ought reasonably to expect that the conversation may be overheard;

Hon NICK GOIRAN: If, for example, a unionist obtained an order from the Industrial Relations Commission to enter a person’s home, which gave them a lawful right at that point to enter the home, would the existence of that lawful order be sufficient to no longer make the activity occurring in the person’s home a private activity?

Hon STEPHEN DAWSON: If it was relevant to the suspected breach, the unionist could record it. I will give an example of a sweatshop, which might have been used in the second reading speech or somewhere. The union would have to make a case to the commission that a sweatshop was happening in someone’s garage or backroom. If it were successful in making a case—I presume it would have to show evidence to the Industrial Relations Commission and meet a high bar to get approval to enter—and a union official went into the home and saw evidence of that sweatshop happening, they could record it. Does that answer the member’s question?

Hon NICK GOIRAN: It sounds like it will be a minefield for those who dare to tread into that space. We will take up the issue of whether there should even be a right to obtain an order from the Industrial Relations Commission a little later. Yesterday we had a discussion about the Ritter review’s second recommendation, which recommended that the act be reviewed after three years of operation, and the minister indicated that the recommendation has not been accepted by the government and is not implemented in this bill. Recommendation 53, which is found on page 21 of the *Ministerial review of the state industrial relations system: Final report*, states —

The Minister consider whether the Amended IR Act should include provisions so that it applies to adult people who are employed as sex workers.

Has that recommendation been accepted and is it implemented in this bill?

Hon STEPHEN DAWSON: That specific recommendation has not been taken on board, although clause 54 will insert a new section that will allow for illegal contracts of employment to be treated as valid. That will deal with anybody, including sex workers, who might have an illegal contract of employment, and the issue could still go before the Industrial Magistrates Court of Western Australia.

Hon NICK GOIRAN: Does clause 54 implement recommendation 53?

Hon STEPHEN DAWSON: I indicated that it does not deal specifically with that recommendation. Clause 54 will deal with the issue of a sex worker or anybody else, generally, who has an illegal contract of employment.

Hon NICK GOIRAN: Is the minister saying that additional provisions and measures would be required to give effect to recommendation 53?

Hon STEPHEN DAWSON: Yes.

Hon NICK GOIRAN: Yesterday we also discussed the issue of local government. I note that recommendation 85 of the Ritter review states —

... a taskforce be assembled and chaired by a representative of DMIRS and include representatives from the Department of Local Government, Sport and Cultural Industries, WALGA, the Western Australian Municipal, Administrative, Clerical and Services Union of Employees, the Western Australian Municipal, Road Boards, Parks and Racecourse Employees' Union of Workers, Perth, to oversee, monitor, assist, facilitate and progress the transition of local government employers and employees between the Federal and State industrial relations systems.

Will the government be assembling such a task force?

Hon STEPHEN DAWSON: I am told the government originally did so in 2019 and the intention is for that body to be reconvened if this legislation passes.

Hon NICK GOIRAN: If the task force existed in 2019, what happened to it?

Hon STEPHEN DAWSON: It was convened to assist with the transitional provisions of the legislation, but it is in abeyance at the moment. The intention is for that group to reconvene, should the legislation pass, to enable a smooth transition across to the state system.

Hon NICK GOIRAN: I have a couple of questions arising from that. What work did this task force undertake that will be useful for the transition period that will commence shortly?

Hon STEPHEN DAWSON: I am told that it provided input to the draft provision. It saw a copy of the draft provision before it came to Parliament, so it provided input into that. It also provided input into the draft legislation. It had a conversation—I am not in a position to provide a document—with the agency before the bill came to Parliament, cabinet or anyone else.

Hon NICK GOIRAN: When the minister says that the task force was effectively consulted, or participated, I take it that this was not in the drafting of the bill but in the consideration of a draft bill. Are we talking about the 2020 bill or the bill that is currently before us?

Hon STEPHEN DAWSON: It was the 2020 bill, because I think it is the same provision, essentially.

Hon NICK GOIRAN: In a media release on 18 November, the minister said —

The Bill will provide the McGowan Government the power to start the process to bring local government industrial relations within the State industrial relations system

Notwithstanding the fact that it seems that in 2019 a task force had already started the process—so this might be really described as the recommencement of that process—what clauses of the bill provide that power and what will be the process?

Hon STEPHEN DAWSON: I am not sure whether the honourable member's question is right. Clause 38 of the bill outlines the start of the process that will enable us to bring the local government workforce across to the state system.

Hon NICK GOIRAN: It is clause 38 that will provide the power. Keep in mind that I am referring to the minister's media release of 18 November, in which the minister said —

The Bill will provide the McGowan Government the power to start the process ...

The minister said that clause 38 will provide the McGowan government with the power to start the process to bring local government industrial relations within the state industrial relations system. My second question is: What is this process going to be? I understand that it will start by virtue of the power under clause 38, but what does the government intend to do with this power?

Hon STEPHEN DAWSON: The intention is that the government will make regulations outlining that local governments not be part of the federal system. I will then write to the federal minister seeking their concurrence and agreement for the move to take place. I should point out that I have been in correspondence with the federal minister already—the federal Attorney General—as has Minister Johnston. Minister Johnston had previously been in dialogue with numerous ministers, including Senator Cash, Kelly O'Dwyer and Christian Porter. The conversations are live at the moment. Then Minister Porter gave an indication to Minister Johnston that he would provide concurrence if the legislation were passed by Parliament. My conversations with Senator Cash have been that she will wait for the passage of the bill and the making of regulations before giving any agreement.

Hon NICK GOIRAN: That is helpful. Basically, the minister is saying that clause 38 will give the McGowan government the power to start the process. The process will begin with the provision of regulations and will ultimately lead to some conferral with the federal minister. Both the minister and I know, and I think the chamber knows, that

by 5.20 pm today, this bill will be passed. Despite the fact that there are a number of important amendments on the supplementary notice paper that warrant proper consideration by the government, my understanding is that the government has no appetite for any of those amendments. Given that the bill will be passed today, when can we expect these regulations to be ready?

Hon STEPHEN DAWSON: The member was away from the chamber on urgent parliamentary business yesterday when I made a statement outlining that the work health and safety regulations, which are to start early next year, will commence in March because of the significant drafting that is being done by the Parliamentary Counsel's Office at the moment. It has seven drafters on it. It is a very complex set of regulations. The office has been working on at least six sets of regulations. The priority is to get those finalised, and then the intention is to seek the PCO's drafting assistance to get the regulations that are needed for this bill done as quickly as possible. There is a bit of a backlog that I have caused in the industrial relations portfolio that it is working on, but the intention is to move as swiftly as possible on this once that is done.

Hon NICK GOIRAN: In any event, we are talking about a date after March next year.

Hon STEPHEN DAWSON: No, not necessarily. Once the drafting is done for the WHS regulations, the drafters will do this work. It will just depend on how quickly they finish that work. The intention is that the work health and safety regulations will start at the beginning of March, so hopefully the drafting will be done in three or four weeks. It could be February or March, but it will just depend on the PCO's workload.

Hon NICK GOIRAN: I am slightly confused at this point. My question was: when will the regulations pursuant to clause 38 be ready to go? The minister indicated that a mountain of work is being done on the work health and safety regulations, which are anticipated to come to fruition in about March next year, and that that is creating a bit of a backlog, until such time as the PCO can have its resources focused on this matter that we might call the clause 38 regulations. I am trying to get an indication of when —

Hon Stephen Dawson: What you have said that I said is correct. I am hopeful that they will finish the work health and safety regulations as early as possible—hopefully in February—and then they can get on to this. The PCO has its own drafting priority, so I will be in the queue with others.

Hon NICK GOIRAN: That is fair enough. I am seeking to establish that we do not reasonably expect the clause 38 regulations to be up and running until at least March next year.

Hon STEPHEN DAWSON: I am hopeful that it will be February, honourable member, but it could be March. It will just depend on its workload, essentially.

Hon NICK GOIRAN: The thing that is confusing me is that if the backlog is because of the WHS regulations and they cannot come in until March, how can we suddenly leap from that and have this matter potentially come in in February?

Hon STEPHEN DAWSON: The intention is to have the work health and safety regulations finalised and to have a few weeks for the implementation phase. I am hopeful that the work health and safety regulations will be done and dusted and that the PCO's part of the job will be finished in February and that they are ready to commence from the beginning of March. When this work can be slotted in essentially will depend on that workload.

Hon NICK GOIRAN: The minister indicated that after that, there will be some conferral with the federal minister. Will that conferral process commence only after the clause 38 regulations are operational?

Hon STEPHEN DAWSON: The conversations have commenced. Minister Cash has indicated that she is happy to entertain a conversation once a draft regulation is available for her to consider.

Hon NICK GOIRAN: At this time, a best estimate is that we might see a draft regulation in about February, at which point a substantive conversation can take place, acknowledging that there have been some preliminary conversations. At that time, there will be a dialogue between the minister and the federal minister. What will happen if there is not a meeting of the minds?

Hon STEPHEN DAWSON: I will need agreement for it to take place. If Minister Cash or, indeed, any federal minister indicates that they are not happy to proceed, then obviously it will sit in abeyance and we will keep trying until another minister is convinced of the merits of local government moving across to the state system.

Hon NICK GOIRAN: Is it an all-or-nothing proposition—they all have to come in? Is it possible that there could be some form of iteration in the process?

Hon STEPHEN DAWSON: The intention is to bring them all into place.

Hon NICK GOIRAN: I acknowledge that that is the intention. My question is: can it be done in any fashion other than an all-or-nothing scenario?

Hon STEPHEN DAWSON: We are saying that a legal uncertainty exists currently as to whether they are constitutional corporations. We could, potentially, bring some across, but because we think there is a legal uncertainty, the intention is to bring them all across—naming them all as opposed to naming just a few.

Hon NICK GOIRAN: Is there anything in this bill that would prevent the minister from putting a proposal to the federal minister listing, for example, 20 local governments in Western Australia that have indicated their consent to being put under the state industrial relations system so that the federal minister could then agree to those 20 local governments forming part of the state industrial relations system? Would that be possible once this bill passes?

Hon STEPHEN DAWSON: It would be possible.

Hon NICK GOIRAN: Thank you, minister. In the minister's media release on 18 November, he said —

A key component of the Bill is ensuring that State industrial laws do not exclude employees from their coverage. Currently, various categories of employees are excluded from minimum wages and other employment protections, including employees engaged in domestic service in a private home.

These exclusions have been identified by the Commonwealth Government as a barrier to Australia ratifying the International Labour Organization Protocol of 2014 to the Forced Labour Convention, 1930 which aims to support the global fight against modern slavery. Australia is prevented from joining 46 other countries in ratifying the Protocol because of Western Australia's exclusions.

Those comments were made by the minister in his media release on 18 November this year. When were these exclusions identified by the commonwealth government?

Hon STEPHEN DAWSON: I am told that the dialogue started in 2016 when Senator the Hon Michaelia Cash, who was then the federal Minister for Employment, wrote to relevant state and territory ministers concerning the possible ratification of the protocol. At that stage, the minister in Western Australia was Minister Mischin.

Hon NICK GOIRAN: In 2016, the commonwealth government identified some Western Australian exclusions. Did the commonwealth provide a list of those exclusions?

Hon STEPHEN DAWSON: The state undertook a law and practice report sometime in 2017. Minister Johnston, then the Minister for Industrial Relations, wrote to Senator Cash informing her of the assessment in the law and practice report and stated that the Western Australian government intended to undertake an examination of strategies to overcome the obstacles to compliance with the protocol within state legislation. Later that year, Senator Cash wrote to Minister Johnston stating that the Office of International Law within the commonwealth Attorney-General's Department had confirmed that the gap in coverage of Western Australia's industrial relations protections would result in Australia's noncompliance with article 2(c)(i) of the protocol.

Hon NICK GOIRAN: But was some form of list of these problems or gaps prepared by either the commonwealth or the state?

Hon STEPHEN DAWSON: There was not a list. The work that was undertaken as part of the law and practice report identified issues associated with signing up to the International Labour Organization's convention. The commonwealth concurred, essentially. I will quote from the letter that the commonwealth sent to us then, stating that the Office of International Law suggested —

... this obstacle to compliance with the Protocol could be overcome by Western Australia enacting legislative changes to ensure that the Western Australian industrial relations framework applies to all workers in Western Australia who are not covered by the national industrial relations framework.

But there was no list.

Hon NICK GOIRAN: So there was at least a general agreement, both at a commonwealth and a Western Australian state government level, that there was an issue. That was identified and agreed to at a general level. But I want to make sure that we get the specifics right. Which clauses in the bill before us remedy the general concern that has been identified by both the commonwealth and state governments?

Hon STEPHEN DAWSON: The definition of "employee" in the bill has changed to remove the exclusion, and I think clause 5 of the bill also will, essentially, help or allow for it.

Hon NICK GOIRAN: Clause 5 of the bill sets out the amendments to section 7 of the Industrial Relations Act 1979. Section 7 of the act, as I understand it, deals with the terms under the act. The minister indicated that we are changing the definition of "employee", which is found in clause 5 on page 4, starting at line 3. Are we saying that clause 5 of this bill, specifically the new definition of "employee", will address the concern identified by the commonwealth and the Western Australian state governments about the international protocol?

Hon STEPHEN DAWSON: That is in addition to clause 100 in part 5, "*Minimum Conditions of Employment Act 1993* amended". Clause 100(2) reads —

In section 3(1) insert in alphabetical order:

employee means —

- (a) a person who is employed by an employer to do work for hire or reward, including as an apprentice; or
- (b) a person whose usual status is that of an employee;

Hon NICK GOIRAN: Okay. I am working with the minister; we are creating a list here. If this chamber passes clause 5 and clause 100(2), will that fix the problem identified by the commonwealth government and the WA state government?

Hon STEPHEN DAWSON: My advisers tell me yes.

Hon NICK GOIRAN: Has the minister consulted with the commonwealth government on this?

Hon STEPHEN DAWSON: Yes, we have.

Hon NICK GOIRAN: For the benefit of the chamber, we have confirmation here that the commonwealth government and the WA state government both identified a problem with the ratifying of the international protocol, and that both governments agree that clauses 5 and 100 of the bill before us will remedy this problem.

Hon STEPHEN DAWSON: The commonwealth government was certainly aware, firstly, that there was an issue and, secondly, of our intention to fix it, but I cannot be confident that it has actually seen the specific clause.

Hon NICK GOIRAN: After we have done all this work to make sure that the international protocol can be ratified, we would not want the state government to next year get a letter from Minister Cash, or whoever might be the minister, saying, “Guess what? You guys missed something.” I do not understand why no-one has brought clause 5 or clause 100 to the attention of the federal government to get its concurrence so we can absolutely be sure that we get this right.

Hon STEPHEN DAWSON: I am not sure that we ever send legislation to the feds to get concurrence before we bring it before the Parliament here; however, my advisers tell me that there was an agreement between the commonwealth and the state that there was an issue. There was a barrier to Australia ratifying that protocol and this is the remedy, if it passes, to enable Australia to ratify that agreement protocol.

Hon NICK GOIRAN: I will conclude on this point and then we can move off clause 1. Perhaps it is more by way of comment than necessarily a question. I simply make the observation that this is not a unique circumstance. I agree with the minister that it is not the ordinary custom and practice of the state government to provide draft legislation to the commonwealth to necessarily get its feedback on. However, this matter, as the minister identified, had its genesis in the commonwealth identifying a problem and drawing it to the attention of the state government in 2016. It said, effectively, “Red alert—there is a problem. There is an exclusion in Western Australian law that is preventing us—that is, Australia—being able to ratify this international protocol. We, the commonwealth, draw this to the attention of the Western Australian government and we seek you to do something about this.” To the credit of the McGowan government, it has taken steps to address this issue. The minister indicates that that will occur by way of clauses 5 and 100. I do not think it would be unreasonable to go back to the person who originally identified the problem to be assured that they are equally satisfied that this will now remedy the issue. I would be concerned if we had to come back again next year to make further amendments. Hopefully that will not be required, in which case we will be able to say that it was a job well done. However, in the absence of that consultation, it seems that a small gap remains.

Hon STEPHEN DAWSON: The member is incorrect to a degree. The commonwealth wrote to us about its intention to ratify. The state actually identified the issue. The commonwealth did not identify it; it asked the states for feedback. The state identified the issue. We wrote to the commonwealth outlining the issue. It concurred that there was an issue, and we sought to remedy it. The changes before us remove all exclusions. My advisers are confident that the commonwealth will be very happy with what is before us. My advisers are confident that the changes we are making will fix the problem. In the correspondence I have received from the commonwealth, the minister says she is pleased and it appears that this final barrier will be removed, because as the member is aware, ratifying the International Labour Organization protocol is a priority for the Australian government.

Hon NICK GOIRAN: I want to read the minister’s own media release of 18 November this year, only a month ago. The minister said —

These exclusions have been identified by the Commonwealth Government as a barrier to Australia ratifying the International Labour Organization Protocol of 2014 to the Forced Labour Convention, 1930 which aims to support the global fight —

Hon Stephen Dawson: We identified there was an issue and the commonwealth wrote back to us identifying there was an issue. You are taking issue with the fact that the words on that press release say “the issue has been identified by the commonwealth”. It does not say “initially identified by the commonwealth”, but the commonwealth identified that there was an issue after we first identified it. I think we are clutching at straws here.

Hon NICK GOIRAN: The minister can well understand the confusion that arises when an ordinary reader does not have the benefit of all the historical context. An ordinary reader gets a press release and it simply says, “These exclusions have been identified by the commonwealth government as a barrier.” Here comes the McGowan government with a very proud media release on 18 November 2021 saying, “Look at us, we are now fixing the problem that the commonwealth government has identified.” Earlier I asked when these exclusions were identified by the commonwealth government and the minister indicated it was in 2016 and there was a letter from Cash to Mischin and so on.

Hon Stephen Dawson: I am glad we've had this conversation and I think we have fixed it now. We know on the record the process that was followed. I'm sorry if I didn't say in that press release who initially identified it and who subsequently identified it, but it has been identified and, hopefully, the bill passes and we will have a remedy and the commonwealth can sign.

Hon NICK GOIRAN: No problem. No doubt the drafters of these media releases will look in earnest as they prepare these things for 2022.

The minister indicated that the commonwealth wrote to the state government in some form in 2016. Let us not use the word "identification", but do we have a date for when that occurred and can the document be tabled?

Hon STEPHEN DAWSON: We do not have a copy of that letter because it went to the previous government, so we do not have access to it. The date of it was 19 April 2016.

Hon NICK GOIRAN: On 19 April 2016, the commonwealth wrote to the former state government, but we do not know what the content of the letter is; we just know that the commonwealth wrote. How do we do know that the commonwealth identified or raised this issue in 2016 if we do not have access to the letter?

Hon STEPHEN DAWSON: In 2016, the commonwealth said it intended to ratify the protocol and that it sought feedback from state and territory governments. It wrote to the state and territory governments about whether there were any impediments or barriers in state jurisdiction and legislation to the commonwealth ratifying the protocol. That then set off the law and practice review that Western Australia undertook. The minister wrote back the following year. I am not sure what the time lines were in the request from the commonwealth of when feedback should have been given by, but certainly Minister Johnston, the then Minister for Industrial Relations, wrote back to the commonwealth in June 2017. As the honourable member can imagine, we had the state election in March 2017 and things probably stopped in December, but the work of the agency continued. Then there was a handover; ministers changed with the change of government. Minister Johnston wrote back in 2017 after the state had identified, as part of the law and practice review, that there were issues.

Hon NICK GOIRAN: Was there any correspondence between the commonwealth government and the state government between March 2017, when the McGowan government came to power, and the response from Minister Johnston in June 2017?

Hon STEPHEN DAWSON: I do not believe so. We have not been able to identify any. We have tried to get copies of correspondence that the state government had, but the first piece of correspondence that I am aware of is Minister Johnston's letter to Senator Cash in June 2017.

Clause put and passed.

Clause 2: Commencement —

Hon NICK GOIRAN: As we consider clause 2 of the Industrial Relations Legislation Amendment Bill 2021, the minister will note that, with the exception of part 1, which is simply clauses 1 and 2 and will commence on the day on which the legislation receives royal assent, it is intended for everything else to commence on a day fixed by proclamation. Indeed, the government has indicated that it would like to have the flexibility of having different days fixed for different provisions. When can we expect the operative provisions of this bill to come into operation?

Hon STEPHEN DAWSON: It will depend on the regulations. One issue is the public holiday; the bill will create a public holiday for Easter Sunday. We do not need regulations for that, so that element will be proclaimed sooner, but the regulations for the rest of it may take time.

Hon NICK GOIRAN: Is the minister saying that there are some clauses in the bill that are ready to commence immediately?

Hon STEPHEN DAWSON: It would be desirable to commence as many of the clauses as possible at the same time, but there is the time issue with Easter Sunday next year. It will take time to do what needs to be done in government to broadcast it, so that may well need to start earlier than the other provisions.

Hon NICK GOIRAN: I am mindful of the discussion we had earlier about the backlog at the Parliamentary Counsel's Office. We need to do the work health and safety regulations first, and there are other workload pressures. We talked about dates in February and March and the like. The minister is indicating that if something unforeseen occurs that delays the commencement of these regulations, it is the government's intention to at least proclaim the provision relevant to the public holiday within a sufficient time. What is the latest date on which that proclamation can occur?

Hon STEPHEN DAWSON: The advice I have is that we need to have the public holiday gazetted. It will take about four weeks; Easter Sunday is on 17 April, so that provision will need to be gazetted by mid-March to enable us to have the public holiday for Easter Sunday.

Hon NICK GOIRAN: The middle of March is about a month beforehand.

Hon Stephen Dawson: The intention is to get it out as early as possible to give certainty to employers in the state.

Hon NICK GOIRAN: Yes. Does something need to occur in that month? We are talking about the latest possible scenario being the middle of March. That would get us ready for 17 April. What would need to occur between the middle of March and 17 April? For example, why can the proclamation not occur on 1 April or 2 April?

Hon STEPHEN DAWSON: I was given an explanation a while ago that it would need to go to the Executive Council. Could the times be more constrained? Potentially. Could there be a special Exco? Potentially. The clear advice was that there would need to be about a four-week time frame to allow it to go through the hoops that need to be gone through—the two weeks' notice for Exco and whatever else is needed and then for it to be published in the *Government Gazette*. Enabling all that to happen would take about four weeks.

Hon NICK GOIRAN: That is quite interesting. The minister might recall the opposition suggested that the bill could benefit from additional scrutiny by the Standing Committee on Legislation. The date that the bill was proposed to come back from that committee was 15 February. What seems to have transpired during the consideration of clauses 1 and 2 is that there is no realistic prospect of any of the operative provisions coming into effect between now and 15 February anyway. We could very easily have referred the bill to the legislation committee for it to consider and potentially enhance and improve, and for the bill to be dealt with in the first week back in February. We would still have had adequate time for the public holiday provision of 17 April, particularly when we consider the work health and safety laws —

Hon Stephen Dawson: Can I be obtuse?

Hon NICK GOIRAN: No, but I encourage the minister to comment on that.

Hon STEPHEN DAWSON: The honourable member is not reflecting on a decision made by this house previously, is he?

Hon Nick Goiran: Not negatively, no. Not at all.

Hon STEPHEN DAWSON: That was me being obtuse, sorry. I had to have a bit of sport!

I am told that the work around the public holiday is easy and that it could easily be done and gazetted in February. That could be out there. We want to give industry and the community certainty about this public holiday because people will have to do things with their payroll systems, for example, in government agencies and in the private sector. A decision was made that we wanted to give the community certainty and proceed with this legislation.

Hon NICK GOIRAN: Do I understand that the public holiday for 17 April will also require some regulation to be prepared?

Hon Stephen Dawson: No.

Hon NICK GOIRAN: By way of interjection, the minister has indicated to me that that is not necessary.

Hon Stephen Dawson: That is correct.

Hon NICK GOIRAN: It is simply a case of the proclamation process and there is no regulation. In actual fact, it could be done before Christmas.

Hon STEPHEN DAWSON: Possibly, but I think we would miss the deadline for sending it to Exco before Christmas.

Hon Nick Goiran: Is everyone on holidays?

Hon STEPHEN DAWSON: No. I think the time frame is 10 working days to get something from the notice paper to when the meeting happens. It probably would require another Exco. Matters probably have gone to Exco previously that fall outside that time frame, but it would require the Governor's agreement and that is not something I want to ask the Governor at this stage. Certainly, should this bill pass, it could potentially be on the agenda for the first Exco of 2022.

Hon NICK GOIRAN: I am conscious that I have two amendments standing in my name for clause 2. If it would assist, it seems to me that as much as it would be ideal from a drafting perspective to include the second amendment at 3/2, there is probably little purpose in moving that amendment because I gather from what the minister has said that the government does not intend to support it, if for no reason other than it would potentially delay the passage of this legislation. If the government wants anything to happen between now and 15 February, it would require the Legislative Assembly to be recalled. We certainly would not want to interrupt those members from their urgent parliamentary business, or potentially holidays, even if it would be for the benefit of creating another public holiday. I accept that it is probably prudent not to move that particular amendment. The other amendment is consequential to passing proposed new clause 40A. I wonder whether the minister would be of a mind to defer consideration of clause 2 so that we can deal with that amendment if new clause 40A were to pass. I am mindful, of course, there is no danger that anything we do will change the outcome of today, including the time frames.

Hon STEPHEN DAWSON: Ordinarily, I think I would agree to such a request. I think I will decline today, given the limited time we have available and not wanting to need to go back to clause 2. I will disagree to that.

Hon NICK GOIRAN: That is fine. It is the minister's prerogative. It means we will need to have the debate now on proposed new clause 40A.

Hon Stephen Dawson: I am happy to do that.

Hon NICK GOIRAN: By way of indication to the chair, we will be collapsing the debate between clause 2 and proposed new clause 40A. The supplementary notice paper shows an amendment standing in my name at 2/NC40A. If we get to that stage after the luncheon interval, there will be an opportunity for me to move to insert at page 56, after line 11, a new clause into this bill. It will create an instruction to amend section 80L of the Industrial Relations Act 1979, and in section 80L(1) after “(5), to insert “33,”. By way of explanation to members, this is appropriate and beneficial because the Attorney General of Western Australia has recently identified a problem with the Industrial Relations Act 1979. The problem was significant enough to justify the Attorney General intervening in an unfair dismissal case. This is quite a high-profile case, because a former staff member of the member for Kwinana, the current Deputy Premier of Western Australia, has launched an unfair dismissal case. As I understand the circumstances of that case, the aggrieved former staff member—the aggrieved worker—would like the member for Kwinana to provide some evidence to this unfair dismissal case. It appears, according to the public commentary at least, that the member for Kwinana has no intention of doing so voluntarily, and until such time as he is compelled to provide that evidence in this unfair dismissal case, he simply will not be providing any assistance to this worker in her case.

As I understand it, the Attorney General has taken advice on this matter and was, I believe, provided with some notification by the State Solicitor’s Office. Interestingly, I believe that the case involves not only the former staff member of the member for Kwinana, but also the respondent—it might even be the Speaker of the Legislative Assembly, who may be represented by the State Solicitor’s Office. To the best of my knowledge, that is the set of circumstances in this particular case. The State Solicitor’s Office drew to the attention of the Attorney General that it believed there was a problem here. Therefore, the lawyers who are acting for one of the parties called on the Attorney General of Western Australia to intervene in this particular case. In my view, there is nothing improper about that. Any litigant in Western Australia, if they feel the need, can petition or call upon the Attorney General of Western Australia to intervene in a matter. It just so happens that in this particular case the people who decided to petition the Attorney General or knock on his door happened to be his good friends in the State Solicitor’s Office.

As I understand it, from some explanations that have been provided by the Attorney General, they petitioned him to consider this matter. He sought some advice from the Solicitor-General, who then recommended that the Attorney General inject himself into this particular case. Inject himself he did, and the outcome of that was a ruling, as I understand it, from one of the minister’s registrars in the Western Australian Industrial Relations Commission, but if that is not the case, I welcome the minister to correct the record. As I understand it, the registrar, or certainly somebody with authority in the Western Australian Industrial Relations Commission, subsequently issued a form of ruling to indicate that there is no power by the Public Service Appeal Board to issue a witness summons. What is very interesting about this, minister, is that, putting to one side whether any summonses have been issued in the last financial year by the Public Service Appeal Board and forgetting about the last financial year, there have been many occasions on which witness summonses have been issued in Public Service Appeal Board matters. Does the minister have any information available on how many occasions such summonses have been issued in proceedings before the board?

Hon STEPHEN DAWSON: We are advised that in the past five years, no summonses were issued to hostile witnesses. Let me give the member the instances in which summonses were issued. For PSAB 2/2015, there was one witness; for PSAB 9/2017, there were seven summonses; for PSAB 3/2019, there was one witness; for PSAB 16/2019, there were two witnesses; for PSAB 4/2020—the one we have spoken about—there were two witnesses, and as I have previously indicated, summonses were served but the hearing was vacated, so the summonses were voided; and in PSAB 22/2016, four witness were summonsed and served.

Hon NICK GOIRAN: The minister indicated that summonses were issued in those six cases. Is that the sum total of all summonses that were issued in Public Service Appeal Board matters?

Hon STEPHEN DAWSON: That is my understanding. That is the information that has been provided to us by the registrar.

Hon NICK GOIRAN: Might it be the case that that is simply the list for the last five years?

Hon STEPHEN DAWSON: Did the honourable member ask for —

Hon Nick Goiran: Is that the sum total of all that have ever been issued?

Hon STEPHEN DAWSON: All the information that I have to hand is that they are the figures for the last five years. I do not have the information prior to that. As the member will recall, the questions that have been raised in here and, indeed, by media outlets have related to the last five years, so I have not gone further back than that.

Hon NICK GOIRAN: That is fair enough, too. The McGowan government has been in power for the last five years, so on its watch multiple summonses have been issued, apparently unlawfully, according to the Attorney General’s injection into the case. Perhaps the minister could clarify something for the record. As I understand it, there was a ruling recently. Who issued the ruling, when did they issue the ruling and what was the ruling?

Hon STEPHEN DAWSON: There was no formal ruling, but the registrar provided advice to the Public Service Appeal Board that she believed that the power was not there to enforce. Obviously, that matter is with the PSAB

at the moment. I want to just put on the record that there is a bit of misunderstanding generally out there about the issuing of summonses in PSAB matters. A summons is issued by one of the parties and not by the PSAB. What occurs is that the party uses the summons form provided by the WA Industrial Relations Commission, they get it stamped by the registry and they serve it on the party they wish to be a witness. They then file a declaration of service at the registry. If the person is happy to be a witness, they appear. If, however, they do not want to be a witness or the other party objects to the summons, it would have to be enforced. As I indicated, the registrar has confirmed that they do not believe that they have the power to enforce a summons.

Hon NICK GOIRAN: Let me get this right: a party to the proceedings gets a form from the Industrial Relations Commission, they get it stamped and then they issue something, but the Attorney General recently intervened on a case and confirmed that that cannot be done.

Sitting suspended from 1.00 to 2.00 pm

Hon NICK GOIRAN: We are considering clause 2, but we have agreed to consider clause 2 and proposed new clause 40A concurrently, in a sense, because the amendment standing in my name at 1/2 on the supplementary notice paper, which I will move in due course, deals with the commencement date for proposed clause 40A. This all goes to whether the Public Service Appeal Board ought to have the power to issue summonses. Due to the work of the Attorney General of Western Australia, we know that the PSAB does not have that power, despite the fact that in the last five years, during the time that the McGowan Labor government has been the government of Western Australia, witness summonses have been issued in no less than six cases before the Public Service Appeal Board. Just prior to the luncheon interval, we found out from the minister that the process actually involves a party going to the Western Australian Industrial Relations Commission, the Industrial Relations Commission opening up its cabinet of forms and giving them a form, the party completing the form, the Industrial Relations Commission getting its huge stamp and stamping it on top of the form, and the form then going to various witnesses. Despite the fact that the Industrial Relations Commission has been intricately involved in the process of these witness summonses, we now know, because of the intervention of the Attorney General, that that process is invalid. The amendment would fix the deficiency identified by the Attorney General and allow the Public Service Appeal Board to have this type of summons issued. Indeed, it would be able to receive evidence in the same way as the general division in the Industrial Relations Commission currently does.

I do not know whether during the course of the luncheon interval the minister managed to get any further information about the sum total of witness summonses issued by the Public Service Appeal Board.

Hon Stephen Dawson: No.

Hon NICK GOIRAN: We do know that there have been at least six cases in the last five years when these witness summonses have been issued. Now that it has been found that there is not power to do that, what is happening with those matters?

Hon STEPHEN DAWSON: There has not been any enforcement, honourable member, because people were happy to attend as witnesses.

Hon NICK GOIRAN: If the member for Kwinana agrees to attend, there will be no issue with the matter currently being discussed and reported.

Hon STEPHEN DAWSON: I do not believe the member for Kwinana is a party to the argument or to the case.

Hon NICK GOIRAN: In the six cases that the minister drew to our attention when summonses were issued, were they all issued to parties in the case?

Hon STEPHEN DAWSON: I do not have that information at hand, honourable member.

Hon NICK GOIRAN: Evidently that is not the case. Why would a party issue a summons against themselves to provide evidence? Evidently a summons has been issued in Public Service Appeal Board cases to witnesses who are not parties to the proceedings. People do not issue a summons against themselves. The minister indicated that these witnesses were—I think this is how the minister referred to them—not hostile witnesses, and it was not necessary to enforce the summonses. Is that an indication that in the case involving the former electorate officer of the member for Kwinana that a summons could still be issued, and the only issue is whether it will be enforced?

Hon STEPHEN DAWSON: I think that matter is before the Public Service Appeal Board now for a decision on whether it can actually do that. That is where the case is at the moment—whether it actually has the power to do it.

Hon NICK GOIRAN: The minister indicated earlier that some decision was made; I think he said it was not a ruling by the registrar but was some sort of advice or decision. On what date did that occur and could that decision or advice be tabled?

Hon STEPHEN DAWSON: We do not have it here, but we will see whether we can get it.

Hon Nick Goiran: Don't you know the date?

Hon STEPHEN DAWSON: No, I do not have that information before me; but we will see what we can get for the honourable member and come back to him, if he is happy to come back to it.

Hon NICK GOIRAN: That would be useful; but, again, this goes to our earlier point.

Hon Stephen Dawson: You probably have extra questions on this clause 2/40A, don't you?

Hon NICK GOIRAN: I do not have further questions on clause 2 other than simply to deal with proposed new clause 40A on the supplementary notice paper. The minister has kindly indicated already that commencement will happen at the first available opportunity. In any event, the public holiday provision will need to happen before 17 April. We discussed the situation about the regulations—the February–March scenario. There is no pressing issue with the commencement, but there is an issue with proposed new clause 40A on the supplementary notice paper. I could certainly elaborate.

Hon STEPHEN DAWSON: I will move back from my earlier information; we will seek to get that information for the member. I am happy at this stage to postpone clause 2, make progress and come back to it later.

Clause 2 postponed until after consideration of clause 129, on motion by Hon Stephen Dawson (Minister for Mental Health).

[See page 6481.]

Clauses 3 to 15 put and passed.

Clause 16: Sections 37A to 37D inserted —

Hon NICK GOIRAN: I thank the minister for his indulgence on clause 2. Clause 16 will insert proposed sections 37A to 37D in the bill, and it is the inclusion of proposed section 37D that causes me some concern. I understand that this change will allow the Industrial Relations Commission to vary the scope of private sector awards, which goes beyond the recommendation of the Ritter review. Why did the government choose to move beyond the scope of the recommendation of the Ritter review and include proposed section 37D in the bill to allow the commission to vary private sector awards of its own motion and without anyone—either employees or employers—applying to the commission?

Hon STEPHEN DAWSON: We think that it is consistent with recommendation 63 of the ministerial review, which recommended that the commission undertake an 18-month review to modernise all private sector awards. The entirety of recommendation 63 was not adopted as there was divergence amongst stakeholders regarding the nature of the modernisation of awards, particularly whether employees' entitlements should be reduced under the resource intensiveness of a comprehensive 18-month review process for the industrial parties. The government considers that existing section 40B enables the commission to modernise award provisions of its own motion. New section 37D will ensure that award scope can also be addressed by the commission of its own motion.

Hon NICK GOIRAN: The minister made reference to recommendation 63 and an 18-month review process. Has that review been undertaken?

Hon STEPHEN DAWSON: No, it was not undertaken.

Hon NICK GOIRAN: How is recommendation 63 a justification for new section 37D?

Hon STEPHEN DAWSON: It is because it is a commission own-motion power.

Hon NICK GOIRAN: Sorry; I must have misunderstood something. I thought the minister indicated that recommendation 63 of the Ritter review indicated that an 18-month review process should be undertaken by the commission to modernise provisions. Given that the review process has not occurred, how does the existence of recommendation 63, which has not been implemented, give rise to new section 37D?

Hon STEPHEN DAWSON: We would have had to legislate for an 18-month review process. Part of the recommendation related to scope, so we are dealing with the scope issue. Existing section 40B enables the commission to modernise award provisions, as I have already indicated. New section 37D will ensure that the award scope can also be addressed by the commission of its own motion. As I said, stakeholders had a view that an 18-month review process would have been problematic in diverting people from other work and it would have been resource intensive.

Hon NICK GOIRAN: Do I understand that recommendation 63 was to propose that a review process be undertaken over an 18-month period and that part of that review process would include considering award scope?

Hon Stephen Dawson: Yes.

Hon NICK GOIRAN: That review process has not happened, so how did we leap over the review process and come to the conclusion that we should include new section 37D in the absence of the review process, which is said to be fundamental to that decision?

Hon STEPHEN DAWSON: New section 37D will allow a review process on scope.

Hon NICK GOIRAN: What does recommendation 63 of the Ritter review say?

Hon STEPHEN DAWSON: Recommendation 63 of the Ritter review says —

The Amended IR Act is to include provisions requiring the WAIRC, within eighteen (18) months, to:

- (a) Review and as necessary amend the scope of the awards of the WAIRC, and/or if required make new awards, with the aim of ensuring, subject to the following that all private sector employees within the State industrial relations system are covered by an award of the WAIRC, including but not limited to the categories of employees contained in Attachment A.
- (b) Recommendation (a) does not apply to employees of the types referred to in s 143(7) of the FW Act or who have an income higher than the high income threshold set under s 333 of the FW Act.
- (c) Review, and as necessary amend, each award of the WAIRC to:
 - (i) Include the contents of the WAES so that employers and employees can understand the requirements and entitlements of and pursuant to the WAES.
 - (ii) Ensure that the award does not contain any provision that:
 - (A) Is less than the amount of the minimum wage or any other WAES.
 - (B) Discriminates against an employee or employees on any ground on which discrimination is unlawful under the *Equal Opportunity Act 1984* (WA).
 - (C) Is obsolete.
 - (D) Contains references to Boards of Reference that would be inconsistent with the repeal of s 48 of the IR Act.
 - (E) Contains a reference to an obsolete or outdated apprenticeship or traineeship scheme.
- (d) The process engaged in by the WAIRC in (a)–(c) above is not to have the effect of reducing any employee entitlements under existing awards unless the entitlement is able to and should be removed in the process described in recommendation (c)(ii)(C).

Hon NICK GOIRAN: Is recommendation 63 limited to private sector awards?

Hon STEPHEN DAWSON: It is.

Hon NICK GOIRAN: Is that despite the fact that it says “amend the scope of the awards”, without necessarily a reference to private sector awards?

Hon STEPHEN DAWSON: I am told that the term of reference was private sector awards.

Hon NICK GOIRAN: Was consideration given to including public sector awards?

Hon STEPHEN DAWSON: The industrial parties to public sector awards are actively engaged in maintaining their awards. Scope is also determined differently in public sector awards and does not raise the same issues as the expression of scope in some private sector awards. An enterprise award applies only to a single employer; it is therefore not necessary to vary award scope as it is clear to whom the award extends.

Hon NICK GOIRAN: Has the government considered whether the introduction of this new interventionist power in proposed section 37D will negatively impact upon the independence of the commission?

Hon STEPHEN DAWSON: I think I may have touched on this briefly in my second reading reply. The commission currently has power to vary awards of its own motion. They are a state wage order, under section 50A of the Industrial Relations Act; a general order relating to any industrial matter varying any or all awards, under section 50; and award updating, under section 40B. The commission has had powers to vary awards of its own motion since 1925.

Hon NICK GOIRAN: I move —

Page 16, line 25 to page 18, line 16 — To delete the lines.

Briefly, by way of explanation, this amendment seeks to delete from the bill proposed section 37D so that the power to vary private sector awards will not be vested in the commission. The view of the opposition is that proposed section 37D goes beyond the recommendations contained in the Ritter review final report, including recommendation 63, which was just drawn to our attention by the minister. Although members would be aware that, as a whole, the opposition does not oppose the bill that is currently before us, because it includes some important and necessary reforms, nevertheless proposed section 37D is an unnecessary inclusion in clause 16 before us. This amendment will provide certainty within the workplace for both the employer and the employee. It is true that the commission has the ability to action state wage cases of its own motion, but in those cases there are no direct counterparties to the case. In contrast, the power of the commission to vary private sector awards will impact upon two parties: the employers and the employees. I seek the support of members for the amendment.

Hon STEPHEN DAWSON: The government will not be supporting this amendment. As the honourable member pointed out, the amendment to clause 16 will delete the entirety of new section 37D of the Industrial Relations Act.

There are significant and unsustainable deficiencies related to the scope clauses in some private sector awards that exist right now, where it is not clear to whom an award applies, state awards have not kept pace with contemporary forms of work, and industrial parties have vacated the field and are failing to maintain award scope. Providing the commission with the power to vary the scope of private sector awards of its own motion will enable it to proactively deal with these issues. This power, as I have indicated previously, is consistent with existing powers the commission has under section 40B and section 50 to vary awards of its own on motion—again, powers that it has had since 1925. The commission’s power will not be unfettered. It will be subject to section 37D(6), which provides that the commission must not make a variation to award scope of its own motion until it has done the following: published the proposed variation in the newspaper circulating in the state or on the commission’s website; provided notice of the proposed variation to UnionsWA, the Chamber of Commerce and Industry of Western Australia, the Minister for Industrial Relations and organisations and employers who are representatives of those who will be covered by the award; and afforded those persons or bodies the opportunity to be heard in relation to the proposed variation.

I want to stress that the government is committed to addressing these award scope deficiencies. If the commission is not given the power, the minister will have the power to make an application under section 50 of the IR act for a general order to vary the scope of the specified award—that is an action that I could take. The benefits of section 37D over the minister making an application are that the commission would be limited to varying the scope of an award—under section 50, it will be possible for the commission to vary other award conditions at the same time—and it allows the commission to initiate and program the award scope variation work. I am further advised that last year the Master Builders Association and the Electrical and Communications Association of Western Australia wrote to the then Minister for Industrial Relations stating that it is more appropriate for the commission to initiate variations to award scope than the minister, so we do not support the member’s amendment.

Amendment put and negatived.

Clause put and passed.

Clause 17 put and passed.

Clause 18: Section 40 amended —

Hon NICK GOIRAN: Clause 18 seeks to amend section 40 and, in so doing, includes a reference to new section 37D, which was just agreed to by the house. It had been foreshadowed that I would move the amendment standing in my name at 5/18. However, I am advised that that is a consequential amendment based upon the proposal by the opposition to amend clause 16. In light of the decision just made by the house on clause 16, the amendment standing in my name at clause 18 falls away and I will not be moving it.

Clause put and passed.

Clauses 19 to 23 put and passed.

Clause 24: Section 49I amended —

Hon NICK GOIRAN: Clause 24 amends section 49I of the Industrial Relations Act 1979. Is there anything in section 49I, as it is currently drafted, that would prevent copies of a document from being taken through the use of a phone?

Hon STEPHEN DAWSON: No.

Hon NICK GOIRAN: What will be the risks to a person’s intellectual property rights with the inclusion of the taking of photographs, films and audio, video or other recordings in amended section 49I?

Hon STEPHEN DAWSON: I am told the power is about investigating and rectifying an inspected breach. It is not about trying to access commercial-in-confidence information. If that were the case, there would be other ways people could seek recourse on that issue.

Hon NICK GOIRAN: That might not be the intention of the taking of the photographs, films, audio, video or other recordings, but is it a risk?

Hon STEPHEN DAWSON: It may be a risk, but an employer is not going to hand over any information that relates to their trade secrets.

Hon NICK GOIRAN: No, they are not going to hand them over, but this is the problem with the ability to take photographs, films, audio, video or other recordings. A unionist might enter the premises and take a photograph, film, audio, video or other recording. We had a discussion a little earlier around whether consent was required, but as an ancillary matter to the taking of the photograph, film, audio, video or other recording, is there not some form of risk to a person’s intellectual property rights as a result of the mere taking of the photograph or recording?

Hon STEPHEN DAWSON: There could be a risk, but I am not sure it is relevant because I honestly do not think those bits of commercial-in-confidence information are going to be lying around. If it is of such value, it is not the kind of thing that is likely to be sitting on top of the desk for everybody who might walk into the room to see.

Hon NICK GOIRAN: What if the intellectual property right is a particular type of machinery?

Hon STEPHEN DAWSON: If someone took a photograph of the machine, they would just see the outside of the box; they would not see the machinations inside the machine. I am not sure we are going to make progress on this. The honourable member obviously has a viewpoint and the government has a viewpoint.

Hon NICK GOIRAN: Has any stakeholder raised concern about this provision?

Hon STEPHEN DAWSON: I do not believe anyone has raised the issue in terms of intellectual property rights, but certainly the Master Builders Association and the Chamber of Commerce and Industry of Western Australia have raised issues.

Hon NICK GOIRAN: Does the minister mean they have raised issues about clause 24? If so, what are those issues?

Hon STEPHEN DAWSON: No, I am told that they primarily have raised issues of misuse, and that has been in my office. I am further advised that in conversations with the department, issues concerning intellectual property rights were raised.

Hon NICK GOIRAN: So some stakeholders have raised a concern with the minister's office and the department about the concept of misuse—in other words, the misuse of this new power to take photographs, films and audio, video and other recordings—and the ancillary concern of risk to a person's intellectual property rights. What has the government done to assuage those concerns?

Hon STEPHEN DAWSON: If the rights were breached, I am told there would be remedies under other laws. For example, if something relates to a patent, there is the commonwealth Patents Act 1990. If it relates to a trademark, there is the Trade Marks Act 1995. If it relates to copyright, there is the commonwealth Copyright Act 1968 or Designs Act 2003.

Hon NICK GOIRAN: The minister is saying that this new right in clause 24 will need to be understood by those wishing to take these photographs, films and audio, video and other recordings in light of not only the Surveillance Devices Act, to which we referred earlier, but also up to another four pieces of legislation. They will have to be cognisant of all those things before they start to take photographs and the like. Does the government intend to provide any education to those who might start using this power?

Hon STEPHEN DAWSON: I am told it will provide a general information sheet about this new power.

Hon NICK GOIRAN: Will this general information sheet be provided by the Industrial Relations Commission or the department? Who will provide this information sheet?

Hon STEPHEN DAWSON: It will be the Department of Mines, Industry Regulation and Safety.

Hon NICK GOIRAN: The department will provide this information sheet for unionists to read and understand very clearly that before they enter somebody's home to take photographs, films and audio, video and other recordings, they need to be cognisant of at least five pieces of legislation, because if they are not, they could be in breach of both Western Australian and commonwealth law, as I think the minister indicated, and I understand that some of these things could even attract a fine of \$5 000. Are there any sanctions or penalties that might involve imprisonment?

Hon STEPHEN DAWSON: I am told that under the Surveillance Devices Act there may well be a penalty of imprisonment for up to 12 months.

Hon NICK GOIRAN: So the department will issue this information sheet to unionists before they embark upon the taking of photographs, films and audio, video and other recordings, alerting them to the fact that they need to be cognisant of at least five pieces of legislation, both Western Australian and commonwealth, which could result in fines and, in certain circumstances, imprisonment. What is the scope for a unionist to be able to undertake the power to take photographs, films and audio, video and other recordings? I understand that to enter a person's ordinary place of habitation or residence, an authorised representative will need to get an order from the Industrial Relations Commission. The Industrial Relations Commission will only be able to provide that order in exceptional circumstances. Outside that, are there any scenarios in which photographs, films and audio, video and other recordings could be taken in the absence of such an order?

Hon STEPHEN DAWSON: If they have right of entry to attend commercial premises, they could use a smartphone, for example. Under the current legislation, a person with a right of entry already has the ability to record, but not by electronic means; they can take notes or draw pictures of an alleged breach. This essentially brings us into the modern age and allows for recording of an alleged breach on a smartphone, like this one.

Hon NICK GOIRAN: For the benefit of *Hansard*, the minister is referring to his phone. Is the capacity to take photographs, films and audio, video and other recordings, including in people's homes, permitted in other jurisdictions?

Hon STEPHEN DAWSON: I am told that Victoria recently passed legislation to make such a thing possible. Victoria's legislation expressly enables officials to take photographs for measurements or make sketches or recordings at a workplace when investigating a contravention of the Victorian Occupational Health and Safety Act 2004.

Hon NICK GOIRAN: Victoria has recently legislated to allow electronic recording over and above what the minister has referred to as the existing right in Western Australia with regard to drawing a diagram and taking notes and so forth, but no other Australian jurisdiction has yet legislated to allow authorised representatives to legally enter a person's home and take photographs, films or audio, video or other recordings. Is that right?

Hon STEPHEN DAWSON: Not to my knowledge, honourable member.

Hon NICK GOIRAN: Does the Victorian legislation allow that to occur in a person's home?

Hon STEPHEN DAWSON: Victoria has no industrial relations jurisdiction because in 1996, the then Victorian government referred its industrial relations powers to the commonwealth government. This relates to the Victorian Occupational Health and Safety Act 2004.

Hon NICK GOIRAN: In other words, a Victorian authorised representative cannot enter a person's home and take photographs, films or audio, video or other recordings.

Hon STEPHEN DAWSON: Theoretically, yes, they can, if it is also a workplace.

Hon NICK GOIRAN: Can a Victorian authorised representative enter a person's home—not their place of business, but their home? Are they able to go into a person's home and take photographs, films or audio, video or other recordings?

Hon STEPHEN DAWSON: We cannot be sure on that, honourable member, because it is not our area. That comes under the Victorian Occupational Health and Safety Act, which is not industrial relations law. The advisers with me are industrial relations advisers.

Hon NICK GOIRAN: I move —

Page 28, lines 20 to 24 — To delete the lines.

By way of explanation to members, the amendment to section 49I(2)(c) proposed in clause 24(5) is not about the copying of documents, which is already provided for in the bill as it is currently drafted. Clause 24(5) is about the videorecording, live streaming and photographing of any work, material, machinery or appliance in an enterprise when that enterprise may have intellectual property rights attached to it. It is the opposition's view that it is far too broad a power to allow a union official to enter a property and start filming and videoing anything occurring on that property. The power provided in this clause raises intellectual property right infringement issues, privacy issues, and, potentially, even safety issues. The opposition calls on the government to consider the appropriateness of the amendment that I have just moved. This is an unnecessary overreach and the amendment to delete clause 24(5) will enable the other important provisions in this bill to attract bipartisan support. The former minister in the other place said on 19 August 2020 in *Hansard* at page 5238 —

I am inviting the Liberal Party to give me a provision that authorises union officials to use these devices in the appropriate circumstance, as they see fit.

This is precisely our concern with clause 24(5). In the words of the minister, union officials will, under this clause, be able to use phones or other devices to record, film, live stream or photograph any work, material, machinery or appliance or processes in a workplace as they see fit. I direct members' attention to the Fair Work Commission's 2015 decision in *BPL Adelaide Pty Ltd v National Union of Workers*. In this case, the commission found, quite rightly, that nothing could limit a property owner or an employer from specifying the ownership rights that are of concern to it and requiring that all visitors to its premises comply with those particular policy requirements. Any rights given to videoing machinery and the like need to be understood to be qualified rights to the overriding right of the employer, which was made clear in this Fair Work Commission case. In this case, BPL had a national policy requirement that limited the areas in which mobile telephones and cameras could be operated. The policy stated that Adelaide Poultry site's policy did not allow mobile phones, iPads, cameras or any device capable of taking or recording images to be brought onto the site while production was occurring. The National Union of Workers' position was that BPL did not have the capacity to insist that persons exercising rights of entry pursuant to section 484 of the Fair Work Act not bring in mobile phones or other electronic devices, including imaging-capable devices. BPL's position was that as the employer and property owner, it had the capacity to insist that persons entering its sites not bring imaging-capable devices onto those sites and that this capacity included persons exercising entry rights pursuant to section 484 of the Fair Work Act. BPL advised that the policy was enforced to ensure that sensitive or confidential information was not compromised by images being taken of equipment, processes or plant designs. Further, the policy also ensured the protection of the privacy of employees. The policy was also applied for reasons of work health and safety in that the use of electronic devices in areas where high-risk machinery is operating represents a safety risk. I note from paragraph 11 of the Fair Work Commission's decision 3905 in 2015 that BPL also advised the following —

“Another rationale for BPL Adelaide implementing and maintaining the VC Procedure arises because of the historical conduct of union officials of the Respondent have previously been found to have engaged in covert filming while exercising right of entry ... breaches of the VC Procedure by union officials of the Respondent using electronic devices on site, even after they were made aware of and did not object to the VC Procedure.

In the 2015 BPL decision, Senior Deputy President O'Callaghan was satisfied that BPL was able to generally implement its policy as the employer-owner and that the policy was consistent with its objective of protecting its

commercial interest, making compliance with the policy a reasonable request. I ask the government and members in this place to support this amendment, which does not seek to undermine anything in the Western Australian industrial relations system; rather, it will prevent significant overreach and avoid intellectual property right infringement, privacy issues and, potentially, even safety issues, such as those raised in the BPL Fair Work Commission decision.

Hon STEPHEN DAWSON: The government will not support this amendment.

Hon Peter Collier interjected.

Hon STEPHEN DAWSON: I am sorry to disappoint the honourable member. Clause 24(5) will amend section 49I(2)(c) of the IR act to enable an authorised representative to electronically record things such as machinery and work processes when investigating a suspected breach of an industrial law or occupational health and safety law. I think I am hearing that the opposition does not believe that the best evidence possible should be available for potential enforcement proceedings. Instead of an authorised representative being able to take a photo of a suspected safety breach, such as unsafe scaffolding, they would have to rely on a hand-drawn picture in a court action. It is in everybody's interest, including the relevant employer, that the best possible evidence is contemporaneously captured and preserved.

Hon NICK GOIRAN: To conclude the discussion on the amendment before the chamber, I remind the minister and members of information just recently provided to the house that no other jurisdiction in Australia permits this. Victoria has recently provided some form of provision for this, yet the government is unable to confirm that that would also be able to occur in a person's private home; therefore, the government's proposal in this clause to amend section 49I is entirely inappropriate.

Division

Amendment put and a division taken, the Deputy Chair of Committees (Hon Peter Foster) casting his vote with the noes, with the following result —

Ayes (7)

Hon Martin Aldridge
Hon Peter Collier

Hon Donna Faragher
Hon Steve Martin

Hon Tjorn Sibma
Hon Dr Steve Thomas

Hon Nick Goiran (*Teller*)

Noes (22)

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

Hon Peter Foster
Hon Lorna Harper
Hon Jackie Jarvis
Hon Alannah MacTiernan
Hon Ayor Makur Chuot
Hon Kyle McGinn

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

Hon Dr Sally Talbot
Hon Dr Brian Walker
Hon Darren West
Hon Pierre Yang (*Teller*)

Pairs

Hon Neil Thomson
Hon Colin de Grussa

Hon Rosie Sahanna
Hon Samantha Rowe

Amendment thus negated.

Clause put and passed.

Clause 25: Section 49K replaced —

Hon NICK GOIRAN: Clause 25 will insert a new section 49K in the Industrial Relations Act to allow an authorised representative to apply to the Western Australian Industrial Relations Commission for an order permitting the authorised representative to enter habitation premises and the commission to make an order to permit the authorised representative to enter the habitation premises if it is satisfied that exceptional circumstances exist warranting the making of the order. Why is the term “exceptional circumstances” not defined in the bill?

Hon STEPHEN DAWSON: The commission will decide whether exceptional circumstances exist based on the facts of a particular case. To be exceptional, a circumstance must be unusual, so it is not possible to anticipate every circumstance that could arise, and, for this reason, the term “exceptional” is not defined.

Hon NICK GOIRAN: At the moment, there is an absolute prohibition at law from a unionist entering a person's home. This clause is going to allow it for the first time in WA law, albeit, as the minister says, in exceptional circumstances. What might be the exceptional circumstances that would warrant the making of the order?

Hon STEPHEN DAWSON: Exceptional circumstances could possibly exist. I think the example I gave earlier was about a sweatshop and if an employer was suspected of operating a sweatshop, which is commonly associated with the textile, footwear and clothing industries, out of their home. It could be when an employee to whom the suspected breach relates is particularly vulnerable. It could be that the employee is a child and has a disability. It is also necessary to review the workplace to investigate the suspected breach and this may be particularly relevant to safety breaches.

I want to place on the record that if an authorised representative applies to the commission for an order, the process in section 32 of the IR act will apply and this means that the commission will be required to endeavour to resolve the matter by conciliation at the first instance. In other words, the commission would conciliate between the home owner and the authorised representative to try to informally resolve the dispute, but, if it did not, obviously there will be recourse here.

Hon NICK GOIRAN: Have cases been brought to the attention of the government that have justified the inclusion of this clause?

Hon STEPHEN DAWSON: Because we are including domestic workers in the bill now before us, and many domestic workers actually work in a person's home, the government believed there was a need to include such a power. Did the member ask whether it was happening somewhere else?

Hon Nick Goiran: No. Have there been any cases which have caused concern to justify this?

Hon STEPHEN DAWSON: To my knowledge, there have been cases of, essentially, sweatshops or slavery in places like Victoria. They have been publicised and I recall previously reading about such things. Although I do not have an example from Western Australia, I have heard of examples from other states.

Hon NICK GOIRAN: There are no cases in WA that justify this extraordinary provision that would allow for the first time in Western Australian law —

Hon Stephen Dawson: Not that we are aware of.

Hon NICK GOIRAN: That is right, so the government is not aware of any cases in Western Australia that justify this extraordinary provision that will see us remove an absolute prohibition as a matter of law for a unionist to enter a person's home. It is in the law at the moment that a unionist cannot enter a person's home—full stop. We are about to change that and allow it in exceptional circumstances, but the government is not aware of any Western Australian case that would justify it. This is extraordinary. It is totally unnecessary. In that particular instance, why would the unionist not be able to report the matter to the police or the department?

Hon STEPHEN DAWSON: They could. Honourable member, I have been advised earlier on by an honourable member that the word “unionist” has a different meaning for them, so I am going to use the term “trade unionist” this afternoon so that I do not offend any people in this place who might come from places around the world where the word “unionist” is not the same as the term “trade unionist” in the legislation before us.

The honourable member said “the government”. I make the point that the minister and the advisers around me are not aware of any examples in Western Australia. I cannot speak for the whole government, because I am not sure whether other advisers or people in other departments could give the member an example of this; I am not sure that is the case. I also want to say—I am not sure whether the member is saying this—the Western Australian Industrial Relations Commission is not a hotbed of radicals and lefties. It has a chief commissioner and commissioners who are esteemed people. I do not think they are going to be making decisions on a whim. If there is an exceptional circumstance, they will want to make sure that they analyse it and are confident that it is such an exceptional issue that it warrants the ability to use such a power.

Hon NICK GOIRAN: The point that the minister made there is fair and reasonable and is conceded by the opposition. There is no criticism here of the Industrial Relations Commission. We accept that if an application is made, the commissioners will consider the matter on its merits and they will have a job to do. They will have to ensure that the rule of law is adhered to. There is no criticism on the part of the opposition about that. The criticism on the part of the opposition is that the government has decided to remove an absolute prohibition in the current law and replace it with this new provision that will allow this to happen in exceptional circumstances. Indeed, I note that at page 28, clause 25, which we are considering at the moment, starts with the instruction to delete section 49K. Members are about to agree to remove the entirety of section 49K from the Industrial Relations Act and insert this new provision. What is section 49K at the moment?

Hon STEPHEN DAWSON: At the moment, section 49K reads —

No entry to premises used for habitation

An authorised representative does not have authority under this Division to enter any part of the premises of an employer that is principally used for habitation by the employer and his or her household.

As the honourable member knows, we are including domestic workers in the legislation before us, and many domestic workers work in a person's home. We believe this power is needed, albeit we are putting safeguards around it so that the commission has to agree that there are exceptional circumstances in which the power can be used.

Hon NICK GOIRAN: Notwithstanding the fact, as the minister said earlier, that nothing would stop the trade unionists from reporting the matter to the department or the police, and that the minister indicated that that would be fine, the opposition absolutely does not support this new right of entry. Notwithstanding that, it is clear to the opposition that the government is insistent on this particular provision being made; therefore, I have an amendment standing in my name at 7/25 on the supplementary notice paper that will codify the circumstances in which an exceptional circumstance order could be made. I will provide further explanation momentarily.

In the meantime, I move —

Page 29, lines 7 to 9 — To delete the lines and insert —

- (3) The Commission may make the order only if it is satisfied that —
- (a) the owner or occupier of the habitation premises has had a reasonable opportunity to make representations to the Commission about the application made under subsection (2);
 - (b) the application made under subsection (2) is for the purpose of obtaining information that cannot be obtained in any manner other than entry to the habitation premises by the authorised representative; and
 - (c) exceptional circumstances exist warranting the making of the order.

As I understand it, the amendment standing in my name will codify what the government says will be the normal process for the Industrial Relations Commission of Western Australia anyway when it considers whether to make one of these exceptional circumstances orders. In light of that, will the government support the amendment; and, if not, why not?

Hon STEPHEN DAWSON: The government is not supportive of the amendment. The opposition's amendment maintains the requirement for exceptional circumstances to exist but would additionally require the commission to be satisfied that the owner or occupier of the home has had a reasonable opportunity to make representations to the commission on the proposed entry and the information sought by the authorised representative cannot be obtained in any manner other entry.

With respect to the first limb of the opposition's proposal, it is unnecessary to provide the owner or occupier with the right to make representations to the commission because this right is already built into section 32 of the Industrial Relations Act. An application by an authorised representative under proposed section 49K(3) would be dealt with by the commission under section 32, which relevantly provides for the commission to conciliate and arbitrate matters. At first instance, the commission would attempt to resolve the matter by conciliating between the parties. If that is unsuccessful, the commission could finally determine the matter by arbitration. Arbitration would involve a hearing between the parties. With respect to the second limb of the opposition's proposal, this would make the bar for obtaining an order almost impossible and therefore illusory. In addition to exceptional circumstances existing, the information sought must not be obtainable in any manner other than entry. It is conceivable that the information sought could be obtained in another manner—for example, in the form of a photo or video footage—but this may be inferior to a physical inspection.

The government believes that it has struck the right balance with proposed section 49K(3), and for this reason it does not support the opposition's amendment.

Hon NICK GOIRAN: This is unbelievable from the government. The minister said that first limb of the amendment would happen anyway and that the commission would need to give the owner or occupier a reasonable opportunity to make representations because the commission has an obligation to conciliate. There should be no reason why we cannot make it crystal clear in the legislation that the commission is not to make one of these exceptional circumstances orders unless it has actually done so. Then, the minister indicated, "It might be able to be done by way of an inspection. That might be a superior outcome than taking a photograph and so forth." Well, send in the department—send in somebody else. Why does a trade unionist have to waltz into a person's home in circumstances in which the owner or occupier might not have had a reasonable opportunity to make representations and the information could be provided in another fashion? Is the minister saying that it will be impossible for the Industrial Relations Commission to make one of these orders without the owner or occupier having first of all been given notice and had an opportunity to make representations?

Hon STEPHEN DAWSON: That is what I am saying, honourable member; yes. I do not think anybody is going to be waltzing in anywhere. This is serious stuff in this legislation. The government believes that the bill has the right safeguards. The member is welcome to move his amendment, but the government is not for the moving, so we will have to agree to disagree.

Hon NICK GOIRAN: Where we agree is that this is serious stuff—100 per cent. People being able to enter a person's home is most certainly serious stuff; we agree on that point. However, I fail to understand that if the government concedes that it will not be possible—in fact, it will be impossible; the commission cannot make an order of this kind without first giving an owner or occupier notice and a reasonable opportunity to make representations—there should be no good reason that proposed section 49K(3)(a) in the amendment on the supplementary notice paper should not be agreed to. The government said that it will happen as a matter of course; let us put it in the legislation. Let us make sure that it definitely will happen. If we do, there will be no chance that a commissioner could make a mistake, because—guess what, minister?—the Public Service Appeal Board has been issuing summons to witnesses despite the fact that there is no law to do that. The Industrial Relations Commission does not always get it right. Sometimes mistakes are made, because it took the Attorney General to intervene to help out his mate the member for Kwinana and shield him from providing any evidence in an unfair dismissal case. Sometimes we need to make sure that things are in black and white so that there is no possibility of a misinterpretation or a misapplication of the law. This amendment will do that, but the government seems quite content to allow this extraordinary provision

to come into effect. It is so extraordinary that no other jurisdiction in Australia allows for it, but we are going to sneak it in here on the final day of the 2021 sitting year. This is not acceptable at all. We ask the minister and the government to support the amendment standing in my name.

Division

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

Ayes (7)

Hon Martin Aldridge	Hon Steve Martin	Hon Dr Steve Thomas	Hon Nick Goiran (<i>Teller</i>)
Hon Peter Collier	Hon Tjorn Sibma	Hon Neil Thomson	

Noes (21)

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

Pairs

Hon Donna Faragher	Hon Rosie Sahanna
Hon Colin de Grussa	Hon Samantha Rowe

Amendment thus negatived.

Hon NICK GOIRAN: The opposition obviously respects the decision of the chamber not to support the amendment moved by the opposition, which would have codified the circumstances in which the Western Australian Industrial Relations Commission could give an exceptional circumstances order for a trade unionist to enter a person's home. We accept the decision of the chamber not to codify that. We certainly hope that if this provision is passed, the Industrial Relations Commission will do exactly as the Minister for Industrial Relations has outlined it will do—that is, to make sure that there is notice and that there is an opportunity for representations. It remains totally unacceptable for us to have a situation in Western Australian law whereby the current absolute prohibition under section 49K on a trade unionist entering a person's home is being removed. That is what will happen under clause 25. The clause seeks to delete section 49K. The minister kindly read out to the chamber exactly what section 49K says. We are tearing down that fence, which is an absolute prohibition at law on a trade unionist entering a person's home, and instead inserting a qualified right for a trade unionist to enter a person's home, albeit they will need to go to the Industrial Relations Commission and get an order, which the commission can provide only in exceptional circumstances. When we asked the government to provide us with even one case in Western Australia that justifies this, nothing was able to be provided—not one single case. Yet we are going to allow a trade unionist to enter a person's home. There is no way in the world that the opposition can support that.

Division

Clause put and a division taken, the Deputy Chair (Hon Peter Foster) casting his vote with the ayes, with the following result —

Ayes (21)

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

Noes (7)

Hon Martin Aldridge	Hon Donna Faragher	Hon Tjorn Sibma	Hon Nick Goiran (<i>Teller</i>)
Hon Peter Collier	Hon Steve Martin	Hon Neil Thomson	

Pairs

Hon Rosie Sahanna	Hon Dr Steve Thomas
Hon Samantha Rowe	Hon Colin de Grussa

Clause thus passed.

Clauses 26 to 28 put and passed.**Clause 29: Part II Division 3AA inserted —**

Hon NICK GOIRAN: Paragraph 245 in the massive explanatory memorandum provided with this bill says —

The power of the Commission to deal with a stop bullying or sexual harassment application is also not limited by another provision of the IR Act or another enactment providing for the resolution of grievances or disputes by workers.

Is there anything in this clause, or in any other provision in this bill, to stop an employee from forum shopping to get a better hearing in one forum rather than another; for example, if a WorkSafe investigation was taking place at the same time as an application in the Industrial Relations Commission?

Hon STEPHEN DAWSON: No, but I certainly would not use the words “forum shopping”, honourable member.

Clause put and passed.**Clauses 30 to 37 put and passed.****Clause 38: Part 2AA inserted —**

Hon NICK GOIRAN: In the minister’s media release on 18 November 2021, which as the minister can see I have spent some time perusing and considering —

Hon Stephen Dawson: I have spoken to the staff, the member will be pleased to know.

Hon NICK GOIRAN: The minister said in that media release —

The Bill will also give the McGowan Government the ability to bring local government into the State industrial relations system, where it belongs.

Currently, local government workplaces are regulated by either the WA industrial relations system or by Fair Work. Bringing all local government bodies under the one jurisdiction will provide clarity and certainty for employers and employees.

Returning local government workplace regulation to the State system will ensure our local governments are regulated by laws that are effective, fair, and that meet the expectations of WA ratepayers, rather than laws originating from Canberra.

Can the minister indicate to the house how many workers are in workplaces currently regulated by the state system?

Hon STEPHEN DAWSON: Sorry, honourable member, I just want to clarify the question. Did it refer to not local government alone, but more generally?

Hon Nick Goiran: Yes, that is right.

Hon STEPHEN DAWSON: I am told that an exact number has never been identified, honourable member. The advice I got is that between 21 and 36 per cent of the Western Australian workforce is in the state system—that includes public sector workers, sole traders et cetera.

Hon NICK GOIRAN: How will that change once this bill passes and the government undertakes that conferral process and brings in all the local government workers?

Hon Stephen Dawson: As a percentage change?

Hon Nick Goiran: Yes.

Hon STEPHEN DAWSON: I do not have that information. We believe that there are 20 000-odd workers in the local government system, but I have no more detail than that.

Hon NICK GOIRAN: I appreciate that these are approximate figures, and for the purpose of our discussion we only need approximate figures. Between 21 and 36 per cent of workers are in workplaces that are currently regulated by the state system. It is interesting that there is a 15 per cent variance, but we do not have the time to unpack that today, but it would have been a good live inquiry by the Standing Committee on Legislation.

Hon Stephen Dawson: We could have been going for weeks.

Hon NICK GOIRAN: No doubt it is inundated with work at the moment. Somewhere between 21 and 36 per cent of workers are in workplaces currently regulated by the same state system. If the government is able to successfully convince the federal minister to include all the local government workers, it will add 20 000 workers to whatever that baseline figure is. That means that everybody else remains in workplaces outside of the state system. Is that right?

Hon STEPHEN DAWSON: Yes, it is. Again, that 20 000 was an approximate figure.

Hon NICK GOIRAN: Is it the position of the government that those workers outside the system are regulated by laws that are ineffective and unfair?

Hon STEPHEN DAWSON: I would not necessarily say that, honourable member.

Hon NICK GOIRAN: Again, I go back to the minister's media release of 18 November. Part of the explanation that the minister gave in that famous media release was that this legislation would allow local governments to be regulated by laws that are effective, fair and meet the expectation of WA ratepayers, rather than laws originating from Canberra. If other laws are not ineffective and unfair—the minister said that he would not describe them in that way—I am not sure what the justification is for this intrusion.

Hon STEPHEN DAWSON: Indeed, I think the member is reading into that sentence a bit too much. There is a comma in the sentence, after which it says, "rather than laws originating from Canberra." I said that the laws in Western Australia would be fair, effective and meet the expectations of locals, but all I said about Canberra is to mention that laws originate in Canberra. I have cast no aspersions.

As I previously indicated, the Barnett government made a decision to include CEOs of local government authorities in the state system by virtue of giving them access to the Salaries and Allowances Tribunal. I am firmly of the belief that if it is good enough for the bosses, it is good enough for the workers. Certainly, we support this provision wholeheartedly.

Hon NICK GOIRAN: Have any of the 121 local government authorities in Western Australia expressly requested that the minister bring them back into the state industrial relations system?

Hon STEPHEN DAWSON: Apparently there was at least one, honourable member. My advisers tell me that contact was made before the last bill. I cannot confidently say whether any others have requested it.

Hon NICK GOIRAN: Is the minister in a position to table that one request?

Hon STEPHEN DAWSON: I have not got it. Again, it was before the last debate, so it would have been the last minister's office. I do not have access to it here.

Hon NICK GOIRAN: The minister does not have access to it at the moment. However, is it a document or a request that is capable of being tabled?

Hon STEPHEN DAWSON: We are not sure. I do not propose to hold up the bill today for that. I am happy to give an undertaking that if we subsequently find that there is a document, I will provide it to the member. Obviously that would be after the passage of this bill, but I can bring it to the member's attention.

Hon NICK GOIRAN: I would be quite satisfied if that could be provided, even when the house next sits on 15 February 2022. I want to be very clear here that there was definitely at least one case when this occurred. I do not want to be too cute on the point about the witness summonses that was made before, but we were told that there was none of those and then we found out that there was. I want to be confident now that there definitely is at least one local government in Western Australia that has specifically come to the McGowan government and said, "Please bring us into the state industrial relations system. We really, really want to be brought into the state system."

Hon STEPHEN DAWSON: It is certainly my advisers' recollection. I suspect that people were happy at the time to have such correspondence or message. I do not have access to it, but I am happy to give the undertaking that can I unearth it, and I will certainly try to, I will happily provide it to the honourable member when we return to Parliament next year.

Hon NICK GOIRAN: Has the government considered allowing local government authorities to opt out of the scheme to take them out of the federal industrial relations system?

Hon STEPHEN DAWSON: No, we have not.

Hon NICK GOIRAN: Why not?

Hon STEPHEN DAWSON: It is because as I indicated earlier in, I think, my second reading reply, there is a legal question as to whether they can be in the federal system anyway. We certainly believe they should be in the state system for a variety of reasons, and we have not contemplated leaving some in the state system or some in the federal system.

Hon MARTIN ALDRIDGE: I have had representations from local government, as I am sure many other members have, about the cost of transitioning from the federal system to the state system. I was interested in the minister's comments about it being in the interest of ratepayers. Does the minister know what will be the cost to ratepayers of transitioning from the federal system to the state system? Will the McGowan government assist ratepayers in those local governments to meet those costs?

Hon STEPHEN DAWSON: The commitment is to work closely with the Western Australian Local Government Association and local governments to help transition. That transition will happen over a two-year period. I have heard some people bandy around extraordinary numbers for what it might cost to transition. Equally, I have had conversations with shires in my electorate that do not believe the cost of transition will be big or a burden on ratepayers. There are obviously different people saying different things. Certainly, my commitment on behalf of the government is to work with WALGA and local governments to make the transition as seamless as possible.

Hon MARTIN ALDRIDGE: Is the minister saying that he is making this decision now without any understanding of the cost to the ratepayers of Western Australia?

Hon STEPHEN DAWSON: It is difficult to work out what the cost might be. My advice is that the cost will not be big, but I do not know. Just as I could not give Hon Nick Goiran the number of workers who are in the state system, I cannot give Hon Martin Aldridge a figure for the cost, but I have been told by people I respect in the local government sector, including my own electorate, that the cost will not be big and that they will cope with it and they will move on. Certainly, the workers we have spoken to have a very strong view that they would like to be covered by the state system.

Hon MARTIN ALDRIDGE: Given that the government is asking us to pass this bill, and this clause in particular, in a short time and also without considered information, the minister mentioned that the McGowan government is prepared to work with the local government sector over this two-year transition period. Does “work with” include providing financial support if that is required? Particularly given the state of finances currently, is that on the table from the minister’s perspective?

Hon STEPHEN DAWSON: No decisions have been made in that regard.

Hon NICK GOIRAN: I thank Hon Martin Aldridge for those excellent questions about the cost implications of this insistence by the government to take local governments out of the federal industrial relations scheme. This is a point of concern for the opposition. We have had multiple representations and I am sure the government has as well. It was interesting that in the earlier debate, I think on clause 1, the minister conceded it would be possible under this legislation for the minister to prepare a list of just those local governments that consent to this change and provide it to the federal government. According to the minister, we know that there is at least one such local government in existence. If the local government consents to the change and requests it, the opposition certainly has no problem with the government taking this approach, but we have great concerns about the dictatorial approach whereby the McGowan Labor government simply dictates to local governments and tells them where they will be, regardless of whether they consent. The amendment that I will move shortly will ensure that this will occur only when there has been consent. Accordingly, I move —

Page 48, after line 17 — To insert —

- (3) The regulations may make a declaration only if the Minister is satisfied that the employer has consented to the declaration.

By way of explanation, the amendment to clause 38 that I have moved will provide that should the minister exercise their power to bring an employer away from the national scheme and deem them to be employers under the state scheme, this power shall not be exercised without the consent of the employer. The former minister in the other place insisted that the Western Australian Local Government Association supported the current drafting of clause 38. The opposition has found that surprising in light of the letters written to the then shadow Minister for Industrial Relations by WALGA on behalf of the local government sector dated 21 May 2020 and 23 June 2020, and further, the WALGA state council meeting minutes dated 5 May this year. Indeed, in the letter dated 21 May 2020, WALGA wrote —

Since ... the State Government declaring a State of Emergency because of COVID-19, we have been informed that the State Government is progressing the policy recommendation that Local Government be regulated by the State IR system. This is extremely concerning, particularly given the unprecedented times we find ourselves in.

The sector has been an essential partner in enabling and supporting the State Government to contain and manage the COVID-19 pandemic.

While the sector navigates these challenges it is counterintuitive that the State Government wants to impose unnecessary changes that will have a huge cost and resource impost on the majority of regional and metropolitan Local Governments. This is further highlighted by the fact that a significant majority of Local Governments oppose a change in industrial jurisdiction.

WALGA goes into more specific detail about the federal and state industrial relations systems in its second letter dated 23 June last year. It says —

There are 121 of 139 Local Governments and seven Regional Councils operating in the federal industrial relations ... system. This equates to 87% of the sector with the remaining 13% operating in the State IR system.

Currently there are 114 federally registered enterprise agreements applying to 75 Local Governments and Regional Councils as compared to 12 State industrial agreements.

Compared to the State IR system the Federal system has been and continues to be modernised to acknowledge the contemporary landscape of employment in Australia.

The letter continues —

The Federal award modernisation process has resulted in one award covering Local Governments, that being the Local Government Industry Award 2020 (LGIA). This is not the case in the State IR system where in addition to the Local Government Officers (Western Australia) Award 1999 and the Municipal Employees (Western Australia) Award 1999 there are numerous State awards with the potential to cover the broad range of services outside Local Government statutory functions. Further these awards are poorly worded, difficult

to interpret and have not been reviewed or updated in any capacity to make them relevant. In addition, unlike the Federal system where there is one piece of key legislation i.e. the Fair Work Act 2009, there are multiple pieces of legislation to navigate in the State system including the *Industrial Relations Act 1979* (WA) and the *Minimum Conditions of Employment Act 1993* (WA).

Another benefit of the Federal system is that it allows for enterprise agreements to be negotiated directly with employees as employee bargaining representatives, unlike the State system where industrial agreements can only be made between employers and unions. Based on our experience union membership rates in Local Government are low and union claims do not always align to employee priorities, making direct employee involvement in the negotiation process vital and necessary to achieving a successful agreement. For example, the current bargaining provisions in the *Industrial Relations Act 1979* (WA) mean that if there are no employees of a Local Government that are union members, the Local Government will have to contact a union with coverage and negotiate the terms of an industrial instrument with the union in order for the WAIRC to approve the industrial agreement.

The Western Australian Local Government Association continues in this same letter, dated 23 June last year, to outline the financial implications of moving to the state industrial relations system. The former Minister for Industrial Relations in the other place dismissed this when he said that the provision would not increase costs on local government. In contrast with that assertion by the former minister, WALGA states in this letter —

Given the diversity between Local Governments it is hard to quantify the financial implications of moving to the State IR system. However, it is fair to say it will come at considerable expense because of the resources and time required to enable any such transition including:

1. Navigating the transition from the LGIA 2020 to two or more outdated State awards which contain different wage classification structures, allowances and ordinary hours of work and penalty rates.
2. Obtaining industrial and legal advice to interpret the transitional provisions and to amend legal documents such as contracts of employment.
3. Negotiating industrial agreements in a system that does not provide for any form of no disadvantage test or better off overall assessment and which does not allow for an agreement to be approved without union support.
4. Managing industrial claims in the WAIRC that offers limited online resources, a non-user friendly website, is still improving its capacity for electronic lodgement and requires all conferences, conciliations etc. to be undertaken in person. In contrast, in the FWC most conferences and conciliations are undertaken by phone.
5. Redrafting employment contracts, position descriptions, employment policies and procedures.
6. Training for human resource and industrial relations professionals, payroll employees and Local Government managers about the State IR system to be able to inform and educate their respective workforces and manage risks associated with non-compliance.
7. Increased risk of industrial and legal claims from employees and unions during the transition and the need to involve the WAIRC in conciliating interpretation disputes which would require a Local Government to engage an industrial advisor or lawyer.

With regard to point 6 above, WALGA has expressed its concern about the impact that the transition to the State system will have on the sector being able to attract and retain suitably qualified HR/IR professionals. Generally speaking, HR/IR professionals have a preference to work for organisations in the Federal IR system as this experience is a pre-requisite for the majority of HR/IR jobs. This concern was dismissed by the State government but the reality is that it will have an impact on the sector if they have turnover and vacancies for roles necessary to support and enable the transition.

The other critical cost that has become evident when reviewing the draft Bill is the need for Local Governments to seek legal advice on interpretation issues due to the broad terminology. For example trying to ascertain the extent to which the National Employment Standards in the *Fair Work Act 2009* (Cth) will continue to apply during and subsequent to the two year transition period. In the case of enterprise agreements this is not clear cut and requires each agreement needing to be assessed and interpreted on a case-by-case basis.

It is the view of the State government that WALGA and the respective unions will need to provide support, resources and guidance during and post transition. There has been no acknowledgement by the State government of the significant implications this move will have on the sector and they have not given any commitment or undertaking to provide resources to WALGA or the sector to navigate the transition, aside from making the legislative changes.

We can see that the local government sector has strenuously objected to clause 38, and for the former minister to suggest otherwise is disingenuous. Members should be aware that the opposition by WALGA and local governments to transitioning from the federal IR system to the state IR system is not new. I draw members' attention to

paragraph 1120 on page 449 of the 2018 *Ministerial review of the state industrial relations system: Final report*. We ask the government to give serious consideration to this matter to simply ensure that local governments are included in the transition if they consent, and not otherwise.

Hon STEPHEN DAWSON: I am very grateful to the honourable member for seeking to give me more power through his amendment. However, the government has made a decision on this. It is our view that there is a constitutional question of whether those local governments that are not under the state system now can be covered by the federal system. We are firmly of the view that all local governments in this state should be covered by the state industrial relations system, so we will not support the amendment.

Division

Amendment put and a division taken, the Deputy Chair (Hon Jackie Jarvis) casting her vote with the noes, with the following result —

Ayes (7)

Hon Martin Aldridge
Hon Peter Collier

Hon Steve Martin
Hon Tjorn Sibma

Hon Dr Steve Thomas
Hon Neil Thomson

Hon Nick Goiran (*Teller*)

Noes (21)

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

Hon Peter Foster
Hon Lorna Harper
Hon Jackie Jarvis
Hon Alannah MacTiernan
Hon Ayor Makur Chuot
Hon Kyle McGinn

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

Hon Dr Brian Walker
Hon Darren West
Hon Pierre Yang (*Teller*)

Pairs

Hon Donna Faragher
Hon Colin de Grussa

Hon Samantha Rowe
Hon Rosie Sahanna

Amendment thus negatived.

Clause put and passed.

Clauses 39 and 40 put and passed.

New clause 40A —

Hon NICK GOIRAN: I move —

Page 56, after line 11 — To insert —

40A. Section 80L amended

In section 80L(1) after “(5),” insert:

33,

Hon NICK GOIRAN: On the question of whether these words should be inserted, this is the clause associated with our consideration of clause 2, which the minister kindly agreed to defer. I suspect now is the time to deal with this matter once and for all, which will make debate on postponed clause 2 very rapid. Can the minister provide any further information on the ruling, decision or advice that was received recently?

Hon STEPHEN DAWSON: I can table a letter provided to me by Susan Bastian, Registrar of the Western Australian Industrial Relations Commission, to Senior Commissioner Rachel Cosentino of the commission regarding the issuing of summonses under section 33 of the act for proceedings before the Public Service Appeal Board.

[See paper [1001](#).]

Hon STEPHEN DAWSON: I ask for a copy to be returned to me because Hon Nick Goiran will, obviously, seek to question me about it.

Hon NICK GOIRAN: Thank you, minister, for this document dated 10 November. Just over a month ago, the Registrar of the Western Australian Industrial Relations Commission issued this procedural note or advice. I will quote from the document, which reads —

Background

On 21 October 2021 Senior Commissioner Cosentino, Chair of the Public Service Appeal Board ... in PSAB 31 of 2020, referred the question to the Registrar for determination as to the power of the Registrar to issue a summons to any person to appear and give evidence in proceedings before the Public Service Appeal Board ... under s 33 of the Industrial Relations Act 1979 ...

The power of the Registrar to summons a witness stems from s 33(1)(a) of the Act. That subsection specifically deals with the power of the Registrar to summons witnesses at the request of a party or by direction of the Commission, but only with respect to proceedings before the Commission.

Section 33 of the Act falls under Part II Division 2—General jurisdiction and powers of the Commission. It is helpful to refer to s 22A of the Act which clarifies the terms used for this Division. Specifically, it states:

‘In this Division [2] and Division 2A to 2G —

Commission means the Commission constituted otherwise than as a constituent authority;’

This note from 10 November 2021 goes on to say —

The above is a clear statement that specifically excludes the sections from those referenced divisions from applying to a constituent authority.

The PSAB is a constituent authority established under s 80C of the Act, as defined under s 7 of the Act where within ‘terms used’ the Public Service Appeal Board is expressly identified as a constituent authority.

Therefore, I conclude that the powers conferred on the Registrar by s 33 do not apply to proceedings before the PSAB and as such, there is no authority for the Registrar to summons a witness to give evidence before the PSAB under this section.

Then under the heading “Decision”, it says —

On that basis, I have determined that I do not hold the authority to summons a witness to give evidence before the Public Sector Appeal Board pursuant to s 33 of the Act.

Minister, in light of that, it would appear that maybe some information that was provided to the chamber earlier is not correct. If the decision has been made that the registrar does not hold the authority to summons a witness to give evidence, it would appear that there is no scenario by which the registrar at the moment can issue a witness summons to the member for Kwinana to participate in PSAB 31/2020. I think the minister indicated in an earlier dialogue that maybe that was an issue under consideration in that case at the moment, but it would seem that that would not be possible in light of this decision. Can the minister provide some clarification?

Hon STEPHEN DAWSON: I said that it was an issue that was being considered by the Public Sector Appeal Board. I used the words “under a cloud”. The PSAB, as a body, is looking at this issue right now and that is what I was referring to.

Hon NICK GOIRAN: When we talk about issuing of a summons to the member for Kwinana, are we talking about the issue generally, not specifically?

Hon STEPHEN DAWSON: It revolves around that case, but it goes to whether the PSAB has the power or not.

Hon NICK GOIRAN: We know that the PSAB does not have the power, because the registrar has said —

... I do not hold the authority to summons a witness to give evidence before the Public Sector Appeal Board pursuant to s 33 of the Act.

Unless—is the minister suggesting that the registrar might not hold the authority to summons a witness, but the board might?

Hon STEPHEN DAWSON: That is the issue that I believe is under consideration at the moment.

Hon NICK GOIRAN: Under which provision of the Industrial Relations Act 1979 will the board have the ability to have a witness summons issued?

Hon STEPHEN DAWSON: The registrar has indicated that she does not believe that it will have the power to issue a summons. My understanding is that the PSAB had advice from the parties on the other side that suggests it does have the power to issue a summons, so that very issue is being considered by the PSAB at the moment. I make this point, too: I spoke about the stamping process. The member was not making light of it, I know, but I found that stamping process extraordinary. As a result of what I have said to the chamber today, that is certainly something that I will look into further because I do not think such a process should be happening in the first place.

Hon NICK GOIRAN: The minister has my full support as the shadow Minister for Industrial Relations to undertake such an inquiry and ascertain the appropriateness or otherwise of that convention or practice that appears to have been, no doubt innocently, a misguided process in light of this recent decision by the registrar. I accept that this matter is currently being considered by the Public Service Appeal Board. Of course, the amendment that I have moved would put this beyond doubt and make it very clear that a witness summons could definitely be issued. Is the government minded to agree to such an amendment?

Hon STEPHEN DAWSON: No, it is not, honourable member. I am loath to interfere in something, particularly when the PSAB is looking at the issue, but I will also just advise the member of what is currently under consideration by the government. It relates to a recommendation made as part of the ministerial review to abolish the constituent authorities, including the PSAB. The government is giving consideration to additional reforms deriving from the ministerial review.

Any second stage of reforms will include consideration of whether to abolish the constituent authorities or fundamentally amend their powers, so I do not propose to tinker or interfere in that at the moment. If the PSAB were abolished, the PSAB's jurisdiction would be exercised by a single commissioner and section 33 would therefore apply.

Hon NICK GOIRAN: The government is saying that it is considering getting rid of the constituent bodies. If there were no constituent bodies, the unfair dismissal case involving the former electorate officer of the member for Kwinana would be dealt with by the Industrial Relations Commission and a witness summons would be able to be issued under section 33. The government is justifying this at the moment by saying, "Look, hold your horses, opposition. We don't want to deal with this amendment just now. Why? Because we are considering abolishing the Public Service Appeal Board." That is a legitimate line of inquiry by the minister and the government, and, again, the minister has my full support, in my capacity as shadow Minister for Industrial Relations, to explore and give serious consideration to removing these constituent bodies. The government has my full support for that. However, if the outcome is that cases such as the one involving the former electorate officer of the member for Kwinana would fall under the Industrial Relations Commission, which would have the ability to issue a summons, we need to make sure that that power exists now; otherwise, this is going to look like a massive political cover-up. The only way this could otherwise be explained is that it is the member for Kwinana who is involved. It is extraordinary that witness summonses have been issued on more than six occasions over the last five years, during the McGowan government's reign, but what happened when the member for Kwinana happened to be summonsed? Everything stopped in government and it became the top priority of the Attorney General of Western Australia to inject himself into the case and make sure that the registrar gave due consideration to the unlawfulness of that process. Where was the Attorney General in the previous five years? Not once did the Attorney General intervene on any of the other summonses. No; it was only when the member for Kwinana came along that suddenly the Attorney General had to inject himself into that process. Now the minister says that, on behalf of the McGowan government, he would prefer not to interfere and inject himself into the current matter. This is unbelievable. We have one government minister who is quite happy to inject himself into the member for Kwinana's case, and we have another minister who says, "No, I prefer not to involve myself in this case." The government cannot have it both ways. Is the government intervening in this case or not?

There has obviously been a flawed process. I congratulate the minister: he is going to undertake some work over the summer recess to see whether he can get to the bottom of the stamping of witness summonses and all the rest of it. He has my full support in that regard. But the amendment currently before the chamber would make sure that the Public Service Appeal Board did not have to continue to deliberate and consider whether it could possibly issue a summons to the member for Kwinana; it would make sure that it definitely could do that. Would that not be the right thing to do for the worker?

What about this former worker with an unfair dismissal case who is currently being shafted by the system? It never occurred to the government that it had better sort it out until the member for Kwinana was suddenly asked whether he would be giving evidence. The government is sorting it out so well that it is going to make sure that this electorate officer never ever gets to see justice; that is what is going on here. This is outrageous!

I can well imagine that the minister is probably under one heck of a lot of pressure on this issue. He will have the member for Kwinana and the Attorney General in his ear and the Premier for Western Australia will be saying, "For goodness sake, minister; let's get rid of this hot potato. It's a nightmare for us and we don't want to talk about it anymore." It is no wonder that the Leader of the House decided to make sure that this bill is definitely passed before Christmas, because she would not want this matter to hang around until 15 February. She cannot possibly have that! Remember this is very important, urgent legislation and it has to happen. Let us urgently make sure that this worker with an unfair dismissal case can seek justice, or are we just trying to protect the member for Kwinana?

I really cannot fathom the explanation that the government is just not going to do this right now. It is not as though the government has said that there is a fundamental objection to an electorate officer having an unfair dismissal case. It is not like the government has said that in the future if the constituent body is removed, that that particular person should not be able to have their case heard. The government is indicating that one of the options that is live for consideration because of the Ritter review is the possibility of getting rid of this constituent body so that these types of unfair dismissal cases brought by electorate officers can be considered by the Industrial Relations Commission of Western Australia. If that happens, guess what? The member for Kwinana can be summonsed. But it will be too late, unless the government indicates that it will put in some special transitional provisions. I will not hold my breath waiting for that to happen. In the meantime, guess what? This poor person, whom I have never met, incidentally, in my life, will have either run out of money to run this case or the case will have already been determined. This is the height of shiftiness we have seen in the forty-first Parliament. I really do ask the government to give serious consideration to supporting this amendment.

I understand the dilemma, because the minister indicated earlier, quite legitimately, that any amendment passed by the Legislative Council on this final sitting day for 2021 will have the effect of either delaying the passage of the legislation until 15 February, when our colleagues rise from their summer recess and return to the chamber or, alternatively, it will cost some unspecified amount of money for the Legislative Assembly to be resumed. The minister indicated earlier when we were considering clause 2 that nothing is going to happen until February anyway. That is

not because the government is not ready, but because it has some important drafting to do, including the regulations. The only thing that is time sensitive is the new public holiday we are going to have for Easter Sunday. The minister kindly indicated to me earlier, if my memory serves me correctly—I will go back to my notes—that the date is 17 April or something to that effect. We have heaps of time, so there really is no problem with the government agreeing to this particular amendment so that everyone is very clear that the board definitely can proceed under section 33 of the Industrial Relations Act and can have evidence before the commission. It sounds like that is where the government is going anyway because it is going to give serious consideration to removing the constituent body.

Why put all these people through all this misery when we can deal with this right now? This could be a momentous day, minister. On 16 December 2021, we can make sure that this person has access to justice for their unfair dismissal case. I do not see any disadvantage to the government. I can understand that the member for Kwinana definitely does not want this amendment to pass. I can absolutely guarantee that would be the case. Why? It is because if he just volunteered and gave some evidence in this unfair dismissal case, we would not even be able to talk about the matter. In fact, if it was not for his obstruction of this case for justice, the Attorney General would not have known about it and would never have interceded on the matter, and we would not have had the registrar's decision of 10 November 2021. I see no good reason, minister, why this amendment cannot be supported at this time.

Division

New clause put and a division taken, the Deputy Chair (Hon Jackie Jarvis) casting her vote with the noes, with the following result —

Ayes (7)

Hon Martin Aldridge
Hon Peter Collier

Hon Donna Faragher
Hon Steve Martin

Hon Dr Steve Thomas
Hon Neil Thomson

Hon Nick Goiran (*Teller*)

Noes (21)

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

Hon Peter Foster
Hon Lorna Harper
Hon Jackie Jarvis
Hon Alannah MacTiernan
Hon Ayor Makur Chuot
Hon Kyle McGinn

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

Hon Dr Brian Walker
Hon Darren West
Hon Pierre Yang (*Teller*)

Pairs

Hon Colin de Grussa
Hon Tjorn Sibma

Hon Rosie Sahanna
Hon Samantha Rowe

New clause thus negatived.

Clauses 41 to 60 put and passed.

Clause 61: Part 6B inserted —

Hon NICK GOIRAN: This clause will insert new part 6B. As part of that, it will include new section 97H, entitled “Certain advertising prohibited”. How will this proposed section deal with inadvertent breaches—for example, when there is a change in the wage rate during a period in which an employer advertises a position of employment?

Hon Stephen Dawson: Can you ask that again?

Hon NICK GOIRAN: Yes, that is not a problem; we have plenty of time. How will proposed section 97H deal with inadvertent breaches—for example, when there is a change in the wage rate during the period in which the employer has advertised the position of employment?

Hon STEPHEN DAWSON: If someone inadvertently advertises the wrong rate, which I think the question was about, it is unlikely that enforcement proceedings will be taken given the resources and time involved to bring the matter to the industrial relations court. Even if proceedings were taken, the court would take into account factors such as whether the contravention was intentional in determining whether to order a penalty and the level of any penalty. Industrial inspectors are aware that some employers in the horticulture industry, for example, advertise for free labour in exchange for employees receiving board and accommodation or even a lifestyle experience. This is an unlawful practice and should be stopped, particularly as it often involves migrant workers and those with working holiday visas, who may not be fully aware of their employment rights. Hopefully, the first part of my answer answered the member's question.

Hon NICK GOIRAN: Last year in the other place, the former minister said, and I quote from page 5368 of *Hansard* of 20 August —

If we find in five years' time that it is being misused and that all these small businesses are being dragged into the Magistrates Court, I will be very happy to look at it then.

The problem seems to me to be that if in five years' time the government finds that there are these problems, how will that occur given that there is no review clause in the bill?

Hon STEPHEN DAWSON: Obviously, the member knows that governments can decide to review legislation at any stage and there does not need to be a clause in a piece of legislation for a government to amend it. I certainly give the undertaking that if there are adverse impacts as a result of the legislation generally, I am happy to look at bringing forward legislation to seek to rectify the issue. In saying that, I also mentioned earlier that there will be a second tranche of work stemming from the ministerial review, so if there are adverse impacts that we know about in the lead-up to bringing the second stage forward, I am happy to look at rectifying the issues then.

Clause put and passed.

Clauses 62 to 64 put and passed.

Clause 65: Section 98 amended —

Hon NICK GOIRAN: The minister might recall that I raised this issue in my contribution to the second reading, because I think that not once, not twice, but three times in the other place during debate on the 2020 bill, it was suggested by the former minister that he would prepare an amendment to address the concerns of the opposition. What has happened, because it appears that the clause is in an identical form?

Hon STEPHEN DAWSON: It is fair to say that the former minister was trying to find compromise in a range of areas to see whether he could get the opposition at that time to pass the bill or elements of it. This was one of those areas that he was happy to look at compromising on, but, at the end of the day, no agreement was forthcoming from the opposition at the time, so the government retained this amendment because it is one that we stand by.

Hon NICK GOIRAN: On 20 August, the minister said three times that he was going to propose an amendment. Was any such amendment prepared?

Hon STEPHEN DAWSON: Not that I am aware of; nor, indeed, are my advisers.

Hon NICK GOIRAN: That is disgraceful. It is not the fault of this minister. On 20 August 2020, the former Minister for Industrial Relations, Hon Bill Johnston, said in the other place, and I quote from page 5369 of *Hansard* —

... when the bill goes between the houses I will be proposing an amendment to clarify the provision in proposed section 98(3A)(b) to place an obligation on the commission to act only in exceptional circumstances.

He said later, on the following page —

I am very happy—I will do this between the houses—to come up with an amendment that will make subclause 98(3A)(b) clearer about what the commission needs to do. It might be that we do it by including some new drafting. That will deal with the issue that the member has raised.

The minister said for a third time, on the same page —

I have promised that, between the houses, I will bring in an amendment that clarifies that this is in those sort of exceptional circumstances.

The former minister indicated three times that an amendment would be proposed. According to the now Minister for Industrial Relations, that has never been done. Clause 65 of the bill that is currently before the house is in identical form to the clause in the former bill, which was clause 58. That is nothing short of disgraceful, particularly in circumstances in which there are serious concerns, hence the amendment that I have put on the supplementary notice paper. In the absence of the government having fulfilled the undertaking that was provided in the last Parliament, I move —

Page 92, lines 10 to 14 — To delete the lines and insert —

proposed entry unless the Commission has made an order waiving the requirement under this subsection to give the notice.

Hon STEPHEN DAWSON: The opposition's amendment seeks to amend proposed section 98(3)(a) of the IR act. That new section will require industrial inspectors to give 24 hours' notice of a proposed entry into home-based work or business premises unless the occupier or occupier is carrying on an industry at the premises or the commission has made an order waiving the requirement to give the notice. The central issue is the circumstances in which industrial inspectors may enter home-based work or business premises without notice. The opposition's proposal would enable industrial inspectors to enter without notice only if they have first obtained an order from the commission. However, the commission will be able to make an order only if certain conditions are met, including that the home owner or occupier has had an opportunity to make representations to the commission. Clearly, if the home owner or occupier has had the chance to make representations to the commission, there would be no point to the inspector obtaining an order waiving the requirement to give notice. The owner or occupier would already have notice of the inspector's intention to enter the premises, and the inspector would not have the element of surprise, which is sometimes necessary to ensure that records or other evidence is not removed or altered, or indeed, destroyed.

I again go back to the example of a sweatshop. If we can imagine a sweatshop being run out of a home, no sensible person would suggest that the owner or occupier should have 24 hours' notice to conceal the true state of affairs.

In addition, the opposition's amendment would provide that any information sought must not be obtainable in any manner other than entry. It is conceivable that the information sought could be obtained in another manner, but this manner might be inferior to an inspector entering the location in question. For example, an inspector could speak to an employer on the phone and ask them questions, but there would be no requirement for the employer to answer. In contrast, if the inspector were to question the employer at their home-based workplace, the employer would be obliged to answer in accordance with section 98(3)(d) of the IR act. The inspector could also require written answers to be given by the employer. I indicate that for those reasons, the government does not support the opposition's proposed amendment to clause 65.

Amendment put and negatived.

Hon NICK GOIRAN: I move —

Page 92, lines 17 to 23 — To delete the lines and insert —

- (3C) The Commission may make an order under subsection (3A)(b) only if it is satisfied that —
- (a) the owner or occupier of the industrial location or business premises has had a reasonable opportunity to make representations to the Commission relating to application made under subsection (3B);
 - (b) the application made under subsection (3B) is for the purpose of obtaining information that cannot reasonably be obtained in any manner other than entry to the industrial location or business premises; and
 - (c) a notice under subsection (3A) would defeat the purpose for which the power in subsection (3)(a) is intended to be exercised.

Members will be aware that this amendment is not identical, but substantially similar, to an earlier amendment moved at clause 25. One of the reasons for the difference is that the opposition does not have a fundamental objection to an industrial inspector—that is, somebody from the department—being able to enter a person's home. But we absolutely continue to maintain that it is unjustified for a trade unionist to be able to do so, hence we took a different approach with respect to clause 25 from the one we take here at clause 65. Nevertheless, this particular extraordinary measure of entering people's homes needs to have some form of restraint and restriction on it. It is already the case, as the minister has pointed out, that some of these industrial inspectors are able to address these things. What has happened here appears to be, in part, either a drafting error or a deliberate decision to allow for this to have a wider scope than it ought to have. The amendment currently before us at 10/65 will simply reconfirm that practice that the minister has indicated previously—that there will be opportunities for representations to be made. If it is the case that an inspector can obtain information in another form, there is no good reason why they should not be able to do so rather than by invading a person's home. I seek the support of the government for this amendment, albeit accepting that that is unlikely to happen.

Hon STEPHEN DAWSON: I think the honourable member is reading my mind this afternoon. I indicate that the government will not support this amendment for the reasons given when we dealt with the amendment at 9/65.

Amendment put and negatived.

Clause put and passed.

Clauses 66 to 69 put and passed.

Clause 70: Section 117 inserted —

Hon NICK GOIRAN: Clause 70 seeks to insert proposed section 117 into the Industrial Relations Act. It is a savings and transitional provision and one of the provisions that includes a reference to new section 37D, which was dealt with earlier by the chamber. The amendment currently sitting on the supplementary notice paper that I gave notice of is consequential and no longer needs to be moved.

Clause put and passed.

Clauses 71 to 129 put and passed.

Postponed clause 2: Commencement —

The clause was postponed at an earlier stage of the sitting.

Hon NICK GOIRAN: I thank the minister for his indulgence earlier when he deferred consideration of clause 2 until after we had considered the remainder of the clauses. This was to enable us to deal with proposed new clause 40A, which has fallen away. There will not be a provision that will enable the Public Service Appeal Board to summons witnesses at this time. Although that is regrettable, that is the case; therefore, the amendment at 1/2 is no longer needed.

Postponed clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by **Hon Stephen Dawson (Minister for Industrial Relations)**, and passed.

QUESTIONS WITHOUT NOTICE

GST DISTRIBUTION — IRON ORE PRICE

1204. Hon Dr STEVE THOMAS to the minister representing the Treasurer:

My question without notice of which some notice has been given was going to be to the Minister for Mental Health as the representative minister, so I assume someone is picking that up.

Hon Sue Ellery: Yes.

Hon Dr STEVE THOMAS: Excellent; it is to the parliamentary secretary representing the Minister for Mental Health representing the Treasurer! I note the release today of the 2021–22 *Government mid-year financial projections statement* following the September budget.

- (1) What is the current spot price of iron ore as measured by Treasury?
- (2) What is the total GST income to the state in 2021–22 to date, and how does that compare with the September budget estimate?
- (3) How much GST has the state government received above the level it would have received had the Morrison federal government not incorporated a legislated floor and a new GST deal in 2018, in —
 - (a) 2019–20;
 - (b) 2020–21; and
 - (c) 2021–22 to date?
- (4) Will the government finally acknowledge that the support of the commonwealth and the mountains of cash coming in from iron ore are the real reason for the massive surpluses enjoyed by this government?

Hon SUE ELLERY replied:

The answer is in my file—I do not know why that is, but anyway. I thank the honourable member for some notice of the question.

- (1) It is \$US107.10 a tonne.
- (2) In the September quarter of 2021, the state received \$790 million in GST grants and \$2 115 million from the commonwealth-funded 70 per cent floor grant. These amounts are consistent with the state budget.
- (3)
 - (a) The amount was \$1 248 million, which included an advance payment of the commonwealth-funded 70 per cent floor grant in late 2018–19;
 - (b) it was \$1 547 million; and
 - (c) it was \$2 284 million.
- (4) The surpluses are a result of the effective management of COVID-19 and keeping our economy strong, significant budget repair efforts over this government’s first term, and ongoing disciplined management of the state’s finances. It was the McGowan government’s efforts to campaign constructively to the commonwealth that won a fairer share of the GST for Western Australia, including calling for a review by the Productivity Commission. This is unlike the previous Liberal–National government, which failed for years to achieve a better GST deal for Western Australia but spent billions on the state’s credit card, as though a deal had been done.

TAX REFORM

1205. Hon Dr STEVE THOMAS to the minister representing the Treasurer:

The Leader of the House might have the answer to this question as well, so it might pay for her to check.

I note the release of the *Government mid-year financial projections statement* today following the September budget.

- (1) What taxation reform has the McGowan government initiated in either the September budget or the mid-year review?
- (2) What economic reforms have been funded in either the September budget or the mid-year review?
- (3) What taxation reform has the government planned during the state economic boom that has occurred between 2019 and 2022?
- (4) If there is no plan for taxation reform, why is the McGowan government dooming this state to repeat the boom and bust cycle into the future when it has the greatest revenues in the state’s history?

Hon SUE ELLERY replied:

I thank the honourable member for some notice of the question. I provide this answer on behalf of the Minister for Mental Health.

- (1) The 2021–22 state budget included the extension of the off-the-plan transfer duty rebate for pre-construction contracts in a multi-tiered strata scheme for a further two years, as well as land tax relief for residents affected by the Wooroloo bushfire and cyclone Seroja disasters to ensure they maintained their tax-exempt status for a primary residence or primary production business.
- (2) A significant number of economic reforms have been included in the 2021–22 state budget and the 2021–22 midyear review. These include initiatives such as a \$120 million package for additional frontline officers in five agencies to speed up approvals processes, \$2 million to oversee the implementation of priority regulatory reforms across the local government and liquor sectors, forestry policy reforms and the automatic mutual recognition of occupational registrations.
- (3) The state government continues to look at ways to improve the fairness and efficiency of Western Australia's tax system and will consider further initiatives to grow the economy and make tax policy decisions that are in the best interests of the Western Australian community.
- (4) Not applicable.

STOLEN GENERATION

1206. Hon COLIN de GRUSSA to the Minister for Aboriginal Affairs:

I refer to Aboriginal and Torres Strait Islanders who are members of the stolen generation.

- (1) Does the Department of the Premier and Cabinet have a set definition or range of years for the stolen generation in Western Australia?
- (2) If yes, how many survivors of the stolen generation are alive in Western Australia?

Hon MATTHEW SWINBOURN replied:

I thank the member for some notice of the question. I provide the following answer on behalf of the Minister for Aboriginal Affairs, who is on urgent parliamentary business.

- (1)–(2) The Department of the Premier and Cabinet does not have a set definition or range of years for the stolen generation in Western Australia. Data collected by the Australian Institute of Health and Welfare in 2018–19 suggested that an estimated 6 400 Aboriginal people in Western Australia, aged 46 years and over, had reported being removed from their families.

MINISTER FOR HEALTH — PORTFOLIO

1207. Hon TJORN SIBMA to the Leader of the House representing the Premier:

I refer to mounting speculation about the future of the Minister for Health. Will Hon Roger Cook, MLA, retain the health portfolio until Parliament resumes in February next year?

Hon SUE ELLERY replied:

What do you think the answer to that is going to be?

Hon Tjorn Sibma: I don't know; he doesn't seem to know. That's why I asked the question. Nobody knows.

The PRESIDENT: Order! Leader of the House.

Hon SUE ELLERY: Thank you, President. I thank the honourable member for some notice of the question.

The Premier does not respond to rumours.

Several members interjected.

The PRESIDENT: Order! Nearly there, folks.

CHILDREN IN CARE — WHEREABOUTS UNKNOWN

1208. Hon NICK GOIRAN to the parliamentary secretary representing the Minister for Child Protection:

I refer to the answer to question without notice 1133 asked on 8 December 2021 in which the house was informed that one child had been formally reported to the WA Police Force as missing.

- (1) Has this child been found?
- (2) For how many days has this child had their whereabouts recorded as unknown?
- (3) Has this child been placed on the Australian missing persons register?
- (4) If no to (3), why not?

Hon KYLE McGINN replied:

I thank the member for some notice of the question. The following answer, which I provide on behalf of the Parliamentary Secretary to the Minister for Child Protection, has been provided to me by the Minister for Child Protection.

- (1) No.
- (2) Their whereabouts has been recorded as unknown for 35 days.
- (3) This child has been formally reported to WA police as a missing person.
- (4) Not applicable.

EDITH COWAN UNIVERSITY — MT LAWLEY CAMPUS — WORKING GROUP

1209. Hon DONNA FARAGHER to the minister representing the Minister for Lands:

I refer to the establishment of a working group as part of the master plan for the Edith Cowan University Mt Lawley campus site and surrounding area.

- (1) Has this working group been established; and, if not, why not?
- (2) If yes to (1), will the minister —
 - (a) list the members of the working group;
 - (b) provide its terms of reference; and
 - (c) advise on how many occasions the group has met?

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question. The Minister for Lands has provided the following information.

- (1) Yes.
- (2) (a) DevelopmentWA, chair; the Department of Education; the Department of Planning, Lands and Heritage; state government, elected MLC community representative; and the City of Stirling.
- (b) I table the attached information.

[See paper [1002](#).]

- (c) One.

CORONAVIRUS — SAFEWA APP — OUTAGE

1210. Hon PETER COLLIER to the minister representing the Minister for Health:

I refer the minister to the shutdown of the SafeWA app on 30 November 2021.

- (1) Was the shutdown the result of a denial of service cybersecurity breach?
- (2) If no to (1), what was the technical issue that caused the outage?
- (3) If yes to (1), was the technical team or any part of the team that investigated this outage an external service provider?
- (4) If yes to (3), what is the name of this external service provider?

Hon MATTHEW SWINBOURN replied:

I thank the member for some notice of the question. On behalf of the Minister for Mental Health I provide the following answer, based on information provided by the Minister for Health.

- (1)–(2) Health Support Services is working with the SafeWA vendor, Genvis, to complete a post-incident review of the outage. HSS and the Office of Digital Government have requested further information from Genvis to validate the cause of the issue.
- (3) Yes.
- (4) Genvis.

TRANSPORT NETWORK SURVEY

1211. Hon Dr BRAD PETTITT to the Leader of the House representing the Minister for Transport:

- (1) Does the government keep data on the mode share split for transport between car, public transport, walking and cycling?
- (2) If yes to (1), what was the mode share split for transport between car, public transport, walking and cycling over the last five years that data is available?
- (3) If no to (1), why not?

Hon SUE ELLERY replied:

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

- (1)–(3) The Ipsos Social Research Institute, on behalf of Main Roads, is undertaking the Perth area travel and household survey. The survey commenced in 2018 and will conclude in 2022. It collects information about the ways in which Western Australians use the transport network across the Perth and Peel regions.

HORIZON POWER — AIR CONDITIONING REBATE**1212. Hon WILSON TUCKER to the minister representing the Minister for Energy:**

I refer to the air conditioning rebate for eligible households in areas of high heat discomfort.

- (1) How is an area of high heat discomfort defined, and what are these areas?
- (2) What is the average rebate annually, and how is it calculated?
- (3) Across Horizon Power's network, how many residential customers receive the rebate in each service region?

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question. The following information has been provided by the Minister for Energy.

- (1) The air conditioning rebate is delivered by Horizon Power and Revenue WA on behalf of the Department of Finance. The Department of Finance defines an area of high heat discomfort as one that is located north of the twenty-sixth parallel of south latitude and/or north of the 50-day relative strain index line. The 50-day relative strain index identifies whether 50 days of discomfort are caused by climatic variables in one year. This is calculated through a relative strain index formula, which takes into account temperature, humidity, air movement, metabolic heat rate, net radiation and insulation of clothing. I table an appendix listing the eligible towns.

[See paper [1003](#).]

- (2) In the 2020–21 financial year the average payment made was \$340.42. The total value of the payment varies according to location. The monthly value of the subsidy payment is currently \$65.05. The total value of the payment is calculated by multiplying the monthly subsidy by the number of eligible months for the location of the household, which is included in the tabled paper.
- (3) Across Horizon Power's network, the following residential customers receive the air conditioning rebate. There is a table that I seek leave to have incorporated into *Hansard*.

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

Service Region	No. customers receiving rebate
Kimberley	1,229
Pilbara	552
Gascoyne/Midwest	498
Goldfields/Esperance	48
Total:	2,327

CORONAVIRUS — VACCINATION PLAN**1213. Hon Dr BRIAN WALKER to the minister representing the Minister for Health:**

I refer the minister to the spike in Omicron cases being recorded in New South Wales and the first cases being detected in hotel quarantine here in Western Australia.

- (1) Given that medical advice in other jurisdictions, including the United Kingdom where Omicron cases are more established, is to offer booster shots from three months after the second vaccination, is the McGowan government considering a similar shortened time frame here in WA?
- (2) If no to (1), upon what medical advice is the government basing the efficacy of a five-month interval, and what advice would it require to reassess that?
- (3) What conversations, if any, are being had with either the federal government or other Australian states and territories to assess the local advice in light of the international experience?

Hon MATTHEW SWINBOURN replied:

I thank the member for some notice of the question. On behalf of the minister representing the Minister for Health, I provide the following answer based on the information provided to me by the Minister for Health.

- (1)–(2) The Western Australian government continues to follow the advice of the Australian Technical Advisory Group on Immunisation on such matters.
- (3) The Western Australian government is in regular contact with the Australian government about information on the COVID-19 vaccination program.

CORONAVIRUS — INTENSIVE CARE UNITS — REGIONS

1214. Hon MARTIN ALDRIDGE to the minister representing the Minister for Health:

I refer to the state government's commitment to "make every day count" between now and the reopening of the state border on 5 February.

- (1) How many additional negative pressure rooms will the state government provide to regional hospitals between now and 5 February?
- (2) How many additional intensive care unit beds will the state government provide to regional hospitals between now and 5 February?
- (3) Will the state government establish any additional permanent mass vaccination clinics in the low vaccination uptake areas of the Pilbara, the Kimberley or the goldfields between now and 5 February?
- (4) Will the minister please detail any other new regional health measures the state government will implement to make every day count between now and 5 February?

Hon MATTHEW SWINBOURN replied:

I thank the member for some notice of the question. On behalf of the minister representing the Minister for Health, I provide the following answer based on information provided to me by the Minister for Health.

- (1)–(2) The McGowan government has invested a further \$1.28 billion in the health and mental health systems in the 2021–22 midyear review. Combined with the \$1.9 billion investment at the time of the budget, this has delivered a record \$3.2 billion boost to Western Australia's health system. This additional funding includes an additional 270 hospital beds and associated staff. Some regional hospitals have an existing negative pressure room and there is also the ability to deploy portable anterooms, which can be attached to an existing doorway and become a negative pressure room.
- (3) There are fixed clinics in the larger towns, including Broome, Kununurra, South Hedland, Karratha, Kalgoorlie and Esperance, and in-reach clinics in the smaller towns and remote Aboriginal communities as well as smaller pop-up clinics at locations that are more accessible to vulnerable populations, including soup kitchens and facilities that provide breakfast for the homeless.
- (4) These measures include ongoing service continuity preparation related to living with COVID, the deployment of patient-care equipment—for example, filters and hoods—statewide home monitoring, remote community transport and Chief Health Officer-led accommodation preparation. Targeted vaccination programs in the regions remains the priority.

POLICE — STAFF — REGIONS

1215. Hon NEIL THOMSON to the minister representing the Minister for Police:

Will the minister please advise how many job vacancies there are today within Western Australia Police Force separately for each of the districts in the Kimberley, the Pilbara, the Gascoyne–midwest and the goldfields–Esperance regions?

Hon MATTHEW SWINBOURN replied:

I thank the member for some notice of the question. Can the member confirm that was C1195?

Hon Neil Thomson: It was C1271.

Hon MATTHEW SWINBOURN: Was the question: will the minister please advise how many job vacancies there are today within Western Australia Police Force separately for each of the districts in the Kimberley, the Pilbara, the Gascoyne–midwest and the goldfields–Esperance regions?

Hon Neil Thomson: That is right.

Hon MATTHEW SWINBOURN: I thank the member for some notice of the question.

On behalf of the minister representing the Minister for Police, I provide the following response based on information provide to me by the Minister for Police.

The McGowan government is delivering 950 extra police officers over four years, the single-largest increase in police officer numbers. Over 400 new officers will have graduated this year. Full-time equivalents are deployed by the Commissioner of Police to address the areas of greatest operational need. To enable this, vacancies are carefully managed across the Western Australia Police Force. The Western Australia Police Force advises that data identifying officer numbers can vary daily due to a number of factors, including natural attrition, leave without pay, officers attending training, transfers between districts, and officers being attached to specific operations. As at 30 November 2021, there are 211.23 FTE police officers in the Kimberley district; 221.23 FTE police officers in the Pilbara; 246.41 FTE police officers in the midwest–Gascoyne district; and 193.32 FTE police officers in the goldfields–Esperance district. This is an increase of 75 FTE police officers across these regions from 30 June 2016. As at 15 December there were 25 FTE vacancies in the Kimberley district, seven FTE vacancies in the Pilbara district, 19 FTE vacancies in the midwest–Gascoyne district and 22 FTE vacancies in the goldfields–Esperance district.

HOSPITALS — REGIONS — BED CAPACITY

1216. Hon STEVE MARTIN to the minister representing the Minister for Health:

I refer to today's announcement of funding to help WA prepare for a safe transition to living with COVID-19.

- (1) How many of the 40 new intensive care unit beds are located in regional Western Australia?
- (2) How many of the 120 modular beds are located in regional WA?
- (3) How many of the remaining 110 beds are located in regional WA?
- (4) For those beds referred to in (1) to (3), please provide a breakdown by hospital and ward.

Hon MATTHEW SWINBOURN replied:

On behalf of the minister representing the Minister for Health, I thank the member for some notice of the question. I provide the following answer based on information provided to me by the Minister for Health.

- (1)–(4) The McGowan government has invested a further \$1.28 billion into the health and mental health system in the 2021–22 midyear review. Combined with the \$1.9 billion investment in the budget, this has delivered a record \$3.2 billion boost to Western Australia's health system. This additional funding includes an additional 270 hospital beds and associated staff.

The remaining information is in tabular form and I seek leave to have it incorporated into *Hansard*.

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

HSP	Hospital	Bed Numbers	Bed Type
EMHS	Royal Perth Bentley	50	General beds
		28	ICU
		30	Modular ward
SMHS	Fiona Stanley	10	ICU
	Fremantle	24	General
	Rockingham	30	Modular ward
NMHS	NMHS	36	Contract
	Osborne Park	30	Modular ward
CAHS	PCH	2	ICU
WACHS	Bunbury	30	Modular ward

CORONAVIRUS — MANDATORY VACCINATIONS — PUBLIC SECTOR

1217. Hon Dr STEVE THOMAS to the Leader of the House representing the Premier:

I refer to the government's requirement for mandatory vaccination for potentially 80 per cent of the state's public sector employees.

- (1) How many public servants captured by the mandate, and who require it, have chosen not to be vaccinated with their first dose by 1 December 2021?
- (2) How many of those public servants in (1) have —
 - (a) been dismissed; or
 - (b) resigned?
- (3) How many of those public servants have taken leave and thus their status is unknown?
- (4) How many public servants are required to have their first dose under the mandate by 31 December and be fully vaccinated by 31 January 2022?

Hon SUE ELLERY replied:

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

- (1)–(4) There are 77 552 government sector employees included in group 1 of the state government's mandatory COVID-19 vaccination policy for WA workforces. As of 1 December 2021, 2.5 per cent of those 77 552 employees had not yet met the requirements and are therefore excluded from the workplace. Of those 77 552 employees, 1.1 per cent are on long-term leave and unable to be contacted.

Employers are able to take measures including disciplinary action against impacted employees who are yet to meet the requirements. There is a two-week grace period for employees to reconsider their position. After this, disciplinary action may commence, which could result in termination of employment. Employees who cannot access workplaces because they are not vaccinated will not be paid. The exception is employees of the Western Australia Police Force, who will immediately be subject to a disciplinary process while they are paid.

CYCLONE SEROJA — TEMPORARY WORKERS' ACCOMMODATION

1218. Hon COLIN de GRUSSA to the Leader of the House representing the Minister for Emergency Services:

I refer to a previous response from the minister to a question without notice asked on 11 November 2021 that the provision of workers' accommodation in Kalbarri in the form of a camp with scalable facilities was very close to being delivered.

- (1) What is the status of the campsite facility?
- (2) How many beds are currently available for use; currently in use; and expected to be available for use when the facility is fully operational?
- (3) Who will run the facility and how long will the facility operate for?
- (4) Will any restrictions be placed on workers lodging at the facility; and, if yes, please detail those restrictions, including any limitations on length of stay and types of worker who can stay at the facility?
- (5) Can the minister confirm that the facility will remain part of the accommodation mix for Kalbarri after the cyclone Seroja rebuild is completed?

Hon SUE ELLERY replied:

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

- (1) The Department of Fire and Emergency Services is close to finalising suitable accommodation arrangements that will meet the needs of the local government and construction workers during the rebuild.
- (2) There will be 60 beds available, and occupancy will be monitored to address the ongoing and changing needs.
- (3) Temporary workers' accommodation will be independently managed.
- (4)–(5) Processes are in place to verify workers utilising the temporary accommodation are dedicated to severe tropical Seroja rebuild activities.

HEALTH PRACTITIONERS — CRIMINAL CONVICTION DISCLOSURE

1219. Hon TJORN SIBMA to the minister representing the Minister for Health:

I refer again to the disclosure of criminal convictions by medical practitioners.

- (1) Are doctors and, indeed, all medical practitioners obliged to disclose all criminal convictions, including those recorded in other states, territories and countries, to the Department of Health, relevant health service or their private employer prior to commencing employment?
- (2) If not, why not?

Hon MATTHEW SWINBOURN replied:

On behalf of the minister representing the Minister for Health, I thank the member for some notice of the question. I provide the following answer based on information provided to me by the Minister for Health.

- (1)–(2) When a practitioner first applies for registration, the Medical Board of Australia requires the applicant to declare their criminal history in all countries, including Australia. When practitioners renew their registration, they must disclose any changes to their criminal history. Australian Health Practitioner Regulation Agency must check an applicant's criminal history during the registration process to ensure that only those practitioners who are suitable and safe to practise are granted registration in Australia.

Further, all employees, including medical practitioners, undergo criminal record screening. The Department of Health and all health service providers conduct criminal record screening of all new employees to assure themselves that any criminal matters that might go to a person's suitability for employment are adequately considered.

CORONERS ACT — STATUTORY REVIEW REPORT

1220. Hon NICK GOIRAN to the parliamentary secretary representing the Attorney General:

I refer to tabled paper 993, the Department of Justice strategic reform report, *Statutory review of the Coroners Act 1996 (WA): Final report*, dated July 2021, which was tabled on Wednesday, 15 December 2021.

- (1) Is the Attorney General aware that the version of the statutory review that was tabled on 7 December 2021 does not address the issue of section 22(1), which was subject to the unanimous resolution of the house on 2 June 2021?
- (2) On what date were changes made to the version of the report tabled on 7 December 2021 that resulted in the version tabled on 15 December 2021, and who directed that these changes be made?

- (3) How many versions of the report exist?
- (4) On what date did the Attorney General receive each version?

Hon MATTHEW SWINBOURN replied:

I thank the member for some notice of the question.

An answer cannot be provided in the time allowed owing to the level of detail required and the need to make further inquiries. Given that the next sitting day is not until 15 February 2022, I encourage the member to put the question on notice.

SCHOOLS — PERIODS, PAIN AND ENDOMETRIOSIS PROGRAM

1221. Hon DONNA FARAGHER to the Minister for Education and Training:

I refer to the answer provided to question without notice 853, asked on 27 October 2021, which refers to the in-kind support provided by the Department of Education to administer the periods, pain and endometriosis program in schools. Will the minister provide a breakdown of the in-kind support provided by the department to administer the program?

Hon SUE ELLERY replied:

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

The Department of Education provides the following in-kind support to administer the periods, pain and endometriosis program: advice to ensure that PPEP classroom resources are aligned with the school curriculum, promotion of the PPEP program to public schools through the department's communication channels and support for PPEP officers to ensure that their professional learning workshops address the needs and meet the expectations of participating school staff.

FIONA STANLEY HOSPITAL — ICT SHUTDOWN

1222. Hon PETER COLLIER to the minister representing the Minister for Health:

I refer the minister to the shutdown of the IT system at Fiona Stanley Hospital on or about 16 November 2021.

- (1) Was the shutdown a result of a firewall failure as reported?
- (2) If no to (1), what was the cause of the shutdown?
- (3) What has been done to prevent such an outage into the future?

Hon MATTHEW SWINBOURN replied:

On behalf of the minister representing the Minister for Health, I thank the member for some notice of the question. I provide the following response based on the information provided to me by the Minister for Health.

- (1) No.
- (2) The cause of the shutdown was a software defect within a core ICT network infrastructure switch.
- (3) Based on vendor advice, following considerable analysis of the problem, a software upgrade was applied to the core ICT network infrastructure switch. Monitoring of the equipment is continuing and the system has been stable since the upgrade.

CORONAVIRUS — INTERSTATE BORDER RESTRICTIONS — TESTING

1223. Hon MARTIN ALDRIDGE to the minister representing the Minister for Health:

I refer to the state government's mixed messaging around who will carry the cost of PCR testing in WA after the borders open.

- (1) Will the state government continue to pay for PCR testing for all Western Australian residents after 5 February?
- (2) Is it the intention of the state government for all interstate and international visitors to Western Australia to pay for their own PCR testing after 5 February?
- (3) If a COVID-19 outbreak occurs in WA and people are directed to be tested, can the state government confirm that it will underwrite this cost for all who require testing, regardless of whether they are a resident of WA?

Hon MATTHEW SWINBOURN replied:

On behalf of the Minister for Mental Health, I thank the member for some notice of the question. I provide the following information based on the information provided to me by the Minister for Health.

- (1)–(3) These details are being finalised and will be detailed ahead of when WA's safe transition plan takes effect.

MJW BUILDING — GOVERNMENT CONTRACTS

1224. Hon NEIL THOMSON to the Leader of the House representing the Minister for Housing:

To assist, this is quite an old question, but it has been in the system for some time. I refer to question without notice 780, which was directed to the Minister for Finance, about the recent collapse of the company MJW Building, as reported in the *North West Telegraph* on 11 October.

- (1) When was the most recent government contract issued to MJW?
- (2) What was the size and nature of that contract?
- (3) Are there any other contracts with MJW?
- (4) Had any progress been made on that contract?
- (5) When did staff at the Department of Finance become aware of any concerns about the viability of MJW?
- (6) When was the minister made aware of those concerns?

Hon SUE ELLERY replied:

I thank the honourable member for some notice of the question. I note that this answer was correct as at Tuesday, 26 October 2021.

- (1) The contract was issued on 21 July 2021.
- (2) It was for the construction of two three-bedroom, two-bathroom dwellings for Main Roads Western Australia with a contract value of \$2.2 million.
- (3) Yes, the Department of Communities has three other contracts with MJW, one of which has reached practical completion.
- (4) Yes.
- (5) It was on the appointment of the administrator.
- (6) It was on the appointment of the administrator.

FORESTRY — HARDWOOD — FURNITURE MANUFACTURING

1225. Hon STEVE MARTIN to the minister representing the Minister for Forestry:

This question was submitted some time ago. It is question C875. I refer to the WA Furniture Manufacturers Association media release from September 2021 regarding its access to the supply of local timber.

- (1) Has the government conducted any modelling to see how much local hardwood timber will be required to ensure the existence of the following industries —
 - (a) furniture manufacturing in WA; and
 - (b) construction in WA?
- (2) If yes to (1), how much hardwood timber will be required?
- (3) If no to (1), why was this not taken into consideration prior to the announcement at the end of the hardwood harvesting?

Hon ALANNAH MacTIERNAN replied:

Could the member please give me the question number again?

Hon Steve Martin: It is C875.

Hon ALANNAH MacTIERNAN: I do not seem to have that one in the file. What date was it asked?

Hon Steve Martin: It was 11 November.

Hon ALANNAH MacTIERNAN: I will ask for that. I have C1008 from that same date, but that is not the right one.

CORONAVIRUS — TRANSITION PLAN — GOVERNMENT SUPPORT

1226. Hon MARTIN ALDRIDGE to the Leader of the House representing the Premier:

I refer to WA's border reopening on 5 February 2022 and concerns from the business community that they have not been provided with adequate advice, as reported by WAtoday on 14 December.

- (1) What advice or guidelines has the state government issued to businesses regarding their obligations if a COVID-19 outbreak occurs at their business after 5 February?
- (2) What advice or guidelines has the state government issued to businesses regarding their obligation to confirm the vaccination status of patrons after 5 February?

- (3) Will workers who test positive to COVID-19 after 5 February be able to continue to work, or will they be required to self-isolate; and, if so, for what length of time?
- (4) What support will the state government provide businesses or individuals if they are unable to open or attend work due to a COVID-19 outbreak after 5 February?

Hon SUE ELLERY replied:

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

- (1)–(2) The Department of Health website provides guidance to businesses and locations that have been identified as COVID-19 exposure sites. This information will continue to be updated based on public health advice as the WA safe transition plan proceeds.
- (3) Western Australians who test positive to COVID-19 will be required to isolate until they are cleared by the Department of Health to resume normal activities. If they are well enough, they can carry out their isolation in their home or other suitable accommodation.
- (4) The state government has provided nearly \$10 billion in COVID-19 response measures to ensure our frontline services are well resourced to respond to the pandemic and to support businesses, households and boost our economic recovery. The state government's new \$80 million COVID-19 test isolation payment will provide casual workers and those without leave entitlements with a \$320 payment for two days while awaiting COVID-19 test results. Services Australia's pandemic leave disaster payment is also available for individuals who cannot earn an income because they must self-isolate, quarantine or care for someone who has COVID-19.

CORONAVIRUS — VACCINATIONS — SIDE EFFECTS

Question without Notice 1185 — Answer Advice

HON SUE ELLERY (South Metropolitan — Leader of the House) [5.04 pm]: I would like to provide an answer to Hon Sophia Moermond's question without notice 1185 asked on 15 December 2021.

I seek leave to have the response incorporated into *Hansard*.

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

Answer

I thank the Honourable Member for some notice of the question.

As of 15 December 2021, 3,819,630 doses of a COVID-19 vaccine have been administered in Western Australia.

0.003% of Western Australians who have received a COVID-19 vaccination have been admitted to a hospital.

There has been one death determined to be causally related to a COVID-19 vaccination.

PRISONERS — REHABILITATION PROGRAMS

Question without Notice 1182 — Answer Advice

HON ALANNAH MacTIERNAN (South West — Minister for Regional Development) [5.05 pm]: I have an answer to Hon Peter Collier's question without notice 1182 asked yesterday.

I seek leave to have the response incorporated into *Hansard*.

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

Answer

I thank the member for the question. The following information has been provided to me by the Minister for Corrective Services.

The following Non Government Organisations under Service Agreements provide services to prisoners who are released from prison under a supervision order:

- Communicare – Family and Domestic Violence programs
- Anglicare – Family and Domestic violence programs
- Cyrenian House – Alcohol and Other Drugs programs

The Department does not engage any Non-Government Organisations for rehabilitation of prisoners once they are released to freedom.

FORESTRY — HARDWOOD — FURNITURE MANUFACTURING

Question without Notice 1225 — Answer Advice

HON ALANNAH MacTIERNAN (South West — Minister for Regional Development) [5.05 pm]: I believe that the question asked by Hon Steve Martin may have already been asked and we are checking the status of that.

COMPLIMENTARY REMARKS*Statement by President*

THE PRESIDENT (Hon Alanna Clohesy) [5.06 pm]: Members, I would like to make a brief contribution. Each year is busy and different in this place, and this year has been no exception. We started this year with the swearing-in of the forty-first Parliament, with probably had the biggest cohort of new members in the history of the Legislative Council. To all those new members: I understand seven months feels like a very long time, but I also see that you have settled in really well to your new role, have learnt lots and contributed to the work of the chamber. I, too, since being elected by you, have been on a steep learning curve.

The role of the President is supported by a great team. I would like to acknowledge and thank the Deputy President, Hon Martin Aldridge, for his hard work in managing the chairing roster and supporting the Deputy Chairs of Committee with procedural and other support. To the Deputy Chairs of Committee, Hon Dr Sally Talbot, Hon Steve Martin, Hon Jackie Jarvis and Hon Peter Foster, thank you for your diligence in your important role.

Together we have presided over a very busy chamber this year. Including a very small part of the fortieth Parliament, we have sat for 19 weeks, or 59 days, and we have passed around 30 bills. We have asked more than 990 questions without notice of which some notice has been given and almost 480 questions were placed on notice. That does not take into account questions asked prior, during and after hearings of the Standing Committee on Estimates and Financial Operations.

That brings me to the incredible amount of work that has been done in committee, with 19 reports being tabled for the whole of this year. That number belies the incredible amount of work that has been done in committee, culminating in those final reports. The work of committee meetings, hearings, research and site visits goes into the important committee reports. It demonstrates the importance and relevance of our committee system.

It is an opportune time to thank Christine Kain, Clerk Assistant, and the great Legislative Council Committee Office team for all the work that they have contributed to our committees this year.

The make-up of our Parliament is a little bit different this year than in previous Parliaments. I thank the leaders of all political parties and their staff for the cooperative work arrangements this year—to Hon Sue Ellery of WA Labor; Hon Dr Steve Thomas of the Liberal Party; Hon Colin de Grussa of the Nationals WA; and the members of the crossbench, Hon Sophia Moermond and Hon Dr Brian Walker from the Legalise Cannabis Western Australia Party; Hon Wilson Tucker from the Daylight Saving Party; and Hon Dr Brad Pettitt from the Greens WA.

Our work here in this chamber is supported by an incredible Parliamentary Services team. The security services team of the Parliament is ably led by Tony Paterson. It has been a challenging year and everyone in security services, as well as the protective services officers, have worked incredibly hard. Thank you to them. Reception services, led by Steph Nguyen and Charles Vitnell, have warmly greeted our visitors and attended to every single question we have had of them; thank you very much.

I congratulate Building Services, led by Hugh McCaffrey, particularly on being finalists in the 2021 Heritage Awards. I wish them a very busy summer recess as they complete the renovation work on level 1, and thank them for everything that they have done. The inimitable Vicki Patterson is leaving Building Services after many years there and I acknowledge and thank her for her fabulous work.

To the audiovisual team—David Embry and your team—thank you for everything that you have done and for capturing sometimes not the best side of us but certainly the good side of us.

To the IT team, who have had a particularly busy year, including the rollout of a new system here in Parliament House—John Buchanan and team, and Stefan Urlus—thank you very much for your work this year.

Payroll and finance—Elma Ozich, John Mordini, Greg Jackson and the whole team—are always popular because of the payroll that they deliver to us, but they also do some incredible work in managing the budgets of this place.

To Tina Hunter and all in Human Resources, thank you very much for your very helpful advice and support of our staff.

I have noticed that a lot of you on social media have at some time throughout this year mentioned the beautiful Parliament House gardens, and the credit here goes to David Boag and all his team for doing such an incredible job and providing us with lovely surrounds. And our house is sparkling clean thanks to the work of Luisa and the cleaning services team.

In the Parliamentary Services Department, Rob Hunter and Patricia Traegde are just indefatigable. They do not get fatigued and power on throughout the day. How they do it and get across so many issues, I still cannot understand, but thank you for every single piece of work that you do.

In the Parliamentary Education Office, Pete Dooley has contributed much to our young people's civic education and the general public's understanding of our Parliament. Thank you, Pete; you should be rightfully proud of all the work that you have done over the years. I wish Pete and Jodie all the very best for their wedding this weekend and for the future. Thank you to all of the wonderful staff in the Parliamentary Education Office. A special note goes

to Michael Loney for his significant contribution to the Parliament through his work in the education team over the years. That has been rounded out by the contributions of Belinda Corey, Director, Parliamentary Information and Education; and Judy Ballantyne and all the team in the Parliamentary Library.

For keeping us well satiated, every single person in Catering Services—every single person in Catering Services—your delectable delights are truly appreciated. To Mark, Roger, Anthony, Deb and every single one of you, thank you for helping us to keep our motors running.

To the staff in Hansard services, who faithfully and accurately record our words with professional polish, thank you very much for trying to understand the interjections and for your professionalism.

Speaking of professionalism, Barb Pickett, from Hansard services, leaves us after more than 32 years as a Hansard reporter. Barb joined the Parliament House team at a time when women Hansard reporters were not allowed to wear trousers. Much has changed. Barb's professionalism continues. Thank you, Barb.

Members: Hear, hear!

The PRESIDENT: Circling back to this august chamber, our work would not have even commenced, much less been completed, without the dedicated professionalism of our staff in the chamber. Humbly we thank Nigel Pratt, Paul Grant, Sam Hastings, John Seal-Pollard, Grant Hitchcock, Renae Jewell, Rebecca Burton, Chris Hunt, Peter Gale, Hayley Brown, Brian Conn, Lauren Levia and my executive officer, Tina O'Connor.

Members, it has been a very busy and important year. Thank you all for your contributions throughout this year and I wish you, your families and your loved ones a very happy Christmas and a safe and prosperous new year.

Members: Hear, hear!

HON SUE ELLERY (South Metropolitan — Leader of the House) [5.16 pm]: President, can I join you and endorse your comments in thanking all the parliamentary staff, who do an exemplary job to keep this place running. In particular, I want to thank the staff who work in this chamber, upon whom all members rely for advice and assistance on a daily basis.

As the President noted, several parliamentary staff are leaving or retiring this year and I, too, want to acknowledge and thank them sincerely. In particular, I, too, want to add my thanks to Barb Pickett from Hansard, who has been here for just over 32 years. I acknowledge the Clerk, Nigel Pratt, who is of course currently on leave and has announced his resignation. I thank him for his assistance and support over the years and wish him the best for whatever comes next.

To you, too, President, congratulations for the job you have done in your first year in the role—an observation that I am sure all members will share.

As we sit here, with just over a week to go until Christmas, it is fair to say that it has been a long year. A state election in March, the continuation of the pandemic, several blocks of three sitting weeks and then an additional two sitting weeks at the end have undoubtedly left all of us looking forward to the break.

I want to thank the Leader of the Opposition, Hon Dr Steve Thomas. We have formed a solid working relationship, as I did with his predecessor. We have been able to work effectively through many of the business management issues together, and I look forward to that continuing in 2022. To all members of the Liberal–National alliance, I thank you on behalf of the government.

I particularly want to thank the new members of the crossbench: Hon Sophia Moermond and Hon Dr Brian Walker of the Legalise Cannabis WA Party, Hon Wilson Tucker of the Daylight Saving Party, and Hon Dr Brad Pettitt of the Greens. Hon Wilson Tucker, who is away on urgent parliamentary business, asked me whether I would mind saying these words on his behalf, and I am delighted to do so: “It’s been a pleasure getting to know everyone in the chamber over the past year and I hope that you all have a relaxing and sun-filled holiday period.” I acknowledge that, having come into this place only nine months ago, the crossbenchers have done an outstanding job to get their heads around the alternative universe that constitutes Parliament.

Putting aside politics, which is par for the course between us, the house has managed to work through its significant agenda in a largely collegiate way this year. We do not always agree, but my aim has been to manage the working relationships with each party leader in a respectful way, and I think it is accurate to say that most times we have been able to find a way forward, so I thank everybody for their assistance in that.

To members of the government team, I thank you for the manner in which you continue to represent the government and for your flexibility, your tireless work ethic and your continued outstanding effort every day. Our new members of Parliament have embraced their new roles and ongoing MPs have stepped up to expanded roles. They have all put in a sensational effort. I know that I am kind of like a broken record when I say at various times, “Can you please help us by choosing not to make a contribution to the debate?”, so I do appreciate that.

It can be challenging from time to time to be a government member of Parliament. They do not get to contribute as much as I know they would like to, because our job primarily is to get our legislative agenda across the line. I appreciate that. Each of them has brought a strength to our team, and I want to place on the record my thanks to all of you.

To in particular the deputy leader of the government, Hon Stephen Dawson, who has certainly carried much of the legislative load in the past three weeks, thank you for your ongoing collegiate work. To my ministerial colleague Hon Alannah MacTiernan, our fearless defender of the government's honour on a Thursday morning, thank you for your efforts as well.

A special mention to our parliamentary secretaries, three of whom passed legislation this year, namely Hon Matthew Swinbourn, who led some of the more challenging bills that we have had to deal with; Hon Samantha Rowe, who had the unenviable task of facing Hon Nick Goiran for her first bill, and came through unscathed; and Hon Kyle McGinn, who takes the prize for getting his Aquatic Resources Management Bill passed in the fastest time that has been known for passing a piece of legislation; and also, of course, Hon Darren West, our favourite and only working farmer in the Parliament. Of course I cannot forget our trusty government Whip, Hon Pierre Yang, who suddenly had to face the happy problem of having many more members than he ever contemplated he would have to keep track of.

Finally, because they wrote it in here, can I thank the staff in my ministerial and electorate offices. They are, I am instructed, a hardworking, dedicated and talented team, and I could not do what I do without them. In particular, I am instructed to thank George, Ollie and Kris, who staff the Parliament House office. It is crazy in there. There are three ministers and three staff members, and at many times various numbers of advisers, but they manage to keep us in line, so can I thank them for that work.

Members, on 15 March 2020, the WA government declared a state of emergency, and for all Western Australians our lives took a turn that none of us had anticipated. It has been 21 months of living and working in a global pandemic. For those in business, for those working on the frontline, whether that is in our supermarkets, our hospitals, policing, schools, transport and logistics, and for those who are themselves immunocompromised or have loved ones who are, this has been 21 months of living with fluctuating levels of anxiety and uncertainty. I think we need to stop and acknowledge that that anxiety and uncertainty is wearying. Everyone is tired. I get that. Therefore, for those who are getting ready to deliver services on that frontline as we transition to 5 February and beyond, thank you for your resilience. Take the break that you can.

To those members in here, can I sincerely wish everyone a peaceful and joyous festive season. Enjoy the time with your family and friends. Rest, recharge and stay safe. Merry Christmas.

Government members: Hear, hear!

HON COLIN de GRUSSA (Agricultural — Deputy Leader of the Opposition) [5.22 pm]: I rise on behalf of the Parliamentary National Party. The Leader of the Opposition has been called away on very urgent parliamentary business but I am assured that he will return very shortly.

I want to concur with your observations, President, that as a result of the most recent election, this chamber certainly has a very different make-up. I think that is a good thing, and of course it is the nature of this job. We never know which one of us will be back after that date in March. It is always encouraging to see new members come in and take on the roles that we do, and it is such a privilege to be in this place.

As the Leader of the House has said, we have endured 19 weeks of sittings this year, and 21 months of dealing with the challenges that COVID has thrown up. That certainly has been a monumental change to not only Western Australia and Australia, but also obviously the global landscape. That will linger for some time. It will be a long time before we come out the other side of it, so to speak. I would like to acknowledge, too, all those people in the frontline, in particular in our health services, our emergency services, police and others, who have had to step up over that period and do far more than they ever thought they would have to do to keep the people in our great nation safe.

President, I would like to acknowledge and thank you for the work that you do and for your role. It is obviously a very important role. I think you have done a fantastic job this year and I very much look forward to working with you over the next few years. I am sure you are enjoying it. Can I particularly thank all the Legislative Council chamber staff. You are always here. We will decide at odd times that we are going to sit through the night, to sit until some ungodly hour, to sit early or to sit on a different day, and no matter what we decide, you are always here to do the work that you do to keep this machine that is the Legislative Council running like a good Swiss watch. I particularly want to thank all of you for tolerating us and for the brilliant way you do the job and keep this place running so well. Can I also acknowledge the Clerk, Nigel Pratt, who is obviously away on leave at the moment. As others have said, he has announced his resignation. Thanks Nigel for the work that you have done over your period as Clerk. I have certainly enjoyed working with you over that time, as I have with everyone in the Legislative Council team.

I acknowledge the work of my colleague in the National Party Hon Martin Aldridge. I acknowledge the work that Marty has done as Deputy President and Chair of Committees. I thank you for the tireless and meticulous work that you do in this place and also out in the electorate. I thank my colleagues in the alliance. We have had a very different working relationship to the one that we have had for so many years, but it has been working very well this year and I have enjoyed the changes and challenges that that has brought. It is fair to say, as is always the case, that there are many and varied opinions within any political party and I have enjoyed the debate that goes on in coming to arrangements and various agreements. Can I also thank all members of the alliance team for their commitment to the people of Western Australia.

I would also like to acknowledge and thank the government members across the chamber for their commitment to the people of Western Australia. Obviously, we do not always agree. In fact, probably more often than not, we do not agree, but we do that because we are all here to represent the people of Western Australia. We all have our ideas and values that we hold dear and we try to do our job of representing those people to the best of our ability.

I also want to acknowledge the staff throughout Parliament House, whether they be in Parliamentary Services, Hansard, the media team or Catering Services, of course, for keeping us well fed—sometimes too well fed. This place is a little bit like a feedlot if you are not careful. I am sure that some members have found that out in their first year as I did. I would also like to acknowledge and thank my parliamentary electorate office team of Allyson and Shayne, and also the amazing team in the LOOP office. We certainly could not do what we do if you guys did not do what you do.

Finally, I would like to take the opportunity to wish each and every one of you in this place and the staff a very safe, happy and joyous Christmas period. I look forward to seeing you all again in the new year.

The PRESIDENT: Hear, hear!

HON DR STEVE THOMAS (South West — Leader of the Opposition) [5.28 pm]: Thank you, President. I ask you to excuse my brief absence while I was away on urgent parliamentary business. Bringing down the government is a very long-term commitment and one that does not always wait. We have to dedicate ourselves to these things. President, can I join you, the Leader of the House and the Leader of the National Party in thanking all the staff across Parliament. They do a magnificent job. I do not intend to go through them all again. I think you have done a more than adequate job of that, President. It is hard to find a bad staff member in Parliament House. Can members, every time they go past a member of staff, please say hello and thank you. It is a tough job sometimes. Sometimes we are stressed and sometimes we can take it out on them. It has not happened that I have seen in this Parliament, but please thank all those staff members. Obviously for those who are leaving—Barb in Hansard and the Clerk, Mr Nigel Pratt—we offer them both our thanks, gratitude and best wishes going forward.

I thank the Leader of the House. We have had a number of very strong conversations this year, but it has always been professional. We have not let that interfere with the job that we have to do and I thank you for the goodwill that you have displayed over this year. I also thank Hon Peter Collier. Since I took over this role he has been an adviser who is always available and always able to provide good advice. I have found his counsel this year invaluable. I add him to that group.

I would like to thank a few others. Quite a few new members have joined us this year. I want to mention some notable performances before I sit down. I struggled early on with some of the names and their representations. In the early stages I struggled to differentiate Hon Dan Caddy and Rod Caddies, one of whom is the member of a fringe and perhaps relatively unrepresentative political party. I will let members choose which one I am referring to! I will say though that everything I was about to say about Hon Dan Caddy has been usurped by his dress style today. Could he move just a little more so I can make sure he is there and not absent from the chamber? If his head moves, I can probably tell that he is present. I have enjoyed his contribution and his interjections, unparliamentary as they may be. Keep going—we like a good chat.

There are a few names I have always struggled with. Hon Ayor Makur Chuot is my fellow co-founder of the Parliamentary Friends of Africa. When I say it as an acronym it sounds remarkably like P-FAS. That is a name that does not necessarily roll off the tongue, so I endeavour to be better at that next year, particularly as we are co-conveners of the Parliamentary Friends of Africa and I will probably have to use it quite a lot. We have to be careful; this is a glass house that the Liberal Party does not really want to go into because we have Hon Tjorn Sibma, of course. I fully expect him to launch into a rousing rendition of *Hakuna Matata* at some point during the Parliament. I am not going to throw any stones in this glass house.

One of the most thoughtful contributions was that of Hon Martin Pritchard earlier this year, who gave us in a member's statement a reflection on how this chamber looks a little like the reality TV show *Survivor*. I thought that was perhaps both a brave and interesting analysis. I am terrified that he is going to move on and compare us to *The Bachelor* and *Married at First Sight*. When he starts doing that, it will be time for me to retire.

I know I throw a lot of economic questions across the chamber at Hon Stephen Dawson, particularly on a Thursday when I am inclined to give him a hard time. The reality is that that is only on a Thursday. I suspect that I give the Minister for Regional Development a hard time on that day and every other day as well, so Hon Stephen Dawson gets off reasonably lightly.

I will comment on a couple of other members. The government has some new members who have stepped up to parliamentary secretary roles, and some of those have done a pretty outstanding job. I commend Hon Samantha Rowe who has stepped up and had carriage of a significant bill this year, and has answered questions without notice. She has done an excellent job. Hon Matthew Swinbourn has taken on a significant workload. Both have done an excellent job. However, I make this point to the Leader of the House. Hon Samantha Rowe had the Children and Community Services Amendment Bill 2021, the debate on which started about the middle of September and finished in the middle of October. It took about a month and was many days of good hard work. Of course, Hon Matthew Swinbourn

had electoral reform, and that took a similar time, from the middle of October to the middle of November. I am wondering why Hon Kyle McGinn was not given a bigger role because the bill he put in place, the Aquatic Resources Management Amendment Bill 2021, came in on 18 August at 5.54 pm and was through by 6.20 pm. I thought that if the government wanted to hurry things through, particularly as we came to the end of the year, perhaps he might be its pinch-hitter going forward. I thought that was good.

Of course, any Parliament that is dominated by the name Steve cannot be too bad. I congratulate all the Steves who have made it into the current Parliament. We are thinking of forming our own faction across the floor. We will see how we go.

Hon Alannah MacTiernan: Would you have sub-factions of “ph” and “v”?

Hon Dr STEVE THOMAS: Once a Steve, always a Steve, I think! I think that is very good.

There are a couple of things I would like to add, because it has been a tough year. I note that next year is a more normal year in which we will sit 19 weeks by my calculation. We sat 19 weeks this year and we did not start until May, because there was an election in the way. We did not sit a lot in the first half, so the second half has been a tough grind. I congratulate all members of the chamber for the work that you have done. I think it has been a tough period to be here. There have been some big bills and some important bills, so well done. Well done to all Acting Presidents and Deputy Chairs of Committees who have contributed as well, because it has been very hard.

I want to make a couple of other quick thank-yous. I want to congratulate Hon Kate Doust, who was President previously to you, President. Hon Kate Doust demonstrated truth, resilience and courage. Whatever else one thinks about the various parts of everything that went on in that period of time, I think her courage speaks for itself. Sometimes it is not easy to stand up and be counted, and I have enormous respect for her. Whether or not you agree with the outcome, my personal view is that she was at least partially vindicated—well vindicated. I think that courage deserves respect.

President, I congratulate you on your first seven months or whatever it is in the job. It is not easy. I have found you to be even-handed and tolerant, especially of me, which is good, and I encourage you to continue that as much as possible! I think you have done an outstanding job and I encourage you to continue that in the future.

It would not be a thank-you speech without mentioning Hon Pierre Yang. I note your enthusiasm for points of order and I just hope that next year perhaps you might be able to have one of them upheld!

Hon Colin de Grussa interjected.

Hon Dr STEVE THOMAS: That is right! In the same way that I hope next year Hon Colin de Grussa wins a division! He does his best!

I thank the members of my own team. It has been a tough year. You have done a magnificent job. There has not been a single slacker. I know that we give Hon Nick Goiran most of the work to do in the chamber, and he carries it with enormous aplomb. The rest of us are in awe of his capacity to annoy the government, and we are thinking of starting a school! Thank you, Hon Nick Goiran, for your contributions. To every member of the team, your contribution has been highly valued.

It is always interesting to be on the crossbench, but your professionalism has been noted. I have enjoyed working with all of you. There has not been a terse conversation. We do not always have to agree, but the way all of you have approached things has been excellent, so I congratulate you all.

President, let us hope that next year is a more gentle year. I hope government members all take a lesson from Hon Stephen Dawson and the gentle, professional way he presents his bills. I know that Hon Matthew Swinbourn will do so down the path. That is both of your preselections taken care of; that should help even out the numbers in the next election!

Honourable members, it has been great this year. I thank you all for all the efforts you have put in. I thank the staff again for all their efforts. I am proud to be a member of the Legislative Council. I am one of the few here who has been a member of that other place, and I think the difference in standard is enormous. The dignity with which this house carries itself is a credit to you all.

HON DR BRIAN WALKER (East Metropolitan) [5.38 pm]: I do not know whether I dare to rise to compare notes here. I am a member of the crossbench, and we are supposed to keep things nice and quiet and short, so I will. But I have to say thanks to all at this time of year. When we first came in, I remember being confronted, with my colleague Hon Sophia Moermond, by the Clerk of the Legislative Council, Nigel Pratt, and by Paul Grant and Rob Hunter, and we thought to ourselves, “What on earth have we got ourselves into?” We were being examined and scrutinised from top to bottom, and I thought, first of all, of *Yes Minister* and, second, “Oh, my God, what have we done?” They were very fearsome. But their friendliness and help was such a wonderful thing to discover, not only from them, but also all of the chamber staff here. What a wonderful bounty it has been to know you and work with you. The support you have given has been enormous, and Sophia and I thank you greatly for that. That goes for all the staff the President mentioned. I look at what happens in this great house and I am in awe of what happens.

I thank everyone who has taken part in this. I also want to thank all members. I can speak for Sophia and myself when I say that we came into a house where we were strangers, and we now find ourselves amongst friends. That is also an awesome thing, so I thank you all for that.

Like the Leader of the House, I have been commanded to make mention of our team. On behalf of the Legalise Cannabis WA Party, Sophia and I would not be able to do what we have done without the support of the staff in our offices—Jorian and Nicola for Sophia, and Craig and Jack for me. I want to give them special commendation for the patience they have shown in educating us in the ways of this rather strange chamber. Indeed, thanks to our families as well, without whom we would not be able to do as we have done. We must give credit to our families for the enormous support they have shown us in allowing us to sit until ridiculous hours sometimes, in the service of the people of Western Australia. Again, thanks to the people of Western Australia for tolerating what we do and actually treating us with respect. I find, despite the general tenor of the way politicians are looked at, that the respect we are shown by the people of Western Australia reflects upon the work we do in this chamber. As a chamber and a Parliament we have achieved a great deal in 2021, and I am sure there will be more on our plates in 2022. I have no doubt we will continue to serve in the best interests of the people of Western Australia. We cannot go wrong if we do that.

In finishing up, I considered offering something similar to the Minister for Tourism and giving him a run for his money! I was potentially considering a rewrite of *The Twelve Days of Christmas*, but the higher numbers confounded me, so maybe next year! However, I can say —

On the sixth day of Parliament, the government gave to me
Six abolished regions
Five bills a-fast-tracked
Four crossbench members
Three short, sharp lockdowns
Two late night sittings
And a legislative fait accompli!

Maybe next year I will do more! Maybe Santa will think I have been a good boy; I do not know, but I can certainly say that we have promised to do our best, and I think all here have succeeded at that, working together. Despite our differences, there is the joy of being able to work collaboratively with people for the good of the people whom we serve. On behalf of the Legalise Cannabis WA Party, and of my colleague Hon Sophia Moermond and me, I give all thanks and best wishes for a wonderful Christmas and festive season for whatever faith to which you belong, and may the next year bring you health, happiness and all good wishes.

Members: Hear, hear!

HON DR BRAD PETTITT (South Metropolitan) [5.42 pm]: I feel that following on from that is going to be incredibly difficult, so I will be very brief! I rise on behalf of the Greens to say thank you to the President and the Deputy President. Although there is often a perception of Parliament as being not very collaborative, I acknowledge that often, both behind the chair and in this place, all of you have been extraordinarily supportive and have helped many of the newbies here, especially me, who does not have anyone else to rely upon to find my way through this sometimes unusual place with its standing orders and the like.

I just want to say thank you to all of you, both to members in this chamber and to the staff, who have answered the many questions we have asked and have helped us through the processes. It has been a very steep learning curve, but also a year in which I have learnt a lot and that I have found deeply rewarding. Big thanks to all of you for that. I also want to give special thanks to the staff here in Parliament for their support through that process. They have been very, very helpful. Finally, I want to finish by saying thanks to my team in my electorate office, Hannah, Kendall, Piper and Mischa, who have been amazing. I could not have done it without them. I wish you all a very happy Christmas and New Year. Thank you.

Members: Hear, hear!

House adjourned at 5.42 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

WA COUNTRY HEALTH SERVICE — NURSES

408. Hon James Hayward to the minister representing the Minister for Health:

I refer to hours worked by nurses in the WA Country Health Service (WACHS), and I ask:

- (a) how many instances of nurses performing double shifts have occurred in the 2021–2022 financial year to date;
- (b) is the Minister aware if there have been any instances where a nurse has been asked to work a triple shift;
- (c) how many double shifts occurred at Albany Health Campus;
- (d) how many double shifts occurred at Bunbury; and
- (e) which hospitals had a triple shift performed by staff?

Hon Stephen Dawson replied:

I am advised:

- (a) The WA Health rostering system is not able to accurately determine a breakdown of this information. As such, it is not possible to accurately prepare this data.
- (b) No.
- (c)–(d) Please see (a).
- (e) Nil.

HEALTH — STAFF — RECRUITMENT

409. Hon Wilson Tucker to the minister representing the Minister for Health:

I refer to the media release in the Minister's name, entitled 'Multi-pronged health workforce attraction and retention strategy committed in State Budget', dated 10 August 2021, and I ask:

- (a) how many health care staff have been hired as a result of this initiative;
- (b) of those staff hired, how many were:
 - (i) hired from within Western Australia;
 - (ii) hired from another State or Territory; and
 - (iii) hired from overseas; and
- (c) how many health care staff have been retained as a result of this initiative, and how are retentions recorded?

Hon Stephen Dawson replied:

I am advised:

- (a) We can report that WA health has recruited 1,471 health care staff (headcount) from 10 August 2021 to 12 December 2021.
- (b)–(c) An evaluation of the WA Health Belong recruitment campaign is planned for the first half of 2022.

**GOVERNMENT AGENCIES, TRADING ENTITIES AND BOARDS —
FORMER MINISTERIAL STAFFERS**

410. Hon Colin de Grussa to the Leader of the House representing the Minister for Public Sector Management:

I refer to Government agencies, trading entities and boards, and I ask:

- (a) how many former Ministerial staffers were appointed by the Government to boards or executive roles on Government trading entities and agencies in the years:
 - (i) 2018–19;
 - (ii) 2019–20;
 - (iii) 2020–21; and
 - (iv) 2021–22 to date; and
- (b) how many of the appointments in (a)(i)–(iv) identified actual, perceived, or potential conflicts of interest as a result of holding their previous positions in Ministerial offices?

Hon Sue Ellery replied:

- (a)–(b) The Department of the Premier and Cabinet advise that their systems do not capture whether individuals have ever been in a Ministerial office, either under the current term or previous terms of Governments.

To prepare the information requested by the Member would require the Department to manually review CVs and documentation on a case-by-case basis and individually check all former employee records, noting that employee records may not be readily available for historical terms.

In addition, the Department does not maintain records of executive roles for GTEs. Conflicts of interests are declared separately to each board, committee or body, and are not held by the Department.

HEALTH — YOUR VOICE IN HEALTH 2021 SURVEY — REPORT

411. Hon James Hayward to the minister representing the Minister for Health:

I refer to the 2021 “Your Voice in Health Survey”, and I ask:

- (a) will the Minister table the “Your Voice in Health” 2021 report specifically relating to Albany Health Campus and the Great Southern region;
- (b) will the Minister table the “Your Voice in Health” 2021 report specifically relating to Bunbury Regional Hospital;
- (c) is the Minister concerned that only 33 percent of respondents indicated they felt safe to speak up and challenge the way things are done in their organisation; and
- (d) has the Minister received correspondence from doctors and nurses expressing concerns about toxic workplace culture in Western Australian hospitals in the past four years?

Hon Stephen Dawson replied:

I am advised:

- (a)–(d) The Your Voice in Health survey was introduced by the Minister for Health in 2019 to provide a platform for employees to share their opinions about their workplace to ensure the WA health system is an employer of choice.

A WA Health system employee survey did not exist under the previous Government.

Comprehensive survey results for each annual survey, including a 111 page report for 2021, is publicly available on the WA Health website, including aggregate results by Health Service Provider, including WA Country Health Service (WACHS).

Results by individual site level are not made publicly available. WACHS contains many small sites where due to the small sample size data may inadvertently identify participants who have voluntarily participated in good faith in the process with assurances of their anonymity.

HEALTH WORKER (RESTRICTIONS ON ACCESS) DIRECTIONS

412. Hon Martin Aldridge to the minister representing the Minister for Health:

I refer to the Health Worker (Restrictions on Access) Directions and publicly employed health care workers, and I ask:

- (a) how many health care workers have been excluded from a tier one health care facility in compliance with the directions;
- (b) how many health care workers have been excluded from a tier two health care facility in compliance with the directions;
- (c) how many health care workers continue to access a tier one or tier two health care facility in contravention of the directions; and
- (d) how many health care workers have been terminated or resigned arising from the directions?

Hon Stephen Dawson replied:

I am advised:

As at 16 November 2021*:

- (a) 121
- (b) 188
- (c) Nil
- (d) 72 resigned, nil terminated.

* EMHS as at 22 November 2021.

TREASURER — CORRESPONDENCE

413. Hon James Hayward to the minister representing the Treasurer:

I refer to correspondence received, and I ask:

- (a) how many items of correspondence were received by the Minister from other Members of Parliament in the period 1 July 2020 to date;

- (b) how many items of correspondence received from other Members of Parliament in the period 1 July 2020 to date were redirected to another Minister; and
- (c) how many items of correspondence received from other constituents in the period 1 July 2020 to date were redirected to another Minister?

Hon Stephen Dawson replied:

(a)–(c) Refer to Legislative Council Question on Notice 384.

MINISTER FOR STATE DEVELOPMENT, JOBS AND TRADE — CORRESPONDENCE

414. Hon James Hayward to the minister representing the Minister for State Development, Jobs and Trade:

I refer to correspondence received, and I ask:

- (a) how many items of correspondence were received by the Minister from other Members of Parliament in the period 1 July 2020 to date;
- (b) how many items of correspondence received from other Members of Parliament in the period 1 July 2020 to date were redirected to another Minister; and
- (c) how many items of correspondence received from other constituents in the period 1 July 2020 to date were redirected to another Minister?

Hon Alannah MacTiernan replied:

I refer the Honourable Member to Legislative Council Question on Notice 384.

MINISTER FOR EDUCATION AND TRAINING — CORRESPONDENCE

415. Hon James Hayward to the Minister for Education and Training:

I refer to correspondence received, and I ask:

- (a) how many items of correspondence were received by the Minister from other Members of Parliament in the period 1 July 2020 to date;
- (b) how many items of correspondence received from other Members of Parliament in the period 1 July 2020 to date were redirected to another Minister; and
- (c) how many items of correspondence received from other constituents in the period 1 July 2020 to date were redirected to another Minister?

Hon Sue Ellery replied:

Please refer to Legislative Council Question on Notice 384.

MINISTER FOR FINANCE — CORRESPONDENCE

416. Hon James Hayward to the minister representing the Minister for Finance:

I refer to correspondence received, and I ask:

- (a) how many items of correspondence were received by the Minister from other Members of Parliament in the period 1 July 2020 to date;
- (b) how many items of correspondence received from other Members of Parliament in the period 1 July 2020 to date were redirected to another Minister; and
- (c) how many items of correspondence received from other constituents in the period 1 July 2020 to date were redirected to another Minister?

Hon Stephen Dawson replied:

I refer the Honourable Member to Legislative Council Question on Notice 422.

MINISTER FOR LANDS — CORRESPONDENCE

417. Hon James Hayward to the minister representing the Minister for Lands:

I refer to correspondence received, and I ask:

- (a) how many items of correspondence were received by the Minister from other Members of Parliament in the period 1 July 2020 to date;
- (b) how many items of correspondence received from other Members of Parliament in the period 1 July 2020 to date were redirected to another Minister; and
- (c) how many items of correspondence received from other constituents in the period 1 July 2020 to date were redirected to another Minister?

Hon Alannah MacTiernan replied:

I refer the Honourable Member to Legislative Council Question on Notice 422.

MINISTER FOR SPORT AND RECREATION — CORRESPONDENCE

418. Hon James Hayward to the Leader of the House representing the Minister for Sport and Recreation:

I refer to correspondence received, and I ask:

- (a) how many items of correspondence were received by the Minister from other Members of Parliament in the period 1 July 2020 to date;
- (b) how many items of correspondence received from other Members of Parliament in the period 1 July 2020 to date were redirected to another Minister; and
- (c) how many items of correspondence received from other constituents in the period 1 July 2020 to date were redirected to another Minister?

Hon Sue Ellery replied:

I refer the Honourable Member to Legislative Council Question on Notice 422.

MINISTER FOR CITIZENSHIP AND MULTICULTURAL INTERESTS — CORRESPONDENCE

419. Hon James Hayward to the parliamentary secretary representing the Minister for Citizenship and Multicultural Interests:

I refer to correspondence received, and I ask:

- (a) how many items of correspondence were received by the Minister from other Members of Parliament in the period 1 July 2020 to date;
- (b) how many items of correspondence received from other Members of Parliament in the period 1 July 2020 to date were redirected to another Minister; and
- (c) how many items of correspondence received from other constituents in the period 1 July 2020 to date were redirected to another Minister?

Hon Samantha Rowe replied:

I refer the Honourable Member to Legislative Council Question on Notice 422.

MINISTER FOR COMMERCE — CORRESPONDENCE

420. Hon James Hayward to the minister representing the Minister for Commerce:

I refer to correspondence received, and I ask:

- (a) how many items of correspondence were received by the Minister from other Members of Parliament in the period 1 July 2020 to date;
- (b) how many items of correspondence received from other Members of Parliament in the period 1 July 2020 to date were redirected to another Minister; and
- (c) how many items of correspondence received from other constituents in the period 1 July 2020 to date were redirected to another Minister?

Hon Alannah MacTiernan replied:

I refer the Honourable Member to Legislative Council Question on Notice 384.

MINISTER FOR EMERGENCY SERVICES — CORRESPONDENCE

421. Hon James Hayward to the Leader of the House representing the Minister for Emergency Services:

I refer to correspondence received, and I ask:

- (a) how many items of correspondence were received by the Minister from other Members of Parliament in the period 1 July 2020 to date;
- (b) how many items of correspondence received from other Members of Parliament in the period 1 July 2020 to date were redirected to another Minister; and
- (c) how many items of correspondence received from other constituents in the period 1 July 2020 to date were redirected to another Minister?

Hon Sue Ellery replied:

I refer the Honourable Member to Legislative Council Question on Notice 422.

PREMIER — CORRESPONDENCE

422. Hon James Hayward to the Leader of the House representing the Premier; Minister for Public Sector Management; Federal–State Relations:

I refer to correspondence received, and I ask:

- (a) how many items of correspondence were received by the Minister from other Members of Parliament in the period 1 July 2020 to date;

- (b) how many items of correspondence received from other Members of Parliament in the period 1 July 2020 to date were redirected to another Minister; and
- (c) how many items of correspondence received from other constituents in the period 1 July 2020 to date were redirected to another Minister?

Hon Sue Ellery replied:

(a)–(c) Refer to Legislative Council Question on Notice 384.

MINISTER FOR HEALTH — CORRESPONDENCE

423. Hon James Hayward to the minister representing the Deputy Premier; Minister for Health; Medical Research; Science:

I refer to correspondence received, and I ask:

- (a) how many items of correspondence were received by the Minister from other Members of Parliament in the period 1 July 2020 to date;
- (b) how many items of correspondence received from other Members of Parliament in the period 1 July 2020 to date were redirected to another Minister; and
- (c) how many items of correspondence received from other constituents in the period 1 July 2020 to date were redirected to another Minister?

Hon Stephen Dawson replied:

I refer the Honourable Member to Legislative Council Question on Notice 384.

MINISTER FOR MENTAL HEALTH — CORRESPONDENCE

424. Hon James Hayward to the Minister for Mental Health; Aboriginal Affairs; Industrial Relations:

I refer to correspondence received, and I ask:

- (a) how many items of correspondence were received by the Minister from other Members of Parliament in the period 1 July 2020 to date;
- (b) how many items of correspondence received from other Members of Parliament in the period 1 July 2020 to date were redirected to another Minister; and
- (c) how many items of correspondence received from other constituents in the period 1 July 2020 to date were redirected to another Minister?

Hon Stephen Dawson replied:

Please refer to Legislative Council Question on Notice 422.

MINISTER FOR REGIONAL DEVELOPMENT — CORRESPONDENCE

425. Hon James Hayward to the Minister for Regional Development; Agriculture and Food; Hydrogen Industry:

I refer to correspondence received, and I ask:

- (a) how many items of correspondence were received by the Minister from other Members of Parliament in the period 1 July 2020 to date;
- (b) how many items of correspondence received from other Members of Parliament in the period 1 July 2020 to date were redirected to another Minister; and
- (c) how many items of correspondence received from other constituents in the period 1 July 2020 to date were redirected to another Minister?

Hon Alannah MacTiernan replied:

Please refer to Legislative Council Question on Notice 384.

MINISTER FOR TOURISM — CORRESPONDENCE

426. Hon James Hayward to the Leader of the House representing the Minister for Tourism; Culture and the Arts; Heritage:

I refer to correspondence received, and I ask:

- (a) how many items of correspondence were received by the Minister from other Members of Parliament in the period 1 July 2020 to date;
- (b) how many items of correspondence received from other Members of Parliament in the period 1 July 2020 to date were redirected to another Minister; and
- (c) how many items of correspondence received from other constituents in the period 1 July 2020 to date were redirected to another Minister?

Hon Sue Ellery replied:

(a)–(c) Please refer to Legislative Council question on notice 384.

ATTORNEY GENERAL — CORRESPONDENCE

427. Hon James Hayward to the parliamentary secretary representing the Attorney General; Minister for Electoral Affairs:

I refer to correspondence received, and I ask:

- (a) how many items of correspondence were received by the Minister from other Members of Parliament in the period 1 July 2020 to date;
- (b) how many items of correspondence received from other Members of Parliament in the period 1 July 2020 to date were redirected to another Minister; and
- (c) how many items of correspondence received from other constituents in the period 1 July 2020 to date were redirected to another Minister?

Hon Matthew Swinbourn replied:

(a)–(c) I refer the Honourable Member to Legislative Council Question on Notice 422.

MINISTER FOR POLICE — CORRESPONDENCE

428. Hon James Hayward to the minister representing the Minister for Police; Road Safety:

I refer to correspondence received, and I ask:

- (a) how many items of correspondence were received by the Minister from other Members of Parliament in the period 1 July 2020 to date;
- (b) how many items of correspondence received from other Members of Parliament in the period 1 July 2020 to date were redirected to another Minister; and
- (c) how many items of correspondence received from other constituents in the period 1 July 2020 to date were redirected to another Minister?

Hon Stephen Dawson replied:

I refer the Honourable Member to Legislative Council Question on Notice 384.

MINISTER FOR DEFENCE INDUSTRY — CORRESPONDENCE

429. Hon James Hayward to the minister representing the Minister for Defence Industry; Veterans Issues:

I refer to correspondence received, and I ask:

- (a) how many items of correspondence were received by the Minister from other Members of Parliament in the period 1 July 2020 to date;
- (b) how many items of correspondence received from other Members of Parliament in the period 1 July 2020 to date were redirected to another Minister; and
- (c) how many items of correspondence received from other constituents in the period 1 July 2020 to date were redirected to another Minister?

Hon Alannah MacTiernan replied:

I refer the Honourable Member to Legislative Council Question on Notice 384.

MINISTER FOR MINES AND PETROLEUM — CORRESPONDENCE

430. Hon James Hayward to the minister representing the Minister for Mines and Petroleum; Energy; Corrective Services:

I refer to correspondence received, and I ask:

- (a) how many items of correspondence were received by the Minister from other Members of Parliament in the period 1 July 2020 to date;
- (b) how many items of correspondence received from other Members of Parliament in the period 1 July 2020 to date were redirected to another Minister; and
- (c) how many items of correspondence received from other constituents in the period 1 July 2020 to date were redirected to another Minister?

Hon Alannah MacTiernan replied:

I refer the Honourable Member to Legislative Council Question on Notice 422.

MINISTER FOR TRANSPORT — CORRESPONDENCE

431. Hon James Hayward to the Leader of the House representing the Minister for Transport; Planning; Ports:

I refer to correspondence received, and I ask:

- (a) how many items of correspondence were received by the Minister from other Members of Parliament in the period 1 July 2020 to date;
- (b) how many items of correspondence received from other Members of Parliament in the period 1 July 2020 to date were redirected to another Minister; and
- (c) how many items of correspondence received from other constituents in the period 1 July 2020 to date were redirected to another Minister?

Hon Sue Ellery replied:

Refer to Legislative Council Question on Notice 384.

MINISTER FOR CHILD PROTECTION — CORRESPONDENCE

432. Hon James Hayward to the parliamentary secretary representing the Minister for Child Protection; Women's Interests; Prevention of Family and Domestic Violence; Community Services:

I refer to correspondence received, and I ask:

- (a) how many items of correspondence were received by the Minister from other Members of Parliament in the period 1 July 2020 to date;
- (b) how many items of correspondence received from other Members of Parliament in the period 1 July 2020 to date were redirected to another Minister; and
- (c) how many items of correspondence received from other constituents in the period 1 July 2020 to date were redirected to another Minister?

Hon Samantha Rowe replied:

I refer the Honourable Member to Legislative Assembly Question on Notice 384.

MINISTER FOR WATER — CORRESPONDENCE

433. Hon James Hayward to the minister representing the Minister for Water; Forestry; Youth:

I refer to correspondence received, and I ask:

- (a) how many items of correspondence were received by the Minister from other Members of Parliament in the period 1 July 2020 to date;
- (b) how many items of correspondence received from other Members of Parliament in the period 1 July 2020 to date were redirected to another Minister; and
- (c) how many items of correspondence received from other constituents in the period 1 July 2020 to date were redirected to another Minister?

Hon Alannah MacTiernan replied:

I refer the Honourable Member to Legislative Council Question on Notice 384.

MINISTER FOR ENVIRONMENT — CORRESPONDENCE

434. Hon James Hayward to the minister representing the Minister for Environment; Climate Action:

I refer to correspondence received, and I ask:

- (a) how many items of correspondence were received by the Minister from other Members of Parliament in the period 1 July 2020 to date;
- (b) how many items of correspondence received from other Members of Parliament in the period 1 July 2020 to date were redirected to another Minister; and
- (c) how many items of correspondence received from other constituents in the period 1 July 2020 to date were redirected to another Minister?

Hon Stephen Dawson replied:

I refer the Honourable Member to Legislative Council Question on Notice 384.

MINISTER FOR HOUSING — CORRESPONDENCE

435. Hon James Hayward to the Leader of the House representing the Minister for Housing; Local Government:

I refer to correspondence received, and I ask:

- (a) how many items of correspondence were received by the Minister from other Members of Parliament in the period 1 July 2020 to date;

- (b) how many items of correspondence received from other Members of Parliament in the period 1 July 2020 to date were redirected to another Minister; and
- (c) how many items of correspondence received from other constituents in the period 1 July 2020 to date were redirected to another Minister?

Hon Sue Ellery replied:

I refer the Honourable Member to Legislative Council Question on Notice 384.

MINISTER FOR DISABILITY SERVICES — CORRESPONDENCE

436. Hon James Hayward to the parliamentary secretary representing the Minister for Disability Services; Fisheries; Innovation and ICT; Seniors and Ageing:

I refer to correspondence received, and I ask:

- (a) how many items of correspondence were received by the Minister from other Members of Parliament in the period 1 July 2020 to date;
- (b) how many items of correspondence received from other Members of Parliament in the period 1 July 2020 to date were redirected to another Minister; and
- (c) how many items of correspondence received from other constituents in the period 1 July 2020 to date were redirected to another Minister?

Hon Kyle McGinn replied:

I refer the Honourable Member to Legislative Council Question on Notice 384.

MINISTER FOR RACING AND GAMING — CORRESPONDENCE

437. Hon James Hayward to the parliamentary secretary representing the Minister for Racing and Gaming; Small Business; Volunteering:

I refer to correspondence received, and I ask:

- (a) how many items of correspondence were received by the Minister from other Members of Parliament in the period 1 July 2020 to date;
- (b) how many items of correspondence received from other Members of Parliament in the period 1 July 2020 to date were redirected to another Minister; and
- (c) how many items of correspondence received from other constituents in the period 1 July 2020 to date were redirected to another Minister?

Hon Kyle McGinn replied:

I refer the Honourable Member to Legislative Council Question on Notice 422.

HEALTH — ORTHOTICS — BUNBURY AND BUSSELTON

438. Hon Dr Steve Thomas to the minister representing the Minister for Health:

I refer to question without notice 517 asked on the 17 August 2021 on the provision of orthotics to Bunbury Hospital, and I ask:

- (a) has the trial at Bunbury Hospital been completed as per part (2) of the previous question;
- (b) has the trial been evaluated as per part (2) of that question;
- (c) if no to (b), why not;
- (d) if yes to (b), when was the evaluation completed;
- (e) please provide a copy of that evaluation; and
- (f) if no to (e), why not?

Hon Stephen Dawson replied:

I am advised:

- (a) Yes.
- (b) Yes, an evaluation has been completed by the report has not been finalised.
- (c) Not applicable.
- (d) November 2021.
- (e)–(f) The evaluation report has not yet been finalised.

