



# Parliamentary Debates

(HANSARD)

FORTY-FIRST PARLIAMENT  
FIRST SESSION  
2023

LEGISLATIVE ASSEMBLY

Thursday, 22 June 2023

# Legislative Assembly

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**THE SPEAKER (Mrs M.H. Roberts)** took the chair at 9.00 am, acknowledged country and read prayers.

## LANDFILL SITE — BULLSBROOK

### *Petition*

**MS J.J. SHAW (Swan Hills — Parliamentary Secretary)** [9.01 am]: I have a petition with six signatures, couched in the following terms —

To the Honourable Speaker and Members of the Legislative Assembly of the Parliament of Western Australia assembled: We, the undersigned, oppose the resurrected proposal to establish a landfill operation at Lot 12 Chittering Road Bullsbrook. The proposed development is disingenuously called a “rehabilitation” project, when in fact the bush located in the area has regenerated over more than two decades. We are concerned that the 80 daily truck movements, the associated dust, noise and landfill operations will:

- affect road safety on the Chittering Road tourist route, particularly outside our local school and playgroup;
- negatively affect the amenity of homes located near the tip, on Hoad Street, within the buffer zone of the proposed landfill operation, along the truck route and through our town; and
- harm local bushland and threaten native fauna and waterways.

The community and local Government resoundingly demonstrated our opposition to the original landfill project and the State Administrative Tribunal rejected it outright. We again urge all levels of Government to reject this totally inappropriate resurrected proposal.

[See petition 42.]

### *Nonconforming Petition*

**Ms J.J. SHAW:** In consultation with the Clerk Assistant (Procedure), in addition to the conforming petition with six signatures that I have just tabled, I have an e-petition with some 507 signatures and counting and another hard copy petition that does not conform with the standing orders with another 735 signatures. That is 1 242 members of the Bullsbrook community and counting standing together. I thank the Bullsbrook Residents and Ratepayers Association for its ongoing fierce advocacy in support of our community on this issue.

## PAPERS TABLED

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

## MISUSE OF DRUGS AMENDMENT BILL 2023

### *Returned*

Bill returned from the Council without amendment.

## MICHAEL BEROS — SPORTWEST

### *Statement by Minister for Sport and Recreation*

**MR D.A. TEMPLEMAN (Mandurah — Minister for Sport and Recreation)** [9.04 am]: As Minister for Sport and Recreation, I would like to take a moment to advise the house that Michael Beros is stepping down as chair of the SportWest board after 12 years of superb advocacy for Western Australia’s sporting community. Michael was first elected to the board in 2011, became chair in 2013 and has been re-elected as chair by SportWest members throughout his tenure, demonstrating the enormous level of trust and deep respect members have for his work. Michael’s strategic leadership, his passion for sport and understanding of the positive impact it has on communities has guided the board through pivotal times, including the COVID-19 pandemic. He has been the strongest advocate for community sport and for how growing sport at the grassroots level plays such a defining role and benefits our wider community. I recall the SportWest Awards earlier this year, at which Michael in his welcome address described sport as the gel that unites us and brings the power of community to life. On other occasions he has told me that sport is the heartbeat of a community, showing Michael’s intimate understanding of sport and the role it plays in shaping the DNA of Western Australians.

Over Michael’s 12 years on the board of SportWest, he sat in hundreds of meetings and attended hundreds more sporting events and functions. He has been to dozens of meetings with government representatives and SportWest members, working collaboratively across politics with five sport and recreation ministers. Michael has spent

many thousands of hours dedicating himself to Western Australian sport on a voluntary basis. He may be a tragic Carlton Football Club supporter—we forgive him for that—but Michael Beros truly embodies what volunteering in Western Australia is all about.

I know that Michael is particularly proud to have overseen the transformation of SportWest from the Western Australian Sports Federation, as it was previously known. SportWest has become a true peak body for sport in our state that promotes, strengthens and advocates for the sporting community of Western Australia. After 12 years at the helm, Michael Beros leaves SportWest in a very strong position. I would like to truly thank Michael sincerely for the incredible contribution he has made to sport in Western Australia. I know he is keen to stay connected to sport through good governance, and I have no doubt that he will continue to give to the industry into the future. Michael, thank you so much. You are a great bloke and I wish you well in your future endeavours. Thank you sincerely for your wonderful contribution to sport and to Western Australia. Well done, mate.

### **KING'S BIRTHDAY HONOURS LIST**

*Statement by Minister for Culture and the Arts*

**MR D.A. TEMPLEMAN (Mandurah — Minister for Culture and the Arts)** [9.07 am]: As the minister responsible for the culture and the arts, sport and recreation, international education, and heritage portfolios, I am pleased to advise this house of the remarkable Western Australians who have been recognised in this year's King's Birthday honours list.

In the field of international education there is Abdullah Khan, OAM, for service to education and the multicultural community of Western Australia. In the fields of heritage and culture and the arts there is Irene Stainton, AO, for distinguished service to our First Nations community through cultural heritage leadership, including a remarkable 25 years as chair of the Western Australian Museum's Aboriginal Advisory Committee.

In the field of Culture and the Arts there is Tim Winton, AO, for distinguished service to literature as one of Western Australia's foremost and much-loved authors and novelists, and for service to conservation and environmental advocacy; Merle Carter, AM, chair of the Kimberley Aboriginal Law and Culture Centre for service to the Indigenous community of Western Australia; Ben Elton, AM, for significant service to the entertainment industry as a comedian, actor, writer and director; Emma Matthews, AM, for significant service to the performing arts, particularly in opera; Leon Pericles, AM, for significant service to the visual arts; Ronald Thomas, AM, for significant service to the performing arts, particularly through music; Caroline Wood, AM, for significant service as a publisher to literature and the community.

Mark Chambers, OAM, was awarded for his service to public administration. Mark works at the Department of Local Government, Sport and Cultural Industries as a genealogist and archivist supporting Aboriginal people to reconnect with family, culture and community. Bill Leonard, OAM, was awarded for sharing history through his work as a master shipwright at the WA Museum, building replicas of James Cook's HMS *Endeavour* and the Dutch vessel *Duyfken*. David De Vos, OAM, was awarded for his career as a broadcast journalist, presenter, producer and executive producer with the ABC. Kathleen McGurk, OAM, was awarded for her service to visual arts through administrative roles.

In the field of sport and recreation there is Dr George Galvin, RFD AM, for significant service to military history, sport governance and emergency medicine; Mary Day, OAM, for her dedicated service to polocrosse; Toby Morrell, OAM, for his outstanding contribution to Western Australia blind cricket and his commitment to supporting the game at a grassroots level; Edwin Taylor, OAM, for his service to motorsports; Margaret McIlroy, OAM, for her service to the Kingsley community through sport; Jill McIntosh, OAM, for her service to netball; and David Etherton received a Public Service Medal for outstanding public service coordinating support for the sporting sector during the COVID-19 pandemic.

Sincere congratulations to all these deserving Western Australians.

### **MINERALS RESOURCES INSTITUTE — WESTERN AUSTRALIAN GREEN STEEL OPPORTUNITY REPORT**

*Statement by Minister for Mines and Petroleum*

**MR W.J. JOHNSTON (Cannington — Minister for Mines and Petroleum)** [9.10 am]: I inform the house of an important report released by the Minerals Resources Institute of Western Australia titled *Western Australian green steel opportunity report*, which delivers on a 2021 election commitment to assess viable pathways to reduce emissions from the steelmaking process. The iron ore industry is the state's largest and most important industry, providing direct and indirect economic and social contributions that are greater than any other industry to the state. More than seven per cent of global carbon emissions are related to the steel industry; therefore, steelmakers are focused on the development of green steel technology and accessing better quality iron ore feedstock to reduce emissions from the steelmaking process. Future low-emission steelmaking will demand a mixture of the different iron ore types and grades that we have here in Western Australia. Alongside our variety of renewable energy solutions, we are well positioned to supply new iron feedstock products into the market in addition to our existing exports.

A scenario explored in the report was the development of a small-scale, 4.8 million tonnes per annum, vertically integrated magnetite hot briquetted iron plant in the Pilbara. A facility of this type is estimated to generate taxation benefits in the order of \$31.7 billion to Australians during construction and operations through to 2050, or \$1.1 billion per annum. The 4.8 million tonnes per annum plant would increase employment in the Western Australian iron ore sector by 1 700 full-time employees.

Western Australia accounts for 38 per cent of the global supply of seaborne iron ore and is the leading Australian state in iron ore production—934 million tonnes in 2022, according to the Australian government’s Office of the Chief Economist. Comparatively, South Australia produced 5.7 million tonnes and Tasmania, 2.6 million tonnes of iron ore, respectively. Brazil, our major competitor, accounted for only 17 per cent of global supply. Western Australia accounts for over half of all mining industry workers in Australia, with 79 265 directly employed in the state’s iron ore sector. For this reason, we must understand the future market dynamics of the steel industry to ensure forward planning and how to ensure the longevity of the iron ore industry in Western Australia.

There is expected to be a robust demand for steel and subsequently iron ore well into the middle of the century. This report is timely to help us understand the low-emission green steel value chain, starting with the iron ores here in Western Australia, which will help us respond to the changing steel markets. The report is in line with a number of state government initiatives, such as Diversify WA, Western Australian climate policy, the energy transformation strategy and the sectoral emissions reduction strategy.

### AUSTRALIND JETTY — REFURBISHMENT

*Statement by Minister for Water*

**MS S.F. McGURK (Fremantle — Minister for Water)** [9.13 am]: I rise to inform the house that on Tuesday, 20 June 2023, I announced an important update to the Australind jetty refurbishment project and how old timber from the jetty will be repurposed. The Australind jetty is an important recreational attraction in our south west region and holds significant importance to the local community. The jetty, formally known as Laporte’s boardwalk or jetty, was established as part of a titanium dioxide plant in Australind in the 1960s. Since the closure of the titanium dioxide plant, the jetty has become popular for walking and fishing and is a local tourist attraction in the Leschenault estuary.

Due to the gradual deterioration of the jetty, the Shire of Harvey and the Department of Water and Environmental Regulation made the difficult decision to close the jetty to the public in late January 2021 for safety reasons. The issue was raised by the community, and following advocacy by the member for Collie–Preston, Jodie Hanns, the state government allocated \$3 million in funding in late 2021 to rebuild the iconic Australind jetty. As a result, works commenced earlier this year.

I am pleased to advise that stage 1 of the works is complete, with boardwalk kerbing and handrails installed. It is particularly good to see that the old jetty timber that was collected during stage 1 works will live on. It has been gifted to Eaton Primary School, Leschenault Men’s Shed, Brunswick Men’s Shed and the Shire of Harvey for community re-use projects. I understand that Eaton Primary School will use the timber for vegetable gardens in an area that is made from 100 per cent recycled and repurposed material.

It is anticipated that stage 2 works will be completed by December this year, so the jetty can once again be a valued recreational asset for the local community. I look forward to visiting the jetty when it reopens and seeing the community enjoying it once again.

### JOBS AND SKILLS CENTRES — INDIGENOUS EMPLOYMENT

*Statement by Minister for Training*

**MS S.F. McGURK (Fremantle — Minister for Training)** [9.15 am]: This government is focused on opportunities to increase training and employment of under-represented groups and to build a sustainable local workforce. Our jobs and skills centres are a centrepiece of that focus. In April this year, when opening the new jobs and skills centre in my electorate of Fremantle, I was pleased to announce a further \$8.14 million investment to enhance specialist services for Aboriginal and Torres Strait Islander people. With the opening of the new jobs and skills centre in Fremantle, there are now 19 jobs and skills centres located across the state, providing a free, one-stop shop service for local jobseekers wanting support to connect with training and jobs.

Around 30 Aboriginal employment and engagement officers are employed across the jobs and skills centre network delivering culturally appropriate services. This contrasts with what was in place prior to coming into government, which included only five Aboriginal workforce development centres—four regional and one metropolitan. There are now 19 centres across the state employing Aboriginal people to deliver Aboriginal support services, and we have expanded Aboriginal workforce development services into places like Kununurra, Midland, Armadale and South Hedland. There is even Aboriginal artwork in the centres to make them more culturally appropriate and welcoming for Aboriginal people.

Jobs and skills centres bring together a range of existing employment services, including Aboriginal workforce development services that have previously operated in silos, and it is working. Aboriginal student enrolment

numbers are currently up eight per cent compared with the same time last year across publicly-funded training in Western Australia. Last year, Aboriginal apprenticeship and traineeship commencements were up 40 per cent on pre-pandemic levels. That is the equivalent of 2 200 commencements. Our enhanced jobs and skills centre services and free or low-fee training is providing all Western Australians with quality training for local jobs. This is something we should be proud of.

### **HOUSING — BOND ASSISTANCE LOAN SCHEME**

*Statement by Minister for Housing*

**MR J.N. CAREY (Perth — Minister for Housing)** [9.17 am]: I rise to update the house of the important changes to the state government's bond assistance loan scheme, aimed at increasing support for individuals and families seeking to rent privately in Western Australia. The bond assistance loan scheme is the state government's program that directly supports low and moderate-income households in securing private-market rental housing. It has assisted thousands of Western Australians in accessing private rentals, alleviating pressure on social housing.

I am pleased to announce that as part of our ongoing reforms in housing policy, the new weekly income limits have increased by between 30 per cent and just under 50 per cent for all household types, and the new maximum bond loan amounts have increased by up to nearly 70 per cent, depending on household type and location. Those changes will provide much-needed relief to low and moderate-income households by increasing income and asset limits, as well as maximum bond loan amounts. There has been a 100 per cent increase in the asset limits for all household types—singles, single people with dependants and couples with or without dependants. Eligible applicants can borrow up to the equivalent of four weeks' rent for security bonds and up to two weeks' rent in advance. It is paid directly by the Department of Communities to the landlord or, when the tenant has paid the bond and/or rent in advance already, can be reimbursed by communities to the tenant. To determine eligibility, individuals can undertake a housing options assessment that can be collected and completed at any housing office.

I want to emphasise that we are committed to using every lever at our disposal to strengthen and accelerate the supply of social housing and boost accommodation options for vulnerable Western Australians. This program directly supports low and moderate-income households to secure private market rental housing by offsetting some of the up-front costs.

Through our record \$2.6 billion investment in social housing and homelessness measures, we have already made significant progress. Since July 2021, more than 1 300 social homes have been added, as we promised, and around 900 social housing properties are under contract or construction. We understand the difficulties faced by Western Australians, and we recognise the link between a tight rental market and increased demand for social housing. Our message is clear: we remain steadfast in our commitment to address the housing needs of our community and provide a safety net for those in need.

### **CHILD PROTECTION — STAFF ATTRACTION AND RETENTION PACKAGE**

*Statement by Minister for Child Protection*

**MS S.E. WINTON (Wanneroo — Minister for Child Protection)** [9.20 am]: Since I became the Minister for Child Protection six months ago, one of the best things about the role has been meeting child protection workers throughout WA, including in our regions. What they do is difficult and extraordinary. The most vulnerable children in our community need them, the children's families and carers need them and they step up to work tirelessly to keep those children safe and supported. Like many workplaces and industries, WA's child protection workforce is not immune from the impact of the tight labour markets and the competing demands for those qualified or experienced to be child protection workers. I know members understand that not surprisingly, and for a range of factors, those impacts are often most felt in the regions.

That is why I am so pleased to inform the house that the Cook government will invest \$3.7 million in a temporary staff attraction and retention package to boost critical child protection workforce numbers across five regions. This package further builds on a range of strategies that the state government has already implemented to boost our child protection workforce, particularly in our regions. From 1 July 2023 to 30 June 2024, these incentives will be available to existing and new employees in critical positions in our child protection workforce in the Kimberley, Pilbara, midwest–Gascoyne, goldfields–Esperance and wheatbelt regions. Eligible staff will be able to access payments of up to \$13 000 in the Kimberley and Pilbara regions; up to \$10 000 in midwest–Gascoyne region; and up to \$6 000 across the goldfields–Esperance and wheatbelt regions. The payments will be in addition to existing allowances. These incentives will provide increased support for our existing child protection workforce by helping to attract and retaining workers in these regional communities.

Attracting new people into child protection roles can be the start of a rewarding career in the public service, supporting and responding to the needs of children and young people in communities across Western Australia. Our child protection workforce fulfils such an important role in the lives of vulnerable children. The Cook government values what they contribute to our community, which is why it is important we support them as best as we can. I look forward to these incentives supporting the great work done by our child protection workforce in regional WA.

**HOUSING — MORTLOCK GARDENS — NORTHAM***Grievance*

**MS M.J. DAVIES (Central Wheatbelt)** [9.23 am]: I rise to grieve about an issue in my electorate regarding a proposal by the Avon Community Development Foundation, and I thank the Minister for Housing taking the grievance. The project is to deliver additional housing into the Northam market, and the ACDF is facing some challenges in achieving this outcome. I note I raised this with the minister via correspondence, so it is something he will be aware of, and I received a response, which arrived in my office on 14 June. Before I go further, I note this project was pushed, shoved, cajoled and coaxed by the late Paul Tomlinson, someone who I held in very high regard and who always had the best interests of Northam and the Avon Valley at heart. He was the CEO of the ACDF and very passionate about opening up this project and a number of others in our community. If we can reach a positive outcome for this, I know he will look down with great satisfaction.

For context, the ACDF has existed since 1989 and it is responsible for delivering a number of significant projects for the benefit of the town and the region. It is a community-based, not-for-profit organisation with an experienced board and it seeks opportunities to enhance and develop the district through investment of its own sources of funding, partnering with federal, state and local governments.

Mortlock Gardens is one of these projects. It was commenced in 2014 and opened in 2016, and the accommodation units have almost been at 100 per cent occupancy ever since. The project was delivered with funding through royalties for regions and land that was contributed by the ACDF to create 18 residential units to support businesses and attract and retain residential employees, rather than the drive-in, drive-out that we see so often in the Avon Valley. The ACDF would now like to develop the second stage of Mortlock Gardens and has been in discussions with the Department of Communities about how best to progress this for some time. It would like to leverage its equity in the precinct to build stage 2 on land it already owns adjacent to stage 1. However, there is a caveat, which was due to expire in 2021, over stage 1 that is proving to be an impediment to securing finance for the development of stage 2. The proposal is to add some 20 units, the first four of which could be delivered within the next 12 months if the pin is pulled on this caveat. As someone who was involved in progressing and supporting the initial project, I can advise that it was never the intent of the Department of Regional Development, which was the key funding body, for there to be a caveat over the development in perpetuity.

ACDF has met with the Department of Communities. It first made contact, rightly so, in advance of when the caveat was supposed to expire on stage 1 of the project, but unfortunately there has been little movement, despite meetings that have also included the development commission, the shire president and the department. I understand that members of the Labor government have also been briefed on this issue in the hope that they could advocate and resolve the issue. ACDF has already invested in some preliminary design works and costings, but it is reluctant to progress any further until it has clarity over the caveat of the title.

Further to one of these meetings, a letter, dated 8 December 2022, was sent to the director of the ACDF outlining that the Department of Communities required ACDF to present a case to its asset planning and prioritisation committee, which is what is referred to as “the committee”, and the committee requested evidence for this project—barriers to lending, using lot 500, which is stage 1, as security, demand and governance—in order to progress the issue. That evidence has been provided and it is quite simply a fact that the financiers that the ACDF has approached are unwilling to provide additional funding without the caveat being removed. The solution the minister has put forward, which is that the caveat could be temporarily raised to allow the finance to be raised, does not hold water and unfortunately we are still at a stalemate.

With the greatest of respect, the ACDF has an exemplary record of delivering projects for the community, and the original agreement was for the caveat to expire in 2021, as I understand it, and for some reason this has not been honoured. I ask that the minister consider removing that caveat and allowing this community-run not-for-profit organisation to progress with delivering much-needed accommodation in Northam. I know the minister is well versed in the challenges in the provision of housing facing our communities, so it is frustrating that the ACDF is offering a solution to add to the government program of works and is being faced with some bureaucratic hurdles. Should there be a requirement that the housing remain available for workers’ accommodation, as was originally intended and is continuing to be honoured, perhaps a deed or an alternative to the caveat on the title could be considered. There has to be solutions to get around this, to unlock private finance, not government finance, to allow this project to continue.

Unfortunately, the response I received from the minister on 14 June does not assist ACDF in delivering on its project, and it is highly unlikely that it will secure finance if it has to disclose that there is an unnecessary caveat on the land now or in the future. I simply ask for the minister to take a second look at this issue. I invite him to come to Northam. If he has not visited the precinct, I would love to show him through and invite him to meet with the directors. They are all local community members with significant experience in delivering on complex projects. I am not sure that this needs to be quite this complex. There is a housing shortage across Western Australia. ACDF has capacity to source or at least partner with the government to deliver stage 2, and in the very short term, the

capacity to deliver at least four units over the next 12 months. It is becoming very frustrated that there does not seem to be a pathway forward for it to unlock this opportunity for our community to ensure that the people for whom we know our businesses and government departments require housing can have access to modern accommodation. It is very well managed. The funding is circular. When it goes to the Avon Community Development Foundation, it gets reinjected back into the community. It has a long history of doing that. I appreciate the minister has looked at this and I ask him to have another look. If he would like to come and get more information from the directors and the board, I know that they would be very keen to take him on that journey.

**MR J.N. CAREY (Perth — Minister for Housing)** [9.30 am]: I thank the member for her grievance. I acknowledge on the public record that she has reached out to me. When she previously reached out, I sought information. When I first became a minister, I called every member of Parliament, regardless of their political allegiance, and said that I would try to assist, and we do on a range of issues. My commitment is that I am happy to look at this issue again. First, I will say broadly, we are using every tool in the toolkit to get land and housing in the regions. I think we all agree that the new infrastructure fund that we have announced, which includes a \$40 million component for regional workers' accommodation, is well received. My understanding is that there have been around five applications from local governments already. That is about boosting regional workers' accommodation. The regional land booster program is a \$166 billion program that has a huge number of lots across regional Western Australia. We work with individual local governments and my door is always open. For example, we worked with the City of Karratha on workers' accommodation and discounting land. I sincerely say that my office and I try to navigate these huge bureaucracies. I get advice, but I must treat that advice seriously.

Was the member previously the Minister for Lands? I cannot remember.

**Ms M.J. Davies:** No.

**Mr J.N. CAREY:** Okay, no.

**Ms M.J. Davies:** I was previously a parliamentary secretary, but I wasn't for that particular part of the Premier's portfolio.

**Mr J.N. CAREY:** I could not remember. My apologies.

The use of caveats is quite common. As the Minister for Lands, I use caveats on a range of different projects, and the reason is simple: to protect the state's interests, but also to ensure that outcomes are achieved. I have no qualms with the Avon Community Development Foundation. Everything that the members says, I respectfully believe. There is nothing for me to suggest that this is not a respectable organisation. I am happy to meet directly with the member further on the issue. I do not know whether the member is aware, but a letter was sent on 8 December 2022 with three options canvassed. The letter states —

1. Dissolve Communities' interest, remove caveat permanently.
2. Temporarily remove the caveat and replace behind a mortgage on Lot 500 to facilitate the establishment of Mortlock 2
3. Establish a fixed term agreement for the extension of the caveat after which it is removed, and Communities has no further interest ...

The advice from the agency to me is that letter was sent in December. I asked for further information about the evidence regarding the project and the barriers to lending from the financier. My understanding is that that detail has not been provided. Accordingly, my understanding is that the temporary removal of the caveat has been presented as the option. I want as much workers' accommodation across all of regional Western Australia as possible. Perhaps the member knows different from her communications and engagement, but as a minister, I take advice and I push back, question and scrutinise it. I do that in social housing all the time and create new programs. The clear advice to me is that the agency is still waiting for definitive advice or proof that the financier will not accept the temporary lifting of the caveat as a scenario. I strongly urge them to continue engaging with the agency. I understand the clear need. I am happy to meet with the member separately to see if the advice that I am receiving matches up with hers. I understand the need for workers' accommodation, and my commitment is to meet with the member directly.

## **JOONDALUP DRIVER AND VEHICLE SERVICES CENTRE**

### *Grievance*

**MS E.L. HAMILTON (Joondalup)** [9.35 am]: I rise today to bring to the Minister for Transport's attention some concerns raised by members of my community regarding the closure of the Joondalup Driver and Vehicle Services Centre, commonly known as the Joondalup licensing centre.

The Joondalup licensing centre closed on 19 May this year. It was a place where people could acquire their learners permit, schedule practical driving assessments, renew their drivers' licences and pay car registration fees. All these services were vital to ensuring people developed the skills necessary for driving safely and legally. The licensing centre was located in the Joondalup city centre, within walking distance from our train station for those attending via public transport. Overall, the centre was a well-utilised facility.

I understand that our government made the decision to relocate the licensing centre to Butler, and that this centre opened one month ago. I would like to ask the minister whether consideration be given to reopening the Joondalup licensing centre.

Although I am sure the centre in Butler is welcomed by the community living north of Joondalup and it is wonderfully increasing the services available to residents living in the northern corridor, locals in and around Joondalup now need to travel to Mirrabooka or Butler to access these services. My office has received a number of calls and emails detailing what the Joondalup centre closure means for them, for their children trying to access a driving test or for their driving instruction businesses. A few locals and businesses wrote in, concerned to hear about the Joondalup centre closure, as it impacts on what should be the second central business district of Perth. Some businesses were concerned that with the closure of the Joondalup centre, there would be a decline in the number of people interacting with the location and the small businesses in the area. In a 12-month period, over 10 000 practical driving assessments were booked at Joondalup and one would expect that this had a significant flow-on effect to the number of visitors to our city centre.

I spoke with local mum Janette Marshall, who had been attempting to book a practical driving assessment for her teenage daughter over a period of three months. Her family were pleased to hear that a new licensing centre had opened in Butler. However, they were disappointed to find out that, when subsequently trying to book a test, the Joondalup location was no longer available. For Janette's family, the opening of the Butler licensing centre has not alleviated current availability pressures, because anyone who would have used the Joondalup centre is being redirected to Butler instead. Janette would like to see practical driving assessments available locally.

Other families will be impacted by the restricted availability of services resulting from the loss of the Joondalup centre. Local dad Fred Gilling recently found that the earliest booking he could make for his son was in Newman. As his children reach adulthood, Fred sees the impact that being able to drive has on a young person's independence and ability to work, as well as on other members of the family who no longer have to drive them. Speaking to Fred yesterday, I learnt that the soonest available appointment for his son to undertake a PDA is in Rockingham. Fred has spent the past few weekends driving the 70 or so kilometres—a two-hour round trip—so that his son can become familiar with the area.

Maria Byrne is a local resident and mother of five sons in their 20s, and has seen them struggle to secure and pass a driving test. Knowing how long it has taken her sons to get their licences, she is concerned that young people without a drivers' licence may be deprived of vital employment opportunities because they are unable to get to a workplace easily, or because driving is a requirement of the job. I am sure both the Gilling and Byrne families would appreciate having access to more driving assessments locally.

Sharon Brooke owns Ad Astra Driving School and has explained to me that the additional time to access Butler will mean that her business may no longer be viable. The additional travel time means that for a local student, an additional half an hour needs to be added to the lesson time in order to reach the Butler location for the lesson. Sharon is concerned that this is an additional cost for families and also indicated that for the businesses like hers, there are additional costs for petrol and wear and tear on the vehicle with the increased distance to travel.

Connolly couple, Bernadette and Andrew Russon have operated their enterprise Local Driving School as self-employed driving instructors for 18 years. They worked with the Joondalup Driver and Vehicle Services Centre and wanted it to be on record how disappointed they are to see this facility closing. They have seen firsthand the need for another licensing centre in the northern corridor due to population growth. Although they welcome the Butler centre, the Russons believe that closing the Joondalup centre will take away a facility that is a valuable asset to our Joondalup city centre. The Russons plead to keep the Joondalup centre open for practical driving assessments and administration.

I have personally experienced a child going through the assessment and licensing process. My daughter had her learner's permit and required several attempts at passing her driving test about 12 months ago. Services have been provided out of the Joondalup licensing centre since April 2002. After 21 years, it is a part of the Joondalup community and I am hearing that locals really want it to stay. I understand that the Cook Labor government is taking several welcomed steps to address accessibility for people to complete a PDA. I would like to ask whether it is possible for the decision to close the Joondalup licensing centre to be reconsidered so that our northern suburbs community can continue to access all the services provided at this location. Joondalup continues to see significant investment by the state government, with state government offices relocating to and being built in our city centre. I ask whether the Joondalup licensing centre can be reopened. I would like to thank the minister for taking this grievance this morning.

**MS R. SAFFIOTI (West Swan — Minister for Transport)** [9.41 am]: I thank the member for Joondalup for the grievance. I want to state from the outset that we are trying to address many of the issues that the member raised, particularly the accessibility of driving assessments. We have made some changes to the booking system and are employing more assessors to try to make it fairer to get driving test appointments for families across the state. This is an area that my good friend the Minister assisting the Minister for Transport will also be working on. Over the coming months, he will take the lead to find out how we can continue to reform the system.



We have been looking at the availability of driving tests—that is, the supply and demand. We saw some unusual activity online. People had the ability to program bots to sweep the tests. We are working to try to prevent that from happening. Availability has been freed up, but we need to do more. Of course, the other issue is the accessibility of driving tests throughout the state. The Joondalup Driver and Vehicle Services Centre was seen as not big enough to cater to the enormous growth in the northern suburbs. As a result, a decision was made to close the Joondalup centre and move it to Butler.

However, I appreciate the feedback the member has had from her community and her acknowledgement of the Joondalup city centre being vital to the northern suburbs. We want to see the centre continue to flourish and businesses in that area to continue to grow. I understand the negative feedback the member has received in her community. She raised this with me and I will commit to relooking at the closure and seeing what can be done regarding the Joondalup licensing centre. There are options. For example, it could be looked at as a driving centre that very much focuses on practical driving assessments as we have seen in the south west corridor, which has one centre solely delivering driving tests. That may be something we will consider. I have asked my department to immediately investigate whether we can reopen centre to help with local driving assessments.

As I said, we are continually looking at all the reforms to improve the number of assessors we have. Of course, another key issue is further strengthening the information technology system to protect it from having appointments swiped early in the morning, which leaves them unavailable for people wanting to get one. Again, we are going to further strengthen that system. We are also going to introduce further security to access the PDA booking system. We will have a new two-factor authentication process in order to access those assessments. People will also need to have a DoTDirect account. All that is aimed to try to remove the bots on the system that continue to sweep up appointments. These are the new technology changes that we will be introducing to make sure that we can make the system fairer. I will take the member's point and concerns about the Joondalup licensing centre that she raised with me on board. I have asked my agency to see whether we can reopen that centre for the member's local community.

### COLLIE–BUNBURY BUS SERVICE

#### *Grievance*

**MS J.L. HANNS (Collie–Preston — Parliamentary Secretary)** [9.55 am]: My grievance this morning is to the very busy Minister for Transport. I would like to thank the minister for taking my grievance today and for her support for public transport for all Western Australians, including those in the regions.

My grievance relates to the Transwa Collie–Bunbury bus service. As the minister knows, Collie is a large country town located approximately 54 kilometres from the regional centre of Bunbury and 190 kilometres to Perth. Many of the residents of Collie rely on access to transport to both Perth and Bunbury for a range of reasons. Some residents travel to Bunbury or Perth for medical appointments, some travel to access a range of courses at the Bunbury campus of South Regional TAFE and Edith Cowan University and others to access services at a range of government departments in Bunbury, such as Centrelink and Medicare. A number of adults with disabilities travel to Activ Foundation industries in Bunbury to access their employment.

A number of people also travel to access south west support services in Bunbury, such as South West Women's Health and Information Centre, Waratah Support Centre (South West Region) Inc, Child and Adolescent Mental Health Services and a range of other services. Although they are located in Bunbury, they service the wider south west region, including my electorate. People also travel to and from Collie to access the new tourism initiatives that the state government has introduced, including the Wellington Dam wall mural and the \$10 million Collie Adventure Trails program, which in recent years has resulted in a doubling of tourism numbers to the town.

The small hamlet of Burekup, also in my electorate, has been asking for access to public transport for many years. In January 2022, South West Coach Lines, which ran the transport for the community, removed its Collie–Bunbury bus service. This was an incredibly disappointing move as those services provided the daily transport option for the reasons I previously outlined. This was a decision made by South West Coach Lines based on commercial reasons.

The company sent a letter to its stakeholders on 14 December 2021. According to my notes, it stated —

Dear Valued Stakeholder,

Following an extensive review of both the Collie and Manjimup commercial bus services, we wish to inform you of our decision to withdraw the services as of 1 February 2022. A recent feasibility study in to COVID-19 has revealed a severe drop in patronage to such an extent that the business model is now unsustainable.

Given the importance of the service to many in town, it was very distressing to see the significant impact this decision had on people in my electorate. Even more disappointing was the short notice provided by the company to stakeholders, including the state government. This decision gave my community five weeks' notice, and I note that that was over the Christmas period.

In response to this, I worked with my community and the minister to explore options for reinstating this service. I ran a petition to have the government trial a public transport service between Collie and Bunbury. Residents of Burekup also asked to be included in this transport service.

I would like to thank the minister for listening to the concerns of my community and committing to a trial of a bus service in response. I understand that Transwa has recently conducted a review of this service that indicated a low number of people using the service. As a result, I committed to working with my community to provide feedback to Transwa and the minister to try to increase patronage on this very important service. The feedback I collected from my community indicates a desire for some changes to the bus route to better service their needs. In particular, residents asked for the bus to travel into the city centre of Bunbury rather than passengers disembarking a kilometre or so outside the city centre at the Bunbury terminal and then switching buses. There was also support for additional stops to be added to the current route, such as at Activ Industries, so that members of my community can directly access this very important disability employment service.

My community desperately wants this bus trial to continue, but they understand that the community needs to show usage for the service for it to continue and to be supported. Again, I thank the minister and her agency Transwa for working with my community in providing the initial trial for the bus. I ask for her support in continuing to offer this important service. Can the minister please outline what changes may be possible to the bus service to encourage better patronage, and can the minister also advise whether the bus trial will continue, giving my community the chance to demonstrate the ongoing need for this service for residents of Collie and Burekup?

**MS R. SAFFIOTI (West Swan — Minister for Transport)** [9.51 am]: I thank the member for her grievance and acknowledge her strong advocacy for her community. The member has highlighted some of the history of this service and the fact that when the private sector service ceased, it took us by surprise and had an impact on her local community. In October last year, I announced that Transwa would conduct a 12-month trial of a daily service between Collie and Bunbury to replace a service that had been provided by South West Coach Lines. It was important that we stepped in to trial the service, particularly given the short notice; however, we continue to review the service to ensure it is well supported and that it is worthwhile. Over the past few months, Transwa has been reviewing the service. Patronage has been consistent, but it has been relatively low given the size of the coach, which is a 56-seater. Following the review by Transwa and the feedback from the local member based on her survey, we are making some changes to the service to better service the needs of the Collie community. The 56-seat coach will be replaced with a fully accessible coaster with a capacity of 13 seats plus two wheelchairs, and two additional stops will be added to the route, based on feedback. The route will now stop at the Bunbury central station, so that those travelling into Bunbury will not have to catch a connecting service into the town centre. It will also stop at Activ Industries. I understand that a number of the member's constituents work at Activ and have indicated that they would use the service to travel to and from work. I am very happy that we have been able to facilitate that stop in particular. It will make it much easier for those working at Activ Industries in the future. Of course, we will also make sure that the road coaster is fully wheelchair accessible.

Transwa will increase advertising and promotion of the service, including through social media advertising, placing posters and timetables at local businesses in Collie, and advertising in local newspapers. Staff and Transwa will also hold a pop-up stand in Collie to assist residents explore the travel options available to them through Transwa and connecting services into Bunbury. I will work with the member for Collie–Preston to arrange these pop-up events. These changes will come into effect on 10 July. We hope these changes will better service the needs of the member's community. I am very pleased and grateful about the proactive approach the member has taken on this issue in helping us to develop a service that will cater for more needs and more people in her area. I am happy to advise that we are extending the trial period through to January 2024, to ensure that more people become aware of the changes. We hope to increase the patronage numbers to ensure that the bus service can continue.

I thank the member very much for her work on this issue. As I said, she is a proactive member who has been working with my team through Transwa to develop some options that we believe will improve the service and see more people catching this service to ensure it can continue to work and run for a longer term.

## HEALTH SERVICES — NORTH WEST CENTRAL ELECTORATE

### *Grievance*

**MS M. BEARD (North West Central)** [9.54 am]: Today, I grieve to the Minister for Health and I thank her for taking my grievance. I am seeking answers to the number one question that I am asked across the electorate of North West Central. I know the minister is very aware of this situation and the difficulty we have in the north west. The question that people ask me is that at a time of billion-dollar surpluses built on the back of regional WA, why do our communities continue to be plagued by difficult access to health services? This issue not only negatively impacts patients and their families, but also has flow-on effects to population retention and attraction, tourism, and the broader positive regional development of our region. Carnarvon hospital is the major health facility for at least 500 kilometres. It services the broader Gascoyne region with limited specialist services available, including the lack of maternity services, which the minister is well aware of. After 12 months, people have been asking me whether the Minister for Health is able to provide us with some kind of time line of when the scaled-back services may be reintroduced, which would provide some direction for them.

Yesterday, the minister said that she is very aware that it is a temporary measure. It is 900 kilometres to Perth and nearly 500 kilometres to Geraldton each way, and often the travel, the costs and the logistics involved are enormous, particularly for elderly patients without family support, and is something that is probably not experienced in any

capacity in the metropolitan areas. Being remote and away from extended family, friends and support networks, I think we deserve some additional support to ease the difficulty when people are unwell, especially when they are critical, given it is not possible to make the health services available locally, which people appreciate.

On top of the lack of maternity services, earlier this week I was contacted by concerned mothers about the provision of child and family health nurse services in Carnarvon. Feedback on the ground suggests that in recent times these services have either been scaled back, postponed or are not able to be provided, with some of the mothers unable to access immunisation for their babies, which they find distressing and concerning. When my children were small, I was very fortunate to have the services of two amazing nurses in particular, Beth Hudson and Erica Preston, who are incredibly dedicated health professionals. They still play a critical role within that health service for new families. Feedback clearly shows that we need to find a way to work together to bolster services, particularly for babies, children and young mothers.

I know that the minister implicitly understands that health services are a fundamental building block of any community and that getting it right is too important to be plagued by delays or incompetence. I ask the minister how we can work together to be creative in finding solutions to ensure that at least one full-time child and family health nurse is available to provide services at all times at Carnarvon Health Campus or an alternative venue. Families in Carnarvon and beyond have not been able to get immunisations, and we need to help them to find a solution. I am happy to work with the minister on that.

The current challenges and under-delivery of services trigger concern from the community about the patient assisted travel scheme, which is vital in the huge and remote electorate of North West Central. PATS is critical for regional residents, and not having access to it is simply not good enough in this climate. There are some steps that I ask the minister to consider to ensure that the program, which was improved under the Nationals in government at one point in time, will continue to be fit for purpose. By way of example, I raise the concerns of Glenn Haves, a Denham local who is supporting his wife, Judy, as she undergoes ongoing cancer treatment. Glenn raised with me some genuine concerns around access to taxis when travelling for treatment, the fuel subsidy offered and processing delays of reimbursements. Glenn and Judy have received taxi vouchers in the past, but it is at the discretion of the manager in Carnarvon and the processing time to receive these vouchers has meant that they have not been received ahead of treatment. Glenn asks that these vouchers be made mandatory, as they are essential for being able to access treatment in Perth after travelling more than 800 kilometres for regular ongoing treatment. He also points out that it should not be a case-by-case discretionary item, which is a fair point and one that I agree with.

Judy, who is currently in a block of six weeks of chemotherapy treatment, is not allowed to drive after treatment, so to expect her to use public transport or to rely on others so far away from home is not fair or realistic. Glenn is staying in Shark Bay and Judy is in Perth, as she has treatment once a week and the travel toll back and forth would be too much, but the separation does not make it easy.

On top of these challenges is the fact that the fuel cost subsidy for travel is woefully inadequate. If we do the maths we can see that 16¢ per kilometre, with fuel prices in Shark Bay at \$2.24 for diesel, will not get you far. With the ATO rate at 67¢ a kilometre, I ask: when was the last time the patient assisted travel scheme fuel subsidy was increased, and is there space to increase that subsidy for regional people? Before the minister mentions air travel, I am told that Judy is not actually able to travel by air in case she has adverse health impacts. The kicker is that it can take six to eight weeks to have these costs reimbursed, which is causing enormous distress for many pensioners and is impacting on a lot of other people as well. Lastly, following on from the example of Glenn and Judy, I ask whether we can look at a more generous and easily accessible taxi voucher system for patients who need to come to Perth and large regional centres.

In closing, I thank the minister for taking my grievance and I reiterate that I am very happy to work with her, because my community just wants outcomes. If we think outside the box, I know we can find alternative ways to find solutions to make it easier for patients, with more affordable transport options, better transfer services post-treatment, and on-the-ground support in the city for those who need to travel long distances—particularly vulnerable seniors who arrive in Perth on their own. I look forward to working with the minister to ensure that our community gets the focus of the government to address the issues that are unique to our regions, so we can dispel the view that health in our community is not the focus of the minister's team. I again thank the minister for taking my grievance today.

**MS A. SANDERSON (Morley — Minister for Health)** [10.01 am]: I thank the member for North West Central for her grievance, and I appreciate her advocacy on behalf of her community. I acknowledge that health care is one of the underpinning factors of the success of any community in attracting families and growing local economies and communities. That is why the government invests in regional health care. The member raised a few issues, and I will try to cover as many of them as I can.

With regard to child health family nurses in the Gascoyne region, there has not been a scale-back of the service; there are three FTE clinical community health nurses based in Carnarvon and 0.8 FTE based in Exmouth. Although the Exmouth component is filled, Carnarvon has only one FTE filled. It is not that the funding has been scaled back in any way; it is a recruitment issue, as we are seeing across the system. Multiple recruitment processes have been undertaken over the past three years to fill the remaining two positions. We have also attempted to secure

further agency nursing support. An urgent request was sent out to all WA Country Health Service community health nurses for support for Carnarvon via a short-term secondment. There has also been allocation of time by the on-site public health nurse to support the provision of immunisations, and support for new mothers from the midwifery group practice for their first six weeks post birth. Discussions have been held with the local medical practice and the Aboriginal Medical Service to upskill and support them to provide immunisations in primary care.

It is acknowledged that this is really important, particularly early immunisations, so WACHS is working creatively across services to ensure that people have access to those services while we fill those positions. I think the permanent position holder had to take some unplanned personal leave to deal with a family emergency, which means that there has not been a clinical community nurse presence. That is why the community feels it has been scaled back, but it has not; it is a recruitment issue. We are aware of that, and WACHS is working on it urgently. I acknowledge that that situation is undesirable and needs to be resolved.

It is anticipated that there will be a community nurse back on-site within three weeks. There will continue to be an Aboriginal community health worker on-site throughout this time, monitoring and supporting Aboriginal families in the community. WACHS continues to seek opportunities to cover the current service across the midwest. We are undertaking a structural review of the Carnarvon community health services so that we can identify where we can potentially modify the current model and improve our ability to recruit those positions by making them more desirable. That will involve the creation of a level 1 registered nurse who can be supported to undertake the required further training under the Grow Your Own model.

Maternity services continue to be a challenge. Ultimately, we are very committed to continuity of care, but that is challenging in small communities. There is a national shortage of midwives, and that continues to challenge regional communities. The midwifery group practice in Carnarvon commenced on 3 May 2021 and GP obstetrics are also available. One of the perverse outcomes of providing more choices is that there is less work for people to do when there is a finite number of births. The reality is that there are around 100 births per year in Carnarvon. I encourage people to have more babies in Carnarvon—more babies are welcome, because midwives need to have a minimum number of births to maintain their currency of practice. That is a registration issue rather than a recruitment issue, if you like. This is a very challenging issue that is right in the middle of a grey area. We are working creatively and we are doing a review of obstetrics and maternity services in country health. They are very supportive of looking at a sustainable model that will also provide continuity of care.

This issue is in the middle of a grey area where there are just not enough births to maintain the midwifery group practice and the GP obstetrician, so we are working through that. The normal birthing service is based on the model of retaining low-risk women in the community seeking a vaginal birth or a vaginal birth after a caesarean section. Those moderate to high-risk women travel to Geraldton or Perth, and that requires further support. It is not ideal, and I acknowledge that. I also acknowledge that it is very challenging, but we are certainly focused on it. I cannot give the member a date or a deadline, but we are working through it.

I am trying to be very open with the member here: this is a complex issue and it is not just about recruiting; it is about the registration requirements and having enough births. The question I have asked the service is: are there midwives who are willing to work across towns that will give them the practice they require to maintain their competencies?

The health service supports women to travel, with 100 per cent of travel and accommodation expenses paid above the PATS reimbursement. If there are situations in which that is not happening as smoothly as it should, I invite the member to please contact my office because we will be very happy to work with her office to make sure that those women are getting the reimbursements they need. We will continue to work with the member on reinstating that service.

There has been a significant increase in funding for PATS under this government. In opposition I was part of an inquiry led by the then government that made a range of recommendations for the former government to implement, but it was shelved. This government has increased the rebate and it is going up by the consumer price index, so it is more than \$100 per night.

The member made a valid point about the fact that it is taking six weeks to reimburse taxi vouchers. I am very happy to take that matter up with the WA Country Health Service to see whether it can improve on that; that seems an unnecessarily long time, but this is a complex area. I am very happy to continue working with the member on making things easier for her constituents.

**JOINT STANDING COMMITTEE ON THE  
COMMISSIONER FOR CHILDREN AND YOUNG PEOPLE**

*Sixth Report — Hungry for change: Addressing food insecurity  
for children and young people affected by poverty — Tabling*

**MRS R.M.J. CLARKE (Murray–Wellington)** [10.08 am]: I present for tabling the sixth report of the Joint Standing Committee on the Commissioner for Children and Young People titled *Hungry for change: Addressing food insecurity for children and young people affected by poverty*.

[See paper [2050](#).]

**Mrs R.M.J. CLARKE:** Over the past year, the committee has seen and heard some accounts of Western Australian children not having enough to eat. We heard from charity groups, teachers, health professionals, academics, canteen managers, parents and children themselves. It was eye-opening. We heard that several families are struggling, some because of recent increases in the cost of living, and others because of problems that recur over multiple generations. That is not likely to change soon. Some parents are going hungry as they try to make impossible choices between feeding their kids and paying for other necessities. Feelings of isolation, guilt and shame can prevent them from reaching out for help.

We set out to find ways to address food insecurity for children living in poverty, acknowledging that every child has a right to sufficient good food every day. As well as conducting hearings in Perth, committee members travelled to Albany and Katanning and remote communities in the Pilbara, Gascoyne and the goldfields. We visited Foodbank Australia's shop and warehouse; the Clontarf Foundation's North Albany Academy at North Albany Senior High School; Worklink WA, an organisation that works with disengaged youth to engage them in further schooling and training; the Salvation Army in Albany, which runs a significant food relief operation; the Child and Parent Centre co-located at Mount Lockyer Primary School, where the committee spoke with mothers about the challenges of providing nutritious food for children; and the Albany Youth Support Association's residential refuge for at-risk and homeless youth, along with its youth centre, where the committee met youth workers who run engagement programs for youth. We also met with staff from the WA Country Health Service, who were able to give us an insight into the situation across the great southern and other areas of the state. We visited the Albany Migrant Resource Centre, meeting a group of Karen youth who were refugee and humanitarian entrants to Australia, many of whom had been born in refugee camps in Thailand. While meeting with the Noongar leadership group in Katanning, we discussed priorities for Indigenous children in the town. At the Katanning Migrant Resource Centre, we were part of a Shire of Katanning roundtable with the CEO, councillors, community workers, including WA Country Health Service social workers, an Anglicare domestic violence advocacy support worker and the community resource centre manager. We learnt about the Deadly Sista Girlz program during our visit to Katanning Senior High School.

Two committee members—Hon Ayor Makur Chuot and Hon Neil Thompson—attended a community briefing and visited the Burringurrah Remote Community School. They also visited the Burringurrah community store, which is currently not in use, as well as the Puntukurnu Aboriginal Medical Service; the Jigalong outback store; the Jigalong Remote Community School; and representatives from the EON Foundation in Jigalong. We were part of a roundtable discussion with the Shire of East Pilbara president and councillors, along with community services and Martu support staff. We visited Kanyirminpa Jukurrpa, a Martu community organisation working to build strong communities; representatives from the Shire of Ngannjatjarraku, including community and youth workers; the Warburton campus of the Ngannjatjarra Lands School; Leonora District High School, where we learnt about the Food Ladder program; and the representatives of the local WA Country Health Service.

Witnesses made it very clear that the physical problems of undernutrition and malnutrition can turn into mental health problems and social problems. The ability of students to complete their education or to pursue training opportunities that could lead to employment is compromised, and they remain stuck in the cycle of poverty. It is time to find a way to break this cycle, but we need ongoing solutions, not just quick fixes.

We investigated how food relief and food literacy can assist children experiencing food insecurity. Children need to eat to learn, but they also need to learn to eat. Food relief does not always reach children in need, and its nutritional value is not guaranteed. But without access to good food, lessons on how to prepare good food seem irrelevant. One of the only ways for children to access good food and potentially to learn about it at the same time is through a school lunch program. We discovered that a surprising number of WA schools are already providing meals and snacks to students using school funds because they see it as a matter of necessity. As one principal told us, it is a “no-brainer”; hungry kids cannot learn effectively.

WA can build on these programs and extend school lunches in an equitable way to mitigate the impact of food insecurity on our next generation. We gathered ideas for how this could be done during a visit to Tasmania, where a school lunch program initiated by Canteen Tasmania is currently being piloted. We visited some schools in the low socio-economic suburbs of Hobart and saw how much the students appreciated a free hearty hot lunch. We met with School Food Matters, the organisation with responsibility for implementing the school lunch pilot in Tasmania, which is facilitated by Julie Dunbabin, the school lunch project manager. We visited New Norfolk High School, Rokeby Primary School and Gagebrook Primary School. Teachers and principals at those schools told us how that program was making a difference to attendance and how it had impacted positively on concentration and behaviour. It was extremely valuable to see the school lunch pilot program in action; it assisted us when making some of the recommendations set out in the report.

We also heard that Tasmania has implemented a child and youth wellbeing strategy, which is something we would like to see prioritised in WA. Tasmania has also created a dedicated department and Minister for Education, Children and Young People, making it clear where responsibility for child wellbeing lies. We also met with Hon Nic Street, the Minister for Community Services and Development; and Hon Roger Jaensch, the Minister for Education, Children and Youth. We met with ministerial staff, including Mellissa Gray, the deputy secretary of the Department of Premier and Cabinet; Courtney Hurworth, director of Community Policy and Engagement in the Department of

Premier and Cabinet; and Monique Reardon, a public health nutritionist in the Department of Health. We met up with the Commissioner for Children and Young People of Tasmania, Leanne McLean, and staff; representatives from Loaves and Fishes Tasmania; and Dr Kim Jose and Dr Kylie Smith, senior research fellows from the Menzies Institute of Medical Research at the University of Tasmania, to discuss the evaluation of the school lunch pilot.

Such an investment in our children and young people now will pay dividends in years to come. We received 494 submissions to this inquiry. Around 450 of those were from students who attend Catholic schools across WA, including in some of the most remote areas where the Catholic school is the only school.

In addition to our travels around the state, we reached out to members of the multicultural community via two forums held in Mirrabooka, which provided an essential insight into the experiences of newly arrived migrant and refugee families. We thank all those who contributed their insights and experiences, especially those children and young people who made themselves heard. Their voices are important. We included some of their frank and heartfelt comments in the report. We are extremely grateful to Julie Dunbabin and the team at School Food Matters for showing us the pilot program in Tasmania, and to all the schools and leaders here and in Tasmania who met with us to discuss the program.

I would like to thank my fellow committee members: deputy chair Hon Neil Thomson, MLC, from the Mining and Pastoral Region; Rebecca Stephens, MLA, member for Albany; and Hon Ayor Makur Chuot, MLC, from the North Metropolitan Region—for their work and valuable input into this inquiry, including throughout our extensive travels. I also thank the committee staff who have worked tirelessly on this inquiry, including principal research officer Sarah Palmer, who is leaving us for a new career—we wish her all the best—and research officers Lucy Roberts and Carmen Cummings.

On a personal level, I want to say that I was not aware that food poverty was such an extensive issue across Western Australia. The Tasmanian school lunch pilot program really showed the impact that feeding a child a hot hearty meal even once or twice a week can have, making a huge difference to a child's learning and wellbeing. After seeing the attendance records in the schools running that program reach almost 100 per cent on those lunch days, I am sure that would make a positive impact to some of our low socio-economic schools in some of the regional areas of Western Australia where nutritious food is not always available.

I commend this report to the house and thank the committee.

**The ACTING SPEAKER (Ms M.M. Quirk):** Before I give the call to the member for Albany, I wish to second the chair's acknowledgement of Sarah Palmer, the principal research officer. She has probably worked in this place for over a decade. I have had the pleasure of working with her on committees. We wish her well in her future endeavours. Thank you very much, Sarah.

**MS R.S. STEPHENS (Albany) [10.19 am]:** I rise as a member of the Joint Standing Committee on the Commissioner for Children and Young People on the tabling of the report *Hungry for change: Addressing food insecurity for children and young people affected by poverty*. Over the last year, the committee heard some pretty heart-wrenching accounts about Western Australian children not getting enough food. These came from all sorts of people in the community—charity groups, teachers, health professionals, academics and canteen managers, who are probably at the coalface of children who do not get fed. Parents also explained that they sometimes simply do not have enough money to put food on the table or that, generationally, they have not been taught how to feed and educate their children about nutritious and wholesome food.

The committee set out to address food insecurity for children living in poverty, acknowledging that every child has a right to sufficient food every day. It is estimated that approximately 17 per cent of children and young people in Western Australia live in food insecurity. The problem is likely considerably greater than available statistics suggest, as families and children hide the fact that they do not have enough food. As the chair mentioned, we conducted hearings here in Perth and also travelled extensively through Albany and Katanning and to remote communities in the Pilbara, Gascoyne and goldfields, as well as visiting Tasmania. Witnesses made it pretty clear that physical problems resulting from undernutrition and malnutrition can lead to mental health and social problems. The inability of students to complete their education or pursue training opportunities could lead to their employment being compromised.

As a former regional manager of Worklink WA in Albany, I saw that firsthand. We were able to deliver a program, funded by the Department of Education, to disengaged youth. We would go around and pick these kids up in a bus in the morning. I was very fortunate that Jane Kelsbie, the member for Warren–Blackwood, was the CEO. Between the two of us, we would send our staff out or go out ourselves in the bus to pick up the kids. These kids had just rolled out of bed and had not been fed. We would feed them breakfast and lunch. The fridge was always full of fruit or they could make toasties. We also did cooking with the kids, which really engaged them. We made sure that they were fed. I have seen it firsthand as an educator.

During the inquiry, we found that the factors that make it difficult for children to get enough food include having an inadequate family income; location, as some regional and remote areas suffer higher rates of food insecurity; being a member of a disadvantaged community or social group, such as being an Aboriginal or Torres Strait Islander, a migrant or a refugee; family and home circumstances; and, sometimes, just being a child. I was fortunate to go with Hon Ayor Makur Chuot to the Ishar neighbourhood mothers group in Mirrabooka. It was fantastic to attend

with her as she is not only a committee member but also a migrant who had used that service. We heard firsthand about some of the challenges that these women face. One lady told us that she sometimes does not have enough money to buy bread. Another issue they face is that their kids are not eating their traditional foods—the foods that the parents had been brought up with—because they want to eat junk food. These mums are struggling because they cannot read some of the labels on the food. The other thing they talked about was the heating facilities in some schools. I am sure my kids would rather that I send spaghetti bolognese for them to eat at school, but students at their school do not get the privilege to use the microwave or toaster to heat their food until year 12. This was also evident with some of the beautiful children in the Karen community in Albany, who mentioned that they like eating rice and noodles at lunch but that their school does not have heating facilities.

I was proud that the committee came to Albany when we travelled through the great southern. We saw firsthand the incredible work that Foodbank Australia does in Western Australia and we went through how it operates in the great southern. Albany is the hub and the food goes out into the great southern region. We met with the manager, Rod Pfeiffer, who is an incredible advocate for our community. He shared some stories of what he had been seeing with some of his regular clients, who were now coming in once a fortnight rather than once a week due to the cost of fuel and that they were not getting as much food. Another barrier that we found to people accessing food relief is a sense of shame and stigma, which can make the experience distressing for some people. We heard from some parents in Albany about the shame and stigma around accessing food relief programs.

One thing that I had not really thought about until we started the inquiry was that this is a basic human right. Australia signed the Universal Declaration of Human Rights in 1978. It was really fascinating to hear that children have a basic human right to food; that is at the core of this issue. It was really eye-opening for me personally and something that I think the whole committee kept at the forefront of our minds as we travelled through Western Australia and over to Tasmania. One of the findings in the report is that a children's rights-based approach would shift the blame from the individual and broaden the understanding of a child's experience of poverty and food insecurity. One of our recommendations is that the WA government place children's rights at the core of policies and strategies to address poverty and food insecurity.

As the chair mentioned, we travelled to Tasmania to see a school food program being delivered. It was just fantastic. The program provides not only nutritional value for the children who get fed when they are at school, but also a range of other social elements, such as the conversations the kids share as they interact with each other and being taught how to use knives and forks. Julie Dunbabin, a lovely lady who had been on a Churchill Fellowship around the world to look at food programs, shared some of her experiences of what happens in other parts of the world. In Tasmania, the children all sit down in a classroom or outside. They eat off crockery and with a knife and fork. They learn how to scrape their plates. The teacher talks about the menu. When we went to see the program at work in a primary school, the kids were having lasagne, salad and bread. The kids all have to try it. It is not about whether they are hungry or not hungry; they all have to have a go at having a taste. If they do not want their tomato to touch their lettuce, they can move it around the plate, but everyone had to have a taste, and it was okay to put food in the bin. These kids all learnt from the teacher what food they would be eating that day. The teacher was making up different names for lasagne so that the kids did not think, "Oh, I don't like that", because mum made a bad lasagne! It was really heartwarming. If there were leftovers, the teachers would package it up and pass on extra food at the gate to parents as they came to collect their kids. They made sure that they gave the extra food to the parents who they knew needed it. There was no food wastage. It was incredible. They flipped the program at the high school; it was really agile. They held it outside, under a marquee. The kids help to serve. Again, there were conversations happening in the line. Teachers can come. The social workers come. We could see the conversations that were happening between people. Stigma was taken away because everyone got to go to this free lunch program. I really commend the Tasmanian government for its school lunch program. It is a pilot program, and we will be following its success. It was really fantastic to see it firsthand.

I would like to conclude my comments by thanking my fellow committee members: the chair, Robyn Clarke; Hon Neil Thomson; and Hon Ayor Makur Chuot. It was a fantastic inquiry. I also put on the record my thanks to Dr Sarah Palmer for her guidance, research and support in this inquiry. I wish her all the best in her next endeavours. No doubt our paths will cross again. I also thank our other research officers, Lucy Roberts and Carmen Cummings. It has been a pleasure to work alongside you, and I thank you for your professional support in this inquiry.

I recommend the report to the house. It has lots of pictures, so members should make sure that they get a copy and have a look at some of the incredible things that we were able to find around the state. This an issue. I look forward to our government addressing some of the recommendations in this report to ensure that all kids can have a healthy life and do not have food insecurity. I commend the report to the house.

## COMMUNITY DEVELOPMENT AND JUSTICE STANDING COMMITTEE

### *Membership Change — Motion*

On motion by **Mr D.R. Michael (Minister for Ports)**, resolved —

That the member for Churchlands be appointed to the Community Development and Justice Standing Committee.

**RAIL SAFETY NATIONAL LAW APPLICATION BILL 2023***Introduction and First Reading*

Bill introduced, on motion by **Ms R. Saffioti (Minister for Transport)**, and read a first time.

Explanatory memorandum presented by the minister.

*Second Reading*

**MS R. SAFFIOTI (West Swan — Minister for Transport)** [10.29 am]: I move —

That the bill be now read a second time.

The Rail Safety National Law Application Bill 2023 will apply the rail safety national law, with modifications, as a law of Western Australia and repeal the Rail Safety National Law (WA) Act 2015 and subsidiary legislation. This reform will provide for greater consistency with the national rail safety law as it applies in this state. The bill will minimise legislative inconsistencies relating to rail safety and supports the timely application of rail safety amendments so that rail operations are regulated consistently and seamlessly across Australia. This will provide greater certainty to rail operators, rail safety workers, the national regulator and the national investigator, which will encourage industry participants to better understand their shared safety responsibilities and accountabilities.

The bill will update the rail safety national law in Western Australia to incorporate amendments made to the national legislation between 2015 and 2023. It will also reduce the delay between the time that future amendments to the rail safety national law apply in all other Australian jurisdictions and when those amendments apply in Western Australia. Historically, every state and territory regulated its railways independently, resulting in inconsistencies between jurisdictions and inefficiencies for industry. In 2006, the National Transport Commission developed the model rail safety law with the aim of ensuring a consistent co-regulatory approach to rail regulation across Australia. Apart from the Australian Capital Territory, all Australian jurisdictions made laws based on this model law. This significant reform went some way to implementing a more uniform rail safety regulation regime in Australia. However, to deliver improved safety, provide consistency and certainty for industry and the community, it was clear that more needed to be done.

In 2011, the Council of Australian Governments endorsed the Intergovernmental Agreement on Rail Safety Regulation and Investigation Reform and agreed to establish a national system of rail safety regulation and investigation. In 2012, the Office of the National Rail Safety Regulator was established under the rail safety national law in South Australia. Unlike other participating jurisdictions that applied the rail safety national law as a law of their jurisdiction as it existed from time to time, Western Australia chose to implement the rail safety national law using mirror legislation and, in November 2015, passed the Rail Safety National Law (WA) Act 2015. WA's mirror law approach requires the Parliament of Western Australia to pass laws that mirror those passed by the South Australian Parliament and has proven to be ineffective in maintaining a seamless national rail safety system.

I will now expand on the key reforms included in this bill. The rail safety national law sets out the functions and powers of the National Rail Safety Regulator and provides for the effective management of safety risks associated with railway operations. The rail safety national law covers, amongst other things, accreditation, registrations, safety management systems and compliance and enforcement measures. Part 2, division 1, of the bill includes an applied legislation mechanism that provides for the timely application of changes to the Rail Safety National Law (South Australia) Act to the rail safety national law of Western Australia. The bill will use an applied law adoption mechanism to preserve the sovereignty of the WA Parliament. This approach of moving from mirror law to applied law for rail safety is consistent with the recommendations of the Legislative Council's Standing Committee on Uniform Legislation and Statutes Review for other national scheme laws operating in Western Australia, including the Legal Profession Uniform Law Application Act 2022, the Fair Trading Amendment Act 2022 and the Marine (Domestic Commercial Vessel National Law Application) Bill.

The applied law mechanism in the bill will encourage the uniformity important in any national scheme so that all rail operators and rail safety workers will not be disadvantaged by having to meet different requirements in Western Australia, which increases complexity of regulation and costs. Importantly, the bill will preserve the sovereignty of the WA Parliament by providing for the tabling of amendments made to the national law by the South Australian Parliament and the capacity for either house of Parliament to disallow those amendments following appropriate scrutiny.

The bill will apply the national law as a law of WA as it exists prior to 20 June 2023, rather than as amended from time to time. This will result in WA's rail safety national law being consistent with laws operating in other jurisdictions. Going forward, the bill will provide for an amending act that operates after the bill's introduction—that is, a South Australian act that subsequently amends the national law—to be laid before each house of Parliament within 18 sitting days of the house after the day on which the amending act receives royal assent in South Australia. The amending act will not become a law of Western Australia until there is an opportunity for the amending act to be scrutinised by the Parliament and, if necessary, disallowed.

Part 2, division 1, of the bill deals with the application of rail safety national law regulations. Subsidiary legislation made under the South Australian national law will operate in Western Australia when made in South Australia.



However, the bill will also provide for a mechanism for the disallowance of this subsidiary legislation. The Parliament of Western Australia will therefore retain the power to either accept or reject both primary and subsidiary rail safety national laws. A number of amendments have been made to the Rail Safety National Law (South Australia) Act since the Rail Safety National Law (WA) Act 2015 was passed in WA. Clauses 5 and 6 of the bill propose to apply those amendments when these clauses take effect.

The amendments to the national law contained in the South Australian acts made from 1 July 2015 and May 2023 will then apply in Western Australia. The amendments are contained in the following seven South Australian acts: the Rail Safety National Law (South Australia) (Miscellaneous) Amendments Act 2015; the Rail Safety National Law (South Australia) (Miscellaneous No 2) Amendments Act 2016; Rail Safety National Law (South Australia) (Miscellaneous No 3) Amendments Act 2017; the Rail Safety National Law (South Australia) (Miscellaneous) Amendments Act 2019; the Rail Safety National Law (South Australia) (Rail Safety Work) Amendments Act 2020; the Rail Safety National Law (South Australia) (Alcohol and Drug Offence) Amendment Act 2021 (No. 30 of 2021); the Rail Safety National Law (South Australia) (Miscellaneous) Amendment Act 2023; and the Rail Safety National Law (Fees) Amendments Act 2023.

Part 3 of the bill sets out local provisions for alcohol and drug testing. The participating jurisdictions acknowledged from the outset that there would be local provisions tailored to suit specific situations within their jurisdictions. All jurisdictions agreed that they would retain drug and alcohol procedures consistent with local practice. Therefore, the bill provides that testing under these procedures will be conducted by authorised officers, including police. As one would expect, drug and alcohol testing will follow significant safety incidents. Testing will also take place in other circumstances in which information indicates it is warranted. Such information might relate to a specific person or to a more general set of circumstances, identified from information gathered from rail safety data. It is expected that the more general data will be the basis of the drug and alcohol testing programs planned by the national regulator. These programs will have a strong monitoring and preventive aspect.

The local provisions in this bill were drafted to align with the drug and alcohol provisions under the Road Traffic Act 1974 so the Western Australia Police Force does not face additional operational burdens. This approach also takes into account the possibility that a significant incident on a railway might involve road traffic, such as at level crossings.

Part 4 of this bill will repeal the Rail Safety National Law (WA) Act 2015 and subsidiary legislation. Part 4 of the bill also sets out the transitional provisions to facilitate the change from the Rail Safety National Law (WA) Act 2015 mirror legislation to the rail safety national law application legislation, and preserve existing rights and obligations of the regulator and participants under the new law. For example, the transitional provisions will provide for the preservation of existing applications for accreditation or registration to the regulator and any requirement or direction made by the regulator, existing rights of review of reviewable decisions by the regulator, existing rights of appeal, time periods within which a person may apply for a review or appeal and the requirement for the entity determining any undecided review or appeal to continue to hear and decide the appeal under the new law. The bill will also provide for transitional regulations that have a two-year sunset provision to deal with transitional matters not otherwise provided for in the bill.

In conclusion, this bill will ensure that Western Australia's rail transport operators and rail safety workers will benefit from the efficiencies of a consistent and seamless national rail safety regime. The bill contains mechanisms that make amendments transparent to members and the general public through the tabling of amendments to the national law, and it will ensure that the Western Australia Parliament has the final say in whether amendments to the national law will become laws of Western Australia. These dual benefits have already been seen in recent laws passed by this Parliament.

I commend the bill to house.

Debate adjourned, on motion by **Ms M. Beard**.

### LEGAL DEPOSIT AMENDMENT BILL 2023

#### *First Reading*

Bill read a first time, on motion by **Mr D.A. Templeman (Minister for Culture and the Arts)**.

Explanatory memorandum presented by the minister.

#### *Second Reading*

**MR D.A. TEMPLEMAN (Mandurah — Minister for Culture and the Arts)** [10.42 am]: I move —

That the bill be now read a second time.

This government is committed to Western Australia's documentary history being collected, cared for and made accessible for future generations. The State Library of Western Australia is a keeping place for a vast collection of artworks, diaries, film, maps, music, oral histories, photographs, archives, newspapers and the ephemera of everyday life. These collections are part of who we are. They help us interpret and tell our collective and individual stories.

Legal deposit is a legal right for a collecting institution to receive all published material in a jurisdiction. The Library Board of Western Australia, through the State Library of Western Australia, administers the Legal Deposit Act 2012, while regulations to the act give the framework for the collection of these materials by the State Library. When the Legal Deposit Act 2012 was enacted, an online portal for the deposit of internet publications had not yet been envisioned. That is remarkable. National eDeposit, or NED, which was launched in 2019, is a collaboration by member libraries of the National and State Libraries Australasia. The State Library is a member library. This world-leading approach to digital collecting enables publishers to meet their national, state or territory legal deposit obligations by depositing a single copy of a digital publication into an online portal. By doing so, the nation's published digital documentary heritage is collected, preserved and made accessible to current and future generations. Without NED, the State Library would not have the infrastructure, capacity or resources to collect online publications.

Although many Western Australian publishers are voluntarily depositing digital publications using NED, it is proposed to make regulations that will require publishers to do so. Before these regulations can be made, however, section 12 of the Legal Deposit Act 2012 requires repeal. This will enable the State Library to use NED to collect, preserve and make available online publications. In turn, this will have the benefit of minimising compliance costs and effort required by publishers to satisfy their legal deposit obligations and maximise efficiency and cost effectiveness for the State Library.

I commend the bill to the house.

Debate adjourned, on motion by **Ms M. Beard**.

### **MINING AMENDMENT BILL 2023**

#### *First Reading*

Bill read a first time, on motion by **Mr W.J. Johnston (Minister for Mines and Petroleum)**.

Explanatory memorandum presented by the minister.

#### *Second Reading*

**MR W.J. JOHNSTON (Cannington — Minister for Mines and Petroleum)** [10.46 am]: I move —

That the bill be now read a second time.

The Mining Amendment Bill 2023 will make amendments to the Mining Act 1978 to address objections by carbon farmers against applications for mining tenements that would serve as a de facto exclusion of mining activity over the ground over which there is an objection. The proposed changes will reduce this risk. This bill supports the government's vision for Western Australia to continue to be recognised as a world leader in responsible resource development as well as allowing the continued exploration, discovery and extraction of state mineral resources, including critical and battery minerals that will support the government's decarbonisation strategy and the target of net zero greenhouse gas emissions by 2050. These amendments were foreshadowed by Hon John Carey, MLA, Minister for Lands, in his second reading speech on the Land and Public Works Legislation Amendment Bill 2022 on 23 November 2022.

Crown land is already subject to multiple land uses. These uses coexist in conjunction with resource industry uses and each other. In order to coexist, the policy intent is that such land uses are non-exclusive in nature. This bill represents the whole-of-government policy that exploration for minerals, and by association mining operations, is still able to occur over areas subject to carbon farming. This policy intent would be defeated if carbon farmers could object to proposed mining tenure on the basis that it adversely affects the carbon farming use. Having said that, it is important to say that this bill will not preclude carbon farmers from coexisting with mining projects nor from seeking compensation for any adverse impacts due to mining activities. Objections can prevent applications from progressing and can delay progression for years while they are resolved through proceedings before the Mining Warden. This may significantly impact resource exploration and resource projects, with negative consequential effects on the economy and state budget.

A common misconception is that the grant of a mining or exploration tenement will result in the immediate creation of a mine. In reality, the grant of a mining or exploration tenement is only the start of a process that may take years or decades before the extraction of resources starts. Most exploration does not lead to a commercial discovery of minerals. Very few proceed to production. Before any activity can be progressed on an exploration or a mining tenement, it will still be subject to rigorous approvals processes, including environmental approvals, negotiations with traditional owners and other stakeholder engagement processes.

The size of the exploration licence tenement has no bearing on the final size of the potential mine. Exploration licences are granted by reference to a grid system of graticular blocks of about 344 hectares. Exploration licences can be up to a maximum of 70 blocks in size, about 24 000 hectares, or up to a maximum of 200 blocks in designated areas, over 68 000 hectares. The average size of a working mine is in fact much smaller—up to tens of hectares in size. As a result, these amendments aim to address the issue with carbon farming-related objections against the grant of mining tenure to ensure maximum benefit for the state and the WA community.

The key element of the bill will prohibit a person to lodge a notice of objection if the basis for the objection is that a mining tenement or the activities authorised by the mining tenement would affect an offsets project. An offsets project is a concept from the commonwealth Carbon Credits (Carbon Farming Initiative) Act 2011. It is used in the bill to describe a carbon farming project. Such projects may cover vast tracts of land, especially when located on the state's crown land. The smaller offsets projects, usually located on freehold land and protected under the private land provisions of the Mining Act 1978, are excluded from these amendments.

This bill will not prevent community or public objections to a mining tenement in the public interest. It will only prevent objections from any party to a mining tenement application on the grounds that it would affect carbon farming. Any person will still be able to object on any other grounds, including public interest and environmental grounds. This bill will ensure that state legislation continues to be consistent with the government's policy position and intent. Additionally, projects will still be subject to rigorous secondary approvals, including environmental approvals and stakeholder engagement requirements.

In conclusion, the key outcome of this bill is that it will progress the state's policy intent for multiple and non-exclusive land use. This will provide greater certainty to the resources sector, allowing it to continue to grow to the benefit of the state and Australia. It will allow the continued exploration, discovery and extraction of critical and battery minerals that will support the government's decarbonisation strategy and the target of net zero greenhouse gas emissions by 2050.

I commend the bill to the house.

Debate adjourned, on motion by **Ms M. Beard**.

**MARINE SAFETY (DOMESTIC COMMERCIAL VESSEL  
NATIONAL LAW APPLICATION) BILL 2023**

*Third Reading*

**MR D.R. MICHAEL (Balcatta — Minister assisting the Minister for Transport)** [10.52 am]: I move —

That the bill be now read a third time.

**MR M.J. FOLKARD (Burns Beach)** [10.52 am]: I rise to speak to the Marine Safety (Domestic Commercial Vessel National Law Application) Bill 2023 at its third reading. Marine safety is of paramount importance for any state with a significant coastline, and WA is no exception with its vast coastal areas and maritime activities. The Western Australian government has taken proactive measures over the years to improve marine safety and implement crucial reforms to safeguard both human lives and the marine environment. Those reforms include regulations, technology advances and training programs.

The relationship between the state and federal governments in marine safety is based on the principle of cooperative federalism. Although the federal government has overarching authority, it recognises the expertise of local knowledge of the state governments. This cooperation allows for the collaboration and consultation between levels of government to ensure that the interests of individual states are taken into account in the development and implementation of marine safety policies. This bill will do exactly that.

Coordination between the states is a crucial aspect of the Australian maritime safety reforms. Although the Australian Maritime Safety Authority operates at a national level and plays a significant role in setting and enforcing marine safety standards, the responsibility for implementing those standards often lies within the individual states and territories. Effective coordination between the state and federal governments is essential to ensure consistent implementation of enforcement of marine safety measures across the country and to ensure enhancement of emergency responses.

To facilitate this coordination, the federal government developed national standards and guidelines through AMSA to serve as a framework for marine safety across the country. Those standards cover varying aspects of vessel safety, navigation, crew training and emergency responses. This bill will enhance that. The state can align its regulations to national frameworks, promoting consistency and clarity in the marine safety requirements and environment by enforcing uniform standards. Efforts have been made to harmonise state regulations and legislation concerning marine safety to enhance coordination. State governments will work together to ensure that the laws and regulations align with national standards set by AMSA. This harmonisation will help to avoid inconsistencies or gaps within safety measures to create a more cohesive and effective marine safety network. The national standards for life jackets is the best example of this.

Information sharing is a vital aspect of the relationship between state and federal governments in marine safety. Timely and accurate exchange of information between the levels of government is critical for effective decision-making, policy development and coordinated responses to maritime incidents. Information shared may include vessel registrations, safety inspections, instant reports, enforcement actions and emerging safety threats. Robust information-sharing mechanisms, such as databases, communication networks and reporting systems facilitate the relevant data between the state and federal authorities. This is critical, particularly when dealing with marine incidents, and I have dealt with several over many years.

Coordination between the states involves collaboration between multiple agencies responsible for marine safety in these states. Those agencies include maritime and port authorities, environmental agencies, emergency response organisations and law enforcement. Regular communication and collaboration amongst those agencies facilitate exchanges of information and joint planning and coordinated response efforts in case of emergency incidents. The Western Australia Police Force is the lead agency in response to maritime search and rescue in this state. States conduct joint exercises and training programs to strengthen coordination and enhance their collective capabilities in response to maritime incidents. Those exercises simulate real-life scenarios involving multiple agencies from different states, fostering inter-agency collaboration, improving coordination during emergency situations. Agencies can identify areas of improvement, refine response strategies and enhance the ability to work seamlessly through joint exercises. Oil spill exercises are a good example. The relationship between AMSA, the Western Australia water police and local police is critical to search and rescue incidents that occur at a local level. I have used the databases of Western Australia Police Force and AMSA in a previous lifetime.

Information sharing plays a critical role in coordination between the states. Timely and accurate exchange of information about vessel movements and safety inspections is critical. Information sharing needs to be instant. The only way that can occur is through networking with AMSA, and having systems for it to reach out at a local level. The relationship and information sharing between the state and federal governments are critical to the effective implementation of marine safety measures throughout Australia.

The Australian Constitution grants the federal government specific powers in relation to maritime matters while state governments retain the jurisdiction over certain aspects of marine safety. The Australian Maritime Safety Authority is the overall umbrella body, whereas the states do the physical on-the-ground work. Therefore, coordination and collaboration between these levels of government are essential to ensure consistent, comprehensive marine safety practices across country. Coordination between the states to the policy development and review processes is critical. States collaborate with the federal government and each develop and review marine safety policies, regulations and guidelines. This legislation will create that consistency from the national level to the state level to on the ground. The collaborative approach ensures that policies address the diverse needs and circumstances of different states while maintaining a consistent approach to safety standards. Regular reviews allow for adjustments and improvements based on lessons learned and emerging technologies and changing safety standards. The best example of that is satellite location devices, which are now mandatory. Bringing these things together also means that state can engage industry stakeholders and the local community. States collaborate to develop industry guidelines, codes of practice and safety campaigns that are applicable nationwide. The best example of this is, again, personal flotation devices, or lifejackets in plain language. By working together, the states can pool resources, share best practices and deliver consistent safety messages to the public—if you go out on a boat, wear a lifejacket; it ain't rocket science. The collaboration fosters a sense of collective responsibility for marine safety and ensures that industry practice is aligned to a national safety framework. If a commercial boat taking tourists crosses the border, and the best example is up north where tour boats go from Darwin to Broome, there is a consistency in the safety requirements for those vessels.

State and federal governments collaborate on various aspects of marine safety. This includes joint planning and policy development and the harmonisation of regulations. That is important because if things are consistent across the country, we will achieve the best outcomes on the water. Best practices are shared by conducting joint exercises and training programs. Collaboration takes place through formal channels such as intergovernmental meetings, working groups and committees focused on marine safety, but the best collaborations are on the ground with people talking to another. Regular communication and consultation foster a collaborative approach allowing for the sharing of knowledge, experiences and resources. State and federal governments will share responsibility for compliance with and enforcement of the marine safety regulations, while AMSA will oversee the overall compliance framework at a national level. State governments are responsible for the day-to-day enforcement activities within the jurisdiction. In WA it will be our water transport inspectors and our police. This will improve conducting safety inspections, issuing licences and permits, and taking enforcement actions against noncompliant operators.

Easter is probably the time of the highest recreational and commercial boat usage in this state. I remember when I was in Kalbarri, we used to carry out safety inspections. It was a little tick-and-flick exercise, but we were looking for flares that were in date and complied with the national standard, which is what we are referring to, and that the vessels all had personal flotation devices, lifejackets, and they were in date and up to standard.

This piece of regulation will allow for national conformity so when people experience recreation time out on the waterways, they do so in a safe manner. Regular coordination and information sharing between the state and federal authorities will ensure a consistent and effective enforcement regime. Effective coordination between the states is essential for the successful implementation of marine safety reforms in Australia. Harmonisation is a key of this bill. I have spoken about joint exercises. By working together, the states can enhance their collaborative approaches and capabilities, ensuring consistent safety standards to provide a safe and secure maritime environment for all water users in WA.

In conclusion, the relationship and information sharing between the state and federal governments on marine safety is essential for the development and implementation of effective marine safety practices in Australia. Through

cooperative federalism, regulative coordination, information exchange and collaboration, the resource allocation to these levels of government will work to ensure a comprehensive marine safety standard, protect the lives of mariners and preserve the marine environment. This supports sustainable maritime activity in our community. I hope this bill will be an impetus for the enforcement of zero blood alcohol content for all skippers of maritime craft in this state. We are currently not in that environment, but I hope in time we will be. This bill will ensure that there are national standards for lifejackets; for example, what is consistent in Western Australia will be consistent in South Australia and a recreational boat user will know that the lifejackets they use comply with the national standard and are safe.

It is my opinion that any person who goes out on a maritime craft should be wearing a personal flotation device, particularly in small craft. If we look back, the number of fatalities that have occurred on our coastline because people have not been wearing those safety devices is staggering. In a past life, I did several investigations into fatal boat rollovers, and on a couple of occasions, had people been wearing the proper flotation devices, they would be alive today. I did an investigation when I was the officer in charge in Kalbarri. Four gentlemen went out in a boat on Father's Day about 15 years ago. On their way back, they went fishing and the boat rolled over. We managed to save two of them fairly quickly, but I ran a major search-and-rescue operation for the other two. Using AMSA and its formulas, we did a fairly significant search to try to locate the fourth person. I managed to get the water police and their divers to Kalbarri for the coroner's inquiry. Terry Ash, one of the local cray fishermen, took them out, and we recovered every piece of kit that was in the boat that rolled over. We brought it all back to station and utilising the witnesses and the surviving people from the incident, I was able to put the boat back together; it was like a jigsaw puzzle. We then weighed the boat. A contributing factor causing the boat to roll over was that it was overloaded with safety features. It had two lots of anchor chain, which weighed over 100 kilograms, and there were varying other safety material in the boat. There were two batteries. By the time four people got in it, the boat was overloaded, carrying too much weight. Those were national safety standards. The skipper was a lovely fellow, but he just put too much in the boat, and a small wave flipped it over, and the story is what it is.

Anyway, I commend the bill to the house and it hope will bring about these changes further on.

**MR D.A.E. SCAIFE (Cockburn)** [11.09 am]: It is my pleasure to rise today and make a contribution to the third reading debate on the Marine Safety (Domestic Commercial Vessel National Law Application) Bill 2023. I already made a fairly fulsome contribution to the second reading debate. Today, I will try to limit my comments to some of the discussions that we had during consideration in detail and adhere closely to the clauses of the bill. I was chatting with the Minister for Mines and Petroleum a little earlier about the boundaries of debate in a third reading debate. He and I are of the same view that, generally speaking, debate is limited to the clauses of the bill and matters raised during consideration in detail. Having said that, if members go through *Hansard*, they will see a variety of different views about what is acceptable in a third reading debate. I even found that in the House of Representatives, a Speaker made a ruling that members cannot even raise matters that were dealt with during consideration in detail during a third reading debate, because those were dealt with at that stage and debate would otherwise go on and on. That would essentially leave fairly little latitude for any debate to happen in a third reading. I will adhere to what I think is the orthodox approach and discuss some of the matters debated between the Leader of the Opposition and the Minister assisting the Minister for Transport during consideration in detail.

In that respect, the first issue I want to deal with is the use in this bill of what are colloquially known as Henry VIII clauses. This issue was raised by the Leader of the Opposition and I think it is a reasonable question to ask. The minister provided a fulsome answer on that, but I thought it was worth exploring in a little more detail, because, as the minister pointed out, clauses like the ones in this bill have been previously used in bills such as the Fair Trading Amendment Bill 2021 and we are likely to see these clauses used into the future, because they are becoming the preferred approach when dealing with national uniform laws. As members have mentioned before, it is important when it comes to issues such as fair trading and consumer law, marine vessel regulations and safety, and work health and safety that frameworks across the country used by industry, workers and unions have some level of predictability and that when moving from one jurisdiction to the next, they know they will be dealing with what is essentially the same law. For that reason, we are likely to see Henry VIII clauses used more often. I thought I would discuss the Henry VIII clause, why these clauses are used and why there is some concern about the use of these clauses.

A Henry VIII clause effectively allows the executive, via its regulation-making power, to modify the operation of legislation. It is called a Henry VIII clause because under the Reformation Parliament, Henry VIII was famously given the power to make proclamations that had the same force as legislation. The Reformation Parliament was seen as extremely deferential to the King. Parliament appointed him supreme head of the church, which he needed to move on to his second marriage, and it passed the Statute of Proclamations of 1539. That act of Parliament essentially gave parliamentary power to the executive. It gave the King the power to make laws that had the same effect as the Parliament's laws. That Reformation Parliament was seen as being highly deferential to the executive. Many people see that as a low point in the development of Westminster parliamentary democracy, because the King essentially usurped the power of Parliament to make laws. I will give some examples of why that can be a bad thing.

Obviously, one of the reasons it can be a bad thing is that it can give the executive the power to change laws, but that is only a contingent reason it can be bad, because the executive could be using Henry VIII clauses for legislative purposes. In the case of this bill, the Henry VIII clause is being used for a legitimate purpose—to ensure the speedy translation of a commonwealth amending law into state amending law. As we know, without an effective mechanism like that, we could end up with a very long delay between the commonwealth law taking effect and the Western Australian law being updated. It could take five or 10 years to happen if there are elections or other business knocks it off the agenda. That would result in the laws of the various states becoming unharmonious, and it would essentially defeat the purpose of having a national law. There is a legitimate purpose here, but members can see how it could be a problem to give the executive the power to overwrite primary legislation if that power is given too broadly. There is an example from the Australian Capital Territory whereby its Liquor Act 2010 was amended via the Liquor Amendment Regulation 2011. Section 258 of the Liquor Act 2010 in the ACT was a typical Henry VIII clause. Subsection (2) stated —

A regulation may modify this part (including in relation to another territory law) to make provision in relation to anything that, in the Executive’s opinion, is not, or is not adequately or appropriately, dealt with in this part.

As members can tell, that section of the legislation was extremely broad. It gave the executive the power to make provision in relation to anything that in its opinion was not adequately or appropriately dealt with. That was then used by the government of the day to delay the commencement of the various provisions of the Liquor Act. It was further used to amend another section of the Liquor Act, and so it ended up in a situation in which the actual intent of the legislature was effectively hijacked by the government. The legislature had set out a commencement date for the act and that had been changed by the executive, and the legislature had also set out how certain provisions were supposed to operate, and that was modified as well. That meant that those amendments that were made through the Henry VIII clause were not subject to detailed scrutiny by the Parliament. There was no opportunity to go into consideration in detail about those changes to the act, because it was effectively subverted via the executive process. We can see how that can create unpredictability. It can lead to a position whereby things can be inserted into the act that maybe do not reflect the initial intention of the Parliament and, as parliamentarians, we should want to avoid that when possible.

In the current case, as I said, the Henry VIII clause in this bill is being used for a particular purpose—to translate changes to the commonwealth law to the state law to ensure a harmonious national uniform law around marine vessel regulation and safety. The Leader of the Opposition raised the use of that Henry VIII clause in the consideration in detail stage, and particularly asked some questions that came out of consideration of the Fair Trading Amendment Bill 2021. This bill was referred to the Legislative Council’s Standing Committee on Uniform Legislation and Statutes Review. The committee looked at a similar clause in the Fair Trading Amendment Bill 2021 and made findings that these clauses eroded the Western Australian Parliament’s sovereignty and lawmaking powers.

Expanding on that, the committee explained that it eroded parliamentary sovereignty for the reason that debates on disallowances in the upper house are held under standing order 67, and that standing order refers to statutory instruments as being instruments that can be subject to disallowance motions. Because a commonwealth law is not an instrument made under a statute—for example, it is not a regulation made by a minister—there was concern that a commonwealth law would not be able to attract a disallowance motion under standing order 67. Although a member could move a disallowance motion separately, there would be no guarantee that that motion would ever come on for debate, whereas standing order 67 contains safeguards to provide that once a disallowance motion has been moved under standing order 67, it has to be debated within a certain number of days; I think it is something like 17 days. That means that a disallowance motion will be given priority on the notice paper and it will come to a vote, so the chamber is guaranteed an opportunity to debate the disallowance and either pass or reject it.

As the minister outlined, that issue was subsequently dealt with by the Legislative Council amending its standing orders, and I want to dive into why that was the case. The amendment made by the Legislative Council was to remove the word “statutory” from the standing orders, so that the standing orders now refer to an “instrument” rather than a “statutory instrument”. That term was considered to be sufficiently wide to encompass both regulations made by the executive and laws passed by the commonwealth Parliament. That meant that standing order 67 of the Legislative Council could then attract a change made via a commonwealth law, which in turn meant that under standing order 67, a disallowance motion would have to come on for debate. That was a very good step taken by the Legislative Council; it meant that the criticisms made of the Fair Trading Amendment Bill 2021 would not be made of the Marine Safety (Domestic Commercial Vessel National Law Application) Bill 2023.

The Standing Committee on Uniform Legislation and Statutes Review was also concerned that a piece of legislation like this should have a standing referral to a committee. My understanding is that that issue was also fixed by the change to the standing orders in the Legislative Council, because any change by an instrument can now be scrutinised by the Standing Committee on Uniform Legislation and Statutes Review. By just tweaking the standing orders, changes to the commonwealth law that filter down into Western Australian law can now be subject to scrutiny by the committee. That removes the potential for the sort of criticism that was levelled at the Fair Trading Amendment Bill 2021.

I return to a point I made earlier: there needs to be some sort of compromise here, because we do not want to end up in a situation in which Western Australian legislation becomes completely out of sync with national legislation. That is entirely what we are trying to avoid here; it is the reason for this bill: we want to harmonise various pieces of legislation across the commonwealth and the states. We need a compromise under which we can have a mechanism by which there is an automatic update of legislation. A law passed by the commonwealth Parliament is, I think, different in character from a regulation made by a minister. At the very least, a law passed by the commonwealth Parliament has been subject to scrutiny by the commonwealth Parliament; it is not something that has just been created by the executive. It has had the involvement of the commonwealth Parliament; I accept that it has not had the involvement of the Western Australian Parliament, but it has been subjected to some scrutiny by parliamentarians, so I do not think it should be treated in the same way as a regulation made by a minister or a proclamation made by the King, as in the case of the original Henry VIII clauses.

I will briefly touch on a second issue. A lot of the amendments the minister moved during consideration in detail were to do with the publication of legislative instruments. It was previously provided that changes would be published in the *Government Gazette*. The minister's amendments generally meant that changes to legislative instruments would simply be "published". The minister's reason for that change was that, as at 1 July, the government's practice will be to publish any changes to instruments and regulations on the Western Australian Legislation website. I will briefly comment on that to say that I think it is a really great change. It might seem like something of interest only to those of us in the chamber or to lawyers, but a foundational principle of our justice system is access to justice; people should be able to easily access the materials they need to defend themselves in court or to understand their legal obligations so they do not end up in a legal dispute. One of the things that principle requires is for the government to be open and transparent about the laws it is making. That is one of the reasons legislation in Australia is freely available on various government websites, but having been a lawyer in a previous life, I know that digging through the *Government Gazette* is not the easiest thing to do; there are all sorts of weird and wonderful things in it, including appointments to boards, regulations made by ministers and various other prescribed matters. I have gone through *Government Gazettes* in my previous life and I found it very difficult to find exactly what I needed. The *Government Gazette* is important, but it is something that really has its origins in, I suspect, the UK hundreds of years ago when the King's men hammered notices on a noticeboard outside the Palace of Westminster, or something. It is a bit of an archaic thing, so it is good that we are moving to providing these updates on the Western Australian Legislation website. That can become a sort of one-stop shop for people who want to look at legislation, regulations and other types of proclamations that are prescribed. I think that is really good. It is much more accessible. Long gone are the days when people had to go to the Supreme Court library or the Parliamentary Library to interrogate copies of legislation. I suspect many Western Australian lawyers made their living, at least in their junior years, being sent to the various libraries and having to flick through legislation. It is a great development for access to justice that things are now freely available online. I recognise that although publication on the website may seem like a fairly minor, technical thing, it is actually a small step forward when it comes to access to justice, and something that I welcome.

On that note, I reiterate the comments I made during my contribution to the second reading when I said that this is an excellent bill. It will do the important job of harmonising jurisdictions when it comes to marine vessels, regulation and safety. I would like to thank the advisers, particularly for sitting through the 50 minutes in which I contributed on this bill—a particular form of torture that nobody should be subjected to! I appreciate the work that they have done over a long time and I appreciate their work in the chamber. I congratulate the minister again for passing his first bill through this house. I commend the bill to the house.

**MR R.S. LOVE (Moore — Leader of the Opposition)** [11.30 am]: I want to make a brief contribution to the third reading of the Marine Safety (Domestic Commercial Vessel National Law Application) Bill 2023 and join in congratulating the minister on his carriage of his first piece of business in his capacity as Minister assisting the Minister for Transport.

I also wish to acknowledge the fine words of the member for Cockburn and his remarks on Henry VIII clauses. That means I do not have to go through those matters in any great detail. The numerous amendments made by the government reflected the member's discussion on whether matters had to be published in the *Government Gazette*. I point those who want to hear about the Henry VIII clauses that we discussed and the amendments in this area to the member for Cockburn, who gave a much more fulsome account than I probably would have. They were some of the key discussion points, but it was also pleasing to hear confirmation that this bill will be referred to the Standing Committee on Uniform Legislation and Statutes Review in the other place. We are confident that those matters will be addressed by that committee, apart from the brief discussion we had during consideration in detail on Tuesday.

Other matters discussed included the ability for the state to still make regulations in this area. There is no intention to use those regulations, but we can rely upon the regulations that the commonwealth would have imposed, particularly those relating to the ability to charge fees. Normally, the national regulator would be charged with that responsibility, but should arrangements change, the state will have the capacity to continue to raise the necessary fees. Again, we do not expect that matter to arise.

There was discussion around the definition of a vessel, the operation of the common law situation and the fact that the changes made through this bill will enable a speedier means of determining whether a new mode of marine transport is a vessel. As we know, everything is moving apace, even in other forms of transport, with the development of scooters and different means of getting about, and there are also novel forms of transport in the marine field. That is a worthwhile change and one that we discussed a little, along with the interaction about seaplanes during consideration of the bill. When I first picked up the bill, I did not expect to be reading about seaplanes. As the assistant minister pointed out, seaplanes need to take off and land, and at some point we have to determine whether that is a marine issue, based upon the likelihood of a collision, which was one of the circumstances outlined by the minister. By the sound of it, that will not be a hard-and-fast rule.

**Mr P. Papalia:** That's where their lights come from—the red and green lights. They have the same lighting as a ship.

**Mr R.S. LOVE:** Very good.

We also discussed some of the safeguards around the gathering of information, the identification of inspectors who would be appointed and also, importantly, how this change will allow for issues that arose as part of the safety review into marine matters and have not been able to be implemented. I am talking about things like carrying emergency position indicating radio beacons, when radios and the like are needed, and closing any loopholes around the state's ability to make sure that marine markings, speed limits et cetera are all catered for. We had an interesting and worthwhile discussion during consideration in detail, when some of those matters were explained more fully than could be done in the second reading speech.

I would like to conclude my remarks by thanking both the assistant minister and the advisers who helped him during consideration in detail. I thank them for their contribution to the state in enabling this legislation to go forward. With that, I reiterate that the opposition supports the legislation. I commend the bill to the house.

**MR D.R. MICHAEL (Balcatta — Minister assisting the Minister for Transport)** [11.36 am] — in reply: In finalising the debate, I would like to again acknowledge the work of the Minister for Transport for bringing the Marine Safety (Domestic Commercial Vessel National Law Application) Bill 2023 to the house. As we know, the bill will bring WA into line with the other states and will give effect to the transfer of responsibility for commercial vessel safety to the commonwealth. This will provide for a seamless national regulation of commercial vessels in our state.

The bill will also modernise the Western Australian Marine Act 1982 and will ensure that the compliance and enforcement powers and penalties are consistent for both recreational and commercial vessels. It will also formalise the requirements for the use and carriage of appropriate safety equipment on recreational vessels.

I appreciate that the bill was a long time in the making but, as I mentioned in my speech on Tuesday, the delay has been somewhat prudent in that not only have we benefited from the development and passage of the application mechanism in the Legal Profession Uniform Law Application Bill 2021 and the Fair Trading Amendment Bill 2021, but also our legislation captures the amendments that have been made to the national law since 2011.

A number of people have put a great deal of effort into the drafting of this bill, and I thank all involved. I would like to again thank the speakers who contributed to the debate on this bill: the member for Mount Lawley, who spoke about our obligations under the Intergovernmental Agreement on Commercial Vessel Safety Reform signed in 2011 and also highlighted the importance of marine safety; the member for Cockburn, who spoke about the importance of having consistent safety regulations between those vessels not captured in the federal government laws and highlighted the work of Marine Rescue Cockburn, the Cockburn Power Boats Club and the Jervoise Bay Sailing Club in his electorate; and today the member for Burns Beach, who again talked about the importance of coordination of the states on marine safety. Finally, I would like to thank the Leader of the Opposition for his contribution to the debate and for the opposition's support of this bill. I am pleased to have been able to take this bill through its final steps in this house.

**The ACTING SPEAKER (Ms A.E. Kent):** May I add my congratulations to the minister for getting this bill through this house. Thank you very much.

Question put and passed.

Bill read a third time and transmitted to the Council.

### **LIQUOR CONTROL AMENDMENT (BANNED DRINKERS REGISTER) BILL 2023**

#### *Consideration in Detail*

Resumed from 15 June.

#### **Clause 15: Part 5C inserted —**

Debate was adjourned after the clause had been partly considered.

**Mr P.J. RUNDLE:** I refer to proposed section 152ZA. We were working through the online sales issues that I was concerned about in terms of the register. My first question is: if a person sells liquor online from another state to a banned individual in a banned drinkers register zone, how will a fine be enforced?



**Mr R.R. WHITBY:** I thank the member for the question. Anyone who sells alcohol in Western Australia must be licensed to sell alcohol in Western Australia. Therefore, if there is any contravention, a fine will be issued. Commercial operators will be expected to pay a fine. If they refuse for some reason, the department will take legal action against them.

**Mr P.J. RUNDLE:** In relation to the online sales, the minister said last week that there is a phone number that people can call or some sort of temporary arrangement in case the system is not fully in place. Could the minister enlighten me on that again?

**Mr R.R. WHITBY:** The agency is creating an online portal for the BDR. If that is not operating when these new laws take effect, the seller will be able to contact the agency directly to ascertain whether a purchaser is on the banned list.

**Mr P.J. RUNDLE:** An online portal is being created. How long does the minister foresee that it will take before the online portal is operational, and what is the exact arrangement in the interim?

**Mr R.R. WHITBY:** The expectation is that the portal will be operating on the enactment of these regulations. If that is not the case, the seller will be able to contact the agency.

**Mr P.J. RUNDLE:** How does the government plan to advertise that? Will it be circulated widely amongst the whole industry?

**Mr R.R. WHITBY:** A comprehensive campaign will reach out to licensees and the industry more generally. Peak bodies are also being contacted and this information is being given to them to pass on to members. A packaged seller who uses an online platform to sell into Western Australia, perhaps from interstate, would be part of Retail Drinks Australia, which is the peak group for online sellers of alcohol. That peak body will provide information to its membership. Comparable interstate regulators have obviously been made aware of the changes in Western Australia and we will make that information available to other jurisdictions as well.

**Mr P.J. RUNDLE:** I want to go back to the issue of fines enforcement for interstate online retailers. The minister said that such a fine would be enforced. They would not have a licence under the WA system, so how could the fine be enforced? Would we not need federal legislation or something to that effect?

**Mr R.R. WHITBY:** I thank the member for the question. As I said before, any retailer who wishes to sell alcohol in Western Australia must be licensed. If an interstate company sells alcohol online—it might be one of the big companies—it still needs to be licensed to sell alcohol in Western Australia. There is no way that anyone can legally sell alcohol in Western Australia without having a Western Australian licence. That ranges from the big operators to a small boutique winery in the Barossa Valley, for instance. This is a standard requirement.

**Mr P.J. RUNDLE:** That is an interesting element. I was not aware of that. The minister has confirmed, with absolute clarity, that every seller of online alcohol into Western Australia, whether it be a boutique wine company in the Barossa Valley or Dan Murphy's over east, has a WA liquor licence.

**Mr R.R. WHITBY:** I am confirming—it is a minor point—that if they are intending to sell into Western Australia, and if they do sell into Western Australia, yes, they are required to be licensed to do so in Western Australia.

**Mr P.J. RUNDLE:** Is the minister confident that there will not be any sorts of loopholes? We are putting a lot of effort into our local packaged-liquor outlets. I just worry. I saw it during the COVID pandemic when a general store in Frankland was not allowed to sell alcohol. It had a licence, but it was not allowed to sell alcohol. But it was also an Australia Post outlet and someone could come in and pick up 12 bottles from the eastern states that had been sold online to them. It was a catch 22. These are the sorts of things that happen and somehow liquor from our eastern states outlets sometimes manages to find its way through. I want absolute clarity that the department has covered every angle for online retail sales.

**Mr R.R. WHITBY:** This amendment to the act does not introduce the requirement for an outlet to be licensed to sell liquor into Western Australia. That already exists. That has existed for many, many years. Any winery or liquor retailer that wants to sell in Western Australia has always been required to be licensed to do so in Western Australia. It is a requirement now and it will be a requirement in the future. This legislation will not change that at all. The requirement under these changes is that if someone is selling liquor to someone who resides and has their address in one of the BDR regions, they have an obligation to check the register. We hope it will be online and up and running at the time. If not, the retailer will have an obligation to contact the department to make sure that the person to whom they are selling is not someone on the banned drinkers register. The requirement to be licensed to sell alcohol is not being changed in any way by this legislation. It has always been a requirement. I think the other states, in a reciprocal nature, require WA producers and retailers to be licensed to sell into their jurisdictions. That is certainly our arrangement, and it is often replicated in other jurisdictions.

**Mr P.J. RUNDLE:** I will just move on to a further question. Under proposed section 152ZA(3), if someone sells alcohol to someone on the banned drinkers register, they will have a defence if they have taken reasonable steps. How will they demonstrate that the machine did not work, or will there be some other defence? Is the government going to accept a statutory declaration or something of that order? How will they prove that the machine was out of action at the time?

**Mr R.R. WHITBY:** I think it is important to note that the department would take a sensible approach to this situation. If the unit doing the scanning breaks down or if it is not operating, the agency will know that because no data would be coming through the line, if you like. Technically, there will be an awareness of when these scanning machines are operating and when they are not. If the person said the machine was not operating and it was not, there will be evidence of that. It is important to note also that if a licensee has any issues with a machine, they can immediately call the agency and a new replacement machine will be made available.

The approach to compliance would be commonsense. We are not out to catch people who are in good faith trying to do the right thing. That is always the approach of the agency. However, there is a mandatory requirement that the scanners are used and IDs are scanned. We are concerned about someone deliberately defying their obligations under this new legislation. The breakdown of a machine or some other technical issue that prevented a scan would not bring an infringement on a licensee. There would be a very reasonable approach and an investigation, if one was required, to ascertain what was going on. But, as I said, if it is a data issue, it is easy and very quick to identify because the data stream would not be coming through at a particular time and there would be a record of that.

**Mr P.J. RUNDLE:** Going back to the old question about someone who comes in who is on the banned drinkers register but uses his brother's ID, is it a defence if a licensee thought they looked pretty similar but it was his brother? Do they sign a stat dec? What is the defence for the licensee?

**Mr R.R. WHITBY:** I think we touched on this last time at the consideration in detail stage. It is a judgement of a reasonable person. If they made a judgement in good faith that they believed that that was the right identity card of that person, there would be no offence. It is about knowingly acting against the intent of the law, not a mistaken belief. I think we gave an example the other time that if the person before them were bald and produced an ID card of someone with an afro, they might stop and investigate further, but it is all about someone knowingly accepting an ID that is clearly not the ID of the person in front of them. If someone was under the belief that it was the same person, that would not constitute an offence.

**Mr P.J. RUNDLE:** I will move on to proposed section 152ZB on page 38. This applies to, say, a post office with online sales. Someone comes in to pick up their carton of alcohol. Will there be a takeaway alcohol management system machine at a local post office to identify someone who might be on the BDR?

**Mr R.R. WHITBY:** No, there would not be a scanning machine at the delivery point for the online sale because the point of confirmation has to be at the point of sale. We have to remember that if the eastern states-based retailer, for instance, has made the sale, it will be their obligation either to check on the online portal, which is the way it will be operating, or if there is a short time of transition, to contact the agency. In any case, the seller in the eastern states would be required to ascertain that the identity of the person they are supplying to is not on the banned drinkers register. The liquor would then be sent over. At the point of collection at the post office, Australia Post's obligation is not to check any BDR register, but in the normal course of things, if a person wants to receive a package at the post office, they have to show an ID to show who is getting the goods.

**Mr P.J. RUNDLE:** When the minister refers to the eastern states retailers and their licences, which he confirmed earlier, is that category of licence exactly the same as that of Western Australian online retailers and so forth? Is there just one category of licence?

**Mr R.R. WHITBY:** There is no new category for an online licence to sell online, so it would fit under the current licence arrangements. If it were a small producer or a winery, that licence allows it to sell online. A packaged-liquor outlet can also choose to sell online as long as it has a licence that fits its particular category.

**Mr P.J. RUNDLE:** I go back to the post office. I understand what the minister is saying about the fact that the responsibility lies back at the retailer over east. Is there any responsibility for Australia Post to make sure that the person is aged over 18 years, not intoxicated and whatever, or do they just say, "Here's the carton"?

**Mr R.R. WHITBY:** There are already standing arrangements and requirements for the online delivery of alcohol that are separate from what we are talking about today. In my view, any deliverer of alcohol, whether it is Australia Post or some other parcel service, is obliged to ensure that the person receiving the alcohol is over 18 years and not intoxicated. Those requirements exist. This is not part of this bill; it is part of the existing obligations of people delivering alcohol to the public.

**Mr P.J. RUNDLE:** To tidy up this area, can the minister tell us how many online vendors are outside the state that currently sell into Western Australia?

**Mr R.R. WHITBY:** The department does not collect that data. It collects wholesale data but not data from retailers and licensees that might be located interstate. The member would appreciate that people go online to Dan Murphy's, Jimmy Brings, wine retailers, small boutique wineries in the Hunter Valley and so on. We are talking about all those possibilities, but we do not have that particular data. It is not recorded.

**Mr P.J. RUNDLE:** Does the minister have the data, though, of how many liquor licences are registered to online sellers from outside Western Australia?

**Mr R.R. WHITBY:** We are obviously aware of whom we licence in the various categories of supplying alcohol in Western Australia. We do not have any information in front of us about how many of those have an interstate address. We are certainly aware of all our licensees.

**Mr P.J. RUNDLE:** I am a little bit concerned about the fact that the minister does not have that information on hand. Could it be supplied as supplementary information? There must be a way to ascertain how many people have a licence to sell liquor online.

**Mr R.R. WHITBY:** I wonder about the relevance of that information. This clause deals with ensuring that packaged liquor is not sold to someone in a BDR area. Obviously, we are aware of people who have a licence, and we could work out who has a non-Western Australian address, but we do not know whether any of those actually will be selling or have sold to people in a BDR area. I am trying to work out what the linkage is to this clause.

**Mr P.J. RUNDLE:** The relevance is that people on the BDR register quite often find loopholes. As I have said before, I have seen this with other examples during the COVID period. I would have thought that information would be fairly quick and easy to gather, considering that the department has a register of liquor licences of people within and outside WA.

**Mr R.R. WHITBY:** I go back to the core of what this clause is about. This clause is about ensuring that packaged-liquor retailers do not sell to someone who is registered on the BDR. There is the obligation for them to check this if they are selling to someone with a delivery address inside a BDR area. It also involves issues of secondary supply on the ground. If someone were to purchase alcohol in a community and then onsell it, that would also be an offence. These offences will be pursued. There is a clear obligation for onsellers to ensure that they make the necessary checks when required if they are selling into a BDR area. I am not sure that I can identify one issue about who is licensed, where they are and possible loopholes. The member gave an example about restrictions in place during COVID. In my memory, the requirement was that liquor stores in Western Australia be closed, so I am not sure that the Western Australian government had any authority over the closure of liquor stores outside of Western Australia. I do not think that information directly pertains to working out the issue here. The issue is very clear: it is about ensuring that suppliers do not supply to people on the banned drinkers register, and there is an obligation to check the register if they are supplying into a BDR region in Western Australia.

**Mr P.J. RUNDLE:** As the minister said, it is about relevance and the offence of supplying packaged liquor to the banned drinker, which is referred to in this clause. I would have thought there would have been easily obtainable information, a breakdown, just so we can get a handle on what part of the market we are dealing with with those online sales. As I said, the relevance is that people try to find loopholes, and that is exactly what happens when this type of thing comes along. Ninety-five per cent of the market might be in WA and five per cent in the eastern states. I would have thought the minister would be able to get that information off his database without much trouble at all.

**Mr R.R. WHITBY:** I think the member is trying to work out what proportion of the market might come from the eastern states. Again, that is not directly related to this clause. As I said earlier, the department does not keep records of retail sales, so there is no way of knowing how much a big licensed outfit in the eastern states sells in Western Australia. Also, a boutique winery somewhere might be licensed for the opportunity to make a sale but has never made a sale. We know that a certain number of licences are held outside of Western Australia to sell in Western Australia, but we do not know how active they are or when they make a sale. We are interested in making sure that they are licensed and obey the law, and through this clause we are telling them that we have a BDR that is mandatory and they are obliged when selling in certain parts of Western Australia with BDRs in effect to ensure they are not selling to someone on that list. I am not sure that any prior history, numbers or statistics on licence numbers outside the state have any bearing here. Certainly, no retail numbers can say that simply because a licence exists a sale has been made or how frequent the sales might be.

**Mr P.J. RUNDLE:** I hear what the minister is saying. I know there is no way to track the volume of sales. I am really talking about the actual number of interstate online licensed operators. I am chasing a list of those.

*Point of Order*

**Mr D.A.E. SCAIFE:** I draw the Acting Speaker's attention to standing order 179, which requires debate to be relevant to the clause, and it states that no general debate will take place on any clause. This has been going around and around in circles, it is repetitious, and I ask a ruling to be made on that point of order.

**The ACTING SPEAKER (Ms R.S. Stephens):** Member for Cockburn, I do not take that as a point of order. The member for Roe can move on if he likes. We have 34 clauses to get through.

*Debate Resumed*

**Mr R.R. WHITBY:** I will briefly respond to the question. I thank the member for Cockburn for noting the issue of relevance. The member for Roe again mentioned his desire to know the licensees engaged in online sales. Again, it is not about a category of any licence. Operators in the eastern states can have licences to be small producers or packaged liquor sellers or even a tavern, and they may choose at some point to sell liquor online. There is no

way of knowing whether those licensees have ever engaged in online sales. Again, this is about sales made in Western Australia. They can be local sales in a BDR area or they can come from somewhere else, but the obligation is all about checking to see whether someone is on the register.

**Mr P.J. RUNDLE:** I note the member for Cockburn's point of order, but this could be wrapped up by the minister in 30 seconds if he gave us a breakdown now or later today of how many licensees there are in Western Australia and outside of Western Australia. I would not have thought that would be much of a challenge. I am not talking about volume or anything else. There must be a breakdown in the database of liquor licences outside Western Australia.

*Point of Order*

**Mr D.A.E. SCAIFE:** I raise a point of order again on relevance. This is not an opportunity for the member for Roe to enter into debate about a point of order that the Acting Speaker has already ruled on. Again, standing order 179 is very clear: no general debate will take place on any clause. That relates to consideration in detail.

**The ACTING SPEAKER (Ms R.S. Stephens):** If the member for Roe can just refer his questions to the clause we are on, which is clause 15. The minister can decide to answer.

*Debate Resumed*

**Mr R.R. WHITBY:** I can respond further by clarifying why this information is not relevant. This is about licensing an activity rather than a location, so it is quite possible that there could be an operator licensed with a head office in Perth or Margaret River who might have some ancillary business where the alcohol comes from. The business might be licensed and based in Western Australia and it might decide to supply alcohol from another state. Again, that renders information about the licence location totally irrelevant to this issue.

**Mr P.J. RUNDLE:** I express my concern, but I move on to the next proposed section 152ZC on page 39 of the bill. My first question is: what is a prescribed person?

**Mr R.R. WHITBY:** I thank the member. Again, I think we covered this ground earlier, so just to clarify, we have already flagged that the prescribed officers would include medical practitioners and social workers who are recognised as such by membership of the Australian body representing social workers. There will also be the ability to further prescribe other officers at a later time. I think we discussed the issue of magistrates being a very good example of a prescribed officer who could request or begin the process of putting someone on the banned drinkers register.

**Mr P.J. RUNDLE:** I am trying to clarify in my head the issue of personal information confidentiality. The department put up posters in Carnarvon and the Gascoyne region that state that no personal details are recorded. How will this all blend in?

**Mr R.R. WHITBY:** The poster that the member showed us is an example of what the department has distributed to licensees and publican venues. The reference to data privacy relates to the person using their ID to purchase alcohol. That is a very clear message that we want to get out. It is very simple to understand. The machine will simply acknowledge whether the ID that is scanned onto it matches the identity of someone on the banned drinkers register. That is all it will do. It will not keep a record of the name or details of the person purchasing alcohol. It will simply identify whether that ID matches someone in the banned drinker database. That is it. The licensee or the publican will not keep a record of anyone's identity. Quite frankly, other than the obligation to make sure it is the identity of the person in front of them, there will be no other need to record or acknowledge that identity because the scanning machine will simply match the information.

**Mr P.J. RUNDLE:** I thank the minister for that explanation. We have already discussed the next stage of confidentiality. Assuming all those medical practitioners and social worker professionals keep their information confidential, will there be any sort of exchange of confidential information between that category of prescribed persons and the police?

**Mr R.R. WHITBY:** Medical practitioners or social workers—or maybe, in the future, magistrates—would make an application to the director of Liquor Licensing that an individual could or should be placed on the banned drinkers register. Those are professional people who are already obliged to protect the privacy of their patients. Officers in the agency are also required to respect privacy. There will be some codes of behaviour for that information being held confidentially during the process of putting someone on the BDR.

**Mr P.J. RUNDLE:** What will be the pathway for a licensee to have a known troublemaker placed on the BDR?

**Mr R.R. WHITBY:** We might have touched on this briefly before. The current provisions allow publicans to take action and call the police if someone is problematic on their premises. If related to alcohol, the police would come along and make that judgement, remembering the dual pathways to putting people on the BDR through medical practitioners and social workers. Police can also make a judgement and, with the approval of a sergeant or higher, begin the process. It then will go to the Commissioner of Police or his delegate to work out whether that person should be on the BDR. There will be a pathway, if you like, for a publican to do it, although a publican would not be a prescribed person. In the normal course of handling difficult customers, there will be the avenue to seek police assistance. The police could then make a judgement about the impact of alcohol on that person and whether they make a good candidate for the BDR.

**Mr P.J. RUNDLE:** I refer to proposed section 152ZE, “Protection for disclosure in good faith”, which states —

- (1) Information may be disclosed under this Division despite any written law relating to confidentiality or secrecy.
- ...
- (c) the disclosure is not to be regarded as a breach of professional ethics or standards or as unprofessional conduct.

Can the minister explain that to me? It is rather concerning.

**Mr R.R. WHITBY:** That part deals with the case, for example, of a general practitioner acts who in good faith and concern about the health and wellbeing of a person and passes information on to the director of Liquor Licensing to have that person put on the BDR. That GP will not be liable for action in terms of any privacy issue because this law will give an ability to medical practitioners and social workers to assist in identifying people who, for their own benefit, could and should be on the BDR. It means that they will be protected from any action in terms of a breach of privacy. Proposed section 152ZE states —

- (1) Information may be disclosed ... despite any written law relating to confidentiality or secrecy.
- (2) If information is disclosed under this Division in good faith —
  - (a) no civil or criminal liability is incurred ...
  - (b) the disclosure is not to be regarded as a breach of a duty of confidentiality or secrecy ...
  - (c) the disclosure is not to be regarded as a breach of professional ethics or standards or as unprofessional conduct.

This will give comfort to professionals who want to be part of the solution for someone who has serious issues with alcohol abuse being referred to the BDR. They will be able to play their role in the same way that police will have the ability to play their role, and this will protect them from any liability when they do so in good faith.

**Mr P.J. RUNDLE:** For medical professionals, is the accountability to their profession or, in respect of the information they are using to put someone on the BDR, to the police and the director of Liquor Licensing?

**Mr R.R. WHITBY:** I would have thought that a medical professional would believe they were acting in the best interests of their patients when they do this. It is usually in cases in which individuals are at serious personal risk of harm to themselves or others, so a medical professional would make that judgement and disclose that information to the director of Liquor Licensing, who would then be obliged to assess the information and ascertain whether it is an appropriate referral that should be approved or not. Again, this is about providing support and protection to medical professionals who, in the interests of their patients, identify someone who is seriously risking their health and wellbeing by coming into contact with alcohol and abusing alcohol. This is a private process—it is not broadcast to other patients and it is not announced publicly; it is a referral to the director of Liquor Licensing, and the DLL has an obligation to fairly assess the request and referral. There is also the issue of procedural fairness, which we have spoken about before. The individual has the right to appeal, and they have several layers of appeal rights if they are not satisfied with this process. This is about simply giving professional protection to medical professionals who are doing the right thing by referring a patient to the DLL.

**Mr P.J. RUNDLE:** I refer to proposed section 152ZI(2)(c)(ii) at the bottom of page 43 and the ID system. What measures will be taken to ensure that the person is the person on the ID provided to the remote retailer?

**Mr R.R. WHITBY:** This is about the obligation that currently exists for people to check the age and identification of someone under the requirements for the responsible service of alcohol.

**Mr P.J. RUNDLE:** I refer now to proposed section 152ZF, under “Division 8 — Miscellaneous”. I have a couple of questions on that proposed section in relation to the approved form of identification and the purchase of alcohol outside the region by people trying to work around the system. Can the minister comment on carriage limits coming into BDR regions?

**Mr R.R. Whitby:** Can the member identify a clause?

**Mr P.J. RUNDLE:** This is probably more of a general question in relation to identification and concerns about people coming from outside the region.

**The ACTING SPEAKER (Ms R.S. Stephens):** Minister, we are on page 41, I believe.

**Mr P.J. RUNDLE:** Yes, page 41. I might move to proposed section 152ZF(5) on page 42, which states, in part —

- (5) Subsection (2) does not apply if —
  - (a) the Director has not provided the licensee with a way to access and use the ID system;

Can the minister explain that provision?

**Mr R.R. WHITBY:** That makes provision for the obligation on the director of Liquor Licensing to provide the means for the licensee to interrogate identities to reveal whether someone is on a BDR. It would usually be the provision of a scanning machine; I guess, if necessary, there would be online information or some other form of information, but for the purposes of what we are talking about, there is an obligation on the director of Liquor Licensing to ensure that licensees have the wherewithal, the technical ability, to be able to check IDs. That obligation or expectation is not on the licensee, but rather on the director of Liquor Licensing.

**Mr P.J. RUNDLE:** I thank the minister for that explanation. I have a further question on that. Once again, we have discussed this many times, but is there excess supply of those machines in each area, so that if one or a couple of them break down, there are replacement machines in each of the trial areas?

**Mr R.R. WHITBY:** That is a good point. As I said, currently all licensees in these areas have these machines because the BDR is already operating. It is correct that there is excess capacity in case of breakdowns. Indeed, the department has offices in these regions at which it keeps spare scanners. I do not have numbers for that, but I can assure the member that if one of them breaks down, there will be another one to take its place.

**Mr P.J. RUNDLE:** I move to proposed section 152ZI. If someone is on the banned drinkers register, how will the government stop them travelling out of their region to access alcohol?

**Mr R.R. WHITBY:** We cannot stop people accessing alcohol outside their region, short of putting a scanner in every outlet in the state, which would conceivably cost billions of dollars and would probably not be a good use of taxpayers' money as opposed to using that amount of money on other ways of dealing with issues relating to alcohol. This is a targeted approach. If someone wanted to get into their car and drive to Perth, they would obviously not encounter any scanners in Perth. This is about dealing with people. It is fair to say that most of the issues that relate to the harm caused by alcohol occur in areas where BDRs have been introduced. No system is perfect, but we will have a big impact by making it harder to access alcohol by putting a barrier in place. This is part of a suite of tools that will be put in place to deal with this issue.

**Mr P.J. RUNDLE:** I hear what the minister is saying but, as he knows, someone on the banned drinkers register in Carnarvon could drive to Geraldton and fill up their car with alcohol. Has any thought been given to supplying any software, hardware or whatever it might be to identify people moving around the state?

**Mr R.R. WHITBY:** Although there is no restriction on someone who is on the BDR purchasing alcohol outside the BDR areas, as we discussed earlier, being in possession of alcohol is an offence. If someone on the BDR in a BDR region is in possession of liquor, they are committing an offence. Someone could not easily get around this issue by stocking up and moving a whole lot of liquor home; they would still be committing an offence under the legislation. We are working on carriage limits, which will restrict the amount of alcohol that individuals can move into BDR regions. Under this legislation, police will have the extra power to seize alcohol that someone on the BDR purchased outside their area, and destroy and dispose of it on the spot, as well as issue a fine.

**Mr P.J. RUNDLE:** I assume that the carriage limits will come under different legislation. Will they cross over with the BDR and enable police to dispose of that alcohol if it is carried in from another town? Will they also cover people who are not on the BDR from bringing in alcohol from other towns?

**Mr R.R. WHITBY:** Yes, indeed. As part of the suite of initiatives to deal with this issue, being mindful of people on the BDR having access to alcohol, we will be looking at carriage limits in these regions that will restrict not just people on the BDR but also everyone, including bootleggers who might come in and take advantage of the situation by supplying to anyone and not just people on the BDR. These restrictions will be part of the suite of measures used to tackle these issues in communities that are being hard hit by alcohol abuse.

**Mr P.J. RUNDLE:** Does the minister have any timetable on when those carriage limits will be worked out?

**Mr R.R. WHITBY:** Those arrangements are being worked on. They are not part of this legislation, which can proceed. We will continue to work on the carriage limits.

**Mr P.J. RUNDLE:** I refer to proposed section 152ZK, "Delegation by Commissioner of Police". We have already covered this matter to some extent. If no police officer of the required rank is available in a town such as Gascoyne Junction—for instance, no sergeant is available; there might be a lower ranked police officer or, in some cases, no police officer—how will that work?

**Mr R.R. WHITBY:** This part of the legislation does not relate to that matter, but I will cover the member's query because we have covered it already. In a small town where a sergeant might not be present, as we discussed earlier, higher ranked officers are often nearby. They do not have to be physically present; a local constable could refer this matter via email or phone call to a higher ranked officer elsewhere. It could go through the Liquor Enforcement Division in Perth. Support could be sought for that type of application to be dealt with by a sergeant or higher ranked officer in a range of ways.

**Clause put and passed.**

**Clause 16: Section 155 amended —**

**Mr P.J. RUNDLE:** I understand that a person on the BDR can drink in a licensed venue but that they cannot purchase takeaway liquor. Is that correct?

**Mr R.R. WHITBY:** If a person is subject to a banned drinker order for a three, six, nine or 12-month period, they can certainly go into a pub, like the member for Roe and I can, and have a drink at the bar. Experience has informed us that the issues are occurring with takeaway alcohol. In a licensed venue such as a pub, the responsible service of alcohol provisions kick in, and a licensee would be present, along with staff monitoring the area. If that person got out of control or had serious issues, the publican or staff could easily contact police.

People who are currently on the banned drinkers register, including self-referrals, are subject to prohibition notices or banning orders and the existing provisions prevent them from going into a licensed venue. If they are subject to a prohibition notice or a banned drinkers order, they have obviously behaved inappropriately and they cannot go into licensed premises. It is entirely the case that they were put on the BDR during the trial, and that is why they are on it now, so they still cannot go into a pub. This legislation will widen the intake of people going on the BDR to include people who are not subject to those barring notices or banning orders but who have behaved in a way that they should still be on the BDR. Those people can still go into a hotel and have a drink—in moderation, hopefully—and if that is not the situation, police will intervene and no doubt they will find themselves with further time on the BDR, as we discussed earlier.

**Mr P.J. RUNDLE:** Can the minister explain the provision in clause 16(1) for an unopened container of liquor in the person's possession?

Debate interrupted, pursuant to standing orders.

[Continued on page 3323.]

**TREVOR FITZGERALD — KING'S BIRTHDAY HONOURS LIST**

*Statement by Member for Vasse*

**MS L. METTAM (Vasse — Leader of the Liberal Party)** [12.50 pm]: Trevor Fitzgerald, OAM, was completely surprised and overwhelmed to be recognised in this year's King's Birthday honours list for his service to Busselton and his restoration work to the now heritage-listed landmark, the iconic Busselton Jetty—a testament to his modesty and commitment to what is now Busselton's biggest tourist attraction. Cyclone Alby hit Busselton in 1978 with winds that severely damaged the jetty. Three days later, Trevor began his mission to preserve the jetty, spurred on by his sentimental attachment stretching back to his childhood days. No funding was forthcoming and the jetty was at risk of being demolished. Trevor would not be deterred and so the community group to save the jetty was born. Trevor's 40-year involvement has rightly bestowed him a life membership to the Busselton Jetty Environmental and Conservation Association.

I congratulate Trevor. He is a local legend, a valued community member and a very worthy recipient of this prestigious award. I thank him for his continued advocacy and the important contribution he has made to saving and preserving one of Busselton's most important assets and the most popular tourist attraction outside Perth.

**JOONDALUP COMMUNITY ORGANISATIONS — MILESTONES**

*Statement by Member for Joondalup*

**MS E.L. HAMILTON (Joondalup)** [12.51 pm]: This year we will celebrate some significant anniversaries and major milestones for organisations, community groups and schools in my electorate of Joondalup. The dedication and leadership shown by volunteers and community members who make up those groups is what makes me so proud to represent our community. The Ocean Reef Sea Sports Club is celebrating its fiftieth anniversary this year! I acknowledge all members past and present who have been involved in creating a welcoming and engaging club community of over 1 200 members. Soroptimist International celebrates 45 years in Joondalup. The Spiers Centre marks 40 years of serving our community, supporting vulnerable people all year round. The Friends of Yellagonga Regional Park turns 30. The Joondalup Bowling Club celebrates two significant milestones: this year marks 30 years since its founding as the Beaumaris Bowls Club and 10 years with its new name, the Joondalup Bowling Club!

Also turning 30 are the Joondalup Family Centre, the Joondalup Lakers Hockey Club and the Connolly Residents Association. The City of Joondalup will celebrate its twenty-fifth anniversary next month. Edgewater Primary School and Ocean Reef Senior High School are turning 40. I recently met Gail Baily, a founding teacher who has been with Edgewater Primary School for 41 years. Lake Joondalup Baptist College is turning 35; Joondalup Primary School, Mater Dei College and North Metropolitan TAFE Joondalup are all celebrating 30 years; and Ocean Reef Primary School is turning 25!

Mr Womersley, principal of Connolly Primary School, will retire this year after 51 years in teaching; I wish David all the best for his retirement. There are many wonderful celebrations in Joondalup this year!

**PLANNING — ST QUENTIN AVENUE — CLAREMONT***Statement by Member for Cottesloe*

**DR D.J. HONEY (Cottesloe)** [12.53 pm]: I rise to inform Parliament that this government is creating dismay and outright anger in the community over its disdain for the community on planning matters—in particular, the approval of high-rise developments in inappropriate locations such as quiet residential streets. The latest incident involves the Claremont council's bewilderment at being completely sidelined in a process that resulted in a 19-storey tower being approved for St Quentin Avenue. Claremont council has actively worked with developers and the state government on a new local planning scheme, including appropriate height limits for apartments in the town centre. Claremont has already exceeded the state government's 2050 infill development target. That shows it is not a council simply opposed to appropriate high density. The discussions with the WAPC were centred on an agreed height limit of 10 storeys in the town centre. It is also a council that respects the views and wishes of the local community, who are the people who live with the legacy of planning decisions—something this Labor government has wilfully ignored. Instead, we have a situation well described by the Town of Claremont's mayor, Jock Barker. He said that communities right through WA have been robbed of their right to have a say in how their areas should look.

This Labor government should be ashamed of its betrayal of the community's rightful expectation to have a say in what their neighbourhoods look like. Ordered planning decisions have been abandoned in favour of quick profits for a few developers at the expense of sensible outcomes and the long-term amenity of local communities.

**SAMUEL THOMAS — YOUNG VOLUNTEER OF THE YEAR***Statement by Member for Thornlie*

**MR C.J. TALLENTIRE (Thornlie)** [12.54 pm]: I rise to congratulate my constituent Samuel Thomas of Sam's Spares on winning the WA Volunteer of the Year Awards 2023 Young Volunteer of the Year. I congratulate Sam on his award and for recognising e-waste for what it is—a missed opportunity to redistribute technology and recover valuable materials, and a massive environmental problem once it goes to landfill. Sam saw these problems and went about creating a solution.

According to Clean-Up Australia, 88 per cent of the four million computers purchased in Australia every year will end up in landfill. That is such a shame when 98 per cent of the components in a computer can be fully recycled. Nineteen-year-old Sam runs an e-waste collection point where he repairs broken and unwanted electronics for repurposing to those in need. We might say Sam pays it forward, giving away rejuvenated computers to those in need.

Sam's Spares is a registered not-for-profit incorporated association. Sam's mum, Diane, fills the role of president and his dad, John, is treasurer. Together the three of them have taken Sam's dream of reducing e-waste in landfill to reality by creating a thriving local community-needs business. In June alone, Sam's Spares made available 30 refurbished desktop computers for not-for-profit groups, charities and community organisations.

Sam's neurodiversity—autism and Tourette's—is part of his being and his great abilities and determination to make his mark. Clearly he is exceeding his dreams. Congratulations, Sam.

**COUNCILLOR DON HAMMARQUIST — TRIBUTE***Statement by Member for North West Central*

**MS M. BEARD (North West Central)** [12.56 pm]: Today I stand to recognise the life and contribution of a true gentleman, community champion and leader of our region, Mr Don Hammarquist, OAM, who sadly passed earlier this week. Don was a man of big stature and spirit whose legacy and contribution was even bigger.

Don was a local government leader. After first being elected in 1990, he spent the next 33 years supporting, advocating and leading his community as a councillor and a deputy president and six years as president of the Shire of Upper Gascoyne, a position he held at his passing. In 2019, Don was recognised with an Order of Australia Medal for his contribution to local government and the community of Upper Gascoyne. He had also recently been made a freeman of the Shire of Upper Gascoyne.

Don was a friend and mentor to many. Don was an active and massive contributor to the Eastern Gascoyne Race Club as a two-time president and long-time secretary. Don also won the Landor Cup nine times and leading trainer 12 times. As station owner of Mt Augustus, Don was a driving force behind tourism through the Mt Augustus Tourist Park. Through his role on the Gascoyne Development Commission, Don was an integral part of the rebuild and recovery of Gascoyne Junction after the 2010 floods as well as the delivery of the Killili Bridge, linking the town of Gascoyne Junction.

He was a passionate advocate for his region, pastoralists and the broader Gascoyne region and beyond. Don will be remembered as a man of integrity and determination who provided wise and commonsense advice and counsel to all who knew him. My sincere condolences to Dot, Matthew, Melanie, David and families and all those who knew him.

Vale, Don Hammarquist.



**YANGEBUP BOXING CLUB — HAYDEN WRIGHT***Statement by Member for Cockburn*

**MR D.A.E. SCAIFE (Cockburn)** [12.58 pm]: I rise today to acknowledge the work of Yangebup Boxing Club and coach Hayden “H-Bomb” Wright. Hayden is a former professional heavyweight boxer who runs the club out of his home in the suburb of Yangebup in my electorate. Hayden provides free boxing classes for kids, and the club is 100 per cent not-for-profit in its operations. With donations from local businesses, Hayden and the club sometimes put on sausage sizzles and pizzas after classes to keep the kids entertained. Hayden and his volunteers also go out of their way to pick up kids who need a lift and could not otherwise make it to the club. It really is a mini community hub to support families in keeping their children active and out of trouble. The youth boxing classes are so popular that when I met Hayden last year, he had the goal of transitioning to a bigger space.

I was very pleased to see that Yangebup Boxing Club has been nominated for the 7NEWS Local Champions Award, and the story was featured by 7NEWS in May. During the interviews, some of the young boxers said they had learnt skills to be more confident and make more friends. I am sure that every child attending the club feels like they are a local champion themselves, and I cannot overstate the benefit this has had in our Cockburn community.

To Hayden, thank you for the work that you do. It is very much appreciated. It is invaluable to the community. I wish Yangebup Boxing Club and you the best of luck in the final rounds of the Local Champions Award, with shortlisted entrants to be decided on 5 July and the final prize ceremony to take place later this year.

*Sitting suspended from 1.00 to 2.00 pm***VISITORS — ARMADALE PRIMARY SCHOOL AND COODANUP COLLEGE***Statement by Speaker*

**THE SPEAKER (Mrs M.H. Roberts)** [2.00 pm]: Members, I start by acknowledging some guests in the Speaker’s gallery. On behalf of the member for Darling Range, I acknowledge the student leaders from Armadale Primary School and their teachers who are visiting Parliament today. Welcome. On behalf of the member for Mandurah, I acknowledge Coodanup College’s presence in my Speaker’s gallery today as well. I also acknowledge all the students upstairs in the public gallery today. I hope that question time is an edifying experience for you.

**CHAMBER DECORUM — PARLIAMENTARY LANGUAGE***Statement by Speaker*

**THE SPEAKER (Mrs M.H. Roberts)** [2.01 pm]: Yesterday during question time there was a comment made by way of interjection that a member or members of the opposition were racist. I want to remind members that it is not appropriate to refer to another member as being racist, particularly by interjection. It is one thing to describe someone’s comments, for example, as being racist; it is another to directly label a member as racist. I also remind members that if there is any exception taken to the use of language, they should raise that objection immediately.

**QUESTIONS WITHOUT NOTICE****PERTH MINT — SENATE COMMITTEE INQUIRY****428. Mr R.S. LOVE to the Premier:**

I refer to today’s establishment of a Senate select committee to investigate the deeply concerning controversy surrounding the Perth Mint, including events leading to the appointment of an external auditor by the Australian Transaction Reports and Analysis Centre, events leading to a London Bullion Marketing Association incident review process, and matters concerning governance and reputational damage caused by the Mint’s failure to comply with regulations.

- (1) Does the Premier now agree that this is more than a storm in a teacup?
- (2) Will the Premier commit to the public that his government will not stand in the way of transparency and will comply in full with all requests from this important committee?

**Mr R.H. COOK replied:**

- (1)–(2) I think it is extraordinary the amount to which the opposition in Canberra looks to state issues in order to provide itself with some form of relevance or something to comment on. I assume it is, in part, an implicit endorsement of everything that the commonwealth government is doing and therefore the federal opposition tries to seek answers elsewhere for its own irrelevancy. I note that the commonwealth did not support the Senate motion on this select committee. The commonwealth government has stated that matters of corporate and regulatory compliance have always been taken seriously, which is the reason AUSTRAC, the Australian Securities and Investments Commission and other regulatory authorities are looking into it. The state government shares the commonwealth’s view. AUSTRAC and a leading expert are doing an independent audit of Perth Mint’s compliance with federal anti-money laundering and counterterrorism laws. It is also why the Western Australian government has invested \$34 million to overhaul Perth Mint’s internal systems and procedures. The WA government has also commissioned a comprehensive strategic

review into Perth Mint's future. AUSTRAC, the commonwealth government and the WA government are taking all these matters into account and are taking them very seriously. I think the Senate inquiry is unnecessary, but, of course, the Senate is the master of its own destiny and it can inquire, form committees and do what it sees fit. To paraphrase the federal Minister for Finance, Senator Gallagher, the commonwealth government does not support a Senate inquiry that is driven by state politics. She said it would be disrespectful and undermine due process. I think that is right. The problems at Perth Mint were years in the making. This government is resolving those issues and working assiduously with commonwealth authorities to get to the bottom of those matters, but, of course, also making sure that it progresses into the future in an appropriate way.

PERTH MINT — SENATE COMMITTEE INQUIRY

**429. Mr R.S. LOVE to the Premier:**

I have a supplementary question. I take the Premier back to the first point in my question. Does he now concede that the situation surrounding the Perth Mint is more than a storm in a teacup?

**Mr R.H. COOK replied:**

No, I do not. I concede that the Senate has made a decision today to set up a select committee into this issue—nothing more; nothing less. It is a political decision and it will make its decisions as it sees fit.

Several members interjected.

**The SPEAKER:** Order, please!

**Mr D.J. Kelly** interjected.

**The SPEAKER:** Order, please, member for Bassendean!

BANKSIA HILL DETENTION CENTRE — REFORM

**430. Mr S.N. AUBREY to the Premier:**

Before I ask my question, I acknowledge two students from St Mary's Anglican Girls' School in my electorate who are doing work experience—Olivia Lingham and Anna Mackie—and are in the gallery today.

My question is to the Premier. I refer to the Cook Labor government's commitment to addressing Western Australia's long-term youth detention needs. Can the Premier outline to the house what steps are being taken to improve safety, security and welfare at Banksia Hill Detention Centre?

**Mr R.H. COOK replied:**

I would like to acknowledge all the young adults who are in the gallery today. I met some of the young leaders from Joseph Banks Secondary College earlier. It is great to see them here, looking at our Parliament, because young people are our future. This state provides many great opportunities for young people to take advantage of our great lifestyle and everything that this state has to offer.

But we have to acknowledge that some kids are confronted by complex issues and that they miss out on those opportunities as a result of those complex issues. That is the reason, from time to time, it is necessary to detain juveniles who have repeatedly perpetrated very serious and frequently violent crimes. For this reason, they need to be separated from the wider community to ensure a more intensive program to get them back on an even keel and bring them back into community life to live rewarding and exciting lives. That is the reason we have undertaken the decisions we have announced today in relation to Banksia Hill Detention Centre. This morning, I joined the Minister for Corrective Services, Paul Papalia, to announce a plan for Banksia Hill. Above all else, a consistent message of this government is that we want to continue to make Banksia Hill safe for the staff and safe for the juveniles who are in that facility. That is our number one priority. Once the facility is safe and secure, we will be able to properly engage young people in rehabilitation, education and positive activities. It is important to note that these changes will not happen overnight as they are complex issues, but we are confident of the trajectory that we are now on in relation to the situation we have at Banksia Hill.

Firstly, we are taking immediate action to improve safety, security and welfare at Banksia Hill. That involves additional prison officers to provide greater security, which will enable youth custodial officers to focus on rehabilitation, mentoring and delivering the programs that we want to see brought to life in that facility. Legislative changes will be brought in to enable this, as well as specialised training and working with children checks for prison officers employed at the centre. The additional staff will improve the safety and security of those in detention and increase their out-of-cell hours. Consultation has begun with Indigenous leaders in the community who will provide advice as a new model of care is adopted. We have listened to feedback from Aboriginal community members to enable the elders in that community to help. As part of this, Aboriginal mediators are being engaged to assist with the mentoring and safe resolution of critical incidents. In addition, the Department of Justice will appoint an Aboriginal health service to provide culturally appropriate care for young people at the facility. Discussions are also underway with the Telethon Kids Institute to provide expertise and advice into a range of neurodevelopmental issues such as foetal alcohol spectrum disorder. This will help to inform a model of care for each individual's

needs. I have been at pains to point that out. Each kid there has their own story and their own complex reasons for finding themselves in this position. We need to make this facility safe and we need to employ a therapeutic model of care to make sure that we can give these kids the best possible start in life. We will continue to make sure that we work to understand what the best infrastructure needs for this facility are, whether it is part of that facility or elsewhere, whether it is in remand or other suitable services. In an ideal world, no juvenile would be in detention, but we do not live in an ideal world; we live in the real world. There are juveniles who require intervention and temporary separation from the community. There are very complex and varied reasons for this. We want Banksia Hill Detention Centre to be a world-leading institution for juvenile detention and rehabilitation.

I commend the Minister for Corrective Services for the work he has done so far and I know we will do more. A lot of it is leading from the work already done by this government and the previous minister. We will continue to make sure that we do everything we can to make this facility safe for the staff and the detainees and, above all else, we will work with the community to make sure that we bring new models of care with these services because we know that we can make sure these kids will live happy, rewarding lives in the community, and they just need assistance to get there.

#### ABORIGINAL CULTURAL HERITAGE ACT — SURVEY GUIDELINES

##### 431. Ms L. METTAM to the Minister for Aboriginal Affairs:

I refer to the minister's response to questions in budget estimates that the survey guidelines for the Aboriginal Cultural Heritage Act, which are crucial for industry to prepare for the 1 July start date of the new laws, had not yet been published.

- (1) Is the minister aware and can he confirm that the survey guidelines were in fact published on the department's website earlier this week, only to be taken down hours later?
- (2) If yes to (1), why were they taken down?
- (3) Was it because of industry feedback to the survey guidelines?

##### Dr A.D. BUTI replied:

- (1)–(3) Yes, I was aware. They were up there for a brief time. That version should not have gone up; it was some issue that we discussed with industry. We have a very consultative process with industry and we want to make sure that industry is comfortable. That is being worked on with industry and will be put up in due course. I am glad the member for Vasse asked me about the Aboriginal Cultural Heritage Act. Yesterday, there was an article in *The West Australian* on Aboriginal cultural heritage.

Ms L. Mettam interjected.

The SPEAKER: Order, please!

Dr A.D. BUTI: Yesterday, an article was published in the paper with the Leader of the Liberal Party behind the president of the Pastoralists and Graziers Association, and he said —

*Point of Order*

Ms L. METTAM: The minister has answered the question to his best ability. He is now straying into other areas. Several members interjected.

The SPEAKER: Please pause for a moment. Because of the noise, I have not actually heard your point of order. Points of order, I remind members, are heard in silence. I will adjudicate once I have actually heard the point of order.

Ms L. METTAM: The minister is now going on his own political diatribe. I would like to ask my supplementary question.

The SPEAKER: I am not upholding that as a point of order. The minister has only briefly been on his feet in an attempt to answer the question. It is up to him to answer how he sees fit. I believe what he has said so far has been relevant to the question asked.

#### *Questions without Notice Resumed*

Dr A.D. BUTI: We are talking about the Aboriginal Cultural Heritage Act. I wonder whether the Leader of the Liberal Party agrees with Tony Seabrook that the act that she voted for should be scrapped. Does she believe that the act that she voted for in 2021 should be scrapped? Josh Zimmerman has been writing a lot on this recently. He wrote an article, I think, on Tuesday, and he said —

No one—at least no one credible—is arguing against the intent of the new heritage laws.

Is the Leader of the Liberal Party arguing against it?

Ms L. Mettam: We are not arguing against the intent of the heritage act.

Dr A.D. BUTI: So you are not supporting Tony Seabrook and that it should be scrapped?

Several members interjected.

*Point of Order*

**Ms M.J. DAVIES:** Point of order, Madam Speaker.

Several members interjected.

**The SPEAKER:** Order, please! I am going to be giving a member a call for a point of order, and I am again going to remind members that points of order are heard in silence.

**Ms M.J. DAVIES:** I know that the Speaker has provided guidance to the house previously that ministers are not to ask the opposition questions during question time; that is, in fact, our task.

**The SPEAKER:** There is a point to be made here. From time to time, members ask rhetorical questions for which they do not expect an answer. A rhetorical question is just part of a general speech, oratory or a response or the like. There is nothing wrong with rhetorical questions. Occasionally, when someone is prepared to take interjections or members are prepared to have a bit of repartee, that is also allowed. On this occasion, I think the minister's first question was definitely rhetorical. Some of the others have been more individually directed at members. They have indicated that they are not intending to respond. Your opportunity here is to respond to the questions asked, something that you are doing, but I just remind you particularly not to repeatedly ask opposition members questions, especially when they have indicated that they are not answering them.

*Questions without Notice Resumed*

**Dr A.D. BUTI:** Thank you very much, Madam Speaker, I always look to your guidance and experience on the rules and orders of the house.

I think the member needs to tell the community where she stands, whether she supports the legislation or does not support the legislation and whether she is prepared to stand behind someone. Do members remember the posters against Julia Gillard in Canberra and the signs that certain politicians stood behind? If a member is standing behind someone, they have to tell the public whether they support them or not. We are talking about regulations, guidelines and the act. I was surprised by the headline in today's paper and the article that said that we were suddenly changing the definition of Aboriginal cultural heritage. As I stated in my answer yesterday, that is not the case. Intangible Aboriginal culture heritage has been in place since 1972. One would have only to refer to section 5(b) of the 1972 act to know that is the case. One would have only to go to the decision of the Supreme Court of 2015 to know that is the case. Section 5(b) of the Aboriginal Heritage Act 1972, which is the current legislation, states that it is to the protection of —

any sacred, ritual or ceremonial site, which is of importance and special significance to persons of Aboriginal descent;

The Barnett government in July 2013 sought to introduce guidelines to unilaterally determine that its interpretation was —

... a place to be a sacred site requires that it is devoted to religious use rather than a place subject to a mythological story, song or belief.”

The Supreme Court rejected that. Supreme Court Justice Chaney, in a very extensive decision—and members can go to paragraph 73 if they want to look at it; they should do some research rather than scaremongering—stated quite clearly that story and songlines are sacred sites that are protected under the 1972 act. We have not changed anything. If members read the headline this morning and read the article, they would think we have made major changes in the last three days. That is not the case.

**Mr R.S. Love:** You made none of those points on those very elements.

**Dr A.D. BUTI:** Your question yesterday —

**Mr R.S. Love:** You did not put forward any of those points at that time.

**Dr A.D. BUTI:** I said songlines. That is what I said yesterday in my answer when you asked me what it was. I cannot believe you!

**Mr R.S. Love:** Go back and look at *Hansard* of the consideration in detail.

Several members interjected.

**The SPEAKER:** Order, please, members!

**Dr A.D. BUTI:** He should be reading *Hansard*.

**The SPEAKER:** Pause for a moment please, minister. Leader of the Opposition, this is not a question that you have asked. We have already had a relatively lengthy answer. If we continue to have this repartee, and frankly if we continue to have points of order, that will limit the number of questions we get through today.

**Dr A.D. BUTI:** I am wrapping up now, Madam Speaker.

Yesterday, in the answer to the question that the Leader of the Opposition asked, in regard to the Premier and that we have changed the law, I said no. “Intangible” has been part of the legislation since 1972; it is just that we have expressly mentioned that word in the new act.

The member asked for examples and I said songlines and the sacred site at the top of the hill. That is in the definition. The member should look at the decision by Justice Chaney in 2015. That is what I said. The member must not have been listening.

#### ABORIGINAL CULTURAL HERITAGE ACT — SURVEY GUIDELINES

#### 432. Ms L. METTAM to the Minister for Aboriginal Affairs:

I have a supplementary question. Given the minister has admitted to another embarrassing blunder, will he now admit —

**The SPEAKER:** Member, please sit down. I am going to rule your question out of order. I have told you on a number of occasions not to give an introduction. A supplementary is an opportunity to ask a short sharp question, but you have decided to cast a slur with your initial remarks so I am not accepting that as a supplementary. Let that be a lesson to you.

#### *Visitors — Joseph Banks Secondary College and Wanneroo Secondary College*

**The SPEAKER:** I will call the member for Victoria Park in a moment, but before I do that, the member for Wanneroo has some schools in the gallery. It is my pleasure to acknowledge on behalf of the member for Wanneroo students from Joseph Banks Secondary College and their principal, Eleanor Hughes, and associate principal, Phil Wass; and students from Wanneroo Secondary College who are joined by their teachers Melissa Tran and Andy Couanis. Welcome to you.

**Ms M.M. Quirk:** Don’t try this at home!

**The SPEAKER:** Member for Landsdale, humour does not necessarily make your interjection more acceptable.

#### BANKSIA HILL DETENTION CENTRE — REFORM

#### 433. Ms H.M. BEAZLEY to the Minister for Corrective Services:

I refer to measures announced today to enhance safety and welfare for youth in detention at Banksia Hill Detention Centre. Can the minister outline to the house how youth justice stakeholders have been consulted in relation to these long-term reforms?

**Mr P. PAPALIA replied:**

I thank the member for her question and her interest in matters of juvenile justice.

At the outset, I echo the words of the Premier. We have confronted a challenging situation in recent times as a consequence of a riot at Banksia Hill that destroyed a lot of property and set back a lot of work that had been done on establishing alternatives for housing some really challenging individuals. We are confronted with a situation now in which we are making it safe in the near term by shifting the most challenging and complex individuals to unit 18 where they will be afforded every service, support and intervention possible to ensure that they are cared for and provided with opportunities for rehabilitation. Back at Banksia Hill, the remainder of juveniles who do not exhibit those sorts of behaviours can be afforded a much better environment. Once we have that, we will throw everything we possibly can at services in both locations. To achieve that, we are seeking assistance from all manner of interested parties. All interested stakeholders who have expertise or advice to offer are being engaged with. I have already met with a number of them. The Premier referred to the Telethon Kids Institute being part of our plan. I met with Dr Carapetis and his team last week. They will be resuming studies that they initiated at Banksia Hill some time ago. But we have asked that they very much focus on more pragmatic and practical advice, particularly on how to deal with the significantly challenging juveniles but also the other detainees we have. They will continue with their very practical research but also provide some advice and specialist knowledge for the task.

I have met with a range of other people. I will continue to meet with anyone who offers expertise and skills we can benefit from. For example, next week we will be meeting with the Mental Health Commission, the Law Society, of course the Inspector of Custodial Services—I look forward to working closely with the inspector on oversight of what we are doing—and the Aboriginal Legal Service. I am meeting with Malcolm McCusker from the McCusker Foundation and Tabitha Corser from the Whitehaven Clinic. Many people in this place would be aware that they both bring a lot of capability and experience to this sort of task, so we look forward to meeting with them. I met with the unions that represent both youth custodial officers and prison officers. I met with the Community and Public Sector Union—Civil Service Association of WA yesterday and have met with the Western Australian Prison Officers’ Union a couple of times, and I opened its conference this morning. We look forward to working with them. Also, the Transport Workers’ Union of Australia has a role in the corrective services world.

Just about anybody who can assist will assist us with our problem. It is not my problem but our problem—all of us. The challenge we confront is to make our youth detention facilities the best they can be and provide offenders with the best possible chance for rehabilitation.

## ABORIGINAL CULTURAL HERITAGE ACT — EXISTING AGREEMENTS

**434. Ms M.J. DAVIES to the Minister for Aboriginal Affairs:**

I refer to the minister's response to questions during budget estimates on the implementation of the Aboriginal Cultural Heritage Act, specifically with regard to existing agreements.

- (1) With less than two weeks before the act commences, can the minister advise what impact, if any, the new act will have on the operation of existing Indigenous land use agreements and standard heritage agreements?
- (2) Will project proponents with existing agreements need to stop work while new surveys are completed and agreements are reached?

**Dr A.D. BUTI replied:**

- (1)–(2) If prior approval had been granted under section 18, they will continue. If the approval was granted after the passage of the act in December 2021, it is a five-year period. If it was prior to that, it is a 10-year period. Each individual Indigenous land use agreement would depend on the specific circumstances. Those ILUAs were agreed to by Aboriginal people and others, and that will continue to happen under the new act. The new act is all about facilitating communication and dialogue between users, landowners and Aboriginal groups.

## ABORIGINAL CULTURAL HERITAGE ACT — EXISTING AGREEMENTS

**435. Ms M.J. DAVIES to the Minister for Aboriginal Affairs:**

I have a supplementary question. I also spoke to the minister about the agreements between the state government, and he indicated that that work was still underway —

**Dr A.D. Buti:** The state government and what?

**Ms M.J. DAVIES:** The state government and the Yamatji Nation Indigenous Land Use Agreement and the south west native title settlement and I think the minister mentioned Esperance specifically. Can the minister advise whether that work has been completed, as he advised during estimates that it was underway?

**The SPEAKER:** That was a very lengthy supplementary but, minister, I ask you to respond.

**Dr A.D. BUTI replied:**

As a state government, we are genuine in our commitment to ensure that we preserve Aboriginal cultural heritage. We have engaged in numerous agreements with Aboriginal groups and that will continue. I do not see any problems under the new regime.

## ROAD INFRASTRUCTURE — KIMBERLEY REGION

**436. Ms D.G. D'ANNA to the Minister for Transport:**

I refer to the Cook Labor government's record \$5.3 billion investment in Western Australian regional roads. Can the minister outline to the house how this record investment is transforming road connections in the Kimberley and how it is creating employment opportunities for people in the Kimberley?

**Ms R. SAFFIOTI replied:**

I thank the member for Kimberley for that question. I am wearing a West Coast Fever scarf, if people had not noticed. The member for Wanneroo, the Minister for Community Services, brought in the scarves today. She is a very big supporter of netball in WA, as are many members of Parliament. We wish them the best for Sunday when they play their semifinal, and going forward.

I thank the member for that question. Of course, the member for Kimberley is a strong advocate for her community, and there is a lot happening on roads and road connections throughout the Kimberley. I am pleased to inform the house that works have begun on three key bridge replacements on the Great Northern Highway through the Kimberley. Single-lane bridges are being replaced with dual-lane bridges at—hopefully, I will say this correctly, member for Kimberley—Tickalara Creek, Frog Hollow Creek and Arthur Creek. Initial works are underway. The bridgeworks at Arthur Creek will be undertaken in 2024. The construction phase will support 100 direct and indirect jobs. The project is jointly funded with the federal government.

Another key element is making our roads accessible year round and safer. Work has begun on sealing the Tanami Road on the section linking Great Northern Highway to the Northern Territory. The section to be sealed is over 1 000 kilometres long. State and federal governments have committed \$542 million to the project and, very importantly, currently more than 65 per cent of the workforce comprise Aboriginal people, with two-thirds living in Halls Creek. The government has also awarded \$15 million to Aboriginal businesses to date.

We all remember the vision of the collapsed Fitzroy River Bridge. The good news, of course, is that the demolition of that bridge has been completed and work is very much underway. I said that by April the Main Roads team had

constructed a temporary single-lane causeway over the Fitzroy River; by the end of May, a fully functional two-lane causeway had been opened and demolition of the old bridge had been completed. Work is underway on the new bridge. Thirty-four piles have been driven into the riverbed to support the new bridge pier, with each of the seven piers to be supported by four piles. We are now halfway through that work, with concrete to be poured for the pile caps next week. Again, this work is progressing very, very well, and I thank Main Roads and the Fitzroy Bridge Alliance partners: BMD Constructions, Georgiou Group and BG and E. Congratulations to all those involved. This project will reconnect the Kimberley and ensure that Kimberley connections remain strong.

In preparing for this question, the member will be surprised that I had a look at some of the attacks on this work as it was happening.

**Mr J.R. Quigley:** Who would attack?

**Ms R. SAFFIOTI:** Well, good question. It was Hon Neil Thomson from the other place! I like it when I go through the outrageous attacks in their Facebook posts, and then someone comments, “Well done, Neil!”

**Mr R.S. Love:** You must have too much time on your hands!

**Ms R. SAFFIOTI:** You say I am too busy! There we go.

Several members interjected.

**The SPEAKER:** Order, please!

**Ms R. SAFFIOTI:** Make up your mind! Am I too busy or do I have too much time on my hands? I do not know!

Several members interjected.

**The SPEAKER:** Order, please, members.

**Ms R. SAFFIOTI:** I love this. Neil was there attacking the contractors all the time —

*Point of Order*

**Dr D.J. HONEY:** Point of order.

**Ms R. SAFFIOTI:** Sorry—Hon Neil Thomson in the other place.

**The SPEAKER:** Was that your point of order? Yes? Okay.

*Questions without Notice Resumed*

Several members interjected.

**The SPEAKER:** Member for Southern River!

**Ms R. SAFFIOTI:** Hon Neil Thomson attacks us on Facebook and someone comments on his post, “Well done, Neil!” Well done! Who provided that positive commentary? Hon Nick Goiran!

Several members interjected.

**Ms R. SAFFIOTI:** But it gets better. I saw some other positive comments attacking us for the fact that the Fitzroy River is unpredictable and sometimes floods. We should have predicted the floods every time it rained; we should have predicted all the rain. Hon Neil Thomson is having another go and then someone comes in with the comment —

Only the McGowan government could get a river crossing so wrong ...

Who was that? It was Senator Linda Reynolds! It was actually quite insightful! There were some other comments, including this one from someone who is not a member of the Liberal Party commenting on Hon Neil Thomson’s attacks —

This is disgusting. You should be ashamed of being such a vulture trying to peck on the carcass of crisis. Gross, gross, gross.

That was from someone who is not a Liberal Party member of Parliament. We are very proud of the workers up there who got on with the job. Linda Reynolds actually says far more. Do members remember when she went missing for six months and no-one could find her? Maybe we should have gone on Hon Neil Thomson’s Facebook page to find her!

We absolutely appreciate the work done by all the workers up there in that community who have been working very, very hard, reconnecting. We are replacing the single-lane bridges with dual-lane bridges, we have started the Tanami Road upgrade, and we had the new Kimberley bridge underway pretty much within five months, which is an incredible effort. We designed it, worked through the process, liaised with the local Aboriginal groups and started the work. It was an incredible outcome. I thank everyone involved. I know the member for Kimberley is very excited about what is happening up there, and as my new parliamentary secretary, I suspect she will be up there inspecting all the works very soon.

## ABORIGINAL CULTURAL HERITAGE ACT — IMPLEMENTATION

**437. Mr P.J. RUNDLE to the Premier:**

I refer to the implementation of the Aboriginal Cultural Heritage Act and the nearly 30 000 concerned petitioners; rising anxiety from stakeholder groups; guidelines not yet published; practical details still unclear; and the Minister for Aboriginal Affairs clarifying that the start date is simply arbitrary. Will the Premier delay the 1 July implementation date—yes or no?

**Mr R.H. COOK replied:**

No.

## ABORIGINAL CULTURAL HERITAGE ACT — IMPLEMENTATION

**438. Mr P.J. RUNDLE to the Premier:**

I have a supplementary question. Do the concerned voices of community members, stakeholders, industry and the Premier's own department not matter?

**Mr R.H. COOK replied:**

Absolutely they matter, which is why the government has been at pains to ensure that we work closely with the community to answer their questions, to help them understand their obligations and the ways in which the updated laws will apply, and to make sure they have all the information they need. That is why we have been holding community forums right across the state. The department is sitting, almost around the clock, talking to different industry groups and representatives of those industry groups to make sure we continue to provide information and work collaboratively, cooperatively and in an educated manner to bring these laws into play.

As I have said, these laws are an update of 50-year-old laws that have been in place since 1972, so it is time for us to implement a modern framework for these laws. They are not everyone's cup of tea; there have been criticisms from the Aboriginal community and the farming community and there have been concerns voiced everywhere, but we have the balance right. These laws are in place and they are ready to go, and that is why we are committing to the 1 July start date. The member makes the comment that somehow everything is not in place; it is. There is one set of guidelines on which we are continuing to consult with industry, and with a good week and a half to go, we are keen to make sure we take every opportunity to undertake that consultation and make sure that everyone is comfortable and ready to go.

I understand that whenever laws are updated and people are brought into a modern legal framework, it raises questions in people's minds and sometimes creates some degree of anxiety, but we are working closely with the community and all industry groups to make sure that they understand their obligations—obligations that have been in place for 50 years, and now that we have modernised these laws they will continue to be in place, but will be simpler and fairer and will acknowledge that like-for-like activity will continue to be allowed.

## SOCIAL HOUSING — HOMELESSNESS SERVICES

**439. Mr H.T. JONES to the Minister for Housing:**

I refer to the Cook Labor government's \$2.6 billion investment in social housing and homelessness services. Can the minister update the house on how this investment is making a real difference to housing accessibility in Western Australia; and can the minister advise the house whether he is aware of any other initiatives to increase social housing supply?

**Mr J.N. CAREY replied:**

I thank the member for Darling Range for his commitment to social housing and homelessness in Western Australia. I am on the public record as saying that our record investment is already delivering. We set our first target of 1 300 homes within two years, and we did that one month ahead of schedule in the tightest construction market in the state's history. We have also rolled out significant homelessness reforms; I announced a new package last year. We have established Boorloo Bidee Mia, a highly successful model. We purchased Murray Street Lodge for transitional accommodation. We have boosted homelessness outreach to seven days a week, and also extended it further north to Joondalup and east to Midland. We have created new rough sleeper coordinating groups to assist with referrals of rough sleepers. We have added 155 crisis beds to the system. Critically, we have also created a signature new pilot program—the supported landlord model, through which we are purchasing 100 units to transition rough sleepers directly off the street into a supported community housing provider, because we know that to make this successful, we need to have supported tenancy. To date, we are also ahead of that target with 51 properties added to the program and 43 individuals now housed as part of the program. As part of the budget, we have extended that to a new two-year program for regional Western Australia.

It is exciting to see that we now have a federal government that recognises social housing investment. The federal government last weekend announced a \$2 billion social housing accelerator fund, and Western Australia is getting its fair share. An amount of \$209 million will complement the existing innovative programs through which we are working on social housing.



I also note that the federal government wants to get up its \$10 billion housing Australia future fund. I note that the Community Housing Industry Association, the Northern Aboriginal and Torres Strait Islander Health Alliance, Homelessness Australia, the Property Council of Australia, Industry Super Australia, Everybody's Home and National Shelter have said that the time has now come to pass this legislation. It is interesting that all state housing ministers, including the Liberal state ministers, wrote to senators urging them to pass the bill. Who is stopping it? There are two key political parties. The first is the Liberal Party. Remember its record in federal government. There was no social housing —

**Dr D.J. Honey** interjected.

**The SPEAKER:** Order, please.

**Mr J.N. CAREY:** There was no social housing investment and it completely yanked out funding for remote communities. That is in contrast to the Rudd government, which propped up the Barnett government's social housing expenditure. That is well known and on the public record.

The other part of that coalition, or the “noalition” as the Prime Minister has said, is the Australian Greens, or “Tory-lite”. The Greens are not interested in outcomes. They are not interested in delivery and, of course, they never have to be because they are never in government and they never have to deliver any physical social housing.

We have this perverse coalition of the Liberals and Greens that is blocking a major funding boost for social housing across Australia that is supported by critical housing, property and a range of other national stakeholders. These parties have their heads in the sand. As I have said before, there is a very clear line between that side and this side. There were no social housing policies from that side for six years, while there was a massive number of reforms from this side to deliver social housing for our most vulnerable.

#### REX AIRLINES — INTRASTATE AIR ROUTES

#### 440. **Ms M. BEARD to the Minister for Transport:**

I refer to the ongoing unreliability of regional air services for communities such as Carnarvon, Monkey Mia, Esperance and Albany, which is impacting on connectivity and affecting vital sectors such as health service delivery, business and personal travel and tourism operators, and to the recent revised profit guidance of the operator Regional Express.

- (1) Has the minister contacted Regional Express to seek assurance that its revised profit guidance will not further constrain its service delivery in regional WA?
- (2) Is she confident that Rex is fulfilling its contractual obligations under its deed of agreement with the government?

**Ms R. SAFFIOTI replied:**

Thank you very much.

(1)–(2) This government is a very big supporter of regional aviation. We are the government that —

**Mr P.J. Rundle** interjected.

**The SPEAKER:** Order, please, member for Roe.

**Ms R. SAFFIOTI:** It is interesting that members of the Nationals WA are attacking Rex airlines.

In relation to regional aviation, of course, we are the government that brought in the regional airfare zone cap, which limits the cost of travel for regional Western Australians to either \$199 or \$299. We have been working with Aviair and now Nexus Airlines to create new routes. In just over a few weeks, the inaugural flights connecting Geraldton to the north and to Perth through Nexus will commence as a result of state government support. We continue to work with all the airlines.

We understand that Rex had, in a sense, a trading halt two days ago. My team has worked with it over the past 24 hours to ascertain what impact it will have on regional air services. Our understanding currently is that there will be no impact on the flights that Rex delivers. We continue to work with Rex, as we continue to work with all destinations and ports. For example, in Geraldton—where is the member for Geraldton? She is not here. She has obviously caught a plane back! Every port has had issues as airlines recover from the impacts of COVID. They have all had issues in relation to reliability. States and major capital cities have also had issues with reliability. We are constantly working with all the airlines to try to make sure that we have a very reliable airline system, but of course we have also addressed accessibility and affordability, and we will continue to do that.

I find that the aviation market continues to evolve and change, particularly the participants and the challenges. For instance, more generally, globally there is an issue about aircraft availability because of some of the challenges with production caused by COVID. Everyone now wants to fly again, but there is a limited amount of aircraft out there, and, of course, some pilots chose to leave the industry during that time. We continue to work with all of them. As I have said, we are doing everything to make sure that aviation is accessible and affordable throughout regional Western Australia.

## REX AIRLINES — INTRASTATE AIR ROUTES

**441. Ms M. BEARD to the Minister for Transport:**

I have a supplementary question. Has the minister sought advice on whether Rex is fulfilling its contractual obligations under its deed of agreement with the government?

**Ms R. SAFFIOTI replied:**

Yes, and I continue to seek advice on its obligations. It is always easy to criticise, but we always have to worry about the longer term repercussions of what we do. In many instances, what we might want to do in the short term could have a longer term impact on the accessibility and affordability of air travel in Western Australia. We continue to work with all of them. There would not be one airline that has not disappointed or surprised me, but we continue to work with them to try to ride out the challenges. Our intrastate aviation market is something that we need to grow and support. I have always said that we can be compared with other places; for example, Queensland has far more flights available. That is why we are trying to underpin the Western Australian intrastate market with more activity through the capped airfare scheme. We have seen more activity and we will continue to provide support. The only way that we can continue to drive reliability, bigger aircraft and more services is by supporting the entire aviation market. That is what I am committed to. All our initiatives are about looking at the entire industry and asking how we can make that industry grow stronger. I want to be like other states and have a lot of aircraft in the air servicing our markets.

**Mr P.J. Rundle** interjected.

**The SPEAKER:** Member for Roe, you did not ask this question and we have already had a supplementary question. Minister, I will ask you to ignore that comment.

**Ms R. SAFFIOTI:** Sure.

People will have criticised every airline over the past six years. What should we do—just get rid of them and then wait while people say that there are no aircraft servicing their towns? Is that what members opposite want to do? That cannot be done, particularly in aviation. It is not like getting a bus. We have to get the aircraft, the pilots and the entire infrastructure. It is a sophisticated market. We have to continually support the entire industry. As I said, why have capped airfares? It is about two things: affordability and growing the market. Fundamentally, we have to have more people flying in Western Australia so that these flights can get momentum of their own. That is what has happened successfully in other parts of the nation.

We are working really constructively, and I continue to work constructively, because I support having a strong, reliable aviation market. That is why all the policies we have put in place, and will continue to put in place, are to drive a much more economic and active aviation market in Western Australia.

## FILM AND TELEVISION INDUSTRY

**442. Ms A.E. KENT to the Minister for Culture and the Arts:**

I refer to the Cook Labor government's commitment to diversify the economy and establish new industries. This question is to the Minister for Culture and the Arts, but any one of the ministers could answer it of course! Everyone knows about diversifying the economy.

Several members interjected.

**The SPEAKER:** Order! Only the person I give the call to will answer it.

**Ms A.E. KENT:** Can the minister outline to the house what this government's unprecedented support for Western Australia's film and television industry means for our local economy, and can the minister advise the house on any upcoming local productions that will create jobs in Western Australia's creative arts sector?

**Mr D.A. TEMPLEMAN replied:**

Does anyone else want to have a go at this one?

Several members interjected.

**Mr D.A. TEMPLEMAN:** I thank the member for Kalgoorlie for her question. I also add my strong support to the West Coast Fever on Sunday, which will go head-to-head with the Melbourne Vixens. A point has separated them each at the last two games. They are now one all. This is a crucial game. Best wishes to Fever.

The member for Kalgoorlie asked a question about the creative industries, particularly the film industry. As she knows, the last series of *Mystery Road* was filmed in Kalgoorlie–Boulder. The member for Kalgoorlie and I, along with the member for—the parliamentary secretary—

Several members interjected.

**Mr D.A. TEMPLEMAN:** Muggins over there! We went to the set. As the members knows, *Mystery Road* has the most nominations for outstanding series at the Logie Awards. Mark Coles Smith, whom we met, has been nominated for the most popular personality, the most popular actor and the most outstanding actor. People need to understand

very clearly that the Western Australia film industry continues to be on a huge, positive trajectory, and will continue to do so in the future because of the investment by the Cook Labor government. As the member is aware, the government has committed to a film studio and a very important screen attraction fund that is a very important part of supporting the industry in the future. That means that Western Australians who are trained in the various aspects of film, television production and documentary production et cetera will be employed here in Western Australia. As well as that, when a series like *Mystery Road* is filmed in Kalgoorlie–Boulder, it creates local jobs and supports local businesses. Investments by Screenwest for \$500 000 through to \$2 million or \$3 million can leverage many, many more millions of dollars for the local economy. That is what the creative industry does.

Because we have been investing in the industry, we have started to see a much stronger pipeline of activity in Western Australia. I was very proud to be with senior executives yesterday from Binge, Foxtel and Warner Bros who were here because the second series of *The Twelve* will be filmed in Western Australia in two areas—one in metropolitan Perth and the other in York in the Central Wheatbelt. That series stars luminaries like Sam Neill and others. That production will be here for three months at the old ABC studios and in York. York will experience a series being made in that locality and the production will support the local businesses because people will be filming in that community. We have seen that in Derby where *Eleven* is being filmed. That has created a huge amount of support and excitement in Derby. The community has embraced the filming process. It is tremendous.

We will keep investing in attracting more productions to Western Australia to ensure that we have a pipeline of work. We are already well known for the documentary series that are filmed here. Interest in filming in regional Western Australia is very, very strong. Over 500 jobs will be created for WA screen practitioners within the next six months, and local businesses and others related either directly or indirectly to the filming activity will benefit directly. Every \$1 of funding from the attraction fund contributes over \$3 to the Western Australian economy. The leverage is tremendous, and that will continue.

I want to finish by saying that it is an exciting time for the Western Australian screen industry because we know we have some of the best places to make films and documentaries. It also helps us to promote the state nationally and internationally. A wonderful series of films has already assisted in promoting regional Western Australia, such as *Breath* in the great southern, Denmark and Albany; *H is for Happiness* was filmed in Albany; *The Cart* in Busselton; and *Dirt Music* in Lombadina and Esperance. These films and activities —

**Ms R. Saffioti:** The David Templeman Christmas concert!

**Mr D.A. TEMPLEMAN:** I will let that one go past! It was a huge success. You have put me off!

**The SPEAKER:** Do not get distracted.

**Mr D.A. TEMPLEMAN:** I have been distracted. That is what happens when my very good colleague does not sit next to me.

This is exciting for Western Australia. It means that young people who aspire to be performers and get involved in the technical side of screen production, and the writers and creatives in that area have a great future to look forward to. We will film a range of screen activities in Western Australia. That augurs well for the diversification of our economy, which is a priority for the Premier and the Cook government.

**The SPEAKER:** The member for Cottesloe with the last question.

#### RENTAL ACCOMMODATION — AFFORDABILITY

#### 443. **Dr D.J. HONEY to the Premier:**

I refer to a question I asked the Premier last Thursday on the high cost of rental apartments and the inappropriate focus by the Cook Labor government on high-rise developments in my electorate.

Several members interjected.

**The SPEAKER:** Order!

**Dr D.J. HONEY:** The Premier ridiculed my concerns and compared my electorate with Cannington.

(1) Given that 28 per cent of housing in the Town of Claremont comprises units and apartments —

**Ms J.J. Shaw** interjected.

**The SPEAKER:** Member for Swan Hills, that is disorderly.

**Dr D.J. HONEY:** I repeat —

Given that 28 per cent of housing in the Town of Claremont comprises units and apartments and that only 8.5 per cent of the City of Cannington comprises units and apartments, why does the Premier continue to mislead the public about the disproportionate and substantial impact of high-rise development in the western suburbs?

(2) Why does the government continue to focus on —

**Mr T. Healy** interjected.

**The SPEAKER:** Member for Southern River! The number of interjections on this question is totally unacceptable. People should be able to ask a question in this house and get a response from the relevant minister or Premier without incessant interjections.

**Dr D.J. HONEY:** I repeat —

Why does the government continue to focus on destroying the amenity of the western suburbs with inappropriate high-rise developments in ordinary suburban streets rather than providing more affordable developments in other suburbs?

**Mrs J.M.C. Stojkovski:** Nimby.

**The SPEAKER:** I know that was you, member for Kingsley. The Premier in response.

**Mr R.H. COOK replied:**

Thank you, Madam Speaker. As you observed, this is probably the last question of question time before the winter break. I wish everyone a great break over the winter period and remind everyone to have a break. We need you to come back full of energy and life.

(1)–(2) I can assure the member for Cottesloe that there was no reluctance on my part to answer his question recently about housing in his electorate. My difficulty in answering it was that I was not sure what the member was asking because it was such a confused jumble of narratives and I was unclear what he actually wanted me to say, so let me be really clear: the Minister for Housing, and in his role as Minister for Planning, is focused on one thing and one thing only, and that is providing diversity in a vibrant housing sector that will allow us to do two things. The first is to provide people with the accommodation they desire and the second is to provide them with the accommodation they need. That is what we are doing as part of our \$2.6 billion strategy around homelessness and housing to continue to make sure that we provide people with the accommodation they need because we understand that housing is a crucial aspect of relieving poverty and hardship in our community. Earlier in question time, the Minister for Housing provided an ample description of our policies and their effectiveness.

The other thing we want to do is to make sure that we provide a diversity of housing throughout the community, because not everyone wants to live on a quarter-acre block or in a suburb that cannot be properly serviced by public transport or other amenities, and not everyone aspires to owning a McMansion. As we have seen to our great regret in Perth, urban sprawl does not provide a solution for sustainable communities. We need to make sure that we have a diversity of accommodation right across the community—in the member for Cottesloe’s electorate and in my electorate. The member has an inner-city electorate whereas mine is an outer-urban electorate. Even there, particularly around the train stations, property developers are developing appropriate accommodation that includes medium to high-density housing, because that is what we do around those nodes. The member’s electorate is closer to the city. It is not surprising that a lot of people in his electorate are voting with their feet and buying those places. They want to live in that sort of accommodation. I never thought that I would be on my feet in this place explaining to the Liberal Party that this is called the market. There is demand for a diversity of housing product and the market is providing a diverse supply of housing product. That is the way it should be. We want to continue to support that process.

#### RENTAL ACCOMMODATION — AFFORDABILITY

**444. Dr D.J. HONEY to the Premier:**

I have a supplementary question.

Several members interjected.

**The SPEAKER:** Members, including the Minister for Community Services, I would like to hear the supplementary in silence.

**Dr D.J. HONEY:** Why does the Premier’s government not do more work with the Western Australian Planning Commission to ensure more affordable housing, as opposed to apartments for millionaires in my community?

**Mr R.H. COOK replied:**

That is precisely what we are doing. We work closely with all planning stakeholders to ensure the appropriate design of communities right across the metropolitan area. Our infrastructure fund is about providing support to developers to ensure that headworks are not prohibitively expensive so that we can develop these interesting, sustainable communities. Once again, I can point to an area such as Cannington, which has a great diversity of medium and high-density housing around retail and transport nodes, making sustainable, vibrant communities. That is what we are trying to do. I am very familiar with the parts of the Cottesloe electorate that the member spoke about because my parents live there. It is a great community with a diversity of low, medium and high-density housing, and that is the way it should be.

**The SPEAKER:** That concludes question time.

**PUBLIC ACCOUNTS COMMITTEE**

*Inquiry into how the Western Australian government's progress towards achieving environmental, social and governance outcomes is assisting to secure international investment —  
Terms of Reference — Statement by Speaker*

**THE SPEAKER (Mrs M.H. Roberts)** [3.02 pm]: I have received advice that the Public Accounts Committee has resolved to inquire into and report on how the Western Australian government's progress towards achieving environmental, social and governance outcomes is assisting to secure international investment. The committee will consider —

- (1) How the state government's commitment to net zero emissions by 2050 will improve ESG outcomes.
- (2) How the state government is actively engaging Aboriginal and young people in decision-making.
- (3) The milestones in place for achieving ESG outcomes, including any monitoring and reporting requirements.
- (4) Best practice in other jurisdictions.
- (5) The financial implications of doing nothing.

The committee will report by the end of August 2024.

**COMMUNITY DEVELOPMENT AND JUSTICE STANDING COMMITTEE**

*Inquiry into the options available to survivors of institutional child sexual abuse in Western Australia who are seeking justice — Terms of Reference — Statement by Speaker*

**THE SPEAKER (Mrs M.H. Roberts)** [3.03 pm]: I have also received notice that the Community Development and Justice Standing Committee has resolved to inquire into the options available to survivors of institutional child sexual abuse in Western Australia who are seeking justice. The committee will inquire into —

- (1) The impact of the Civil Liability Legislation Amendment (Child Sexual Abuse Actions) Act 2018, including —
  - (a) the experience of survivors who have used the civil litigation process;
  - (b) the response of government and non-government institutions to civil claims brought by survivors;
  - (c) the efficiency with which courts deal with civil claims; and
  - (d) state monitoring and reporting on the progress and impact of the act.
- (2) The effectiveness of WA's support of the National Redress Scheme, including —
  - (a) the experience of survivors who have accessed the scheme; and
  - (b) the response of government and non-government institutions to the scheme.
- (3) The resourcing and provision of services to support survivors, whichever path they take.
- (4) Other options to provide justice, resolution and/or compensation to survivors and their families, including lessons from other jurisdictions.

The committee will report to the house by 20 June 2024.

**LIQUOR CONTROL AMENDMENT (BANNED DRINKERS REGISTER) BILL 2023**

*Consideration in Detail*

Resumed from an earlier stage of the sitting.

**Clause 16: Section 155 amended —**

Debate was interrupted after the clause had been partly considered.

**Mr P.J. RUNDLE:** I seem to recall that just before we stopped I had asked whether the minister could give me a bit of an explanation of proposed section 155(8A)(b), which is about an opened or unopened container of liquor in a person's possession. Could the minister provide a little more explanation of that?

**Mr R.R. WHITBY:** Proposed paragraph (b) relates to someone on a banned drinkers register being found in possession of alcohol, whether it is opened or not. The police will have the power to seize and destroy that alcohol.

**Mr P.J. RUNDLE:** Is there any way that a transport operator—someone who brings drinks into a venue or the like—would be caught up in any way, shape or form by proposed subsection (8A)? Can the minister foresee that happening?

**Mr R.R. WHITBY:** No.

**Clause put and passed.**

**Clause 17: Section 175 amended —**

**Mr P.J. RUNDLE:** Proposed section 175(1G) states —

The Governor, on the recommendation of the Minister, may make regulations prescribing an area of the State ...

How will the minister, or someone else, prescribe the areas that will be covered under the banned drinkers register?

**Mr R.R. WHITBY:** Yes. It is a decision of the minister, but part of that process requires consultation with the Commissioner of Police and other relevant stakeholders, which would include local government and local community groups. Often there is a call from the community for the introduction of the banned drinkers register. That was the case in Carnarvon a few months ago, which we responded to. Any decision would be made collaboratively in consultation with certain people, as I have outlined, including the Commissioner of Police, local government, local councils and anyone else thought to be appropriate to consult with.

**Mr P.J. RUNDLE:** What about the liquor representative groups such as the Liquor Stores Association of WA and the Australian Hoteliers Association et cetera? Would they be consulted as well?

**Mr R.R. WHITBY:** They have been part of the consultation in the past when BDRs have been introduced and they will continue to be.

**Mr P.J. RUNDLE:** The minister is saying, “Yes, they have”, but he obviously has not prescribed them. Is he saying that if the minister considers it appropriate to consult with another person, that they might be part of that group?

**Mr R.R. WHITBY:** As I explained earlier, it would be up to the minister of the day to decide who was appropriate to consult. I think a minister doing a good job in consultation would ensure that a wide range of people are consulted. We have always consulted peak groups and industry bodies and that will continue to be the case. I hope it would continue to be the case with other ministers, but, as I said, it is open-ended and wideranging and there are other groups that could be contacted for their views.

**Mr P.J. RUNDLE:** Would the minister take profit bodies and not-for-profit bodies into account when consulting in relation to this?

**Mr R.R. WHITBY:** Yes.

**Mr P.J. RUNDLE:** Could the minister outline the process to lift a banned drinkers register region?

**Mr R.R. WHITBY:** It could be done by revoking or amending the regulations as required.

**Mr P.J. RUNDLE:** I want to get something clear in my mind; that is, I seem to recall in budget estimates that we had a response that I thought said different areas were being trialled. At different times, different areas have come on. I thought at the time that the minister was implying that this particular legislation would also stagger it, if you like. Can I confirm that the arrangement is that when the legislation comes in, every region—the Kimberley, goldfields, Pilbara and the Carnarvon–Gascoyne Junction—will all be for a set period?

**Mr R.R. WHITBY:** Absolutely. I think we covered that issue last week in consideration in detail. Every BDR area in the state will start under the new provisions once the legislation is enacted.

**Mr P.J. RUNDLE:** On the determination of a banned drinkers register region, or the lifting of a banned drinkers register region, what will be the process to let the public know, “Okay, in three months’ time we are looking to lift the register or lift the region”?

**Mr R.R. WHITBY:** There would be consultation with police and local government and others deemed appropriate to speak to by the minister of the day. When an area is removed from the BDR or amended in some way, there would also be consultation with police and local government and anyone else the minister deems appropriate. I am sure it would involve licensees and industry groups.

**Mr P.J. RUNDLE:** Would the minister put the same weighting on police as compared with a wraparound service or not-for-profit group? How would the minister balance that?

**Mr R.R. WHITBY:** This legislation is about harm minimisation and that would be the lens we would use in giving weight to various organisations. We would not ascribe a proportion of influence to anyone; we would look at all the responses and all the feedback, and make a considered judgement about an area and whether it needed to continue in terms of alcohol harm minimisation or whether we are at a stage at which it could be lifted.

**Mr P.J. RUNDLE:** The first part of my question is about withdrawing or altering a region is. What does the minister predict will be the number of people on the banned drinkers register, and what would the minister consider to be a successful number to look at withdrawing the register some time down the track?

**Mr R.R. WHITBY:** I am not going to ascribe any number or a specific target. This is about harm minimisation and the desire of a community to live in a peaceful community in which the impact of alcohol is reduced, particularly in areas in which we have seen issues reach crisis level around alcohol abuse. I assume for the system to operate, there needs to be support in any community we go into. It needs to have engagement and buy-in and people need to

want to be and be part of the process. That has been the case in all regions. We have seen regions put up their hands and say, “Please consider us. We want this here.” I am not going to set a number or an uptake. I believe that common sense tells us, with the extra pathways and orders having a lower hurdle to get people onto the list, we are going to see an increase in the number of people on the BDR. I think we will see an increase in numbers on the BDR but I am not going to say that it needs to achieve some level to stay active in an area. I think that if it is shown to have a positive outcome for the community, there would be support within government and the community to see it continue.

**Mr P.J. RUNDLE:** I was unclear as I could have sworn on the *Hansard* from estimates that we had a staggered arrangement as per the advice of Ms Shelton at the time. Could the minister could clarify that for the record?

**Mr R.R. WHITBY:** The only staggering has been with the implementation of the trials. We had the Kimberley, Pilbara, the goldfields, then Carnarvon–Gascoyne Junction. That was the staggering but I think we have been very clear, or we certainly will be here and I think we have been, that the implementation of the new regulations will apply equally at the same time once the law is enacted.

**Mr P.J. RUNDLE:** As we know, the trial is happening and most licensees are engaged in it. People in the community are generally aware of it. For argument’s sake, for community members in Broome, could the minister foresee that if we had a good result, in two years if numbers are reasonable, potentially could the community look forward to this arrangement being lifted? Will each region be treated on its merits rather than the group of four regions we are dealing with now?

**Mr R.R. WHITBY:** There will be evaluations of all the areas that have a banned drinkers register. The desire is to minimise harm caused through alcohol abuse and the subsequent impact that it has on the community. The intent is to work with communities to have safer communities. If BDRs are delivering that outcome, I would see no reason to change. I think we will find an acceptance where the trials have been. There will be the initial time when a person leaves their driver’s licence or some form of ID at home or in the car. They will get used to it. It is like the implementation of shopping bags. It is something people have to get used to and, once they are used to it, they accept it. Once people see the positive impact it has, the new arrangements we are discussing today will have even more of a positive impact on communities and I think it will be supported. I think people will want to see it remain in place.

**Mr P.J. RUNDLE:** Is the minister implying that this could go on for an indefinite period of time so those communities will not have an end in sight, if I could say it that way, and that in two years, Broome may come off the BDR register? Is the minister saying they will get used to it, it will be fine, and it will continue indefinitely?

**Mr R.R. WHITBY:** We are saying that there will be an evaluation. There is a sunset clause. We will look at how effective it has been. It is also about doing it in consultation with communities and what they want. I am very mindful that that is how this began. That is how the trials have been rolled out and why we are discussing this legislation today—because people in those communities asked for a more effective BDR. We will evaluate it and listen to people in the community and we will make the right judgement that protects people from alcohol harm.

**Clause put and passed.**

**Clauses 18 to 34 put and passed.**

**Title put and passed.**

[Leave granted to proceed forthwith to third reading.]

*Third Reading*

**MR R.R. WHITBY (Baldivis — Minister for Racing and Gaming)** [3.24 pm]: I move —

That the bill be now read a third time.

**MR P.J. RUNDLE (Roe — Deputy Leader of the Opposition)** [3.24 pm]: I will be very brief. Firstly, I want to thank the advisers from the minister’s office. Obviously we have seen quite a bit of each other in the last couple of weeks with the budget estimates and the like. I thank them for their work and for drafting the bill, which was fairly comprehensive. As the minister knows, I still have a few question marks over various elements to do with online sales and so forth, but I want to reiterate a couple of points from my contribution to the second reading.

As an opposition, we support the banned drinkers register. I do not think there is any need for me to read out my press release from earlier in the year but I think it is important to recognise that the government, obviously, and the opposition support the banned drinkers register. It is good that the minister made it very clear that this is all about community consultation. It is about working with licensees. It is about working with the community, local governments, police and so forth. From the opposition’s perspective, there are no two ways about it; wraparound services—supporting services—are very important and complement this legislation. That is probably the key element for the opposition. We support the legislation but we also support appropriate wraparound services to go with it. As I said in my contribution to the second reading, in my response to the member for Cockburn who was trying to somehow imply that we did not support it or some other such thing, I pointed out that they are incumbent on members of the Labor Party—members of the government—in this place. When the member for Collie–Preston started talking

about education of children and how important it is, I could not agree with her more. You get only one opportunity to educate your child. It is so important for all of us here to make sure that vulnerable children in those communities have something to eat for breakfast, have something for lunch, and attend school. In a lot of ways, their families do not always help them out in that respect. A big part of that, as I said in my contribution to the second reading, is the cashless welfare card. Somehow, the federal government that has just come into place decided that it impacted on civil liberties and all the rest. It has taken away the opportunity for those children to have a meal on the table—to have breakfast—before they go to school. I ask every one of the members opposite to have a think about that and think about lobbying their federal colleagues because they are on the wrong side of history. They are on the wrong page. They need to look after those vulnerable kids in these families. I want to reiterate that point. I thank the minister. As I said, we have certainly been through a mixture of issues here with budget estimates and this bill. The opposition supports the banned drinkers register.

**MR S.A. MILLMAN (Mount Lawley — Parliamentary Secretary)** [3.28 pm]: I rise to make a brief contribution in the third reading debate. I thank the member for Roe for his participation in the consideration in detail stage. I am a bit disappointed about his casting aspersions on the motivation of the federal government about the cashless welfare card. One of the things I have noticed about opposition members is that they are capable of being persuaded —

*Point of Order*

**Mr R.S. LOVE:** My understanding is that contribution to the third reading debate is to discuss what we have heard in consideration in detail, not to launch into some far-reaching discussion around various party policies.

**The DEPUTY SPEAKER:** Thank you, member. I will not be upholding that point of order. The member for Mount Lawley was just recapping some of the previous contributions in the third reading as well.

*Debate Resumed*

**Mr S.A. MILLMAN:** I was only responding to the gratuitous comments that had been made by the member for Roe, who, if the member for Moore had allowed me to finish my point, represented the opposition's position of once again supporting the government's appropriate legislation.

[Quorum formed.]

**Mr S.A. MILLMAN:** One of the issues that became apparent to me whilst I sat in the chamber and listened to consideration in detail was the outstanding work that had been done by the representatives of the department in providing advice to the minister. It speaks to the comprehensive and multifaceted approach that this government takes. Although, on the face of it, this legislation deals specifically with the banned drinkers register, when one has regard to the broader health circumstances, they can see that in fact this is a government that is committed to positive health outcomes. As I said in my contribution to the second reading debate, tackling issues related to alcohol consumption in the community is a health priority and something that I have been fortunate enough in my role as parliamentary secretary to have spent time working on.

One of the features of the previous McGowan Labor government and of the new Cook Labor government is that we recognise that we cannot compartmentalise these issues. These are complex and multifaceted issues that stretch across portfolios and departments. One of the great attributes of the then McGowan Labor government and of the now Cook Labor government is that we see sitting side by side the minister responsible for this bill with the Minister for Health. They are working in concert to make sure that the most appropriate outcomes are delivered for the community of Western Australia. This is what good government looks like. It consists of identifying issues that the community faces and considering what policy and legislative mechanisms need to be put in place to address those challenges, whether that be in juvenile justice, as we heard during question time, homelessness and housing, or in education or health, as the current issue concerns, this government works across portfolios collaboratively and constructively.

One of the recent things I noticed and appreciated is that when the opposition has arrived at the realisation that the legislation we are putting forward is worthwhile, it has supported it. There is no more gratifying sense in politics than seeing your own world view on the appropriate response to difficult political and policy problems being supported and endorsed by the opposition. One of the concerns that I have with the opposition is that it is difficult to know from day to day where it stands. It is good to see that it supports this legislation and that the minister has the support of the entire chamber in the passage of this legislation.

I conclude by commending the advisers who put so much work into this legislation, and also the minister. I reiterate the comment I made in my contribution to the second reading that this legislation will not be the last piece of drug and alcohol reform that this government undertakes. It is an area that is constantly evolving and we are constantly responding to the challenges presented. The community can place its trust in this government and know that whether it be the former McGowan Labor or the current Cook Labor government, mature and responsible custodians will figure out the appropriate legislative response to deal with issues and challenges that we face, and, over time, eventually, the opposition will realise that we are right and will endorse the legislative options that we put on the table, as it has done today. I thank it for that, and I congratulate the minister on the legislation.



**MR R.R. WHITBY (Baldivis — Minister for Racing and Gaming)** [3.35 pm] — in reply: I thank the member for Mount Lawley and also say that we all in this chamber should be very proud of the Liquor Control Amendment (Banned Drinkers Register) Bill 2023. This is a unique and ambitious way of dealing with a very serious and complex problem. As the member for Mount Lawley pointed out, this is not a cure-all; it is but a tool in the tool rack on a very complex issue that deals with the individual in a very direct way. I have been in communities right around this state. The moment the register was introduced in the Kimberley, for example, the local traditional owners and often the women were very grateful and expressed support and gratitude for the immediate change it had on behaviour. People did not even have to be on the banned drinkers register. The fact that they had to produce identity, whether on the register or not, seemed to have a modifying impact on all sorts of behaviour near liquor stores and in the community generally.

I thank all members who made a contribution. While they are still here, I specifically thank the team of advisers who have been very great sources of information and detail for me in order to respond to the questions from the member for Roe. I acknowledge the executive director of the Department of Local Government, Sport and Cultural Industries, Jennifer Shelton; the acting general manager of strategic regulation, Philip Hine; and principal policy officer, Donna Kennedy. I also acknowledge my senior policy adviser Tony Monaghan. I also thank every member who made a contribution, including the member for Roe for his detailed inquiry into various aspects of the legislation. I specifically also recognise the former ministers who have been instrumental. This has not been a recent journey; it occurred over four ministers, myself twice, but starting with the member for Warnbro as minister, who was instrumental, and the member for Armadale, who continued the passage of these changes and the trials that we have had throughout the state.

In closing debate, I acknowledge the opposition's support of the legislation. As I said before, we all know that this is not a magic wand; it is but part of our approach as a government. We have other wraparound community services, health services and local community services, whether it is through sport, and getting grants out so that kids can have a positive activity after school in the evening in the community; Target 120; the family support units that have been rolled out in places like Carnarvon and elsewhere; the investment in extra policing; or the community services efforts, this is a multifaceted approach, with a lot of different activities designed to minimise alcohol harm in communities.

It is a priority of our state government to reduce harm caused by the consumption of liquor. Alcohol-related harm is a longstanding complex issue, and, as I said, there is no one simple solution. The formalisation of the banned drinkers register trial through amendments to the Liquor Control Act are a key step in supporting the continued operation of the BDR to improve its effectiveness and is one of several measures in place to aim to tackle alcohol misuse and provide support and protection to Western Australians experiencing alcohol harm.

The Liquor Control Amendment (Banned Drinkers Register) Bill 2023 will introduce amendments to the Liquor Control Act 1988 to establish a legislative framework in relation to the operation of the banned drinkers register in Western Australia.

I will give members some history about the BDR. In January 2021, the state government through the Department of Local Government, Sports and Cultural Industries commenced a two-year trial in the Pilbara. Subsequent trials commenced in the Kimberley in July 2021 and the goldfields in March 2022. A further BDR trial, as we well know, commenced in Carnarvon and Gascoyne Junction in May this year. A BDR is a more targeted approach to harm minimisation and is aimed at restricting access to liquor in cases when an individual's level of consumption is causing harm to themselves and others in their life. Since their inception, the trials have been run as administrative programs and liquor licensees in the relevant regions participated on a voluntary basis and have been supported by industry. I want to point out that the Liquor Stores Association of WA and Australian Hotels Association have been keen partners in these trials and the program.

In the existing BDR trials, individuals are placed on the BDR if they are subject to a barring notice or prohibition order, or they voluntarily elect to be placed on the BDR. In areas where restrictions on daily purchases of alcohol are in place, the BDR is supported by a takeaway alcohol management system that records the amount and type of packaged liquor purchased by an individual in a 24-hour period and alerts sales staff when daily purchase limits are exceeded.

It is a priority of the Cook government to reduce harm caused by the consumption of liquor, and the implementation of the BDR trials is consistent with the objects of the Liquor Control Act relating to regulating the sale, supply and consumption of liquor and minimising harm or ill health to people due to the use of liquor. In an effort to improve harm minimisation outcomes, in early 2022, a BDR working group was established as an advisory body to consult on the operation of and improvements to the BDR. The BDR working group comprises state government agencies that have a role in supporting the minimisation of alcohol-related harm and includes the Department of Local Government, Sport and Cultural Industries as well as the Departments of the Premier and Cabinet, Communities, Justice and Health; the Western Australia Police Force; the WA Country Health Service; and the Mental Health Commission. Consultation on options for ensuring the effectiveness of the BDR program was undertaken in late 2022

with key stakeholders, including community organisations, government agencies, industry peak bodies, licensees, liquor accords, local governments and members of the public. Responses showed that stakeholders were broadly supportive of the suggested changes to strengthen the BDR.

In addition, an interim evaluation of the Pilbara BDR trial undertaken by the University of Western Australia identified a range of opportunities to enhance the program's effectiveness as a harm minimisation tool, including a need to enhance and expand registration pathways to the BDR. We spoke a lot about that.

After considering stakeholder feedback and the findings of the interim evaluation, it is believed the reforms contained in this bill will further support the operation of the BDR and improve harm minimisation outcomes. The bill provides for the establishment of the BDR as a register of people who are prohibited from purchasing packaged liquor and contains provisions to facilitate the issue of a banned drinker order that will prohibit an individual from purchasing, possessing or consuming packaged liquor for three, six or 12 months. The bill will also provide for additional pathways to include individuals on the BDR and expand the range of people who will be able to seek to place someone on the BDR to include those who work as healthcare professionals. In this regard, in addition to the current arrangements, which include individuals who are subject to barring notices and prohibition orders, individuals who are subject to a banned drinker order made by WA police or the director of Liquor Licensing will be registered on the BDR. WA police will be able to make a banned drinker order for an individual for three, six or 12 months, depending on the circumstances and previous orders that have been made. The criteria for making a banned drinker order by WA police will include alcohol-related offending or offending that occurs while an individual is affected by liquor, including family violence that results in the issue of a restraining order and driving under the influence that results in a licence disqualification.

This is another important aspect of these changes. It is not only about getting people subject to these orders or prohibitions on the BDR; it widens the net to include family and domestic violence offences in which alcohol is the cause, which have a direct role in people doing some of the terrible damage members have spoken about such as family disruption and kids not being able to get up and go to school of a morning and not being fed, and driving under the influence. These are the ways in which drinking and the abuse of alcohol have such a devastating impact on our community and these are people who need help. There is clinical intervention and health intervention but being able to say to a person that they cannot walk to their local liquor store and get takeaway alcohol is a powerful way to help them deal with their issues and give them the support they need to overcome really problematic addictions.

I have spoken at length. We have had a lot to say about this important legislation. Once again, I want to thank the advisers who played a critical role and everyone in the department who did such a great job getting this legislation to us. Thank you for the debate. Finally, we have every reason to be proud of this legislation. It does not exist everywhere in this country. We are forging a frontier and it will have a positive impact. It is not a magic wand but it will have a positive impact in our community. I commend the bill to house.

Question put and passed.

Bill read a third time and transmitted to the Council.

#### ADJOURNMENT OF THE HOUSE

*Special*

On motion without notice by **Ms C.M. Rowe**, resolved —

That the house at its rising adjourn until Tuesday, 8 August 2023 at 1.00 pm.

*House adjourned at 3.46 pm*

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**QUESTIONS ON NOTICE**

Questions and answers are as supplied to Hansard.
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**CHILD PROTECTION — REGISTERED CARERS****756. Ms L. Mettam to the Minister for Child Protection:**

I refer to registered carers and I ask:

- (a) During the month of January 2022, what was the total number of registered carers with four or more children placed with them by category of relative and non-relative carer, by district;
- (b) During the month of January 2022, how many carers had a “carer record screening” overdue or not recorded by category of relative and non-relative carer, by district; and
- (c) During the month of January 2022, how many carers had overdue “carer reviews” by category of relative and non-relative carer, by district?

**Ms S.E. Winton replied:**

The Department of Communities (Communities) categorises carers as “family” or “foster” rather than “relative” or “non-relative” and advises:

- (a) On 1 January 2022:
  - Armadale – 6 family, 14 foster
  - Cannington – 7 family, 3 foster
  - East Kimberley – 0 family, 2 foster
  - Fremantle – 5 family, 2 foster
  - Goldfields – 1 family, 3 foster
  - Great Southern – 2 family, 0 foster
  - Joondalup – 3 family, 6 foster
  - Midland – 7 family, 11 foster
  - Midwest Gascoyne – 6 family, 4 foster
  - Mirrabooka – 2 family, 7 foster
  - Peel – 6 family, 5 foster
  - Perth – 3 family, 6 foster
  - Pilbara – 5 family, 2 foster
  - Rockingham – 2 family, 2 foster
  - South West – 7 family, 5 foster
  - West Kimberley – 4 family, 1 foster
  - Wheatbelt – 13 family, 2 foster
- (b) This data is not available in January 2022. On 16 December 2021, there were no foster carers with children in their care without screening, and the following number of family carers by district:
  - Armadale – 0
  - Cannington – 2 family
  - East Kimberley – 0
  - Fremantle – 1 family
  - Goldfields – 2 family
  - Great Southern – 0
  - Joondalup – 2 family
  - Midland – 0
  - Midwest Gascoyne – 0
  - Mirrabooka – 0
  - Peel – 1 family

Perth – 2 family  
 Pilbara – 3 family  
 Rockingham – 2 family  
 South West – 1 family  
 West Kimberley – 1 family  
 Wheatbelt – 0

An urgent placement with a family member or significant other can be made under s.79(2)(b) of the *Children and Community Services Act 2004*, based on an initial safety assessment and may occur prior to the commencement of formal record screening. Where urgent care arrangements occur, Communities undertakes a safety assessment, focusing on the safety, wellbeing and best interests of the child. These urgent arrangements can occur in circumstances where children enter Communities' care suddenly or there is a sudden change to their care arrangement.

Carer screening forms part of the carer assessment process and includes a Criminal Record Check and a Client and Child Protection Check.

Communities actively monitors and actions where record screenings are not recorded.

(c) On 1 January 2022:

Armadale – 29 family, 14 foster  
 Cannington – 28 family, 14 foster  
 East Kimberley – 12 family, 5 foster  
 Fremantle – 25 family, 13 foster  
 Goldfields – 3 family, 6 foster  
 Great Southern – 16 family, 11 foster  
 Joondalup – 24 family, 17 foster  
 Midland – 51 family, 34 foster  
 Midwest Gascoyne – 33 family, 9 foster  
 Mirrabooka – 24 family, 15 foster  
 Peel – 36 family, 25 foster  
 Perth – 22 family, 11 foster  
 Pilbara – 9 family, 7 foster  
 Rockingham – 20 family, 12 foster  
 South West – 47 family, 23 foster  
 West Kimberley – 33 family, 8 foster  
 Wheatbelt – 10 family, 4 foster

A person who applies to become a foster carer is assessed against five criteria, known as competencies identified in the *Children and Community Services Regulations 2006*. The CEO must be satisfied that the individual:

- is able to provide care for a child in a way that promotes the wellbeing of the child, promotes the child's family and interpersonal relationships, and protects the child from harm
- is able to provide a safe living environment for a child
- is able to work cooperatively with officers, a child's family and other people when providing care for a child
- is able to take responsibility for the development of his or her competency and skills as a carer, and
- is a person of good character and repute.

Providing support to foster carers forms part of an ongoing process, through regular visits with the foster carer and de-briefing. The foster carer review meeting is an additional annual event, with information gathered from visits or other contact with the foster carer throughout the year contributing to the annual (12 month) review process and re-assessment against the competencies.

Communities recognises that at times, annual reviews can be impacted by carer availability, distance or a sudden change in circumstances or care arrangement.

## CHILD PROTECTION — REGISTERED CARERS

**757. Ms L. Mettam to the Minister for Child Protection:**

I refer to registered carers and I ask:

- (a) During the month of January 2021, what was the total number of registered carers with four or more children placed with them by category of relative and non-relative carer, by district;
- (b) During the month of January 2021, how many carers had a “carer record screening” overdue or not recorded by category of relative and non-relative carer, by district; and
- (c) During the month of January 2021, how many carers had overdue “carer reviews” by category of relative and non-relative carer, by district?

**Ms S.E. Winton replied:**

The Department of Communities (Communities) categorises carers as “family” or “foster” rather than “relative” or “non-relative” and advises:

- (a) On 1 January 2021:

Armadale – 5 family, 12 foster  
 Cannington – 6 family, 3 foster  
 East Kimberley – 0 family, 2 foster  
 Fremantle – 7 family, 0 foster  
 Goldfields – 1 family, 3 foster  
 Great Southern – 2 family, 0 foster  
 Joondalup – 3 family, 5 foster  
 Midland – 10 family, 9 foster  
 Midwest Gascoyne – 8 family, 5 foster  
 Mirrabooka – 2 family, 6 foster  
 Peel – 7 family, 5 foster  
 Perth – 6 family, 6 foster  
 Pilbara – 5 family, 2 foster  
 Rockingham – 4 family, 4 foster  
 South West – 5 family, 5 foster  
 West Kimberley – 3 family, 1 foster  
 Wheatbelt – 12 family, 3 foster

- (b) This data is not in January 2021. On 17 December 2020, there were no foster carers with children in their care, without screening, and the following number of Family Carers by District:

Armadale – 0  
 Cannington – 1 family  
 East Kimberley – 1 family  
 Fremantle – 0  
 Goldfields – 0  
 Great Southern – 0  
 Joondalup – 1 family  
 Midland – 0  
 Midwest Gascoyne – 1 family  
 Peel – 1 family  
 Perth – 5 family  
 Rockingham – 0  
 South West – 1 family

West Kimberley – 1 family

Wheatbelt – 2 family

An urgent placement with a family member or significant other can be made under s.79(2)(b) of the *Children and Community Services Act 2004*, based on an initial safety assessment and may occur prior to the commencement of formal record screening. Where urgent care arrangements occur, Communities undertakes a safety assessment, focusing on the safety, wellbeing and best interests of the child. These urgent arrangements can occur in circumstances where children enter Communities' care suddenly or there is a sudden change to their care arrangement.

Carer screening forms part of the carer assessment process and includes a Criminal Record Check and a Client and Child Protection Check.

Communities actively monitors and actions where record screenings are not recorded.

(c) On 1 January 2021:

Armadale – 26 family, 23 foster

Cannington – 26 family, 15 foster

East Kimberley – 13 family, 3 foster

Fremantle – 24 family, 5 foster

Goldfields – 14 family, 3 foster

Great Southern – 6 family, 4 foster

Joondalup – 19 family, 21 foster

Midland – 25 family, 19 foster

Midwest Gascoyne – 30 family, 18 foster

Mirrabooka – 30 family, 10 foster

Peel – 20 family, 17 foster

Perth – 26 family, 16 foster

Pilbara – 8 family, 3 foster

Rockingham – 33 family, 14 foster

South West – 23 family, 15 foster

West Kimberley – 19 family, 3 foster

Wheatbelt – 12 family, 11 foster

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is able to provide care for a child in a way that promotes the wellbeing of the child, promotes the child's family and interpersonal relationships, and protects the child from harm

is able to provide a safe living environment for a child

is able to work cooperatively with officers, a child's family and other people when providing care for a child

is able to take responsibility for the development of his or her competency and skills as a carer, and is a person of good character and repute.

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Communities recognises that at times, annual reviews can be impacted by carer availability, distance or a sudden change in circumstances or care arrangement.

