



Parliamentary Debates

(HANSARD)

FORTY-FIRST PARLIAMENT
FIRST SESSION
2024

LEGISLATIVE COUNCIL

Wednesday, 23 October 2024

Legislative Council

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

BILLS

Assent

Message from the Lieutenant-Governor received and read notifying assent to the following bills —

1. Queens Gardens Car Park (Inner City School) Bill 2024.
2. Community Protection (Offender Reporting) Amendment Bill 2024.
3. Environmental Protection Amendment Bill 2024.

ROAD SAFETY — MIDWEST

Petition

HON MARTIN ALDRIDGE (Agricultural) [1.03 pm]: I present an e-petition containing 287 signatures couched in the following terms —

To the President and Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled. We the undersigned ... Express our deep concern at the appalling state of roads in the Mid West. Major freight routes are littered with potholes, tarmac has been ripped up, and road shoulders are disintegrating, presenting a severe road safety risk to road users. We have particular road safety concerns as we approach the wildflower and grain harvest season. We therefore ask the Legislative Council to recommend the Government: 1. Immediately upgrade road infrastructure in the Mid West for the safety of all road users 2. Work with all stakeholders to increase freight on rail to reduce heavy vehicle movements. 3. Develop a long-term freight strategy for Mid West roads to ensure any increase in heavy vehicle movements is undertaken on roads which are fit for purpose.

And your petitioners as in duty bound will ever pray.

[See paper 3732.]

PAPERS TABLED

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

ENERGY — SUPPLY RELIABILITY

Motion

HON SOPHIA MOERMOND (South West) [1.05 pm]: I would like to move that this house acknowledges the need for reliable energy sources in the regions; recognises that energy infrastructure built above ground is and will continue to be impacted by the changing climate and natural disasters; agrees that creative and diverse solutions will be necessary in the future to maintain a stable supply; and considers a decentralised power grid as a means to provide increased stability and reassurance of continued reliable energy during a time of rising energy usage.

The PRESIDENT: Was that “electricity usage”? I am checking the second last word on the business program. Is it “electricity usage” or “energy usage”?

Hon SOPHIA MOERMOND: It is “energy usage”.

The PRESIDENT: On the business program it is “electricity usage”. Is that how you want it?

Hon SOPHIA MOERMOND: Yes, I would like to go with what it says on the notice paper. It says —

- (d) considers a decentralised power grid as a means to provide increased stability and reassurance of continued reliable energy during a time of rising electricity usage.

I move —

That this house —

- (a) acknowledges the need for reliable energy sources in the regions;
- (b) recognises that energy infrastructure built above ground is and will continue to be impacted by the changing climate and natural disasters;
- (c) agrees that creative and diverse solutions will be necessary in the future to maintain a stable supply; and

- (d) considers a decentralised power grid as a means to provide increased stability and reassurance of continued reliable energy during a time of rising electricity usage.

It is an interesting time to bring forward this motion. Our vulnerability to outages has been demonstrated several times already. Certainly, the timing of the fourth full-country blackout after several extreme weather events in Cuba is a timely reminder of how vulnerable we all are. With much of our infrastructure dependent on electricity supply, including for food storage, agriculture, medical care, mining and communications, it is obvious that we need continuous reliable energy. It has also been noted that when the power cost is low, it benefits small businesses, boosting our economy and driving down unemployment.

The cost of electricity and the reliability of supply also disproportionately affects those who are less well-off and those who are elderly or dealing with poor health. Access to air conditioning and heating will become more important as our climate becomes increasingly erratic. It will then clearly become a human rights issue, which the World Health Organization specifically recognises. As a relatively wealthy state, we are in the lucky position of being able to implement various measures that will provide a buffer to future climates and economic variances.

Currently, most of our energy supply network is above ground. This leaves us very vulnerable to climate events and accidents, including everything from fires, thunder and floods to car accidents. Blackouts affected the wheatbelt in January and Bunbury in July, for example. With our very obvious reliance on power for almost every aspect of our lives, these power outages are very inconvenient and very costly, and may well endanger lives.

Apart from the obvious maintenance that above-ground systems require, there is also the loss of energy due to resistance. Physics is not my forte so I am unable to work out how much power is lost in servicing the regions, but it would be interesting to know how much extra we need to produce to be able to cover our needs. In northern Europe, most power supply cables for domestic use are below ground. This has been the case for decades already and has very much reduced power outages; even in cases of bad weather and traffic accidents; we seem to be okay there. It is still prone to human error, such as when digging in the wrong places, but I am not quite sure how to fix that bit.

In Australia currently, all aspects of power creation are controversial. There is nuclear on the one hand and renewable sources on the other. Fossil fuels are also controversial. I love science, and I think a wide range of options needs to be considered as part of finding long-lasting solutions. Like anything controversial, it is hard to find reliable data. We are dealing with corporate interests, subsidies, grants, misinformation and disinformation and ideologies, all of which create biases and echo chambers. Human nature is showing itself to be one of the biggest obstacles here. So far, the energy sources that I am personally aware of are wind, solar, coal, hydro, gas, wave technology, nuclear—both with plutonium and thorium—methane and oils. A quick comment about thorium is that it is not really researched quite as much. The waste associated with thorium remains radioactive for about 100 years, whereas waste from traditional nuclear power such as plutonium can be radioactive for many, many thousands of years.

Another aspect of electricity usage and security is how we use it, how much of it we use and whether we have energy-friendly design—for instance, housing, cars and other areas that electricity is used for. There are a whole bunch of parameters that we have to deal with to ensure secure and reliable energy going forward. To do that, we also need unbiased data from our institutions, basically, and that seems to be difficult still. I think one of the big solutions created by that to address some of these issues is to look at microgrids, which rate quite high. These grids could be for the individual household. We can see that, say with people wanting to live off-grid, and certainly in farming communities. A lot of farms are self-sustaining. It could also be slightly larger, say for a suburb, small town or a number of households connected to that same grid. The move towards localised, decentralised energy sources represents a significant shift from traditional centralised power models. There are a lot of advantages for remote and vulnerable communities in Western Australia, because when we look at our geography, we see that this is a massive state and getting power everywhere is a big challenge. A lot of our remote communities rely on diesel generators; I am sure that could be improved. It is not just the making of diesel that has a carbon footprint; it is also the transport of diesel to these locations and the use of the diesel there. I think we can do better there.

At the same time, in the south west of our state, communities like Walpole are making progress. Western Power's small hydroelectric dam in Walpole is the first pumped hydro microgrid designed to improve power reliability for the local community. It uses two farm dams to store energy by pumping water uphill when renewable energy is abundant and when there is high demand or outages, the stored water is released to generate electricity. This system is expected to provide backup power for the town of Walpole for up to two days. This is much longer than typical battery solutions, but we need more than 48 hours. We need a system that does not rely on long transmission lines or short-term backup solutions, but instead gives communities the ability to consistently generate and store their own energy. This is when microgrids come into play. They are localised and can operate independently or in conjunction with the main power grid. I am not going to talk about wind turbines quite so much, mainly because there is some concerning data around the vibration that they cause in the area. It has also been shown that there are micro climate changes related to wind turbines. I will talk about wind tulips, which are small units—they can be made from hemp, by the way—that do not cause vibration and can be installed on someone's roof very simply. They are very safe. Thank you for your response to my hemp point—always fun!

Microgrids make the systems much more reliable and stable and less vulnerable to environmental factors. If a transmission line were to go down, entire regions could be left without power for days, even weeks, and by contrast, a microgrid ensures that a local community can continue to operate regardless of what happens to the larger grid.

Beyond the environmental benefits, microgrids offer communities autonomy. By generating their own power, communities become less dependent on centralised providers that may not always have the capacity or interest to prioritise smaller, more isolated regions. This level of dependence enhances resilience for those communities, reducing disruptions and making it safer overall. In addition to providing stability in the face of disasters, microgrids reduce transmission losses. Traditional power systems often lose a significant amount of energy as electricity travels from a central power plant to homes and businesses. By contrast, microgrids generate and use electricity locally, which means that less energy is wasted and the system overall becomes more efficient. Microgrids can also exist without the burden of energy management being placed on local communities. It can and should be placed on the government and responsible entities. Rather than small communities or local councils, the government should oversee the provision and maintenance of these systems. By doing so, we create jobs, stimulate local economies and ensure that the technical and financial complexities of energy provision are managed by experts.

Western Australia has already begun taking steps towards this future. The Australian Renewable Energy Agency has funded several microgrid projects across the country, including in our own state. One such project is the Onslow microgrid, which integrates solar battery storage and gas-fired generation to provide a more stable and sustainable energy supply. Onslow's system is a model for how remote communities can reduce the reliance on diesel while transitioning to a cleaner, more resilient energy future, especially as this transition moves past the gas-fired component, hopefully with additional generation capacity and battery storage. The benefits of microgrids extend beyond large-scale systems. On a smaller scale, individual households can adopt similar setups by installing rooftop solar panels alongside home batteries to ensure the energy needs are met even during outages or fluctuations in grid power.

These systems not only save money, but also increase household self-sufficiency, which can be crucial during emergencies. Households also have the flexibility to switch between being autonomous or connected to the grid, depending on their needs and preferences at any given time. That grid could also work with large industries as they could complement each other. For instance, many large-scale industries such as mining and manufacturing are now turning to renewable energy sources to meet their carbon offset targets and reduce operational costs. As industries increasingly adopt wind, solar and battery systems for their energy needs, they are setting a precedent for decentralising energy generation.

The shift towards self-provision among heavy industries opens the door for collaboration with local communities, as I stated earlier, by developing microgrids that serve both industrial operations and nearby towns. We can create a symbiotic relationship in which excess energy generated by industry can be fed back into local grids, providing stability and reducing costs for households. This decoupling of heavy industry from the grid is not just about reducing emissions; it is about creating a more resilient, decentralised energy system that benefits everyone involved. By integrating these industrial microgrids with community-based microgrids, we can build a more interconnected network of localised energy systems. That would reduce the overall demand on the main grid, making it more reliable and reducing the likelihood of large-scale blackouts. It would also allow for a more flexible, adaptive energy system that can respond to the unique needs of both industry and local communities.

I will just go back to hemp, because I can. Hemp is seen as a new material for battery manufacture, which I have already spoken about in this place. I do not yet know how efficient those batteries are necessarily, but I have noted that there are increasing issues with lithium batteries. When I was on a flight in Europe recently, we were told that if any of our gadgets overheated, we were to contact the flight attendants. Also, no lithium batteries were allowed to be stored in our luggage; we were allowed to keep them in our bags as cabin luggage. The concerns around lithium are increasing. Hopefully, hemp will offer a less flammable version of a deep cycle battery at some stage. Lithium mining is also quite toxic to the environment and still requires us in the south west especially to remove trees—now called ecological thinning. Hemp is a sustainable resource. It grows really quickly, it can be used in houses, making them much more energy friendly, and also in batteries, plus in things like wind tulips and other materials or other builds that require strong fibre.

I hope that today's discussion will enlighten me about what the government is going to do and the opinions of others in this chamber.

Hon Louise Kingston: I think I was first.

The PRESIDENT: I am looking for an indication from the opposition spokesperson.

Hon Dr Steve Thomas: I am the lead speaker for the Opposition.

The PRESIDENT: Thank you.

HON DR STEVE THOMAS (South West) [1.23 pm]: Thank you, President. It is nice to see such an enthusiastic response to the motion moved by Hon Sophia Moermond. The entire crossbench—those present—leapt to their feet! There is enormous enthusiasm and it is not even a Thursday. Well done, everybody.

I am very pleased to make a contribution to this motion on behalf of the opposition. Hon Sophia Moermond moved a very good motion. I want to address each part in turn. Some of them I will address fairly quickly and some will obviously take a little more time. Part (a) of Hon Sophia Moermond's motion calls on this house to acknowledge the need for reliable energy sources in the regions. Obviously, that is a no-brainer. Surely the entire house would support the need for reliable energy sources in the regions. The only issue is that we also need to provide reliable energy in the metropolitan area. The assumption that metropolitan Perth has a completely reliable power system is probably questionable from the start and will get worse over coming years as the state government gradually undermines and wrecks the energy system in the state. Although it is average now—let us say, fair to middling—it will get worse over time. I am hoping that the parliamentary secretary and the government might redirect themselves into a better energy system because metropolitan Perth should not necessarily be excluded from the need for reliable power. We can possibly assume that we will discuss this issue as it affects the entire state. Part (c) is also easy to agree with. It states —

agrees that creative and diverse solutions will be necessary in the future ...

I want to go into that in a bit more detail. I will address part (b) at the outset; that is —

recognises that energy infrastructure built above ground is and will continue to be impacted by the changing climate and natural disasters;

It is true that they will be impacted, particularly by storms, as we have seen twice—a couple of years apart; in 2022 and 2024—in the supply lines to Kalgoorlie, with significant storms in January of each of those years. The failures of the backup system in 2022 under the previous Premier but the same government were repeated precisely through two years of lack of action and incompetence to get to 2024. The disaster that occurred in 2022 was perhaps a good warning sign that something different should be done out of Kalgoorlie. Nothing was done. The backup system failed because it was not big enough or good enough to do the job, as news reports have demonstrated. The average demand out of Kalgoorlie is 100 megawatts, give or take, in peak demand. When both backup units are up and going, they produce about 57 megawatts, and only have black start capability. As soon as the 20 megawatts that we might be able to get up in the first instance goes into the system, the system crashes. Even the big units in Collie where I come from have safety protection built into them. If there is not enough energy in the system, the unit will shut down to protect itself. If only 15 to 25 megawatts can be put into a demand of 100 megawatts, the first thing the system does is shutdown. The government knew that in 2022. It carried out some maintenance and played around with it, but it did nothing serious about it. The same thing happened in 2024, two years later. There is that old saying, “Fool me once, shame on you; fool me twice, shame on me”. Shame on the government for not doing something to fix that problem. The government has announced that it will attempt to fix that problem, but another two years will have gone by. In 2026, the government is hoping to get more than 100 megawatts of backup capacity into the system so that we can restart the system with the backup generators that will not switch off automatically because we do not have enough power because they are not big enough. It is pretty simple science.

Why wait two years in the middle of the biggest boom that this state has ever had to fix the problem for the people of Kalgoorlie? I have no idea why the government messed around for two years trying to find a solution because the solution was given to it. I would have said that energy infrastructure will certainly be impacted. The problem with underground power versus above-ground power, Hon Sophia Moermond, is that when something goes wrong underground, it can be incredibly difficult to find. Our issue is that we are a widely dispersed state with energy demands. Lots of things that happen in Europe happen in very small areas. The problem with putting everything underground, particularly transmission—those bigger lines—is that because we are using bigger cables, the heat generated is massive because there is greater resistance from the bigger cables. That creates a problem maintaining those lines. The second component is that when something goes wrong on a line—water seeps in for some reason or something else goes wrong—if we tried to go underground from Perth to Kalgoorlie, which is something like 500 kilometres—and the fault cannot be found, it can be pretty difficult. The line would have to be dug up to find the problem.

There are some more involved and technical tools now that assist that process and make it better, but for those two reasons general undergrounding of transmission lines is difficult and fairly uneconomic. That is not to say some lines cannot be undergrounded.

Hon Kyle McGinn: In the Pilbara a few years ago.

Hon Dr STEVE THOMAS: That is right. The Pilbara experiment did not go so well.

It is still the case that whatever happens we will want to maintain some overhead lines because of resistance and the fault-finding exercise. It is much easier down at the streetscape level, for example, because we are not looking at distribution across hundreds of kilometres. Lines in that local distribution area can go underground because generally the chance of finding where the fault lies is greater in a small area. It is a useful tool, and people in towns and on city blocks like to see power go underground so that they do not have an eyesore in front of them and they do not have to deal with Western Power poles. I and probably most members get complaints from people about Western Power poles being in a position that interferes with their capacity to use their block. I assume that the parliamentary secretary

gets some of those complaints; I know I certainly do. I forward them to the minister, but in some cases nothing can be done about it. It is useful to underground power at that level, but for the time being it is probably not the go-to position for distribution.

That leaves us with limbs (c) and (d) of the motion. Limb (d) considers a decentralised power grid. Lots of work can be done along those lines. Limb (c) talks about “creative and diverse solutions”. I have no doubt that there will be creative and diverse solutions. The only thing I probably disagree with slightly about Hon Sophia Moermond’s contribution is when she said it is nuclear on the one hand and renewables on the other, because there is actually no reason why we cannot integrate the two. The two are not mutually exclusive, but that is not to say that impending nuclear power is coming onto the grid in Western Australia. There is a whole pile of other arguments around that including cost, cost–benefit analysis and a proper business case. It has to be efficient and effective, and it has to fit into the Western Australian grid. All of that will take a lot of working through, and a fair bit of time and research will go into it. I think they are really interesting conversations to have.

Hon Darren West: That’s the most sensible thing you have said about nuclear power for a while.

Hon Dr STEVE THOMAS: I have said lots of things about nuclear power, member. We are not afraid of nuclear power, but it has to fit in and the business case has to work. That has to be the case, and it is not a simple discussion, Hon Sophia Moermond; it is a tough one. There is thorium versus uranium, for example. I think the member said plutonium. Uranium can ultimately degrade to plutonium, but reactors are generally uranium based. The larger units are 1 000-plus megawatts. The smaller thorium reactors can get down to 300 megawatts or even 50 megawatts, but the cost per electron becomes an issue. According to the GenCost report, the small modular reactors are about three times the price per electron of the big uranium reactors. The big reactors are too big for the Western Australian grid, which peaks at about 4 500 megawatts. Of course to get down that low, the government has to ask a few companies to shut down as part of that process. As I have said before, we do not want more than 10 per cent from one generation unit. At 4 500 megawatts, we do not want 400 megawatts from one unit. Although 300 megawatts is probably about the right size, the economics of that are more difficult. We need to have a lot of discussions about that. The cost does not fit in. By the way, Collie is not the only potential place where one could be put eventually. All of that takes a lot of discussion over a long period.

Hon Dan Caddy: Where else?

Hon Dr STEVE THOMAS: As we found out in question time last week, there is area at Ledge Point, north of Perth, that is gazetted for a nuclear power plant.

Hon Dan Caddy interjected.

Hon Dr STEVE THOMAS: Sir Charles Court put it in. There are other places. The other thing, of course, is that it needs to be somewhere with lots of water, which is an issue for Collie. There is lots of water in other places.

Hon Sandra Carr interjected.

Hon Dr STEVE THOMAS: Ledge Point is where it is gazetted, but there are plenty of other locations that could be looked at.

The PRESIDENT: Order! Member, let us bring the contribution back through the chair, instead of across the other side of the chamber. It might be helpful for everyone trying to understand, including Hansard.

Hon Dr STEVE THOMAS: Thank you, President, for your protection from the interjections from the other side.

There will be a great degree of creative and diverse solutions, and generation will vary. Some interesting projects are going on. Hydropower is very difficult in Western Australia. I agree with former Minister for Energy Hon Bill Johnston that we have everything for hydropower, really, except mountains and water! It would be very difficult to deliver. I agree that the little micro project down south is interesting, but it is a micro project that would be very hard to replicate anywhere else. Hydropower will not be a big contributor in the future.

Some more wind and solar power will be coming into the system. Interestingly, the Western Australian example is fairly good. It does not look like the government, Synergy, Western Power and Horizon Energy will replicate here the insanity that has gone on in the eastern states in terms of terrible gas policy resulting in a profusion of wind and solar farms. But that has not stopped the private sector from being highly optimistic about how it might make use of carbon credits to, for example, put on additional generation. If we look at what is happening in the renewables sector in Western Australia, we see proponents out of Europe and Asia coming here and suggesting they will put on a project for not just a few gigawatts—we are 4 500 megawatts, or 4.5 gigawatts—but multiple projects for 10 to 12 gigawatts of wind production. The first question one has to ask is: where will that be sold? There is no marketplace in the state system.

I was particularly pleased to hear the Premier of this state, Hon Roger Cook, suggest a couple of months ago that the government will need some additional fossil fuel generation. I thought that was great. As I have said in this house previously, I think he made a mistake when he said the government was going to build another coal-fired power station, which I think the people of Collie would have been quite excited about. I think he got it wrong—

not that government bothered to acknowledge that and correct it. I think he was saying that, like the opposition would, the government is going to have to build some more gas-fired generation to have enough dispatchable energy to keep the lights on. Again, I am pleased to see that the state government is slowly adopting the opposition's energy position. If the parliamentary secretary needs a copy of the policy so the government can try to get it right, I am happy to talk to him about it. There might be a small cost involved! It is nice to see that the government is coming around to the correct area of the energy discussion. I think that is really good. A little bit more gas generation to maintain dispatchable energy is good.

Of course, we have similar views on some of the more ridiculous wind farm proposals. That is not to say, President, that we can be opposed to wind farms in every location across the board. I think that is a silly position to take—sorry to those members—but when they are put in the wrong place, it needs to be called out. Last week, I was particularly pleased to see the federal Leader of the Opposition, Peter Dutton, turn up and announce that the wind farm zone in Geographe Bay would be scrapped if the opposition wins the federal election. That was a good outcome. I support that absolutely and I know that the local federal member Nola Marino supports it absolutely. Other federal members like Hon Andrew Hastie, and the new candidate Ben Small absolutely support it.

Hon Dan Caddy: Recycled candidate.

Hon Dr STEVE THOMAS: He has been a senator. He has been a candidate in the south twice.

The state government's position on wind farms is interesting. The City of Busselton wrote to the Minister for Regional Development, the member for Bunbury, and received this as part of the answer —

“Given the cost and complexity of offshore wind, we do not see it as a viable option for the foreseeable future and it is not a focus of the WA Government”

I agree with that. Well done, parliamentary secretary. We really are an agreeable lot. I like a bit of agreement on a Wednesday so we can dissent on a Thursday, President.

State and federal oppositions and the state government are in lock step on this issue. We are all in furious agreement. Geographe Bay is the wrong place for a ruddy great big wind farm. Fantastic! I hope the parliamentary secretary will confirm those comments in a bit. I will send him a copy of the document in a minute. Everybody is on board except Anthony Albanese and Chris Bowen who said, basically, “You’ll have a wind farm zone out there.” Congratulations; they knocked it back from 7 000 square kilometres to 4 000 square kilometres, right out there where people in the south west use boats, recreate, fish, dive and all the rest of it. State Labor, state opposition, federal opposition: we are united! I love a bit of unity in Parliament. We are united that this is a dud place to put a wind farm zone. The problem is that once it is declared a wind farm zone, it will be impossible to stop someone putting thousands of wind turbines out there, so this is a good outcome. I am not opposed to wind generally, on principle, and I am not opposed to it where there is a good location. I know there are people who will oppose it in their backyard. The NIMBY group will come along every time and oppose it. Much of the research is quite interesting. Hon Sophia Moermond, the federal government did some interesting research some years ago on wind turbines because there were grave concerns about the potential health impacts. Pretty much all of that was dispelled.

Hon Kyle McGinn interjected.

Hon Dr STEVE THOMAS: Yes, there was some of that. Pretty much all those health issues were dispelled. That is not to say they do not have mental health impacts for some people who hate to look at them. If they can see them, that probably has an impact. I am a little bit cautious about that. There will be more wind turbines. There will be more solar panels. Most of those solar panels will be rooftop solar. The odd solar farm might come along but the Western Australian model, in a small marketplace, is better than in the eastern states. That is not to say the Labor Party is handling it well because it has impending disasters in its hands. It will not be able to close the coal system in the timeframe it has, which is purely ideological. It has nothing to do with energy supply. It needs more energy generation, it needs more storage and it needs increased transmission. Interestingly, the Labor Party cannot even tell me how much increased transmission it needs. It does not have a budget for any of those things. This comes to the crux of my contribution to the motion by Hon Sophia Moermond: what the state Labor government is doing is waiting for the private sector to save its bacon. What the state government is doing is sitting back going, “The private sector’s going to build all these wind turbines. The private sector’s going to build all these batteries.” There are proposals out there. I get briefed on them all the time. Some of them are reasonable; some of them probably less so.

Hon Sandra Carr: You guys wanted to sell off the electricity grid.

Hon Dr STEVE THOMAS: The grid distribution itself is probably not worth selling these days. If we were going to do it, we needed to do it when it was worth something. It is like trying to sell your old Holden EH when it has 400 000 kilometres on it! You have to sell it when it has some value.

Several members interjected.

Hon Dr STEVE THOMAS: Do not worry. It was a great interjection because, do members know what the Labor Party has been doing? It has been selling off power assets! It sold off wind farms. The Labor Party is more

than happy to sell off electricity assets. It sold off wind farms to the private sector. My good friend Hon Ben Wyatt was the Minister for Energy at the time. The Labor Party sold them—privatised them. What the Labor Party does is a bit clever—I get this. It is privatisation by stealth. That is the Labor Party’s energy policy—privatisation by stealth. It is selling off bits and pieces. It will have the private sector build some of the new distribution network. The previous Minister for Energy wanted to nationalise that, a bit like the crayfish exercise, but possibly it might. I am happy with build, own and operate. The Labor Party is having the private sector build the batteries it needs. The private sector is building the generation it needs. Do members know what? If it were open and honest, I would probably give it a round of applause—well done, parliamentary secretary, on the government agenda to privatise the energy system as much as it is able! It is not a bad policy, necessarily, because it saves the government having to put its hand in its pocket, take some of the money out of Metronet and put it into poles and wires. Privatisation is the Labor Party state government’s agenda for the energy system in this state—brilliant!

Visitors — Shenton College

The PRESIDENT: Good afternoon and welcome to Shenton College. You are very welcome to the Legislative Council.

Debate Resumed

HON DAN CADDY (North Metropolitan) [1.44 pm]: Before I start, I want to pick up on a couple of things Hon Dr Steve Thomas said. It would appear that he is very much opposed to wind power but not to hot air!

Hon Dr Steve Thomas: Neither is true.

Hon DAN CADDY: I should have said “my good friend the honourable Dr Steve Thomas”. One of the things he talked about in response to the motion was nuclear power and renewable energy going hand-in-hand. Around the world, it has proven to be a very difficult task to bring those two together. We need to look only at the United Kingdom where renewables are the first things that get shut off when the drain on energy is low. We should never, ever put ourselves in a position where the first things we are shutting off are the renewable energy sources and the cheaper forms of power. The reason is that the nuclear reactors need to be run at near on—not quite—100 per cent the whole time. That goes to the heart of the nuclear debate, which I am not going to talk about much after this. It is old technology. Technology is running ahead of us when it comes to renewable power in so many ways. To go down the path of nuclear technology is to go down the path of old technology.

Hon Dr Steve Thomas: Are you suggesting there is no new technology coming in with nuclear energy?

Hon DAN CADDY: It is being left behind by what is happening in the renewable space, my friend. The other interesting thing is the member talked about a wind farm tens of kilometres off the coast. I think it is incumbent on people to look at how things work around the world. When I lived in Copenhagen, I could see massive wind farms off the coast. In fact, they create their own ecosystems for marine life. It is in a pretty decent shipping lane between Denmark and Sweden. Ships managed to navigate through it and everyone manages to navigate around it. We are not the only people in the world with coastlines, boats and people who like to go out. I just want to put that into perspective. It is something we should all think about.

I want to get to the main motion. I thank Hon Sophia Moermond for this motion. I have spoken many times in this chamber on the importance of reliable energy sources and energy security for Western Australia. That is sort of where I want to take my speech today. I want to concentrate on paragraph (c) of the motion, which talks about creative and diverse solutions for the future and for a stable power supply. I will talk a little bit about Western Australia and what makes us special, but also what the government is doing in this space because there is certainly a lot to talk about.

First, I want to contribute by acknowledging this matter of energy security is of paramount importance to Western Australia. In this vast state in which we live, with our unique geographical challenges and ever-increasing economic ambitions, ensuring a reliable and sustainable energy supply is not merely a matter of convenience. It is not just something we can argue with the opposition on policy about. It is a critical foundation for our continued prosperity as a state and for our wellbeing. Energy security right around the world is the lifeblood of all modern societies. It powers our homes, our schools and our hospitals and ensures the comfort of families right around the state. It fuels our businesses. It drives innovation. It enables industries that form the backbone of our economy, whether we are talking about the mining sector in the Pilbara or the agricultural sector in the wheatbelt and the south west. Without a secure energy supply, our way of life and economic growth and the very future of the state are at risk. As a state, we face a unique set of challenges in securing our energy needs. Vast distances, a very dispersed population and sparsely populated regions necessitate what we know is extensive and very often costly infrastructure to distribute power effectively. The increasing integration of renewable energy sources, whilst environmentally critical, also presents new layers of complexity requiring innovative solutions to maintain grid stability and reliability. However, I am here to tell all in this chamber that this government is not standing still in the face of these challenges. We are taking bold and decisive steps to enhance our energy security, particularly through the development and integration of renewable energy sources.

I will briefly touch on a few. The renewable energy transformation agreement is a landmark agreement between the federal and state government that signals a new era for our state’s energy landscape. Contained within this

agreement is the aim to build a minimum of 6.5 terawatt hours of new wind and solar projects, enough to power millions of homes, and 1.1 gigawatts of new storage capacity. I have spoken about the storage capacity before in this chamber. It is crucial for smoothing out the variability that comes with the generation of power from renewable sources. It will also provide the much-needed grid stability that I am talking about, and, at the same time, help us reduce our reliance on fossil fuels, which is something that is very important to most Western Australians.

There is no clearer demonstration of our commitment to a clean energy future than the Cook Labor government's commitment to retire and phase-out our state-owned coal-fired power stations by 2030. It is a bold move, and it necessitated a significant investment in reliable renewable generation and storage to ensure that a seamless transition will take place and to maintain a constant and seamless energy supply throughout that. This is not just about environmental stability, but also securing our energy future in a rapidly changing world. I can tell that Hon Dr Steve Thomas is dying to ask me a question.

Hon Dr Steve Thomas interjected.

Hon DAN CADDY: I will just keep going, member.

Hon Dr Steve Thomas interjected.

The PRESIDENT: Order, member! Hon Dan Caddy has the call, no matter how hard you try to detract from that.

Hon DAN CADDY: Thank you for your protection, President. The state government's comprehensive energy transformation strategy provides a road map for modernising our energy system. It outlines a multifaceted approach that encompasses not only the expansion of renewable energy, but also the development of the critical infrastructure that is required, such as transmission lines and energy storage facilities to ensure that these new sources can be effectively integrated into the current grid. This type of strategic vision guides our efforts to create a more resilient, sustainable energy system for generations to come. It is a sort of strategic vision that is very much lacking on the other side of this chamber.

The newly established entity PoweringWA is tasked with a critical mission: delivering the electricity infrastructure needed to underpin our renewable energy transformation. This includes strategic investments in transmission and distribution networks to once again accommodate the growing influx of renewable energy from across the state. PoweringWA is going to play a vital role in ensuring that our energy infrastructure can keep pace with the rapid growth of renewable generation that we are seeing, and will go a long way to ensuring reliable and efficient energy supply right across the state in regional and metropolitan areas for all Western Australians.

Community energy is not often talked about. Beyond large-scale projects, Western Australia is also witnessing a surge in community energy initiatives. Local communities are taking charge of their energy future by investing in renewable energy projects and contributing to a more decentralised and resilient energy system. This movement empowers communities to generate their own clean energy, reducing their reliance on the grid and fostering a sense of ownership and participation in the energy transition. Once again, it is another step in ensuring energy security into the future. These are just some of the initiatives underway in Western Australia. I will go into specifics on a couple of them shortly. As a government, we are also obviously investing in cutting-edge research and development in areas like advanced energy storage, microgrids and smart grid technologies. The investment in research and development is not just critical for energy; it is critical in the medical field and in other areas as well. Extensive investment in research keeps the best and brightest minds here.

An energy motion was one of the first things I ever spoke on when I came to this chamber. I talked about the need to be on that cutting edge and of being the vanguard of the dialogues when it comes to how we research and look for new technologies. If we can do that in Western Australia, given the changing pace of technology in the energy sector, we will be well placed moving into the future. We will be one of the jurisdictions that brings forward innovations to further enhance our energy security and it will enable us to better manage the variability of renewable energy sources to help with creating a more flexible and responsive energy system.

The move away from coal to cleaner, reliable and affordable energy is central to the Cook government's action on climate change. As all know, we are working towards a goal of net-zero greenhouse gas emissions by 2050. As I have mentioned, our state-owned coal-fired power stations will all be retired by 2030. We are investing over \$3 billion in wind power and battery storage. We are investing in huge batteries. They are some of the biggest batteries on the planet. We are removing old power poles that have stood in paddocks for generations that were risky and unreliable. We are evolving the networks right across Western Australia to not only reduce emissions but also bring reliable power to people in the regions.

Decarbonising energy systems requires diversifying power supply from wind and solar to battery storage and other backups. Our wind and solar resources also need to be diverse to make the best of the varied weather patterns across the state, given its size, to capture renewable energy when it is available. The evolution of our energy systems will happen right across the state in our main grid in the south west of the state, in the Pilbara and in smaller microgrids and in smaller communities. Only the Cook Labor government can be trusted to deliver the energy transition that

Western Australia needs and deserves. We are delivering a sensible and managed transition to a lower carbon future. We are investing in renewables transmission storage, and we are working with the private sector to unlock further investment and economic opportunities for the state —

Hon Dr Steve Thomas: Well done. Here we go! Privatisation —

Hon DAN CADDY: At least they will work with us, my friend. At least they will work with us. We will always do what is right for Western Australia. We are leading the nation when it comes to —

Several members interjected.

The PRESIDENT: Order! It is Wednesday, not Thursday.

Hon DAN CADDY: I am trying not to elicit a response, President, but thank you for your protection again.

We are leading the nation when it comes to optimising the benefits of distributed energy resources. We are working with solar, battery and other electrical assets in homes to ensure that households can make the most of them while also supporting the energy grid.

Hon Darren West: Full charge!

Hon DAN CADDY: One hundred per cent, parliamentary secretary!

The government has developed, and is in the final stages of delivering, the *Distributed energy resources roadmap*. The road map responded to the uptake in solar and the emergence of electric vehicles and batteries. One of the things I wanted to speak about that I have spoken about before in this chamber is Project Symphony. I remember I spoke on it at the time when it was very new. It is the centrepiece of the DER road map and is WA's flagship virtual powerplant pilot coordinated through rooftop solar, batteries and other smart devices in the Southern River region of Perth. It has rewarded participants, or consumers, if you like, for their participation in this project. The final Project Symphony report includes recommendations to further build on the role of households and businesses in meeting their own energy needs and sharing the benefits of that with the broader power grid. These recommendations are informing the business strategies of Western Power, which led Project Symphony, Synergy and the Australian Energy Market Operator. This pivotal work demonstrates not only the value that distributed energy resources can bring, but also how innovation is already identifying new solutions to meet our increasing electricity needs.

The storage systems that we are bringing online—the big batteries in Kwinana and Collie—are just one example of where we are at, which is at the leading edge. A couple of months ago, along with a bus full of members, I did a tour of the first of the big batteries in Kwinana. It is impressive to see because of its size and because it is modern technology at work. It is also impressive to hear from the people who operate them just what they can achieve, how they work and how they are critical to the reliability of energy supply in the area.

I have previously spoken about wind farms. I have lived in many different countries around the world and all but one of them had wind farms in close proximity. In addition to what Hon Darren West said about wind farms being a cheap form of energy, wind farms harmonise with the surrounding landscape. Other businesses can go on in and around wind farms, which is one of the things that makes them exceptional. Tidal technology is another one. I sat down and spoke with a proponent of tidal technology from Northern Europe. Tidal technology is commercially in use in Northern Europe; I know of one off the Faroe Islands. It is fantastic technology. I think they are called kites, but with their shape and size, they basically look like giant stingrays. They pick up energy with the movement of the tides. It is extraordinary technology.

Although I acknowledge the predilection of some of those opposite to retain fossil fuel generation, go down the nuclear path and attack our record, energy security is not merely about keeping the lights on. It is the bedrock of our economy, social wellbeing and future prosperity. Thank goodness those on this side of the chamber are in charge of our future. Genuine energy security will not be attained by simply refusing to participate in the renewable energy revolution, as many members opposite would advocate. By embracing renewable energy, investing in smart infrastructure and fostering community participation, this government is taking the bold but necessary steps to ensure a secure, reliable and sustainable energy future for all Western Australians. We are not just building an energy system for today; we are laying the foundations for a cleaner, more prosperous and resilient Western Australia for generations to come.

HON LOUISE KINGSTON (South West) [2.03 pm]: Well, wasn't that interesting! I think we should all be very terrified by what we have just heard from Labor members, because what they said will definitely not keep the lights on.

I have long been a strong believer in, and supporter of, innovation. Sadly, investment in innovation in Australia started to wind back about 45 years ago. It is probably 10 years since I have worked in that space. Every problem has a solution. I was pleased to hear that there will be investment in research and development, but it is way too late. At the federal level, investment has been wound back significantly over the course of the last few decades. Somebody once said to me—this is a note for the government—“The wheels of change move slowly, and they move slowly for a reason.” Although our move to net zero 2050 will provide us with enormous opportunities, it will also

present us with enormous issues. I very much support the motion moved by Hon Sophia Moermond, particularly its focus on the regions. As a result of centralisation and losing a significant portion of their population over the last few decades, the regions always pay the price to ensure that the city is looked after. That is understandable because of population density, but it is not fair. During a recent trip through the south west to visit various businesses, I was absolutely shocked to be told that some of the biggest businesses in the area are paid to switch off from the grid and rely on their diesel generators in times of high load on the system. I could not believe the practicality of that in the first instance but, secondly, from an economic perspective, those businesses are earning money, paying wages and all that sort of thing, which goes into paying the government's expenses. In asking them to turn off so that other people have a reliable provision of electricity, the government is shooting itself in the foot, not once but twice. The idea that we will transition out of coal by 2030 is an absolute pipedream. Unless we focus on the transitional requirements of gas going forward, we will face a heap of pain.

I disagree intently with the premise that nuclear power will not be a part of our future, because it absolutely will. Without nuclear power, our current power generation opportunities will not allow us to reach net zero by 2050—it is as simple as that. That area will develop rapidly around the world. As Hon Dr Steve Thomas said, to which I lend my support, we are seeing new types of nuclear generation; indeed, that area is rapidly transitioning overseas. It comes back to investment in research and development, which we are just not doing in this country, and how that can be a part of the mix. We need to take off the handbrake, lift the restrictions and see what comes from developments in areas around the world and Australia. I remind members that the photovoltaic panel was developed in Australia all those years ago.

I was in Albany a few weeks back and a lady from one of the fabulous businesses down there did a presentation. She talked about the wave power project that is going on and where the trial will be, which is really exciting. One of the interesting things is that the business has manufactured this trial plant, but it cannot transport it in its current form because it is too wide to travel on the road. It is desperately trying to find a way to work around that issue.

I am vehemently opposed to wind turbines—I have made that point very clear—due to the health impacts. Apparently, some studies have shown that there are no health impacts, but equally as many studies have shown that there are significant impacts. I am also opposed to them because they are often located on prime agricultural land, similarly with solar farms, which is not the answer into the future. There was an article just the other day about a big storm that absolutely and utterly destroyed a solar farm. In terms of what happened in Kalgoorlie, I am talking about an interruption to the power supply. It will be hugely problematic to rely solely on these types of energy generation, particularly as many of these generators will be located in remote regional areas. We also need to think about the location of the people who will be mobilised to come in after we have an event like that. At present, they are not in remote regional Western Australia. We are already facing significant issues of accessibility to staff members for even our basic industries and businesses in our remote and regional areas. That is why, once again, I fully support the move into the nuclear space—because that would provide jobs, including technological jobs, in regional Western Australia, which we are all screaming out for to revitalise our communities, particularly in the wake of closures of industries such as the timber industry.

Another area that I previously did some work on is waste to energy. That did not get mentioned at all today, which is a little unfortunate. That will also offer some significant opportunities going forward. The regulations and opportunities surrounding that need to be looked at. Most of our regional waste facilities are facing the end of their life. This is where we could focus on looking at some research and development into these plants. A number of them are now being built around the state, and they have sort of quietly slipped in. Not a lot of attention has been given to them, which I think is a bit of a shame, because plasma gasification is amazing technology with the ability to create energy with no emissions whatsoever.

I refer to another reason I am vehemently opposed to wind turbines. When the global financial crisis hit, one area that was affected quite severely was the blue gum sector, which was something that no-one realised, maybe aside from a few of us who could see that there were some issues with the planning and implementation of the industry. One of the biggest issues was that a lot of landowners were found to be responsible for the removal of those trees once they had been harvested after two rotations and also the rehabilitation of their land, the cost of which far outstripped any amount of money that they had earned from those blue gums over the time that they were on their land. That is in the contracts for these wind turbines. Once again, the majority of the companies supplying these wind turbines are overseas companies. If they go broke, those farmers are very likely to find themselves having to decommission those turbines and also address any contamination issues. Every single landholder should be severely concerned about that. If the government is really genuine about wind turbines and really wants to see them being put in, it should undertake that risk itself so that those landowners are not left holding the baby.

Batteries will also be hugely problematic. For a start, they are enormous. Secondly, the little amount of power they actually provide will mean that vast areas of our landscape will be taken up by these batteries. Hon Sophia Moermond raised the issues with lithium batteries and the problems that many parts of the world are now facing with them,

not to mention that those batteries do not last for an extended length of time and will then need to be disposed of, which will be a problem into the future. It is also an opportunity, as I said before, because every problem has a solution. I note that yesterday, an article stated —

The national energy regulator has made an eye-popping admission about Labor’s renewable energy plan. The article referred to a Senate inquiry. It continued —

The national energy regulator says it cannot guarantee the Albanese government’s renewable energy plan will lower prices.

Australian Energy Market Operator (AEMO) chief executive Daniel Westerman made the admission while fronting a senate inquiry on Wednesday.

I think there are a lot of unknowns in this. Without proper costing on all the different things that can be provided, the people of Western Australia and Australia as a whole have absolutely no idea what our energy delivery will look like into the future, and also what the cost of that will actually be.

There are many reports on the development of a nuclear energy industry. We can look at both sides and find the one that we are looking for that says, “Goodness gracious, no, this is terrible, it’s going to cost way more than anything else we have ever seen”; then we can find other reports that say that nuclear energy is much safer than solar and wind renewables and its life cycle has a lower carbon footprint. That needs to be looked at very carefully, because the life expectancy of a nuclear energy plant is 80 to 90 years of minimum use, whereas renewables and wind turbines or solar panels have a life expectancy of anywhere from 25 to 30 years. In terms of long-term cost and deliverability of energy, it makes perfect sense that we take the handbrake off the investigation into nuclear and actually look at it so that it is on a level playing field. I remind members that when renewables were introduced, they were heavily subsidised before they got to the point of being viable. Some would argue that they are probably not really viable even now based on the information that I have just presented.

I refer to regional Western Australia. I want people to imagine that they live in Scott River, they have a 250 to 500-acre farm, and, all of a sudden, they find that a wind project is planned for that area. They were not consulted, and they are potentially facing an impact of exclusion zones on an enormous amount of their land, because these are small lots of land. The idea that we can just put wind turbines anywhere that is deemed to be a place to put them is not fair on individual people’s rights and their property rights. They should not be forced to have wind turbines on their farms.

Several members interjected.

Hon LOUISE KINGSTON: It is actually interesting that the member raised that, because the people I have spoken to down at Scott River are actually very supportive of nuclear technology. They are much more supportive of nuclear technology being provided because it provides a much bigger opportunity for energy generation in Western Australia. This is something else to think about. A wind farm is massive in size and it produces this much power. A nuclear plant is smaller and produces much more power for its size. Members cannot argue that that is not the case.

Aside from that, wind farms are being built in some areas of Queensland and they are mowing down massive amounts of rain forest to provide the transmission lines. I think it was Hon Sophia Moermond who mentioned the interruption to the weather over there. It has the effect of changing some of the microclimates. That is very real and a huge problem that we will face into the future. As an example, we can think about it in these terms. Just one wind turbine is the size of the BHP building in the middle of the city—just one. When members opposite say that it is not an impost on people’s properties, that is fine for those who live in the inner city on a small 400 square metre block or less. I do not understand how anyone can live like that but that is fine; that is my opinion. If anyone suggested putting wind turbines in the backyards of every three or four properties in Perth, I can state categorically that that would not happen. Why is it okay to put them in regional Western Australia? Why is it okay for those companies to be overseas companies? Why, potentially, will that energy generation provide energy to other countries rather than just for Australia? We will pay the price for this transition to net zero by 2050 by destroying a vast amount of our beautiful regional areas, and it will not even be for our own power. The people who are faced with the prospect of having those projects on their properties need to have a say on whether or not they want them. Currently, that is not the case. The projects that are being planned do not have what I would say is the necessary level of consultation and engagement that a large number of these regional areas are requesting.

We need to take the handbrakes off other energy generation opportunities and look around the world. We need to bring back the clever country, as we used to be called. We need to bring back investment in research and development so that we can develop new sources of energy so that we can be a leading country in energy generation around the world, which is not happening at the moment. The collapse of our manufacturing sector means that many of those jobs and opportunities have been discontinued. We need to get back to looking at how we can be a part of the solution for energy generation in the future. Obviously, we have talked about AUKUS. We know that that is coming. A huge investment will be made in Western Australia, which is great. How can we leverage off that for our defence forces going forward? How can we capture that and provide effective and reliable energy generation into the future?

In closing, I think I have made my views very clear. I absolutely support the motion that Hon Sophia Moermond has put forward. I have said many times that looking after regional Western Australia is as pivotal as looking after the city because Western Australia is the powerhouse. Twenty-five per cent of people live in regional Western Australia and produce more than 50 per cent of the gross state product. It is sensible that they be consulted, listened to, understood and are part of the solution. We need to engage with, and listen to, those regional communities. We must acknowledge their concerns and issues. We should put more money into the research and development of potentially new technologies, particularly waste to energy. We need to continue to shine brightly in the delivery of energy going forward. Some of the things that have been proposed today will be hugely problematic as we go forward.

HON NEIL THOMSON (Mining and Pastoral) [2.23 pm]: I will not speak for long on this motion, but I want to put a little focus on the consequences of not having reliable power. I will provide my counsel to those opposite before they have their final say on this. I assume there will be a lead speaker from the government on this motion. Certainly, I would not categorise as a lead response the contribution by the other honourable member over there who spoke, Hon Dan Caddy. I suggest that in the last minutes left of this debate, government members engage in some self-reflection on the consequences of not having reliable power.

Hon Tjorn Sibma: And show some humility.

Hon NEIL THOMSON: I thank the member for the interjection. I request that those opposite practise some humility. I remind members of the challenges in Kalgoorlie for people like Steve McKenny, a butcher, who lost \$100 000 worth of produce because the power went out for nearly three days. The manager of the IGA lost a similar amount in produce that had to be thrown out. That is the impact. As a generalisation across all policy areas, we saw the Minister for Housing make some rather outrageous comments in the other place recently about a priorities document that the Liberal Party put out. The problem is that the Labor Party is writing the Liberal Party's priority documents by itself. The Labor Party is failing the community in housing by the massive shortfall of accommodation we are seeing and the terrible rental costs. The Labor Party is also failing the community on energy reliability. It is not as though we come here in a vacuum of circumstances to present these debates. I suppose that the vast majority of people think that what goes on in this place is sometimes described as hot air, and that is why I will keep my comments to a minimum. All I am asking is for members opposite, when finalising their response to this, to reflect on some of the terrible situations that have happened.

The power outage in Kalgoorlie was not a one-off event. Unfortunately, Kalgoorlie–Boulder has been the canary in the coalmine, so to speak, in relation to what could possibly happen in the future. We know there are transmission challenges in Geraldton. We have seen a range of issues with weather events that have breached the transmission lines. We see those challenges going forward. We know that the climate is changing. All of us on this side, despite what the Labor Party likes to present, are pragmatic about decarbonisation. Of course we want to see decarbonisation. However, we do not hear from members on the other side any evidence of the effectiveness of the enormous spend on decarbonisation of \$5.4 billion. The Labor Party broadly trumpeted that in budget paper No 3, but what do we have to show for it? We have had nearly three days of power cuts in Kalgoorlie. That was not just a one-off event. In 2022, a series of power outages occurred that were quite severe and had a similar effect. I believe that the local race club had an event and lost in the order of \$30 000 of takings because all its EFTPOS machines went down. This is not a one-off event. Retailers throughout the community of Kalgoorlie basically had to shut up shop and go home for the day. That is a day's takings that is gone. Everyone from medical providers to the local chemist suddenly had stock that could not be sold because of the loss of refrigeration. I have spoken to the people in the streets of Kalgoorlie who were affected by this. The government needs to reflect on what I think is an excellent motion brought on by Hon Sophia Moermond.

There should be a moment of sober and sombre reflection by the government after this many years. The former Minister for Energy Hon Bill Johnston basically gave undertakings at the time that this would not happen again. My colleague here has explained why black start capacity does not work. That was already known. Despite the maintenance that was carried out, the same thing happened again a couple of years later, when one of the high-voltage lines was cut because of an event. There was a complete failure of that black start capacity to actually get going again.

We have talked about these things before; I have brought a petition to this place about this matter before. It pains me a bit to have to talk about this again but, in order to keep this contribution brief, I will ask the parliamentary secretary to just reflect with some humility before he stands up to speak about this. He should think about the people who have been impacted by the incredibly unreliable power system we currently have in Western Australia.

HON DARREN WEST (Agricultural — Parliamentary Secretary) [2.30 pm]: I thank Hon Sophia Moermond for bringing such a constructive and useful motion to the house; it makes a nice change from what we have to endure sometimes. I appreciate her interest in this subject. I can talk for hours on this subject. I can even talk under wet cement for hours about energy—probably as much as I can talk about the 2010 AFL grand finals between St Kilda and Collingwood, but that is another matter! I can just as enthusiastically talk under wet cement about energy as I can about that amazing pair of grand finals.

Seriously, members, I acknowledge the genuine interest and concern the honourable member has in respect of this motion, and I will frame the government's response accordingly. I have had a chat with the member behind the chair and I flag early on that I will propose some very small amendments that will change a couple of the terms to make the motion even stronger than it already is. I will get to those amendments later in my contribution, but this is a good motion, and the government generally supports it.

The first point made by the honourable member was about the blackouts in Kalgoorlie, the wheatbelt and the Perth hills last January. Those power outages were caused by supercell storm events—freak storm events that toppled towers designed to withstand winds of up to 280 kilometres per hour. That was clearly a very significant storm event. We then had the unfortunate situation in which we were unable to fire up the generators in Kalgoorlie. We have since committed to replacing those generators; they are ageing. We will replace them so that that will not happen again, but I acknowledge the great advocacy for the Kalgoorlie community by Ali Kent, the member for Kalgoorlie. She worked tirelessly, day and night, to help get some answers for that community. We restarted the power supply through some pretty creative ways of managing the electricity network.

Members opposite need to understand—they will work this out one day—that electricity is dangerous. It can kill people, so whenever there is a fault in the system, the system turns itself off. It turns itself off for good reason. The alternative would be to leave the system live and risk people's lives, so we are cautious when there is damage to the network, and rightfully so. We apologise, and have apologised, to the people of Kalgoorlie, the wheatbelt and the Perth hills, but this outage contrasted the coalition's position of privatising Western Power with the government's position of keeping that public utility in public hands. When people come to our offices with complaints and issues around the electricity system, we actually have mechanisms for resolving those complaints and issues. Try doing that with Telstra—a company that was privatised by a federal coalition government. Look at the contrast between the way in which we can resolve Western Power issues on behalf of our constituents—the people who own the system—with the way those issues are dealt with by organisations that are privately owned. I acknowledge that power outage; it was significant. If we had our time again, maybe we would have done things a little differently, but we have learnt from that.

Another limb of the member's motion is about generation—nuclear, renewable and fossil fuel. We have for many years relied on fossil fuels for our power generation. The UK started this in about 1882 by building coal-fired power generators, which actually kicked off the industrial revolution; 1882 is the year that is in my mind. Significantly, the UK last month turned off its final coal-fired power station. There is no longer any coal-fired power generation in the UK. The UK was the pioneer, and it is the first one to get out, and there is a good reason for that: it is called new technology. I know that that can be a little difficult for members opposite.

Several members interjected.

The ACTING PRESIDENT (Hon Steve Martin): Members! Thank you. Please direct your remarks through the chair.

Hon DARREN WEST: Thank you, Acting President, for your protection. I will take that advice.

Hon Sophia Moermond gets it and the government gets it, but there are a few people who do not quite get it: new technology is evolving, and one of those new developments is the movement away from coal-fired power generation to renewable energy and storage. Nuclear power is used in other parts of the world; large grids can sustain nuclear power. I am telling members that it will never happen here in Western Australia because of economics. It is not because of political sentiment or anything like that; it is because of economics. I think I detected Hon Dr Steve Thomas doing a bit of a crab-walk away from nuclear power. He got an opportunity to unleash his inner energy nerd. We love it when he does that; I can do that as well, but I think I detected a bit of a crab-walk away from effusive support for nuclear power.

I want to talk about wind power. For those who are unaware, wind is the cheapest form of power generation; that is why there is so much wind power going in around the world. I will let members in on another little secret: consumers, whether business or residential, want the lowest power bills they can get. When customers want the lowest power bills they can get, they want the cheapest source of power generation, which is wind. When tenders for pricing go to the Australian Energy Market Operator—about every five minutes!—wind will often tender zero or negative for providing power. The cheapest source of power we can get in the wholesale energy market is wind, and the most expensive is from small modular nuclear reactors, which have not even been invented yet. The most expensive is nuclear power. Why would a political organisation pin its tail to the nuclear donkey, if it is so much more expensive and will result in more expensive power bills for households than wind, which is the cheapest form of power? I still have not quite figured that out. Maybe one day someone will let the opposition know that consumers want the cheapest power.

There is all this concerning data and conspiracy theories about wind farms. I will make this point. There are several large companies around Western Australia—many of them multinationals, as we have had in energy generation for a long time—who are talking to freehold land owners about potentially siting wind turbines on their freehold farming properties. Most of these farmers are saying, “Where do I sign? This is a good deal for me. It diversifies

the income on my farm.” That is what most of them are saying. Members opposite are saying, “No, you can’t put that commercial arrangement on freehold land.” Look, I am sorry, but if it is freehold land, that landowner has the right to undertake any lawful activity on that land that will generate the best deal for their business. It is not up to people in this house to tell them —

Hon Louise Kingston interjected.

Hon DARREN WEST: Yes, they have the right to say no; it is freehold land. It is not up to people who sit in chairs in this Parliament to say what farmers can and cannot have on their land. These are commercial arrangements on freehold land. I think that point needs to be made in the face of the opposition’s aversion to wind power generation.

Hon Dr Steve Thomas is quite right: the zone for offshore wind is suitable, but we are not going to see it in our lifetime. Offshore projects provide power later into the evening than does onshore wind, which is why energy generators are interested in exploring that line of generation. I get that; it makes complete business sense, but it is not going to happen for a while yet. They will be 40 kilometres offshore; people do not swim that far out and very few of them go out that far in boats. We will not see them from the shore.

Hon Dr Steve Thomas interjected.

Hon DARREN WEST: I think 40 kilometres is a long way out. Someone has to have pretty good eyes to see 40 kilometres away. The member will not see me when I am 40 kays away! I will touch on a few other points I have made. I made some dot points that I want to respond to. As I say, in general, we support this motion. It is a good motion. It is constructive and the sort of thing that people outside this Parliament want us talking about.

Central to our action on climate change is a move away from coal to cleaner, reliable and affordable energy, much like the rest of the world, so we are not orphans in that. WA is working towards its goal of net zero emissions by 2050. That is the plan, and we have some of the best people in the business world working on the energy transition. I acknowledge them all for their wonderful work, because they are going to get us there—they really are. As the UK has done, all of our coal-fired power stations will be closed by 2030, and we will close them responsibly. We have already taken the decision to keep one going for one more summer because we were not sure that we were ready. We had only one Kwinana battery energy storage system in operation. This summer, we will have two. In future, we will have two more big batteries in Collie to help us get through the summer. We are doing it responsibly, but the plan is to have them all phased out by 2030, and we will do that.

We are investing \$3 billion—\$3 000 million—of taxpayers’ money into wind power and battery storage to provide cheaper reliable power. We are removing those old power poles so I do not have to drive around in the middle of the night on a 12-metre wide seeding bar or six-metre-wide sprayer. We are taking a lot of those out. Here is a statistic that will hurt members’ minds: 53 per cent of our Western Power network services three per cent of our customers. If we can convert those three per cent over to standalone power systems, new technologies or microgrids, we can remove 53 per cent of our network. That will cut our maintenance costs and risk profile by 53 per cent. We will do that. We have to use new technology to make that switch. I am old enough to remember coming home from school and for the first time noticing the connection of the power system —

A member interjected.

Hon DARREN WEST: Yes, the first time! I can remember coming home and the freezer was running. I knew that the 240-volt freezer we had bought was running, so I knew the power was on and we did not have to start the 32-volt power system, because my job was to go down and start the power system. Therefore, I am old enough to remember when that came in. We are now moving to new technology, but that was new technology at the time. Do members remember in science class at school when they had to have a circuit to make a light bulb go on? Then we could make these long one-way lines with new technology in the 1960s. New technology enabled us to have a south west interconnected system and now it will enable us to move away to more locally distributed energy systems. If solar and storage cannot be made to work in Western Australia, it cannot be made to work anywhere else. We have an abundance of solar and wind renewable energy and storage. We have everything we need to make batteries and store that power, and that is what we are going to do.

I will talk about the south west interconnected system because that is publicly owned thanks to this government. We scrapped the coalition fire sale of Western Power and we still own the SWIS. This system has relied on coal. Coal has been good to us and long provided reliable power, but we can use the SWIS to make that transition and we will begin that shift. I will tell members something that they may not know, which is that there are 450 000 rooftop solar systems in Western Australia. I thank all the people who invested in that rooftop solar because they have made a big investment in our move to transitioning away from fossil fuels to clean energy. I thank all the people who have done that. I will give members a little warning that sometimes, on a Saturday, all the new systems are able to be switched off. We need to do that because of what is called spinning capacity. We can only run energy at such a low level. Therefore, on a Saturday or Sunday, when industry and a lot of businesses are not using power, we sometimes get our power consumption to a minimum demand. We are able to switch off some of those later rooftop solar systems.

When building a nuclear reactor, the member might want to think about how many of the systems would have to be turned off on a Saturday. The answer is: all of them. For anyone who has installed rooftop solar, I am not sure that

they are as keen on the member's nuclear idea as perhaps he is. I make that little point. We are investing in large battery storage, and our Collie battery—the Synergy one—will have storage to power 800 000 homes for hours. Another battery about that size or even bigger is going in down in Collie.

Hon Dr Steve Thomas: But only slightly bigger.

Hon DARREN WEST: Yes, slightly bigger. In anything you do, you like to have it slightly bigger than the other person.

Hon Dr Steve Thomas: That's the privatised one.

Hon DARREN WEST: That is a privately owned one. They will be able to generate income from that battery by buying power at times of low demand and high supply and selling that back in the opposite environment. That is a good economic opportunity and good on them. Just as much of the generations are privately generated. The Collie battery will complement the two Kwinana batteries, but increase renewables for the ongoing reliable but increasingly renewable supply for Perth and beyond. The point has been made that we also need to consider the metropolitan area in Western Australia; we are all power users. It does not matter where someone lives, everyone is equal. We are also looking to support the connection of large-scale renewables. We know that for industry to decarbonise, reliable demand for electricity could increase by up to 800 per cent by 2042. We expect that we will have about over 90 per cent renewables at that time. We have invested \$1 billion into Western Power's planning and construction for the new network, which will need to expand. We will keep that in state hands because it is owned by the people of Western Australia, and they have a pretty strong view on that.

We are doing a lot on the Pilbara energy transition, which I will not really have time to run through in detail, but we are transitioning the Pilbara as well; it is not just the SWIS. I acknowledge the work of Fortescue and others, which are moving to renewable energy projects and looking at electrifying hydrogen trucks. It is all in evolution at the moment because we know that we have to make this transition. Horizon Power is also adapting. I have talked about the Western Power summer storms and the distributed energy resources, which Hon Dan Caddy has touched on briefly. I support the comments that he made, particularly about Project Symphony. That has been a wonderful success. Every time I meet the people who worked on that, I am amazed at how committed, dedicated and smart they are. It takes a bit for someone like me to keep up with how far ahead they are in their thinking, what they are working on and their research and development into making this transition. I think it is fair to say that the energy transition is probably the biggest game in town at the moment. I have talked about Horizon Power's networks, with examples such as the Exmouth electric vehicles orchestration. Members might not realise that a trial is being run in Exmouth whereby people use the power from their electric vehicles in their homes. We are working on that vehicle-to-grid technology. We have also regulated remote communities around the state. Horizon Power is doing a lot of work on that. We are also doing work on the Western Power network.

I also have an update on standalone power systems. Millions of dollars are being spent to ensure power to the people at end-of-line situations. I have talked about the network before. The SPS typically includes solar batteries and a backup generator to supply enough power to serve the needs of farming businesses and homesteads. We are not big power users, but we do want reliability, and these are actually more reliable than the network. The system is run independently from the grid. They have higher levels of renewable power, and in many cases, people tell me that the generator never comes on except when they start it up for a run. Over five years, the properties that have them installed have reduced their power outages by up to 90 per cent. There are 217 standalone power systems located across the midwest. We went right through the cyclone Seroja-affected areas and put a lot in there. The goldfields, eastern wheatbelt and great southern were part of the rollout. There are seven in the SWIS area and 79 standalone power systems across the Kimberley, Pilbara, Gascoyne, goldfields and Esperance. That is only part of the solution.

The member talked about underground power. It is an expensive option for high transmission. When there is not a house every few metres, it is expensive and very difficult to find out where the fault actually is. When the power is out at one end of the street but not the other, someone can get a fair handling in finding that fault. It is also more expensive to put in.

I have two minutes. I am just getting to my amendment to the motion. I really do like the member's motion and we support the motion, but the energy nerd in me cannot let it go without a couple of changes that I think actually make it better.

Hon Tjorn Sibma interjected.

Hon DARREN WEST: That will be Dr West to you, member.

Amendment to Motion

Hon DARREN WEST: I have a couple points here. I have consulted and the amendments read —

- (1) In paragraph (a) — To delete “sources” and insert “supply”
- (2) In paragraph (c) — To delete “stable” and insert “reliable”
- (3) In paragraph (d) — To delete “a means to provide” and insert “one of the means to providing”

“Supply” is more of an energy term. We talk about an energy supply rather than energy sources because we have multiple sources in the system. An energy system must be stable. It will turn itself off when it is not stable. It must be stable, so we want to make the very small change and use the word “reliable”. As we have outlined, there are many ways that we are going to transition across to renewable energy in Western Australia. I thank the member for the motion. I know we had a chat about the amendments, and I think we have some agreement on that. It is something worthwhile that will come out of our debate in the Legislative Council on a Wednesday.

The ACTING PRESIDENT: Members, we will put the motion first of all.

Point of Order

Hon PETER COLLIER: Hon Darren West said he intended to move the amendments to the motion but he did not actually move the amendments. The member cannot stand up now; his time is up. He did not actually move the amendments.

The ACTING PRESIDENT (Hon Dr Brian Walker): Members, it may well be that the form of words used to move the amendments were not according to previous standards, but I did, sitting in this chair, understand that the motion was moved as such, and I therefore rule that there is not point of order.

Debate Resumed

The ACTING PRESIDENT: We will put the three changes together unless there is any objection from the floor.

HON SOPHIA MOERMOND (South West) [2.51 pm]: I support the amendments.

Amendments put and passed.

Motion, as Amended

The ACTING PRESIDENT: The motion, as amended, will now read —

That this house —

- (a) acknowledges the need for reliable energy supply in the regions;
- (b) recognises that energy infrastructure built above ground is and will continue to be impacted by changing climates and natural disaster;
- (c) agrees that creative and diverse solutions will be necessary in the future to maintain a reliable supply; and
- (d) considers a decentralised power grid as one of the means to providing increased stability and reassurance of continued reliable energy during a time of rising electricity usage.

HON WILSON TUCKER (Mining and Pastoral) [2.53 pm]: We have clearly saved the best until last today! Firstly, I would like to thank Hon Sophia Moermond for moving this motion. I support the motion. I will stay out of the political cut and thrust we have seen today on wind farms and nuclear energy and reserve my opinions on both of those forms of energy generation for another day. As a former resident of Bunbury, I find the argument that the wind farms are ugly a little confusing. If members go to the consultation website, they will see the artist’s rendition of the wind farm. I had to click on the image and then zoom in to see the wind turbines on the horizon. I could barely see them. As a former resident of Bunbury, I do not buy that argument, but I will leave that discussion for another day.

In the time that I have, I would like to focus on telecommunications security during emergencies. It goes to limb (b) of the original and unamended motion, which states —

recognises that energy infrastructure built above ground is and will continue to be impacted by changing climates and natural disaster;

When we talk about the reliability of telecommunications, having an energy distribution network working as intended is very important. As Hon Darren West said, we are seeing a lot more microgrids with battery backup and redundancy on telecommunication towers. Obviously, in extreme cases, when access to the energy grid is cut for a significant amount of time, those diesel-generation units will not run in perpetuity. They will run out. Certainly in regional WA, the level of redundancy available for the grid to keep telecommunications towers online and available is not quite the same as in the city. The Kimberley floods was a clear example of that. Members will recall that a number of residents were cut off physically and certainly digitally for a number of days.

Talking about telecommunications reliability, one idea that I like is the interoperability of carrier networks during emergencies. When we talk about telecommunications, it falls mostly to the federal jurisdiction; it sits within its scope and remit. WA funds certain programs around black spots where the carriers believe it is not commercially viable to create towers. The WA government is responsible for the people who live here, and it has some skin in the game when we talk about telecommunications. The interoperability of carrier networks during emergencies is important. It is certainly in the federal remit but that would not stop the WA government from advocating and

having conversations about it. An example would be when someone is signed up to the Telstra network and the Telstra tower does not work during an emergency—perhaps the diesel-powered backup generator is not working as expected—but the Optus tower is working. In 2023, I believe the Minister for Energy put out a consultation paper and announced a task force to look into issues in this space. It is a solved problem. There are no technical considerations in the way of this happening; I think it is more political, with the need for dialogue. It relates to the competition market as well. State and federal governments can certainly play a role at various levels to try to put pressure on the telcos to play nicely and provide more communications options for Western Australians during emergencies, when having the ability to talk to family and friends is very important.

This is probably a bit of a rhetorical question because we have already heard the government's response. I was hoping to get a response on whether the state government has had any conversations with the federal government and whether it knows the current status of the taskforce's inquiry looking at this very problem that was announced back in 2023. I believe the appropriate minister is the Minister for Emergency Services. Has there been a conversation with the minister's counterparts?

Hon Stephen Dawson: The Minister for Regional Development is leading the charge.

Hon WILSON TUCKER: Okay. It is a rhetorical question. We have low-hanging fruit here. Again, the problem is not really about a technical requirement; it is more about the political will to try to get it done. I think it will be beneficial for the people of Western Australia.

The ACTING PRESIDENT (Hon Dr Brian Walker): I give the call to Hon Martin Aldridge but bear in mind that he has only two minutes.

HON MARTIN ALDRIDGE (Agricultural) [2.59 pm]: I rise for just a couple of minutes. I strongly disagree with some of the comments made by Hon Wilson Tucker on telecommunication networks. It is important to recognise that telecommunication networks are interoperable in times of emergencies, so for 000 calling, it does not even matter if someone has a plan or has credit on their prepaid device. Whatever network is available will be available to their handset when they call 000, as long as they have coverage.

Hon Wilson Tucker: But outside 000 calls, it is not?

Hon MARTIN ALDRIDGE: No. I need two hours to respond to the member's economic arguments around forcing private network operators to share their resources. I want to respond to the contributions. It is interesting that the Parliamentary Secretary to the Minister for Energy who provided the government response, was I think the Parliamentary Secretary to the Minister for Agriculture and Food at the time when he famously told everyone in Western Australia who was whingeing about their power outages to "go buy a generator". Since then, he has been promoted to Parliamentary Secretary to the Minister for Energy. It is important to reflect on those comments from that time because what we heard just a few months ago, in January this year, was that the Water Corporation put out a broadcast not just to a town or a few customers but to the entire wheatbelt and goldfields regions, imploring them to stop using water. Why was that? It was because they did not have any power to run their pumps, pipes and filtration systems. Perhaps the Parliamentary Secretary to the Minister for Energy should have a chat to the Parliamentary Secretary to the Minister for Water, who sits just across the aisle from him and give him the advice he gave to Western Australians, which is "buy a generator". Why does the Water Corporation not have generation capacity to ensure water is supplied? It was just a few months ago, in the year 2024; we are not talking five decades before us. The Water Corp was telling people to turn off the taps because we were going to run out of water. Keep in mind, what else happens in January, Acting President? It is also the height of our high-threat period for fire and natural disasters such as cyclones, particularly in the south of Western Australia. Networks, regardless of whether we underground them, above-ground them, separate them, break them down or build them up will always be vulnerable to interruption. It is how we provide for redundancy and therefore how resilient we are when—not if—those networks are disrupted.

HON SOPHIA MOERMOND (South West) [3.02 pm] — in reply: I thank everyone for this very lively discussion. I think it was very educational and insightful. There are so many passionate people in here wanting to fight for the rights of Western Australians, which is really good, even though they might be on opposite sides of the spectrum. It was good to hear there is some understanding that offshore wind turbines in Geographe Bay are not necessarily a good idea. The visual aesthetic is only one aspect. Personally, I am more concerned about the wildlife in the area. I do not think that people go out diving and boating 40 kilometres offshore. It is interesting that the original proposal was for 20 kilometres offshore. When it was brought up as a consideration, it was changed in the end. That related mostly to the whale migration pathways. I thank Hon Dr Steve Thomas for mentioning the research regarding continued vibration and infrasound with wind turbines. Quite a bit of research on PubMed shows there are possible effects associated with that. However, there is a link with people not being involved in the planning and finding it difficult to appreciate the aesthetics of wind turbines. I thank Hon Dan Caddy and Hon Darren West for their in-depth responses. Regarding nuclear power being old technology, wind is much older than that. I believe wind should be a part of our energy future; I just think we need to look at better options than large wind turbines. So far, from the research I have seen on smaller wind tulips, which are local and would fit in very well to the microgrid and would

fit on a roof with solar panels, they seem to be a safer option. There are also no oils involved in wind turbines and they are very low maintenance compared with wind turbines, which require specialised infrastructure and continued maintenance. Some of the oils that are used in wind turbines could be replaced with biodiesel and similar oils made from hemp as well. In trying to find out information around the cost of power with Hon Darren West mentioning that wind power is the cheapest, I have not been able to find suitable sources for any of that data. I would like to see that comparison between power output, the cost of that output and the amount of subsidies that are involved in those industries, and where that money is going.

In conclusion, I think the future of Western Australia's energy landscape must be one that embraces resilience, sustainability and innovation. Microgrids offer for communities the autonomy, reliability and security that is needed to withstand the growing impacts of climate change. They empower remote and vulnerable areas by localising power generation and reducing the risks associated with long, fragile transmission lines. Through microgrids, we can ensure that no community is left behind and that everyone has access to stable, affordable energy.

Question put and passed.

COMMITTEE REPORTS — CONSIDERATION

Committee

The Chair of Committees (Hon Martin Aldridge) in the chair.

Corruption and Crime Commission — Tenth Report — Annual report 2022–23

Resumed from 12 October 2023.

Motion

Hon Dr STEVE THOMAS: I move —

That the report be noted.

I find it interesting that we are now debating the Joint Standing Committee on the Corruption and Crime Commission's tenth report, which members might note was first tabled on 12 October 2023 and reinstated only last week. It has taken just over a year to get from its tabling to its first opportunity to be debated in the chamber. It is an annual report for 2022–23 and there is obviously an annual report for 2023–24. I might suggest to the Deputy Leader of the House who is with us today that perhaps the system of debate on committee reports might need to be looked at, at some point, to work out how we can either get to debate sooner or at least in some kind of pertinent time. I am now debating a financial year more than a financial year later and I am not sure that that is a particularly useful or good outcome.

I would like to bring to the attention of the chamber a few issues in the tenth report, the annual report of the joint standing committee of over a year ago. There were a number of investigations that year and some of them are worth recapping, slightly. In that financial year, 2022–23, from the eighth report, *Unlawful detention in public hospitals: Parliamentary inspector's report*, members might remember a person in Albany Hospital was detained by the hospital and its staff. They were not allowed to leave and an investigation occurred. In particular, I thank the work of the Parliamentary Inspector of the Corruption and Crime Commission, Matthew Zilko, SC, for his work on some of those issues. It is absolutely the case that unlawful detention in a public hospital was identified. The government response has been good in that it has now been addressed. Things went out to all hospitals to say, "You do not have the power to detain a patient who has decided they want to leave the hospital." A number of hospitals thought that perhaps they did. As much as I would like to disabuse the views of some of the doctors in the house, they do not have the power to order detainment on their own right. A whole pile of processes must go on. There are circumstances in which a person might be sectioned, but that is very different from being able to say in a hospital, "We just know that your health is so serious that we are refusing you permission to leave." The government's response to that has been reasonable, and, in my view, that issue has been put to bed. I might note that the government response was tabled on 8 August 2023. It is well over a year old.

The next report, the ninth report, is the Parliamentary Inspector of the Corruption and Crime Commission's, *A need for clarity: Parliamentary inspector's report: Can the Corruption and Crime Commission decline to form an opinion that serious misconduct has occurred despite the definition being met?* As a quick reminder, members might remember—although it was over a year ago, so they would have to be something of a CCC nerd to remember it—that there was an instance in which a police officer was deemed to have misused the power of detention and arrest and was investigated, as all accusations are, by the Corruption and Crime Commission on accusations of police misconduct. The commission decided that a breach of the standards had occurred. By definition under the act, that is defined as a breach of the Corruption, Crime and Misconduct Act, so a misconduct finding should have been applied.

The commissioner of the time took the view that there were extenuating circumstances that made this conflict, if not warranted, perhaps understandable or even excusable, and that the tight definition of the Corruption, Crime and Misconduct Act meant that even though he was required to make a finding of serious misconduct, it was not in the public or the community's interest to do so. I actually agree with the Corruption and Crime Commissioner rather

than the parliamentary inspector on this one. The parliamentary inspector, Matthew Zilko, SC, is absolutely right that the current legislation says that the commissioner has no alternative. That is a problem in the act. The act requires amendment to allow the commission the freedom to make a sensible, rather than an entirely prescriptive, judgement.

The Deputy Leader of the House could pass this on. We are waiting for the review of the Corruption, Crime and Misconduct Act. We have been waiting for it for some years and are trying to work out when it is going to come. It is obviously not coming before Parliament is prorogued and we move on to the next thing. Whenever it ultimately occurs, part of that review should be on the capacity for the commission to apply a limited level of discretion to police officers in particular, because all police misconduct is considered serious misconduct and serious misconduct is investigated by the CCC. In this case, I think both the commissioner and the parliamentary inspector were correct that the public was best served by not having a finding of serious misconduct, but the act suggested that that was the only legitimate outcome. That needs to be addressed. It has not been addressed fully yet, and it will only be addressed by an upgrade of the act.

At that point, the committee instigated its own review, *What happens next? Beyond a finding of serious misconduct examining the responses to a finding of serious misconduct and building integrity in public agencies*. It is an excellent piece of work tabled in the next financial year. For those who have not read it, I recommend it to them. If members want to understand how the corruption and misconduct system works, that is an excellent reference point.

The other thing I would like to raise that this report discusses is the parliamentary inspector's oversight of the commission under the federal Telecommunications (Interception and Access) Act 1979. There are a few key points to this. Under the provisions of the commonwealth act—that is, the Telecommunications (Interception and Access) Act 1979—the parliamentary inspector is not able to look at, view or access telecommunications information that is lawfully taken by the commission. Part of the role of the parliamentary inspector is to ensure that things done by the CCC are up to scratch. The federal legislation prevented the parliamentary inspector's access to, for example, phone taps and intercepts conducted by CCC. Once again, this was raised by the parliamentary inspector. I am very pleased to say that on 10 October this year, I think, the federal Parliament passed amendments to allow the parliamentary inspector access to this information. In that respect, this has also been solved. Bear in mind, that was two years ago, so it probably should have been solved, but that is a good outcome that the federal Parliament put in place to resolve that particular issue.

There are a few other bits in this particular report, but those are the things I wanted to highlight. It is not my intention to drag out debate on this report. The final section is about police officers sharing information before review. The recommendation of the committee at that point was that the WA Police Force investigate ways to manage that. This is effectively about police officers getting together and getting their story right before they are potentially interviewed by reviewers, including the Corruption and Crime Commission. That work is still ongoing.

This is a fairly simple report with some good outcomes from it. Telecommunications is a win. The government's response to the unlawful detention of someone in a hospital is a win. There is still work to be done on a couple of the other issues, particularly on updating the Corruption, Crime and Misconduct Act to deal with whether there must be a finding of serious misconduct even if it is not necessarily in the public interest to do so. That needs to be looked at.

Otherwise, 2022–23, as long ago as it was, was a fairly productive year for the Joint Standing Committee on the Corruption and Crime Commission. The work that it has done has been very good. I commend the committee and the committee staff. I note my fellow committee member Hon Klara Andric, and the committee chair, Mr Matthew Hughes. I think at that point we changed membership and roles and moved from Mr Shane Love, member for Moore, to Mia Davies, member for Central Wheatbelt. I commend all of those members. I commend the principal research officer, Suzanne Veletta, and our assistant research officer Jovita Hogan. It is a good crew. I think the CCC is a very tough committee. It does incredibly important work. It has been a tough couple of years for the committee. It is one of the best committees I have ever seen in terms of its ability to function together for the best outcomes for the state. I am incredibly proud of the work of this committee, and I commend the committee, the committee staff and this particular report to the house.

The CHAIR: Before I give the call to Hon Dr Brian Walker, during the course of your presentation, Hon Dr Steve Thomas, you raised concerns about the timely consideration of committee reports. I draw his attention to the seventy-second report of the Standing Committee on Procedure and Privileges found at order of the day 21.

Hon Dr BRIAN WALKER: First, I would very much like to thank Hon Dr Steve Thomas here, the deputy chair of the venerable committee, and echo his comments of praise for the committee's great work. These committee reports that we are dealing with are an essential function of governmental activity to hold the government to account and to have parliamentary review of what is going on. As such, these reports need to be treated with a great deal of serious consideration.

I would also like to recognise that the government is committed to gold-standard transparency so that we can look through all these reports in a timely manner. I thank the chair for reference to that next item of business that will come on later today, I hope.

The language used was that the tenth report of the Joint Standing Committee on the Corruption and Crime Commission, *Annual report 2022–23*, “fell off” the notice paper after 12 months of inactivity and had to be reinstated. That reflects that we are either not devoting sufficient time to reports or that we have got our standing orders wrong and how we manage our committee reporting and debating needs to be revised. I will speak to that towards the end.

It is a very light report. I would very much like to have a little bit more insight. I must blame myself here for not actually taking enough time to focus on this exceptionally important committee. I commit to working harder in the future. I had to go back more than a year to find any publicly attainable figures to give me a feel for the allegations against WA police officers that have come across the activities of the Corruption and Crime Commission. It turns out that in the last quarter of 2022–23, there were 1 081 specific allegations, which is worrying. That is consistent with previous reporting levels, which bothers me greatly. Of those 1 081 allegations, 16 per cent were referred back to the Western Australia Police Force for internal review, with 64 per cent having already been assessed internally by the Western Australia Police Force. Eighty per cent of complaints against the police were handled by the police themselves. I wonder whether we recognise that vested interest may well prevent genuine complaints from being taken forward.

We might question whether it is about a lack of staffing or funding. If we dig deep into the budget, staffing was reduced from 105 full-time equivalents in 2022–23 to just 77 one year on, which is a 30 per cent reduction in available staff. This is a reduction in the number of staff who investigate serious misconduct allegations, which costs about \$25 million a year according to the 2024–25 budget. An additional \$2 billion in funding has been given to Metronet over the same period. Apparently, serving justice in the community is not one of the government’s priorities. This bothers me; the general principles bother me quite severely. Is there the potential for a conflict of interest? Does the Corruption and Crime Commission properly carry out its function of looking impartially at what is happening to our citizens and what interactions our hardworking police officers are undertaking in some pretty difficult situations in our society? There will be times when things happen that should not happen. We need to look at them carefully to ensure that justice comes first at all times. This is me speaking about a justice system, not a legal system; there is a difference between the two.

Back to the report in hand, it will not take too long to look at this. The key recommendation stands out all the more starkly. The single recommendation from the tenth report states —

That the Western Australia Police Force investigate ways to manage information in circumstances where the conduct of a police officer is likely to result in an allegation of police misconduct.

The story is a little bit convoluted, of course. Police officer A said something during an arrest. Police officer B said something different and reported it to police officer C, who then sent out the complete information allowing police officer A to change his statement, which may well have been genuine, of course, but it could also represent the fact that an interpretation of words or actions had been misrepresented, therefore resulting in a loss of justice for the person who was arrested. That is a very serious allegation, and it rightly so went to the CCC for investigation. That is all well and good. But the ministerial response said —

In accordance with Standing Order 277(1) of the Standing Orders of the Legislative Assembly, the Joint Standing Committee on the Corruption and Crime Commission directs that the Minister for Police report to the Assembly as to the action, if any, proposed to be taken by the government with respect to the recommendation of the committee.

That was in October last year and, to date, I have yet to find any reference in any part of the government’s workings that such a report has been completed or reported on. That does not necessarily mean that no report has been given; it simply means that I have not been able to find one. If I have not been able to find one with diligent searching, what is the chance that it has been buried, if produced at all? If the report has not been produced, why not? Is there an update as to what the government intends to do with the report?

I refer back to a report from my Select Committee into Cannabis and Hemp when the government said yes, it would take action and create a working group to assess THC and driving. Fifteen months later, we found out that the group had been created—15 months to work on what would be a simple task of getting members of a working group together to look at what needs to be done. We could look at the question about the ability of the police to take funds from those who have been accused and found guilty of crimes. I refer to the confiscation laws and the Wayne Martin report. The government fully supported the Wayne Martin report, which recommended that a rewrite of the whole act be considered, but five years later not a single act has gone into changing the act, which has been described as completely unacceptable.

We are looking here at how the CCC is managed, how we as a body in this chamber identify a need and examine reports with due diligence, which is necessary, and at the government’s response and the lack of speed in a government response and whether that is something we ought to address.

This leads me to the final suggestion that I would make, reiterating what I said at the outset. I suggest to this august body that it is appropriate that we reconsider the standing orders to assess and implement change into how we as the Legislative Council address the need to look at committee reports and ensure that they come through in a timely

manner. It has to be said that those who speak to reports should actually speak to the report without engaging in time filling and time wasting and describing, for example, their journey through a number of pie shops in the wheatbelt and the various advantages of a certain pie shop. That might have been an interesting tourist claim, but it certainly did nothing to achieve the aim of scrutinising the report that lay before us. With these few words, I will relinquish.

Question put and passed.

*Standing Committee on Environment and Public Affairs — Fifty-eighth Report —
Overview of petitions 2 June 2021 to 2 December 2021 — Motion*

Resumed from 16 October on the following motion moved by Hon Peter Foster —

That the report be noted.

Hon PIERRE YANG: Deputy chair, thank for the opportunity to continue where I left off last week. Last week, I talked about the petition put forward by the Spearwood Progress Association. I acknowledged and commended the Spearwood Progress Association for exercising its democratic right to participate in the petition process. The outcome of that exercise was a satisfactory resolution to what the association was asking for; namely, for the government to resolve the railway intersection on Rockingham Road in Spearwood.

The DEPUTY CHAIR (Hon Dr Brian Walker): The question is that the report be noted.

Hon PIERRE YANG: On 12 November 2020, Ms Monique Gray and members of the Spearwood Progress Association provided me with a physical copy of its petition and the signatures that supported it. The petition asked for an upgrade of the railway intersection at Rockingham Road in Spearwood. I have located a letter on the committee website that was addressed to the former chair of the Standing Committee on Environment and Public Affairs, Hon Matthew Swinbourn.

Deputy chair, can I please ask how much time I have left?

The DEPUTY CHAIR (Hon Dr Brian Walker): You have one minute and 51 seconds.

Hon PIERRE YANG: Thank you very much; I just want to make sure that I do not over-speak.

There are two photos at the end of the letter from Ms Monique Gray to Hon Matthew Swinbourn as the former Chair of the Standing Committee on Environment and Public Affairs. One of the photos at the very back was of the actual intersection. There were no barriers or maze gates. I think there is a boom gate, but in fact it was very dangerous for foot pedestrians and elderly residents who use mobility scooters. I am very pleased to advise the house that from my reconnaissance on Google Maps, I can see that there is a new set of barriers and a maze gate to the modern standard. This is a great outcome of a petition by the local community asking the government to provide services and amenities. The government responded swiftly and satisfactorily to that petition. In the end, that is a testament of our democracy—the efficient and healthy democracy that we all live in. I think it is certainly commendable and I once again give a shout-out to the Spearwood Progress Association.

Question put and passed.

Joint Standing Committee on Delegated Legislation — Third Report — Annual report 2022 — Motion

Resumed from 18 October 2023 on the following motion moved by Hon Lorna Harper —

That the report be noted.

Question put and passed.

*Joint Standing Committee on the Corruption and Crime Commission — Eighth Report —
Unlawful detention in public hospitals: Parliamentary inspector's report — Motion*

Resumed from 8 November 2023 on the following motion moved by Hon Dr Steve Thomas —

That the report be noted.

Question put and passed.

*Standing Committee on Estimates and Financial Operations — Ninetieth Report —
Consideration of the 2023–24 budget estimates*

Resumed from 9 November 2023.

Motion

Hon PIERRE YANG: I move —

That the report be noted.

Question put and passed.

Joint Standing Committee on the Corruption and Crime Commission — Ninth Report — A need for clarity: Parliamentary inspector's report: Can the Corruption and Crime Commission decline to form an opinion that serious misconduct has occurred despite the definition being met? — Motion

Resumed from 15 November 2023 on the following motion moved by Hon Dr Steve Thomas —

That the report be noted.

Question put and passed.

Joint Standing Committee on the Commissioner for Children and Young People — Seventh Report — Annual report 2022–23

Resumed from 16 November 2023.

Motion

Hon STEPHEN DAWSON: I move —

That the report be noted.

Question put and passed.

Select Committee into Child Development Services — Interim Report — Child development services in Western Australia: Valuing our children and their needs

Resumed from 28 November 2023.

Motion

Hon KYLE MCGINN: I move —

That the report be noted.

Question put and passed.

Joint Standing Committee on the Corruption and Crime Commission — Eleventh Report — What happens next? Beyond a finding of serious misconduct: Examining the responses to a finding of serious misconduct and building integrity in public agencies

Resumed from 30 November 2023.

Motion

Hon SANDRA CARR: I move —

That the report be noted.

Question put and passed.

Standing Committee on Public Administration — Forty-first Report — The donation conversation: Organ and tissue donation in Western Australia

Resumed from 27 February.

Motion

Hon PIERRE YANG: With pleasure, I move —

That the report be noted.

I open my remarks by thanking my fellow members of the committee: the deputy chair of the committee, Hon Colin de Grussa; and my fellow committee members, Hon Darren West, Hon Sandra Carr and Hon Wilson Tucker.

This report started with a conversation about the donation situation in Western Australia. I think it is quite incredible that we, as a state, have one of the best systems in the country and one of the best forms in the world. As we know, Western Australia, as part of the commonwealth of Australia, has an opt-in system. Under that system, people have to register their intention to be an organ donor, but the fact is it is a lot more complex than that. We heard at the beginning of our journey of this report that many countries in the world have an opt-out system. Under that system, people are presumed to be an organ donor unless they choose not to be part of the system. Once again, it is not as simple as that.

In preparing this report, we looked at the current model in Australia and in Western Australia in particular, and we looked at systems elsewhere. One particular country to note is Spain, which has one of the best organ donation rates in the world. We have seen a number of countries moving away from the opt-in system into the opt-out system. Countries and jurisdictions to note are Wales, England, Scotland and Northern Ireland. All four jurisdictions in the United Kingdom have gradually moved from the opt-in system to the opt-out system over the past decade or so, and we examined those jurisdictions closely. At the same time, we looked at the United States, which has an opt-in system that is a similar model to ours. People who choose to be an organ donor have to register to be part of the organ donation register, and we looked at that system, as well.

Today, I want to look at a number of issues that impact organ and tissue donation in Western Australia. The issues that we identified during our committee inquiry include low consent rates, low registration rates, insufficient funding for technology and lack of public education and awareness. We have heard stories that if we were to just change the system, it would be all good and would solve the issues. As a matter of fact, coming out of the inquiry, it seems that it is more nuanced and complex than that sentiment. However, I do understand that sentiment. It is a frustrating to see a family member on the waitlist to receive an organ and I absolutely understand the agony of the waiting. At the same time, I am pleased that we have gone through the inquiry, looked at the facts and comparable jurisdictions and have come up with a set of findings and recommendations contained in the forty-first report titled *The donation conversation: Organ and tissue donation in Western Australia*.

I want to take this opportunity to thank the committee staff members. I thank Ms Laura Hutchinson and Mr Daniel Hawke for their assistance over the many weeks and months that the committee navigated through the issues of organ and tissue donation.

When we embarked on this journey, we wanted to make sure that we conducted a thorough inquiry that got to the bottom of the issues impacting Western Australia. We held six public hearings with the Department of Health, DonateLife WA, the federal Organ and Tissue Authority, and Transplant Australia. We also held four private hearings with stakeholders. We heard from the community and not-for-profit organisations and met with foreign stakeholders such as the Spanish National Transplant Organisation; the Transplant Coordinator of Cantabria and hospital coordinator in Spain; the Donation and Transplantation Institute; NHS Blood and Transplant, which is the United Kingdom human tissue authority; and the British Transplant Society. They provided generous advice on their systems and the issues that they encountered. One of the key takeaways for us was that whichever system we choose, it is important to bring the whole community with us on this journey. Should any jurisdiction contemplate a change of system, public consultation, public engagement and in-depth and long-lasting promotional campaigns will need to be part and parcel of that.

We learnt that Spain changed its system. It implemented its opt-out model in the 1970s, but after 10 years it realised that the donation rate was not going up, despite the new system that was put in place. Spain held a review, which I recall was done in the early 1980s, and the Spanish government implemented a series of reforms in the early 80s that set Spain on a different course. Today, it leads the world and has one of the highest donation rates. Wales also adopted the opt-out model. The Welsh government had a long lead time before the change, which was accompanied by a significant public awareness campaign. At the same time, the English experience was totally different. If I have the opportunity, I wish to continue my remarks a bit later.

Hon KLARA ANDRIC: I rise to speak on the forty-first report of the Standing Committee on Public Administration titled *The donation conversation: Organ and tissue donation in Western Australia*. I have looked through this report and noted some very interesting and also some very sad facts about where Western Australia stands in the world on the issue of organ donation. Hon Pierre Yang mentioned Spain quite a few times in his contribution today. I note from information that I looked up very recently that Spain performed 5 861 organ transplants, which is 122.1 per million in 2023. That is nine per cent more than in 2022. The latest data for Spain shows that the number of transplantations increased for all types of transplantations. The executive summary of the forty-first report notes that Australia's decreased organ donation rates are significantly lower than other countries with comparable healthcare systems and are below the predicted potentials.

I do not think any of us really want to ever be faced with organ donation. I imagine that it would probably be one of the worst decisions that we or a parent, God forbid, would have to face, but it is a reality that some families have to face. I have often thought about organ donation and how we as a society can increase the rate of donations. I understand that currently it is an opt-in system. We need to consider that because organ donations save lives. Only a very few fortunate people receive the call when the opportunity arrives to say that there is a match and that a suitable and compatible donor has been found. That is a life-changing moment. I am sure that those who have received an organ donation and transplant are eternally grateful to the very kind people who registered as organ donors. As I said, we hope that we will never have to face that situation. Unfortunately, some people in our community do. It is very important to raise awareness and increase the chances that those who need a vital organ and are faced with that horrible decision are able to live. We have to make sure that they have as many options as possible to increase their chances.

While I was looking through some of the statistics on organ donations, I came across a website called organdonor.gov that looks at organ donation on a global scale. It is worth noting, as is mentioned in the forty-first report, that the organs that can be transplanted include the heart, lungs, liver, kidneys, intestines and the pancreas. Tissues that can be transplanted include heart tissue, bone tendons, ligaments, skin and parts of the eye such as the cornea and sclera. I do not quite know which component of the eye the sclera is, but I am sure that during afternoon tea Hon Dr Brian Walker will explain it to me in great detail if I get a chance to speak to him.

Going back to the website I mentioned earlier, it is worth noting that on a national scale, there are 103 223 men, women and children on the national transplant waiting list. It is also estimated that seven people die each day waiting for organ transplants. This is what I was alluding to: for people on that waiting list, it is essentially a ticking clock. Unfortunately, unless we increase the number of donors in Western Australia, people on that waiting list will die. That is the reality, and it is something that we need to work on and promote as much as possible.

It is also very important to look at what is happening in other countries. Hon Pierre Yang talked about how Spain is leading the way with organ donation. It is really important that we look at countries that have high numbers of organ donors so that we also can make sure that patients on the waiting list can be treated as soon as possible. At the end of the day, the reality is that if those numbers do not increase, patients will die. It is very important for more people to become comfortable with the idea of organ donation. As we know, death is not something that we like to talk about—unless you are Hon Dr Brian Walker, who feels comfortable talking about the reality of a number of medical issues that I find very uncomfortable! However, although we do not like to talk about death and organ donation, these are conversations we should be having with our families. We should encourage family members, if they want to donate organs, to make sure that they opt in. As I said, it is a conversation that might not necessarily be easy, but it is certainly a conversation that we ought to have—with our families, parents, partners and friends. If we have those conversations with our friends and families, it might encourage a few more people to think about whether they would like to opt in for organ donation.

Another reality of organ donation is that as every minute passes, another person is added to the transplant waiting list, and that is not a list that any of us in the community wants to be on. Of all the waiting lists that exist on any spectrum in our society, that would probably be the most horrific. I note that the organs most needed for lifesaving transplants are, firstly, kidney–liver, followed by kidney–pancreas, then heart–lung, and others. Kidney disease is a very, very deadly disease, and kidney transplants can have a very large impact on saving people’s lives.

Noting the time, I hope I will get another opportunity to speak to the forty-first report of the Standing Committee on Public Administration and further elaborate on some of its findings. This is a very important conversation, and it is a conversation that we all should think about when we go home to our families.

Hon WILSON TUCKER: I note that a number of other members would like to contribute to consideration of this report, including Hon Sandra Carr who is, like me, a member of the Standing Committee on Public Administration, so I will not take up too much time and I will allow some time for other members to contribute.

I would like to say a few things about this report, which I would describe as a fantastic report by the hardworking and all-powerful Standing Committee on Public Administration. I think it is a testament to the hard work of committee members, myself included. The government has supported all the report’s recommendations, except four, which it said required further consideration. It fully supported the other 22 recommendations. The government supported all but two of the recommendations arising from a previous inquiry carried out by the committee, so I think we are doing quite well in respect of the reports that we are producing and the recommendations that the government is supporting. Hopefully that trend will continue with our third inquiry, into innovation; we all have our fingers and toes crossed on that one.

It was a privilege to understand more about the issue of organ and tissue donation. That is one of the benefits of being on a committee: you get to really develop more of an understanding of issues. A lot has been said about Spain by members so far. It is quite beneficial as a committee member to travel to different jurisdictions, because it is an opportunity to immerse yourself in the issue and the culture of the jurisdiction you are learning more about. Spain has a very strong culture of organ and tissue donation; there is a fair bit of history there. I do not have time to go into it, but there are a couple of aspects that really highlight how the Spanish public has bought into the organ and tissue donation process, and that is reflected in Spain’s extremely high rates of organ and tissue donation. First and foremost, there is strong public sentiment on organ and tissue donation. It is a source of pride in the community.

I also note that the media there is very supportive of organ and tissue donation; we do not see the same level of buy-in in Australia.

There is a lot more consensus and goodwill in Australia around blood donation. There is certainly a lot more funding for it, and PR campaigns. Organ and tissue donation does not get the same traction in Western Australia and in Australia more broadly. There is also a large amount of transparency within the medical system. I would not say that this is necessarily a naming and shaming situation, but there is certainly a level of transparency around how hospitals and regions perform. That level of transparency tends to uplift the entire system. Medical practitioners buy into these conversations and try to do better to increase the numbers.

I think I will leave it there, given the time. I will just touch on the issue of the decision around opting out versus opting in. When we talk about opting out, it is more of a bandaid approach. As our all-powerful chair, Hon Pierre Yang, mentioned, it requires the community to come along for the ride; otherwise, we risk alienating and actually working against the intention of what we are trying to do. I personally would not say that looking at the different models is something that we should rule out in future, but there are a couple of things that will have to happen before we look at that. The report is trying to move that need or have that conversation and then potentially, hopefully, future governments will look at organ and tissue donation and see where we are globally. If we need to look at more “big brain” approaches to change the laws, hopefully that conversation will happen in the future.

I would like to thank the staff for working on this inquiry. I really enjoyed working with my fellow committee members. It is fantastic to see that the government has endorsed the vast majority of our recommendations.

Hon SANDRA CARR: Like my colleagues on the committee, Hon Pierre Yang and Hon Wilson Tucker, who have already spoken on the forty-first report of the Standing Committee on Public Administration relating to organ

donation, it really is a great pleasure to speak about the inquiry and reflect on its significance and the conversations we had. It is quite notable that the report is called *The donation conversation: Organ and tissue donation in Western Australia* because one of the things that became highly apparent to us as we worked through the inquiry and that we were told repeatedly is the significance of those conversations.

When we started this report, we started from a numbers point of view, looking at the relatively low number of registered donors in Western Australia. On the face of it, one would assume that it would be important to increase the number of registered donors. I draw members' attention to "the donation conversation" in the title of the report because it is the conversations that are had around donation that translate registered donors into actual donors and organ donation outcomes for people who need organ and tissue donations.

As Hon Klara Andric mentioned during her contribution, it is a challenging and difficult conversation, and not one that many of us really enjoy partaking in, obviously, even contemplating our own mortality and our organs being outside of our bodies and elsewhere. It is even more difficult for the families that make that decision upon the passing of a loved one. It is a very difficult conversation and one that staff in WA are highly trained to deal with in a way that is highly sensitive to the people who experience the impending loss of someone they love and care for.

Other members have spoken about much of what was learned in Spain and its success in having so many organ donors. It switched to the opt-out system. Perhaps it is a reflex for people to suggest that opting out is a great solution. We learnt that in and of itself, it is not. When Spain first implemented the opt-out system, the dial did not move at all for quite some time. I believe that the dial began to move about 10 years later because it realised that other work needed to be done and that step in isolation would not be enough to change people's mindsets and get them to agree to donate an organ of their deceased loved one.

The work that Spain did in the space of that 10 years made all the difference. It implemented some significant structural and operational processes within the clinical context, some of which are quite complicated. If I tried to explain them, I might do them a bit of a disservice. One of the things that really resonated with me as someone who likes words and being a former English teacher was the dialogue and its engagement with the media and the way it collaboratively incorporated dialogue to normalise donation within the culture of the country. It became a normal part of conversation and a normal expectation. It was not the stories of the deceased person and their willingness to donate but the stories and the families that were shared in the media. The journalists had good relationships with the donation organisations and they would share stories of families who had donated and how that helped and served them. Spain found that that was particularly important in shifting and helping people's mindset and seeing the value and importance of organ donation. It really created a far greater possibility that a family or the loved ones of a deceased person were likely to agree to donate the organs of their deceased loved one.

A moment ago I was looking at the 2022 national consent rate for organ donation in Australia. The national average is about 54 per cent. WA is quite close to that figure—around 50 per cent. The figures are a little skewed by the experience of the COVID pandemic. The dial was shifted down during that time. There are some unique circumstances in which someone can even be a likely candidate for organ donation. People need to die in hospital and there are always quite specific criteria around them even being considered as a potential organ donor, and then a conversation can be had with their family. That should show members how important it is that we have a substantial group of people willing to donate. The family or group of friends of the loved one may be open to the idea of organ donation, but if that person has not passed away in the right circumstances, it still remains something that cannot be achieved. Organ donation is a complex picture that countries like Spain have done a great job of addressing.

The United Kingdom is also making some great inroads. One of the things we saw in the UK was some fantastic maintaining of data and records to really track and keep adapting its service delivery to make sure that it was maximising organ donation opportunities. We saw that some of the waiting periods were as low as three months. A lot of that was as a result of tweaking some of the processes and the thinking around it. One of the things that really struck me was the age of the deceased person. Countries may have limits on the age of the deceased person. The age limit in Australia is relatively lower; in the grand scheme of things, younger people's organs are donated, depending on their age. It sounded kind of youngish to me. The UK and Spain allows for organs to be taken from older people, but it is often a case of like for like. It sounds a bit inhumane, I guess, saying "like for like", but a liver of an 80-year-old person can be given to a more senior person, so they will have the same kind of organ life expectancy.

Consideration of report postponed, pursuant to standing orders.

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

STANDING COMMITTEE ON PROCEDURE AND PRIVILEGES

Seventy-third Report — E-petitions — Motion

Resumed from 10 September on the following motion moved by Hon Tjorn Sibma —

That recommendations 1 and 2 contained in the seventy-third report of the Standing Committee on Procedure and Privileges, *E-petitions*, be agreed to.

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Emergency Services) [4.10 pm]: I stand to inform the house that the government will support this motion. I am grateful for the work of the Standing Committee on Procedure and Privileges and their seventy-third report, *E-petitions*, has been put to good use by the honourable members in this place. I am pleased to say that they will be able to put it to good use moving forward.

HON PETER COLLIER (North Metropolitan — Leader of the Opposition) [4.10 pm]: I stand on behalf of the alliance to say that we will be supporting the recommendations. We also, on behalf of the alliance, thank the Standing Committee on Procedure and Privileges for the work that has been done. This has been a vexed issue and a long time in coming. There has been a lot of dissent when it comes to e-petitions for most of the time that I have been in this chamber. The whole point of introducing them in a temporary order was to give it a crack to see how it went. It has gone very well, I have to say. It has certainly engaged a lot more of the public than had been anticipated. I think all members have to do is look at finding 5 to reinforce that. Finding 5 states —

E-petitions have facilitated increased public engagement with the parliamentary petitions process.

That is a good thing. Having said that, it has served its purpose and, once again, the alliance is quite happy to support the recommendations contained within the report.

Question put and passed.

WORKERS COMPENSATION AND INJURY MANAGEMENT AMENDMENT (COMMON LAW ELECTION VALIDATION) BILL 2024

Second Reading

Resumed from 16 October.

HON DR STEVE THOMAS (South West) [4.12 pm]: I will try to get through my section of this, hopefully by question time. Whether we get through the entire bill by that stage, we will see how we go. This is the Workers Compensation and Injury Management Amendment (Common Law Election Validation) Bill 2024. I say at the outset that the opposition supports the bill and the rapid time the process has passed through Parliament.

Members might remember the previous bill that I think was from last year—time eludes me a bit—in which there was a workers compensation process for workers who want to elect the option to seek a compensation mechanism through the courts. There is a process by which they do that. The problem is that under the previous legislation, a person who then decided to take their rights in terms of common-law obligation were in many circumstances prevented from receiving workers compensation mechanisms. They could not receive payments for things like injury treatment and income protection et cetera through that process because they then elected to take a legal avenue to sue. This was highlighted in a particular judgement, WASCA 104, in the Supreme Court of Western Australia on 5 September 2024. In that case, the appellant—I will not name them for common courtesy reasons—suffered a lower back and hip injury while working for their employer. He was receiving workers compensation, including weekly payments for medical expenses, under the Workers' Compensation and Injury Management Act 1981. Through their solicitor, this person elected to seek common-law compensation. They went through the process of lodging the appropriate documents. In the first instance, they have to have their whole-person impairment assessed. It has to be at least 15 per cent impairment, which is to be recorded by the director. This is under section 93L(2)(b) of the 1981 act. A form 34 has to be lodged as well, which is a notification to elect to retain the rights of common-law damages under section 93K of the 1981 act. In the original piece of legislation, the order in which the documents are lodged proves to be important, particularly for the case that I am referring to, WASCA 104. As often happens in these cases, the forms and documents all tend to be lodged at the same time, so the matter then depends on which order that the director receives the documents and puts forward their assessment. In this case, they were lodged roughly at the same time, but they were recorded a day apart. The whole-person impairment assessment, which is supposed to come first, was lodged but not recorded as lodged until 29 March 2019. The form 34, which is supposed to come second, was lodged and recorded as lodged on 28 March 2019. Therefore, the second form, the form 34, was recorded as lodged the day before the first form. This became of particular interest because the appellant, as well as maintaining their right to legal action, also sought to have additional payments made for medical expenses et cetera after lodging the forms. This went in for a decision at WorkCover, and the initial assessor rejected the payments of additional medical expenses cover on the basis that this attempt to seek, or notification of seeking, compensation in the courts had been progressed. That being the case, it was removed. The appellant appealed that decision at the Magistrates Court, and the magistrate upheld the original decision of the assessor of the director. The appellant then went to the Court of Appeal division of the Supreme Court. The argument in the Court of Appeal was interesting because, effectively, if the paperwork had been lodged in the wrong order, the notification of the intent to seek compensation in the courts, theoretically based on the order of documents, was invalidated. The WorkCover assessor who looked at this and said, "Well, they are going to go down to the courts, so the workers compensation payment of medical expenses should not proceed", was in fact in technical error because the documents were lodged in the wrong order. The Court of Appeal found that it was invalidated and sent the entire claim back to WorkCover to a different assessor for reassessment based on the technicalities of this position. This then becomes a higher technical piece of law in relation to which order a set of forms goes in, because someone could potentially have been invalidated by this process and struggled to get

those extra compensation payments, but if they had have put their forms in and they had been registered in the right order, the original assessor's opinion would have been correct. However, because of this order of forms, the Court of Appeal division of the Supreme Court says, "Well, okay, on a technicality, you are basically back into the system."

It opened a can of worms for WorkCover and the insurance system, and I guess the government as well, that nobody probably would have been aware of. It simply relates to the order in which those two documents are recorded. Honourable members will be pleased to know that the upgrade to the workers compensation act that went through this Parliament at the beginning of this year or late last year—I cannot remember.

Hon Matthew Swinbourn: It was last year.

Hon Dr STEVE THOMAS: Last year—thank you, parliamentary secretary. It removed this particular problem.

Hon Matthew Swinbourn: It commenced this year.

Hon Dr STEVE THOMAS: Yes. It commenced on 1 July this year. I just could not remember when we debated it.

For claims that have gone through since 1 July this year, the order of the two different forms—the whole person impairment under form 34—is not relevant to the outcome of the claim, but there is the potential for confusion on claims made under the previous act, before the amendment act came into effect on 1 July, because many of the forms were lodged at the same time. It is probably a pretty normal exercise to drop off both forms at the same time. Whether it is a valid registration or not will then depend on the order in which the director recorded the forms. This bill is important. Although it is a relatively complex piece of legislation, it is designed to provide certainty by taking away the question about whether the correct forms were lodged in the correct order to validate or invalidate the workers compensation process and a claim.

That seems like a relatively sensible outcome. Obviously, we want to provide certainty. As I read the bill and from the briefing I understand that, ostensibly, nobody will be better or worse off financially as a result of the bill before the house. It will only provide certainty in cases prior to 1 July 2024 in which those things have happened. In case there is a question mark on that, I have consulted extensively with my good colleague Hon Nick Goiran, who has far more expertise in these areas than me. He is in agreement that this is a reasonable piece of legislation that will quite rapidly fix a problem that needs to be fixed.

The opposition understands that it is not an issue of deliberate malfeasance. I suspect if the particular appellant had not appealed the decision in that process, we might be none the wiser, and that could have continued for some period of time. It is useful that we are now aware of the issue. It would have been for a limited time because decisions made under the new act will be covered anyway. For that period of time, there could be hundreds of cases that require this clarification. That is the indication given during the briefing. I understand that, effectively, nobody will be worse off because of this legislation; it will simply reinforce decisions that have already been made. Could the parliamentary secretary confirm that in his reply speech?

I do not intend to take this piece of legislation through the Committee of the Whole. Although the bill looks quite complex, it is a fairly straightforward piece of legislation designed simply to fix an issue that might arise. That is my outline of the bill. The parliamentary secretary is welcome to throw in anything I have missed on that. As a result of an appeal that was rejected, then appealed again and upheld, we are aware that the order of the forms matter in a strict interpretation of the original workers compensation act. The legislation has been repaired but the strict interpretation could potentially invalidate a number of decisions, and they need to be confirmed as valid. For those reasons, I think this is a reasonable piece of legislation and, like the parliamentary secretary, I am sure, I support the bill and commend it to the house as well.

HON MATTHEW SWINBOURN (East Metropolitan — Parliamentary Secretary) [4.23 pm] — in reply: I thank Hon Dr Steve Thomas for his contribution. I think the member captured the nub of the matter in his assessment of what we have done and what we are trying to achieve with this bill. I thank the opposition and other members for their support of this important validation bill. I also thank them for understanding that the matter has been expedited through Parliament to ensure that there is certainty for workers, insurers and other players in the workers compensation scheme. We thank members for their support. As Hon Dr Steve Thomas indicated, there is no malfeasance on the part of government that has given rise to this. The honourable member is also correct that nobody will be worse off by what we are doing. In fact, we are trying to ensure that nobody will be adversely affected by the decision the honourable member referred to, including the individual who was successful in that matter. The bill will preserve his right that arose from the successful appeal. I think that is appropriate in the circumstances.

Hon Dr Steve Thomas: Just out of interest, are you aware of the decision made by the new assessor in WorkCover?

Hon MATTHEW SWINBOURN: For him in relation to that.

Hon Dr Steve Thomas: Yes.

Hon MATTHEW SWINBOURN: Off the top of my head, I could not say. Given that this matter relates to him personally and his name is in the bill, it might be best for us to not talk about his personal circumstances here. As I say, we will not take away the hard-won right that he received from his Supreme Court appeal. There is that element of it as well.

Hon Nick Goiran raised an issue during the course of the briefing about the commencement date. I will respond to that. Essentially, Hon Nick Goiran raised the issue that the commencement clause was not strictly in line with what he understood it should be for a validation bill. We can say that the clause is consistent with other amendment acts, including the most recent validation act. In the short time available to draft the bill, the view of the Parliamentary Counsel's Office was that commencement after the day of royal assent is the simplest and clearest way to balance the need for urgency with the need to protect the interests of workers potentially disadvantaged by the Neville decision. There is nothing unusual or inappropriate about the way that we will commence the bill. As said, the bill is important. It is short and has had a quick passage. I thank everybody for assisting us with that and I commend the bill to house.

Question put and passed.

Bill read a second time.

[Leave granted to proceed forthwith to third reading.]

Third Reading

Bill read a third time, on motion by **Hon Matthew Swinbourn (Parliamentary Secretary)**, and passed.

QUESTIONS WITHOUT NOTICE

BOTANIC GARDENS AND PARKS AUTHORITY — SUMMER CONCERTS PROPOSAL

1282. Hon PETER COLLIER to the parliamentary secretary representing the Minister for Environment:

I refer to question without notice 268, asked on 16 April 2024; question without notice 791, asked on 20 June 2024; and question without notice 960, asked on 21 August 2024.

- (1) Has the proposal been completed?
- (2) If no to (1), given that the proposal closed on 30 January 2024, why not?
- (3) If yes to (1), how many applications were received for the proposal?
- (4) Who were the applicants for the proposal?
- (5) On what date was the successful applicant for the proposal notified?

Hon DARREN WEST replied:

I thank the honourable member for some notice of the question. On behalf of the Minister for Environment, I provide the following answer.

- (1) Yes.
- (2) Not applicable.
- (2) There was one.
- (4) Mellen Promotions.
- (5) It was on 2 October 2024.

CITY OF VINCENT — NORFOLK SAFE ACTIVE STREET PROJECT

1283. Hon PETER COLLIER to the minister representing the Minister for Transport:

I refer the minister to question without notice 1179, asked on 15 October 2024.

- (1) How much did the City of Vincent receive through the WA Bicycle Network grant?
- (2) Has the minister had any formal or informal discussions with the member for Perth in relation to the Norfolk neighbourhood safe active street project?

Hon STEPHEN DAWSON replied:

Thanks very much, Leader of the Opposition. I thank the honourable member for some notice of the question.

- (1)–(2) It is \$75 000.

POLICE STATIONS — OPERATIONAL HOURS

1284. Hon TJORN SIBMA to the minister representing the Minister for Police:

I refer to earlier questions regarding the times and days of the week when the public has access to suburban police stations.

- (1) Is there a reason for the public access to these stations being set at 4.00 am to 4.00 pm, Monday to Friday?
- (2) Has consideration been given to extending the public access hours, on a station-by-station basis, to include perhaps a later closing time during the business week and/or opening on Saturday mornings?
- (3) If no to (2), why not?

Hon STEPHEN DAWSON replied:

I thank the honourable member for some notice of the question. Honourable member, when you asked the question, you stated “4.00 am to 4.00 pm”. The written question has “8.00 am to 4.00 pm”, so I am going to give that answer.

Hon Tjorn Sibma: Yes, it is 8.00 am to 4.00 pm, so that would be desirable.

Hon STEPHEN DAWSON: I will give the answer anyway!

- (1)–(3) The Western Australia Police Force advise that most metropolitan police stations are open to the public Monday to Friday. Each of the eight metropolitan districts has a central location—Armadale, Cannington, Fremantle, Joondalup, Mandurah, Midland, Mirrabooka and Perth—that operates a front counter service 24/7, year-round. Extended hours mean uniformed police would need to remain in the police station instead of patrolling the streets, reducing the visibility and 000 response times.

SCHOOLS — SERVICES

1285. Hon DONNA FARAGHER to the Leader of the House representing the Minister for Education:

I refer to the answer provided to question without notice 1210, asked on 16 October 2024, regarding services provided in government schools. It states —

A multidisciplinary team within the department’s statewide services division includes social workers, who provide direct short-term intensive support to families across the state via a referral process.

Will the minister provide a breakdown of the multidisciplinary team by headcount, FTE and position?

Hon STEPHEN DAWSON replied:

I thank the honourable member for some notice of the question. I provide this answer on behalf of the Leader of the House, who is away from the chamber on urgent parliamentary business.

The multidisciplinary team based within the department’s statewide services division includes the following positions. It has a table with the position type, paid FTE, and paid headcount, as well as two notes. I seek leave to have it incorporated into *Hansard*.

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

Position Type	Paid FTE ¹	Paid Headcount ²
Social Worker	4.6	6
Aboriginal Youth Transitional Co-ordinator	1.0	1
Program Co-ordinator	1.0	1
Teacher	1.0	1

1. Paid FTE is the average full-time equivalent employees paid in the fortnightly pay period ending 24 October 2024, including casual employees and staff on parental leave.

2. Paid Headcount has been calculated as the unique paid headcount for the fortnightly pay period ending 24 October 2024, including casual employees.

SYNERGY — OPERATING SURPLUS

1286. Hon Dr STEVE THOMAS to the parliamentary secretary representing the Minister for Energy:

I refer to my question without notice 1211 of 16 October, highlighting Synergy’s stunning accounting reversal of the onerous \$773.7 million booked impairment in the 2023–2024 *Annual report on state finances*.

- (1) What were the specific changes in contractual assumptions underpinning the contracts that initiated and underpinned the rationale for the \$773.7 million accounting reversal?
- (2) How many Synergy contracts under the reversal umbrella were renegotiated, and on what dates?
- (3) What is the timeframe of service provided associated with each renegotiated contract under the reversal umbrella?
- (4) Was any government agency, department or entity, such as the State Solicitor’s Office, party to the contractual renegotiations?
- (5) If yes to (4), will the minister detail relevant participants?

Hon DARREN WEST replied:

I thank the honourable member for some notice of the question. On behalf of the Minister for Energy, I provide the following answer.

- (1) The movement in the onerous contracts provision incorporates updated future pricing assumptions, volume assumptions and macroeconomic factors such as indexation and discount rate projections.

- (2)–(3) Releasing this information could lead to identifying the counterparties, which would have an adverse impact on the negotiation of future contracts.
- (4) No.
- (5) Not applicable.

MALLEEFOWL — NATIONAL RECOVERY PLAN

1287. Hon NEIL THOMSON to the parliamentary secretary representing the Minister for Environment:

- (1) When did the most recent changes to the *National recovery plan for the malleefowl* come into effect in Western Australia?
- (2) What regulatory instrument gives effect to its legal application?
- (3) Is the government aware of industry concerns that the increase to exclusions zones from 50 metres to 200 metres in regard to malleefowl nests could impact on transport routes and major highways across the goldfields?
- (4) Is the government aware of concerns that the requirement not to undertake any ground disturbance during breeding season, which is September to March, could impact on mining operations across the goldfields?

Hon DARREN WEST replied:

I thank the honourable member for some notice of the question. On behalf of the Minister for Environment, I provide the following answer.

- (1) The *National recovery plan for the malleefowl* came into effect on 4 September 2024.
- (2) The national recovery plan is jointly made with the Australian government, Western Australia, New South Wales, South Australia and Victoria, under the Environment Protection and Biodiversity Conservation Act 1999.
- (3) This question should be referred to the Minister for Transport.
- (4) This question should be referred to the Minister for Mines and Petroleum.

FORESTRY — HARDWOOD

1288. Hon LOUISE KINGSTON to the Minister for Forestry:

I refer to the Australian Institute of Architecture WA awards, where two awards were won by the highly impressive Ravensthorpe cultural precinct: the Jeffrey Howlett award for public architecture in Western Australia and the Wallace Greenham award for sustainable architecture in Western Australia. The building is constructed entirely from renewable Forest Stewardship Council-certified timber, WA-grown yellow stringybark. This is the second public building—the first being the Pingelly recreation centre—which has used this timber and won awards. Hardwood timbers have colour and features that are not present in softwoods.

- (1) Will the government look to expand or vary its plantation expansion program to include hardwood timbers like yellow stringybark?
- (2) Does the minister support the FSC certification system that underpinned the sustainable architecture award?
- (3) If yes to (2), why does the minister not recognise the FSC certification given to karri forest when she claims native forest harvesting is not sustainable?

Hon JACKIE JARVIS replied:

I thank the honourable member for some notice of the question. I note the question was asked on 13 August 2024.

- (1)–(3) The Cook government is investing \$350 million in the WA pine plantation estate following years of inaction and lack of investment under the previous Liberal–National government. This investment will ensure that Western Australia continues to supply sustainably sourced timber for Western Australian homes and the construction industry in the future. There is a thriving hardwood plantation industry in WA operated by the private sector.

BROOME REGIONAL PRISON

1289. Hon SOPHIA MOERMOND to the minister representing the Minister for Corrective Services:

I refer to Broome Regional Prison and report 149 from the Office of the Inspector of Custodial Services.

- (1) Has the government secured a suitable location for the planned new Broome Regional Prison?
- (2) Are there currently any alcohol and other drugs specialist staff onsite at the prison?
- (3) Does the prison currently offer any therapeutic programs to prisoners?

Hon STEPHEN DAWSON replied:

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

- (1) The Department of Justice continues to work with relevant stakeholders to identify a suitable location.
- (2) A mental health nurse based at West Kimberly Regional Prison provides a telehealth in-reach service to prisoners requiring alcohol and other drug treatments. In addition, a mental health, alcohol and other drugs psychiatrist visits the facility every eight weeks. A mental health, alcohol and other drugs clinical nurse position that provides a comorbidity service at Broome is currently vacant.
- (3) At this stage, Broome does not have the physical capacity to facilitate the delivery of offender program services to offenders. When prisoners are sentenced and have their treatment needs identified, they may be eligible to transfer to a suitable prison with appropriate facilities to deliver the required programs.

SMART ENERGY FOR SOCIAL HOUSING

1290. Hon Dr BRAD PETTITT to the parliamentary secretary representing the Minister for Energy:

I refer to the pilot program Smart Energy for Social Housing, which I was told in estimates had been paused at 281 houses.

- (1) Has the trial resumed?
- (2) If yes to (1), how many houses in total have received solar panels?
- (3) If no to (1), why not, and when does the minister expect the pilot program to resume?

Hon DARREN WEST replied:

I thank the honourable member for some notice of the question. On behalf of the Minister for Energy, I provide the following answer.

- (1)–(3) The trial is ongoing. Discussions continue with the Department of Communities regarding the completion of the pilot program.

SOCIAL HOUSING — PRIORITISATION METHODOLOGY

1291. Hon WILSON TUCKER to the minister representing the Minister for Housing:

I refer to the 2 500 social homes added to the state's public housing stock since 2021–22.

- (1) What methodology was used to determine the prioritisation of regions for the delivery of those social homes?
- (2) How did the government ensure equitable distribution across regional and metropolitan areas?

Hon JACKIE JARVIS replied:

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

- (1)–(2) Generally, housing delivery is aligned to the proportion of demand across the state and client housing needs. At a macro level, that is approximately 70 per cent across the metropolitan area and 30 per cent across regional Western Australia. At a local level, delivery of new constructions may also be based on other factors, including land availability, capacity of local builders, speed of construction method, age and disposal or refurbishment considerations for existing stock.

MEDICAL CANNABIS — LEGALISATION

1292. Hon Dr BRIAN WALKER to the minister representing the Treasurer:

I refer the Treasurer to recent reports out of Nebraska, a state with two-thirds of our own population, where it is estimated that the legalisation of medicinal cannabis alone—which is currently under debate—has the potential to generate over \$US925 million worth of new economic activity in the coming decade.

- (1) Has the Treasury had an opportunity to consider the report I tabled here in Parliament more than a year ago—what I call the “Missing Budget Paper”—suggesting that the legalisation of cannabis for adult use could generate as much as \$1.25 billion over just four years of the forward estimates; and, if not, why not?
- (2) Will the minister request Treasury's views on the report prior to the next state election so that the voting public can properly appreciate the fiscal opportunity that the Cook Labor government seems intent upon squandering?

Hon STEPHEN DAWSON replied:

I thank the honourable member for some notice of the question. This answer has been provided to me by the Treasurer.

- (1)–(2) The government does not plan to legalise the recreational use of cannabis.

BUNBURY DOLPHIN DISCOVERY CENTRE

1293. Hon BEN DAWKINS to the parliamentary secretary representing the Minister for Regional Development:

I refer to question without notice 1278, and specifically to the answer provided to part (2) of that question referring to bailout funds provided to the Bunbury Dolphin Discovery Centre.

Given that the term “creditors” is non-specific in this context, can the minister confirm what, if any, of the \$985 000 which “resolved outstanding liabilities to creditors” were payments made to former staff, CEOs and board members?

Hon KYLE McGINN replied:

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

Information on payments made by the administrator, RSM Australia, is held by Bunbury Dolphin Discovery Inc, which is not a state government agency.

FEDERAL GOVERNMENT — INCIDENT RESPONSE AND COMMUNICATION FAILOVER CENTRE

1294. Hon MARTIN ALDRIDGE to the Minister for Emergency Services:

I refer to a key election commitment made in May 2022 by Tania Lawrence, the self-described “Fighter for Hasluck”, in which \$1.25 million was committed to create an incident response and communication failover centre.

- (1) Can the minister advise the house what an “incident response and communication failover centre” is?
- (2) Has the state received the \$1.25 million from the Albanese Labor government for the centre and what is the estimated cost of the centre?
- (3) Has planning commenced for the centre, where will the centre be located and who will manage it?
- (4) Can the minister table any correspondence between his office, the member for Hasluck and the Australian government on the delivery of this election commitment?

Hon STEPHEN DAWSON replied:

I thank the honourable member for some notice of the question. As the honourable member said, this relates to a federal election commitment.

A response to this question is not possible in the required timeframe. It is requested that the honourable member place the question on notice.

ALBANY PUBLIC LIBRARY

1295. Hon NICK GOIRAN to the parliamentary secretary representing the Minister for Culture and the Arts:

I refer to the minister’s response to the member for Albany’s grievance on 19 September 2024 on books that Keeping Children Safe Albany want removed from or restricted at public libraries, in which the minister said —

... everyone should have the same opportunity to seek, receive, and impart information, no matter their age ...

He also implied his commitment to buy new replacement books for Albany Public Library.

- (1) Is the minister aware that the book *Welcome to Sex* contains graphic descriptions of various sexual activities, as well as advice on how to “send nudes”?
- (2) Is the minister aware that sexting is a crime in our state?
- (3) Is the minister aware that Legal Aid WA advise that “If you are under the age of 18, it is also against the law to take, keep or send a sexualised image of yourself ...”?
- (4) Is it the minister’s intention to give the library a new copy of this book?

Hon SAMANTHA ROWE replied:

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

- (1)–(4) The book *Welcome to Sex* by Dr Melissa Kang and Yumi Stynes is an educational resource for older children. It was shortlisted for a 2024 Prime Minister’s Literary Award in the young adult category and is available for purchase in bookshops. It has been published with the intent to educate and inform young people and covers many important subjects, including consent and coercive behaviours. There is nothing in the book that could not be found on the internet, where it is much less likely to be presented in an

educational manner. Public libraries are committed to free and open access to ideas and knowledge. This is a core value of our libraries and a principle of the State and Local Government Agreement for the Provision of Public Library Services in Western Australia. Library staff should be free to go to work and perform their duties without fear of harassment or attack from people with political or ideological agendas.

PUBLIC HOUSING — COMMUNITY SAFETY

1296. Hon STEVE MARTIN to the minister representing the Minister for Housing:

I note the minister's comments in the Legislative Assembly regarding the Liberal Party's commitment to enforce a fair three-strikes policy to protect the community from antisocial and criminal behaviour in public housing.

- (1) How many disruptive behaviour complaints have been received by the Department of Communities this calendar year?
- (2) Is the three-strikes policy still in effect?
- (3) Has the minister asked his parliamentary secretary whether it is true that he told a community meeting in Maddington on 12 August 2024 that "We apply our three-strikes policy"?
- (4) If no to (3), why not?
- (5) Is it the minister or the parliamentary secretary that is misleading the community about the government's policy?

Hon JACKIE JARVIS replied:

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

- (1) Public housing does not represent a community safety concern and the vast majority of public housing tenants will occupy their homes for years without any complaints. It is disappointing that the Liberal Party repeatedly attempts to link public housing to criminality. The Cook government's delivery of more than 2 500 social homes, and refurbishments to hundreds more, means that there is a greater proportion of active tenancies now than under the former Liberal government, which held homes vacant and derelict.
A greater number of tenancies will naturally result in a rise in disruptive behaviour complaints. For the 2024–25 financial year to date, as at 30 September 2024, 4 330 complaints had been received. This figure represents all complaints received by the department, however not all complaints constituted disruptive behaviour—for example, children playing around the property. Multiple complaints may be received for a single incident and by the same complainant, and some complaints may be brought against properties not held by the department or may be spurious.
- (2)–(3) As the minister and parliamentary secretary have confirmed, the three-strikes policy, which was implemented by the Barnett Liberal–National government in 2009, remains in effect.
- (4)–(5) Not applicable.

YOUTH DETENTION — PRISON OFFICERS

1297. Hon PETER COLLIER to the minister representing the Minister for Corrective Services:

- (1) Are any legal requirements or qualifications needed for a prison officer to work in a youth custodial facility?
- (2) Have any prison officers worked within unit 18 since it was established in July 2022?
- (3) If yes to (2), did the prison officers have the qualifications referred to in (1); and, if not, why not?

Hon STEPHEN DAWSON replied:

I thank the Leader of the Opposition for some notice of the question. I have been advised the following by the Department of Justice.

- (1)–(3) Yes.

OFFICE OF MULTICULTURAL INTERESTS — COMMUNITY GRANTS PROGRAM

1298. Hon TJORN SIBMA to the Leader of the House representing the Minister for Citizenship and Multicultural Interests:

I refer to the community grants program administered by the Office of Multicultural Interests.

- (1) Who were the members of the community assessment panel appointed by the minister for CGP assessment in the following years —
 - (a) March 2021 to February 2022;
 - (b) March 2022 to February 2023;

- (c) March 2023 to February 2024; and
 - (d) March 2024 to February 2025?
- (2) How often do independent funding recommendations provided by the community assessment panel get endorsed by the minister?
- (3) Since March 2021, how many times did the minister approve grant funding that was higher than the amount recommended by the assessment panel?

Hon STEPHEN DAWSON replied:

I thank the honourable member for some notice of the question. I provide this answer on behalf of the Leader of the House, who is away from the chamber on urgent parliamentary business.

An answer cannot be provided in the given time and will be provided in two sitting days' time on 24 October 2024, noting that it was asked yesterday. We will see if we can get it.

BUSSELTON SENIOR HIGH SCHOOL — ROOF MAINTENANCE

1299. Hon DONNA FARAGHER to the Leader of the House representing the Minister for Education:

I refer to roof maintenance works to be undertaken at Busselton Senior High School.

- (1) Can the minister advise whether the gymnasium roof will be completely replaced as part of these works?
- (2) If no to (1), will the minister detail the repair works that will be undertaken on the gymnasium roof?
- (3) When are the works to the gymnasium roof expected to commence?

Hon STEPHEN DAWSON replied:

I thank the honourable member for some notice of the question. On behalf of the Leader of the House, the following answer has been provided by the Minister for Education.

- (1) Yes.
- (2) Not applicable.
- (3) Works will commence and be completed in April 2025 during the school holidays between terms 1 and 2.

WATER CORPORATION — OPERATING SURPLUS

1300. Hon Dr STEVE THOMAS to the parliamentary secretary representing the Minister for Water:

I refer to the \$1.3 billion operating surplus of public non-financial corporations, which is \$949 million higher than in the 2024–25 budget.

- (1) What assets developed by third parties were transferred to the Water Corporation during the specified period?
- (2) On what dates were they transferred, from what entities, and what value was apportioned to each transferred asset?
- (3) What was the rationale for the transfer of each asset, and who authorised each asset transfer?

Hon MATTHEW SWINBOURN replied:

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

- (1)–(3) The Water Corporation accepts the transfer of reticulation assets from land developers mainly through new greenfield subdivision developments. I table the attached information.

[See paper [3733](#).]

WESTERN GREEN ENERGY HUB

1301. Hon NEIL THOMSON to the Leader of the House representing the Premier:

I refer to the Western Green Energy Hub planned in the Shire of Dundas, which would stretch across 15 000 square kilometres.

- (1) Have any other agencies received statutory applications for this project, including in the portfolios of —
 - (a) state development;
 - (b) planning;
 - (c) lands; or
 - (d) Aboriginal affairs?

- (2) Has the Environmental Protection Authority received an application under part IV of the Environmental Protection Act for any works associated with this program; and, if yes, what applications have been made, including applications for land clearing?

Hon STEPHEN DAWSON replied:

I thank the honourable member for some notice of the question. On behalf of the Leader of the House, I provide this answer on behalf of the Premier.

- (1) (a) No.
 (b)–(d) The honourable member should direct these questions to the Ministers for Planning, Lands and Aboriginal Affairs respectively.
- (2) The honourable member should direct this question to the Minister for Environment.

FOREST PRODUCTS COMMISSION — STUMPAGE SCHEDULES

1302. Hon LOUISE KINGSTON to the Minister for Forestry:

I refer to question without notice 335 of 28 March 2023 asked by Hon Dr Steve Thomas, in answer to which the minister stated that the Forest Products Commission was reviewing the stumpage schedules and looking at retrospective payments to affected sharefarmers. I note that on the FPC website, the stumpage schedules remain unchanged since June 2020.

- (1) Has the promised review of the sharefarming stumping schedules been undertaken?
 (a) If yes, when, and what was the outcome of that review?
 (b) If not, why has it not been completed, given that log prices have increased by about 40 per cent since 2020?
- (2) Is the FPC underpaying sharefarmers; and, if not, is the FPC's annual report deficient in not identifying the back payment of sharefarmers as a contingent liability?
- (3) When does the minister expect current stumpage schedules to be published on the FPC website?
- (4) Will the minister instruct the FPC to promptly do so?

Hon JACKIE JARVIS replied:

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

- (1)–(4) The Forest Products Commission conducted an initial assessment and no changes were made to the stumpage schedules. The stumpage schedule takes several factors into consideration, including sawlog prices, other log product prices and harvest and haul costs. Retrospective payments would be considered only in the case of an error.

METHAMPHETAMINE — USE — KIMBERLEY REGION

1303. Hon SOPHIA MOERMOND to the parliamentary secretary representing the Minister for Health:

I refer to an ABC news article titled “Methamphetamine addicts left with ‘nowhere to go’ in the Kimberley”, published on 20 October.

- (1) How is the government addressing growing meth use and addiction in WA's far north?
 (2) Is the government investigating the potential benefit of low-withdrawal medical beds in the West Kimberley?
 (3) If no to (2), why not?

Hon PIERRE YANG replied:

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

- (1) The Mental Health Commission provides over \$28.8 million to the WA Country Health Service for the provision of specialised public mental health and alcohol and other drug services in the Kimberley. This includes the Kimberley Community Alcohol and Drug Services, which provides outpatient AOD counselling for individuals and families, prevention activities and diversion services. This financial year, the commission is also providing approximately \$9 million to non-government organisations for a range of mental health and AOD treatment services in the Kimberley. Additionally, there are two commonwealth-funded residential AOD rehabilitation centres operated by Aboriginal corporations in Broome and Wyndham.
- (2)–(3) The Kimberley withdrawal and intervention centre is scheduled to start operating in February 2025. The service will be operated by Wunan Foundation, which is a local Aboriginal corporation. The service will be located in Kununurra but will be accessible for people from across the Kimberley.

GOVERNMENT REGIONAL OFFICERS' HOUSING PROGRAM

1304. Hon Dr BRAD PETTITT to the minister representing the Minister for Housing:

I refer to the Government Regional Officers' Housing program.

- (1) How many GROH houses are currently vacant?
- (2) How many GROH houses have been vacant for more than two years?

Hon JACKIE JARVIS replied:

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

- (1)–(2) The utilisation of GROH properties allocated to client agencies is determined by the client agency, not by the Department of Communities. Vacancy data is always point-in-time data. When the properties are vacated, they undergo varying degrees of maintenance or refurbishment works before the next tenant moves into the property. As at 30 September 2024, 564 properties had been allocated to client agencies that may be held vacant for a range of legitimate operational reasons, such as rotating staff on fixed tenure arrangements; staff leave, including maternity leave; and active recruitment processes. There are 93 properties unallocated vacant, the majority of which will be returned to service following maintenance or refurbishment works. Communities assesses all vacant properties and, where appropriate, properties that are not aligned with GROH use—for example, in remote locations or in areas with low demand—may be considered to be made available for clients on the public housing waitlist. The total number of GROH houses vacant for more than 24 months is 43, including homes in remote or low-demand locations.

COMMUNITY HOUSING GRANTS PROGRAM

1305. Hon WILSON TUCKER to the minister representing the Minister for Planning:

I refer to the \$200 million in grants to the community housing sector since 2020–21. Can the minister please provide —

- (a) a list of grant recipients and the region in which each is located;
- (b) the projects funded; and
- (c) if different from (a), the regions or areas benefiting from these grants?

The PRESIDENT: That is seeking an awful lot of data.

Hon JACKIE JARVIS replied:

It is indeed, President. Thank you. I thank the honourable member for some notice of the question. The following answer is provided by the Minister for Housing.

- (a)–(c) I am advised that all the data requested is unable to be provided within the time provided. Should the member wish to place this question on notice, the minister will endeavour to provide a response.

JUDICIAL COMMISSION

1306. Hon Dr BRIAN WALKER to the parliamentary secretary representing the Attorney General:

I apologise for the grammar in this question.

I am grateful to the Attorney General for his response of 17 September 2024 to my question without notice 1041, asked on 11 September, in which he was good enough to outline the process for the appointment of judges here in Western Australia. In the hope of further clarification —

- (1) What checks and balances are in place to ensure that a nomination by the Solicitor-General is comprehensively and appropriately vetted?
- (2) Is the Attorney aware, for example, that we currently have a District Court judge here in WA who, when a prosecutor in Victoria, had a serious finding made against him, being described as “the worst fundamental abuse of process” and “the most outrageous case” the presiding Supreme Court judge had seen in 40 years of legal practice, yet that prosecutor was found to be a fit and proper candidate for our own bench here in WA? Can the Attorney General tell me how this can happen?

The PRESIDENT: Just one moment, honourable member. I am seeking some advice in relation to that question. I am going to allow the question to be answered, although I have some reservations about the content. We will see whether the parliamentary secretary representing the Attorney General is able to answer it.

Hon MATTHEW SWINBOURN replied:

Thank you, President. I do have an answer to that part of the question, but I note that making imputations regarding judicial officers is not permissible.

The PRESIDENT: Whether by way of quote or direct.

Hon MATTHEW SWINBOURN: Yes.

In any event, the following answer has been provided to me by the Attorney General.

- (1) The Solicitor-General undertakes or arranges appropriate vetting of proposed appointees, including through consultation with the relevant heads of jurisdictions and appropriate representatives of the legal profession.
- (2) The Attorney General will not comment on the individual judicial officer referred to by the member.

YANCHEP RAIL EXTENSION — UNEXPLODED ORDNANCE

1307. Hon BEN DAWKINS to the parliamentary secretary representing the Minister for Industrial Relations:

I refer to the development of the Metronet line to the Yanchep rail station site, with specific reference to the work safety and health considerations.

- (1) Who was responsible for advising the contractors engaged to build the Metronet project and associated facilities of the potential unexploded ordinance—UXO—contamination in the area?
- (2) Was every contractor, including labour hire, who worked on the 15-kilometre Yanchep extension advised of the potential UXO contamination and was this risk included in all site inductions?
- (3) Was WorkSafe Western Australia notified of the UXO issues, especially in the Yanchep area, and was it involved in the development and monitoring of safe work procedures and in regular inspections to ensure a safe working environment?
- (4) What specific safety procedures were put in place for all contractors working on the line with respect to the risk of UXOs?

The PRESIDENT: That is also seeking a significant amount of information.

Hon MATTHEW SWINBOURN replied:

The answer is relatively brief.

- (1) In accordance with the definition of the Work Health and Safety Act 2020, the person conducting a business or undertaking is responsible.
- (2) I refer the member to the answer to (1).
- (3) Yes.
- (4) I also refer the member the answer to (1).

EMERGENCY SERVICES ACT — REVIEW

1308. Hon MARTIN ALDRIDGE to the Minister for Emergency Services:

I refer to the consolidated Emergency Services Act.

- (1) Noting the 2024–25 budget commitment to fund five FTEs dedicated to coordinating the review and the drafting of the legislation, how many FTE are currently assigned to the task?
- (2) How many FTE are vacant?
- (3) When will the government finally release the much-delayed exposure draft of the bill?
- (4) Does the government remain committed to passing the bill in the forty-first Parliament?

Hon STEPHEN DAWSON replied:

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

This question was first asked on 18 September. I know that the answers to (1) and (2) have changed since that date, but I do not have it in front of me, so I will provide an answer to the member tomorrow.

CHILDREN IN CARE — WHEREABOUTS UNKNOWN

1309. Hon NICK GOIRAN to the minister representing the Minister for Child Protection:

I refer to the answer to my question without notice 1117.

- (1) Have the two children that the department reported to the Western Australia Police Force as a missing person been found?
- (2) Have the three children recorded as “unaccounted for—not in contact” been found?
- (3) Are the whereabouts of the six children recorded as “unaccounted for—in contact” now known?
- (4) How many days were the whereabouts of the 11 children unknown and have any reports been received of the children being victims of crime during this period?

- (5) How many children in the care of the CEO have their whereabouts currently recorded as —
- (a) unaccounted for—in contact;
 - (b) unaccounted for—not in contact; and
 - (c) missing?

Hon JACKIE JARVIS replied:

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

The following response has been provided by the Minister for Child Protection.

The Department of Communities provides the following advise as at 22 October 2024.

- (1) Yes.
- (2) Two of the young people’s whereabouts are now known. One young person remains unaccounted for—not in contact.
- (3) Yes.
- (4) For unaccounted for—in contact, it is one, three, five, six, 11 and 38 days; and for unaccounted for—not in contact, it is two young people for two days. One young person remains as unaccounted for—not in contact for 11 days. For those who are missing, it is three days and 23 days. There have been no known reports. Generally, the reporting of crimes may also be delayed for a variety of reasons.
- (5)
 - (a) Two;
 - (b) two; and
 - (c) one.

HOUSING INDUSTRY FORECASTING GROUP

1310. Hon STEVE MARTIN to the minister representing the Minister for Housing:

I note that the information on the government webpage for the Housing Industry Forecasting Group, including the latest report, is current to November 2023.

- (1) Can the minister please provide any reports, updates or minutes from the April 2024 meeting?
- (2) Can the minister please provide the current list of members?
- (3) When is the next HIFG meeting?
- (4) When will the next HIFG update be published?

Hon JACKIE JARVIS replied:

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

The following response has been provided by the Minister for Housing.

- (1) The April 2024 report will be released in due course. The Housing Industry Forecasting Group sets its own agendas and meeting times.
- (2) The list below represents the members of the Housing Industry Forecasting Group. Sorry, member; it is not in tabular form, so I will read it out. The members of the group are the Housing Industry Association; the Department of Communities; the Australian Housing and Urban Research Institute; Bankwest; DevelopmentWA; the Real Estate Institute of Western Australia; the Urban Development Institute of Australia (WA); the Department of Treasury; WaterCorp; the Property Council of Australia; Landgate; the Master Builders Association of WA; the Department of Planning, Lands and Heritage; the Australian Bureau of Statistics; and the Chamber of Commerce and Industry of Western Australia.
- (3)–(4) See the answer to (1).

QUESTION ON NOTICE 2127

Paper Tabled

A paper relating to an answer to question on notice 2127 was tabled by **Hon Stephen Dawson (Minister for Emergency Services)** on behalf of Hon Sue Ellery (Leader of the House).

RETIREMENT VILLAGES AMENDMENT BILL 2024

Second Reading

Resumed from 22 October.

HON NEIL THOMSON (Mining and Pastoral) [5.06 pm]: I thank the house for the opportunity to continue the remarks that I started yesterday. Given that most of my speech is still to be done, I will recap very quickly. We have chosen not to oppose this bill. That might sound like we are sitting on the fence a little bit on this, but this

bill is yet another example of a very complex bill that has been brought into Parliament that seems to have a few issues. Potentially, the dead hand of regulation may not achieve the results that the stakeholders want. I want to acknowledge those stakeholders. I believe that the Western Australian Retirement Villages Residents Association has been involved in some of the discussions with the minister. Certainly, it seems that some engagement has gone on. To a degree, I can say that the Department of Commerce has engaged. There is no dispute that there has been a high level of engagement. A number of documents have been produced, including the consultation report. The consultation regulatory impact statement was prepared back in January 2022, and the decision regulatory impact statement was also prepared at the same time. The consultation report was a summary. An earlier consultation report might have been put out. Nevertheless, those two documents, I think, summarise the consultation that was undertaken and the logic for the recommendations that have been put to government.

I want to step back and make a point that I have always made in this place that is aligned with our philosophy in the Liberal Party. Undoubtedly, there have been some difficult circumstances involving retirees. They have faced challenging circumstances. We all know aged people who have had to make the challenging transition from their home to a retirement village. Complex paperwork is associated with the big life decision about where they will go. There is then the difficult decision about going from independent living to a higher level of care in the aged-care system, and that often happens much later in life. By all accounts, the vast majority of the 25 000 residents in retirement living in Western Australia are very happy with it; it is apparently a great lifestyle. That is not surprising. Members who have been to retirement villages will have seen the amazing facilities that some of them have. I have certainly seen some incredible villages with a large range of facilities and social activities that are fostered by those communities. They provide a very fulfilling lifestyle.

However, the challenge is that we live in a marketplace, and this legislation takes a very strong regulatory approach to these problems. No doubt there have been cases in which retirees have faced challenges. We are seeing what could be described as a strong regulatory response from the government. This bill has 79 pages. It is not as long as the Aboriginal Cultural Heritage Bill, which I think had about 266 pages. That legislation was rammed through this place at short notice, and we —

Hon Darren West: With your support.

Hon NEIL THOMSON: No, we were not opposed. I want to correct the member. This is exactly the same situation we were in when that bill came through. The member can go back to *Hansard* and look at it himself. Our position was to not oppose the bill. We had some concerns. We were worried; it was a government bill, and the government, with its numbers in this place —

Hon Darren West interjected.

Hon NEIL THOMSON: The member keeps interjecting, Acting President, and he is simply wrong. He should just go back to *Hansard*. The opposition chose to not oppose that bill. That was the statement I made as opposition lead speaker when I outlined the opposition's position. There was a whole range of things in that legislation. Again, the government had good intentions and the legislation had good objectives, but it ended up mired in red tape. Later, once the regulations came out, there was huge uproar from the community when people saw what was going to happen. Of course, all the rest is history and it remains a terrible legacy for this government—namely, to create such an incredibly divisive instrument and then perform a hit job on the opposition by trying to ram that legislation through under emergency powers.

The Retirement Villages Amendment Bill 2024 is not quite the same as that bill. We are at the eleventh hour of the forty-first Parliament, and here comes this bill at fairly short notice. It is not being rushed through under emergency powers, but, again, the opposition is raising its concerns. There are some things in the bill that we support; in fact, we support the government's intention of protecting retirement village residents. I am sure the government will go out there and say, "The opposition is not supporting the residents of retirement villages." It will try to create some scare campaign, which is what this government tends to do. That is the cut of this government's jib. This is the way it frames itself. It creates massive scare campaigns on a whole range of things. That is what the government does. It runs scare campaigns that, somehow, the opposition is out there opposing this legislation. I have already seen that reported. That is potentially what is being said by the government—that the opposition is opposing it. We are not opposing it. That is our position and it is very clear: we are not opposing it, but neither are we supporting it —

Hon Kyle McGinn: So you don't have a position on it?

Hon NEIL THOMSON: — because we have concerns.

Several members interjected.

The ACTING PRESIDENT: Order!

Hon NEIL THOMSON: Thank you, Acting President.

I will go through some of the key elements of the provisions outlined in the explanatory memorandum to give members a bit of an idea of the colour of our support and concern.

Hon Kyle McGinn: He doesn't know his own position!

Hon NEIL THOMSON: I mean, this is not Thursday afternoon—or morning should I say. This is a debate about a very serious issue, and I would appreciate it, Acting President, if, quite frankly, some of the members would just keep their mouths shut, because they have nothing to add.

The first piece is the inclusion of new disclosure requirements to provide for earlier, clearer disclosure of type of tenure and so forth. That seems to me like a no-brainer, but in saying that, I have seen one of these contracts and they can be more than 200 pages long with additional appendices. Clearly, there is already a challenge in relation to the detail required in contracts. Providing more clarity around tenure to make those contracts simpler and easier to understand and providing more capacity for the people signing those contracts to know what they are getting themselves into are clearly good things. We just have to take it on face value that the government has done its homework; we support the government's intention on this matter.

It is also proposed to establish a public database to be administered by the Consumer Protection division of the Department of Energy, Mines, Industry Regulation and Safety to provide prospective residents with information about retirement village living generally, and with a capacity to compare the features of villages online. That is something I am very strongly supportive of. Members who recall my inaugural speech will remember that I talked about my background working on competition policy in the Department of Treasury in the 1990s. That came out of the Hilmer reform, something that was supported very strongly by former Prime Minister Paul Keating and others back when the Labor Party actually believed in deregulation and markets and had a modicum of common sense. However, we have seen the Labor Party lapse into the cheap politics of scaremongering and over-regulation in relation to —

Several members interjected.

Hon NEIL THOMSON: We are just having a general conversation, are we?

The ACTING PRESIDENT (Hon Dr Sally Talbot): Members! Hon Neil Thomson, take your seat. Members on both sides of the house are only required to restrain their eagerness to hear their own voices for about another hour and a half. If you could just try, that would be great. Thank you. Hon Neil Thomson, you have the call.

Hon NEIL THOMSON: I thank you for your protection, Acting President; it is much appreciated.

Another provision will impose a new statutory time limit of 12 months after a resident's departure from a village for the payment of exit entitlements, with a corresponding requirement to buy back strata and community titled properties within 12 months of a resident's departure. This becomes somewhat problematic. I understand the government's objective and what it is seeking to do. I understand the appeal from some residents in retirement villages, feeling that somehow the government will solve a problem they might encounter, and I respect that. It is incumbent on us as legislators to look at the broader impacts on the marketplace. This provision is certainly not supported by the Property Council of Australia or by the operators of retirement villages. Depending on the ownership structure, residents own the strata title units but the operators at the top of that process operate the strata body.

We have to look at the broader context and the long-term impacts of this provision on the industry. Only one community will suffer if this provision does not work. If it ends up being over-regulation of something that might have been addressed through a more active negotiation or complaints process, it may end up creating a situation that would be detrimental to the broader industry. The Property Council said that this provision will have an impact on the industry only when there is a downturn in the industry. I understand that if someone wanted to sell a strata unit or extend a lease or the timeframe of those sorts of things at this point in time, nobody would be impacted by this provision given the overcooked housing and property market in Western Australia, thanks to the Labor government.

In a downturn, if the management companies involved in the industry are expected to purchase units 12 months after they are put up for sale and there is no buyer and they are left empty, it will increase the requirement for capital raising at the worst possible time. The problem with that is that only two courses of action will be possible for that organisation. The first will be to put up the fees to spread the cost of the additional capital raising across the remaining residents, to the extent that they can within the regulatory environment, so everybody will pay. That will mean that the money will have to be recouped for those exiting. Second, it will put them in a much more precarious financial position. In the worst-case scenario, the retirement villages could end up financially compromised or even going into administration or liquidation. I am not saying that it will happen, but it is possible. It will certainly create additional costs. There is nothing free in this world.

I go back to my thoughts on competition reform. When a restriction is introduced, we have to go through the process under clause 5(9)(a) to (e) of the Competition Principles Agreement—a very sound framework. We have to examine the object of the legislation and the impact of the restrictions, assess their benefits and costs and then undertake a public interest test. When all that is done, a determination can be made. If it is in the public interest, there is one last thing to do—that is, to look at less restrictive alternative measures that might achieve the same objective. They are the basics of good regulation; it is called best-practice regulation. We do not see the government engaging in best-practice regulation anymore. It does not do it. This government tends to sell itself politically into a marketplace. That is probably an unpopular thing to say. Politically, it probably hurts the Liberal Party to say that we are concerned

about that, but we are worried about the long-term implications. If we wanted it to be purely about politics, we would say, “Yes, it is great; it is excellent. Let’s support it”, and not care about the long-term outcome because by then most people in this chamber will be enjoying their retirement. They may be in a retirement village and may have regrets. Politically, it is not smart to raise questions.

We are not opposed to this legislation; we are just asking whether the case has been put. I understand the DNA of the ex-Department of Commerce. I worked in collaboration with the Department of Commerce when I was in the competition unit in Treasury. That department is now part of the Department of Energy, Mines, Industry Regulation and Safety. There is a culture in that agency, unless it has mellowed out by the discipline of the principles of the Competition Principles Agreement or best-practice regulation assessment. It tends to grab for the levers of regulation so that its minister can have something to sell to the community as a win, but that does not necessarily mean it is a real win for the community.

It is a pity that this legislation did not come into this place six months ago. Why? If it came into this place six months ago, there would not be the same urgent rush. We have seen a flurry of bills. It is almost like the public service has been beavering away, with ministers out there with their whips, saying, “Where are those bills? We’ve got to get them through before we lose that massive majority in the upper house. Get them through.” Suddenly, we are seeing a flurry of bills pop up. We have worked with those on the other side. Again, we have collaborated appropriately with the government, saying that we will work with it. I have said that I will not take too much time in debate, although in the public interest I will be going through this legislation clause by clause and having a discussion, because it is important. We will try not to take too much time. We will try to collaborate so that the legislative agenda can be fulfilled. The bit that is missing is that we have no realistic opportunity of referring the bill to the Standing Committee on Legislation because we are coming to the end of the forty-first Parliament. That is part of the approach taken by the government. It is of great concern.

Another section of the bill relates to the capacity for a resident who enters aged care to request assistance from the operator with the cost of daily accommodation payments until such time as the former resident’s exit entitlement is paid. Again, this will be an additional cost to the operator. The effects of this provision have not really been clarified because I believe it will come through regulation. No doubt it will surface more when we discuss each clause in Committee of the Whole tomorrow. We have not had the chance to look at that. I understand that there is a level of uncertainty about exactly how this provision will operate or how it will work. It sets out that the resident will have the option to request assistance. The bigger companies that operate these retirement villages say they do not really know exactly how it will work. Again, we are expected to pass something when we do not really know how it will work. We are expected to pass something that will impose another cost on the 25 000 retirees who have not complained about this issue. They are perfectly happy out there in the retirement villages and think that they are a great place to be. They signed contracts in good faith. They have said, “I have a contract and I understand it.” Maybe they do not, but I would say that a large majority of them do. There are some very smart and able people out there who have made this life choice, signed those contracts and are very happy out there.

That is another aspect that raises concern in quite an unprecedented way. I do not know whether the minister is able to provide any assessment of a precedent for this. Contracts that were signed in good faith for people’s biggest asset at this stage of life, apart from probably superannuation, will be retrospectively changed by a decision of this chamber. The bill will retrospectively change thousands of contracts that are currently in existence in a way that will potentially impose additional costs on everybody, but for the benefit of maybe a few. I am not saying they do not deserve some benefit, but the problem is that we do not know what the implications will be. The worst part about this provision, like the previous provision, is that it is likely to have the greatest impact in a downturn, when there are the most challenging circumstances for a retirement village’s viability. Again, that could have those consequences that I laid out before. This is challenging. Both these provisions, and particularly the previous one about the 12-month time limit, will have very broad application. I do not believe that the government has given this enough focus. Again, it will be up to the minister to respond during the Committee of the Whole stage. The Liberal Party says that it is not opposed to the bill. That is where we stand right now. It is over to the minister to convince us in the chamber that we are wrong about the detail.

Hon Kyle McGinn: So, you might change your position, then?

Hon NEIL THOMSON: It is up to the minister to put the government’s case. That is the challenge that we are putting down. We are saying, “Put your case. We have some fundamental concerns and the threshold is very high for support beyond this.” That determination has not been made. My position has been distorted by some of the interjections. Previously, when I raised issues with the Aboriginal Cultural Heritage Bill, one of the honourable members opposite made the comment that the opposition supported it. What happened then was that a division was called. As everyone knows, that is the protocol for this place. When we do not oppose, we do not get in the government’s way and we stand with the government. It is a longstanding protocol. That is how this place operates. We are still yet to decide. We are not proposing any amendments to this legislation at this point in time, but we still have some way to go in the debate. For example, if amendments were brought to this place, we would assess them as part of the debate, because that is what we do. I am not foreshadowing any amendments, but there are

other members—crossbench members and some on urgent parliamentary business—who have a range of views. We will have that debate. We will consider the issues at hand, particularly as we get to specific clauses, when we will have an opportunity to tease these things out.

A lot of work has been done. I have this massive document titled *Decision regulatory impact statement: Stage two of proposed reforms to retirement villages legislation in Western Australia*. It is a statement on the outcome of the consultation, but the problem is that I do not see the views of industry reflected in it. One would think that there would have been some more discussion of that in this document, but there is not. Before I go to some of the other provisions, I want to give a sense of some of the responses that are detailed in the consultation document. It estimates that 25 500 people currently live in retirement villages. That is one of the comments. The consultation document gives a list of the top five responses in the survey. There were 90 responses related to exit entitlements. We do not see those who say that they were for or against it. Out of 25 000 people, there were 90 responses on exit entitlements, 61 responses on refurbishment, 58 responses on conduct obligations, 52 responses on advertising and pricing structure and 49 responses on mandatory reserve funds. All of those matters are addressed in the document.

I will read from an answer provided to Hon Steve Martin's question on notice 2197. People can look it up on POWAnet on the internet, but I have it here on my phone for my reference. The question was directed to the Minister for Finance; Commerce; Women's Interests. It asked —

I refer to complaints made to Consumer Protection in relation to retirement villages, and I ask:

- (a) how many complaints have been made for each of the years below:
 - (i) 2020;
 - (ii) 2021;
 - (iii) 2022; and
 - (iv) 2023;

Excellent question! The question continues —

- (b) for each of the years in (a), how many complaints were there, organised by category type (in terms of the broad nature of the complaint); and
- (c) for each of the years in (a), how many complaints were:
 - (i) successfully resolved;
 - (ii) incomplete/ unresolved;
 - (iii) withdrawn; and
 - (iv) determined to not be within the scope of consumer protection?

The answer was provided on 17 October. This is very telling. Firstly, there were 43 complaints in 2020, 44 complaints in 2021, 34 complaints in 2022 and 31 complaints in 2023. Members opposite will find it interesting that the number of complaints dropped as the market heated up—that is the first thing. Without any regulatory change, the number of complaints is dropping. Let us have a look at the types of complaints. The answer provides a very interesting table. There was one complaint about advertising and marketing in 2021, which is the total over the whole time. There were two complaints about disputes. There was one complaint about failure to act in the best interests of the principal. I might be reading this wrong, but I will move to fees. I think there was one complaint in 2020. No, it is just the way the table is done; it is a bit hard to see. There were 15 complaints about fees in 2020, eight in 2021, five in 2022 and three in 2023. There were 15 complaints about general breach of legislation or regulation in 2020, six in 2021, nine in 2022 and five in 2023. Members will get the idea. There were only four complaints about professional conduct during the whole period. The maximum number of complaints about property management was 13. That is a very low number of complaints. One could argue that, for every formal complaint received, there were probably a number of other residents who were unhappy. That is understandable. I acknowledge that complaints are one thing and the reasons for a complaint are another, but there was nowhere near 25 000 complaints. It is not as though we have been inundated with complaints.

The outcomes are the important part. They were under the legislative requirements it is proposed that we replace. The vast majority of complaints were successfully resolved. There were 28 complaints resolved successfully in 2020; 29 in 2021; 26 in 2022; and 21 in 2023. Four complaints were incomplete or unresolved in 2020; two in 2021; none in 2022; and only two in 2023. A handful were withdrawn and some were determined not to be in the scope of the Consumer Protection division. There were five, eight, five and five respectively for the years listed from 2020 to 2023. The government seems to think that extraordinarily low number of complaints deserves a very complex regulatory response. That, in itself, is not a bad thing. I understand that this is a complex area, but that very complex regulatory response will potentially destabilise the whole industry.

As I said, I am not the shadow Minister for Commerce, but I am the spokesperson for the Liberal Party on this bill. We come to this place with the position of “not opposed” because we want the government to explain itself on this

matter so we can know what is going on here. There seems to be such a low level of complaints and the industry is concerned about the impact the legislation will have on investment. I had one of the providers say to me that, because of their banking and finance situation, they will almost inevitably be required to raise and hold additional capital in order to maintain contingency provision for the statutory time limit of 12 months and for residents to have the capacity to go into aged care to seek assistance. Those two things will require further capital provision.

It has not really been explained. I am happy for the minister to explain it again, but unfortunately the minister is on urgent parliamentary business. I am sure the minister will take the time to read my contribution in *Hansard*. In some ways, that will be helpful because we can get a more considered response on this matter tomorrow. I am sure the agencies are also watching and will provide advice. It will be interesting to find out how much those financial and market aspects have been considered as part of addressing this issue. I wonder whether there was an alternative way to address those complaints. This is where I speak to the residents who are part of the association. I see that they support the minister in this. I respect that. That is fine. I respect their point of view, but I want to know whether they were offered a different way that would ensure their complaints were successfully resolved. There was actually a total of eight complaints over four years that were incomplete or unresolved and five to eight complaints were considered not to be in the scope of Consumer Protection. I assume that some of those were not even in the scope of the new legislative changes. I am trying to be generous here, but maybe there were 12 or 15 over four years. Was there a smarter way than using the sledgehammer of regulations and over-regulating that this government loves?

This government holds itself out to the development and mining sectors as a government that is about cutting red tape. It speaks out of both sides of its mouth. That is what this government does constantly. On one hand, when it talks to industry it says, “We’re going to reduce red tape.” We see Minister Carey introducing a bill just about every second week. I am exaggerating a bit, but I just want to make a point. I am reminded of my mother telling me years ago not to exaggerate, but I am doing it to make a point. My mum is 89 years of age and has been looking at getting into aged care. She is in New Zealand but it is not much different from Australia. She is fiercely independent and lives at home. She wants to continue to do so even though she has had an accident and needs additional care. It is great to see that she is on the mend because she is just so fiercely independent. It is great. I know that many people in retirement villages are also fiercely independent and love that retirement villages give them the ability to live independently. I do understand, with due deference to my mother.

The government rammed through its “red tape reduction measures” in the Planning and Development Act in order to spin a story to the development sector that it would somehow reduce red tape. When changes to the Planning and Development Act were introduced some time ago, it made the act a lot longer; it did not make it any shorter. Many, many pages of regulations were added to the act.

I digress. I want to know whether there was a smarter, less restrictive way along the lines of the competition principles agreement that I talked about in which the maybe a dozen or so complaints that were not resolved could have been resolved through a different type of process, such as a mediation process. It might have been a bill of 10 or 20 lines setting up a mediation process with teeth to deal with complaints on a case-by-case basis. Maybe that could have been the solution. I do not know, but it seems to me like this government has not looked at that option. Certainly, its regulatory impact statement does not outline the clause 5(9) structure that I think should be in any best-practice regulations. I again urge the government to return to the best-practice regulation framework that is well known and understood for future regulatory impact statements. I think that would be great to see.

In the time I have remaining, let us talk about some of the other provisions in the bill. We have a clarification of the obligations for operators and residents to pay for capital works in the village, with definitions of “capital maintenance” and “capital replacement”, which will be supported by new guidance material. In principle, that sounds okay to me. The word “clarification” is used in a bill to make it easier to clarify a matter. It will provide better information to those signing contracts to live under a certain regime in which there is a requirement for reciprocation of services, maintenance and a fee-for-service arrangement. Clarification seems, in principle, a good thing, including the introduction of requirements for operators to prepare capital works plans and maintain a capital maintenance fund. That also seems to be a good thing. We know that there are sinking funds under the Strata Titles Act. If anyone has been involved in a strata title situation, as I have, they will know they can sometimes be challenged by big maintenance bills that can come in from time to time. That is the body corporate’s job. That is why we have the Strata Titles Act. The community of residents or owners comes together and usually resolves it. There is a specific example here for retirement villages. On face value, all of that seems okay. Enhanced budgeting and financial reporting obligations for the operators and new enforcement provisions again seems to be okay on face value. I do not know why the current enforcement provisions are not sufficient. I do not know why the financial reporting requirements that might apply are not sufficient and need to be changed. I am sure accounting standards and annual reports already apply. On face value, those provisions seem like a good idea. However, the industry has raised some concerns that these provisions are going to be somewhat restrictive. I think it is incumbent on us to listen to industry a bit more and say, “How’s that being done?” I hope the department has undertaken some assessment.

New restrictions on the ability of operators to require a resident to contribute to the costs of reinstatement and renovation of a unit on their departure from a retirement village is supported by a requirement for preparation of

a condition report on commencement of occupation and on departure. Anyone who has either rented a property or has been a landlord would understand it is really important to have regular property condition reports and assessments because it takes away the argument. It is no different from when someone rents a vehicle at Avis or Hertz. They get a report and all the photos. Then, if they cause damage, they are liable or there is a process of assessing whether insurance covers it. Again, that seems sensible. I am not sure why that does not already occur. In principle, I have given that provision a tick with a question mark, as I did with the previous provision—a tick with a question mark.

Hon Kyle McGinn: I support it; I don't support it.

Hon NEIL THOMSON: Yes. In principle —

Several members interjected.

Hon NEIL THOMSON: I do not —

Hon Darren West: This is Liberal policy—a tick with a question mark!

Hon NEIL THOMSON: The comments from members opposite, seriously.

The ACTING PRESIDENT (Hon Dr Sally Talbot): Member, just keep addressing your remarks to the chair.

Hon NEIL THOMSON: Thank you, Acting President. All I can say is that there seems to be no appreciation of any nuance in this chamber these days in the way we operate and ask questions in good faith on behalf of the community.

Hon Kyle McGinn interjected.

Hon NEIL THOMSON: There are some provisions we support in principle, deputy chair—I am speaking to you. In principle, they seem positive, but we have some questions. I am less negative about this than about those other provisions, which the industry tells me could potentially send it broke. Let me put it this way; I am less concerned about these provisions than the provisions, for example, that refer to the statutory limit of 12 months. We seem to have a blanket approach to this, not just to residents moving into aged care. Sadly, one partner may pass away and someone may find that they do not quite have the same ability to manage and they need to go into an aged-care situation or a more intensive care situation. There is a need to make that transition as seamless as possible. I would hope there is some process within these organisations to help, counsel and provide advice to residents at that next phase. That is really important. We all reflect on our own personal circumstances. We all have elderly parents, some who have passed on. We have seen the challenge of dealing with the outcomes of that. For me, personally, I want to make sure that my kids do not have to undertake a complex process when I get to that stage. I am going to make sure that as many of my assets as possible are liquid so that I do not have too much caught up in that process, because I know how complex property can become. It is a challenge. That is what we do but we all try our best to make it clear. We do not want our children to be caught up in a massive, complex process.

However, on that point, I want this to sink in. Despite what I have just said about our kids and wanting to make sure they do not have to go through a complex process or deal with a property that cannot be sold for two, three or four years, because that can be quite stressful, this law will apply to them as well. Putting ourselves in that circumstance, for someone in a retirement village with their partner, enjoying their wonderful life of retirement, when they both pass away, this law will apply to inheritances. Some would say that is a good thing and that it should not be longer than 12 months. However, if there is a downturn in the market, who will pay for it? It is the existing residents. The other retirees will have to cover the cost of someone getting an earlier inheritance. There are winners and losers in all this, but we have to look at it from a social perspective and at the overall impact this will have. When I put myself in the shoes of my parents, I always said to them that I do not expect an inheritance. I told them, "That's your life. You enjoy it; go and have fun and make the most of the days you have." I say to all retirees out there: please enjoy your retirement. A lot of us here are parents and I know we all want to make sure our kids get a great outcome. I try to instil the culture in my children to not expect too much, because we want to enjoy ourselves but we always want to help along the way. I think that is a good philosophy to have but I would hate to think that somehow, if I was in that situation, a regulatory requirement was that all the other retirees suffered. That inheritance could be dispersed at an earlier point than the market was able to present at the cost of that retirement village. I think that is a very important point and I ask the Western Australian Retirement Village Residents Association to see where my heart is coming from on this issue. I am not trying to say this is a bad idea. It is just that we have to make sure it does not have negative consequences for everybody we are trying to protect. That is what I am trying to say, despite what the Labor Party might try to portray.

In the minutes remaining, there is another point—new processes facilitating change and redevelopment of villages to ensure that residents are consulted. I think this is unanimously supported. Their approval is to be sought where appropriate for modifications that do not result in a temporary or permanent closure of the village. I will cut to the chase here, noting the time. I have only a few minutes left. The agreement of residents will be required through endorsement of the proposal by special resolution with a right of appeal to the State Administrative Tribunal if residents do not consent. On face value, that seems to me to be an excellent reform. I have a lot of confidence in the State Administrative Tribunal process. It is a low-cost jurisdiction that is easily accessible to people.

There is a process there and then there are some rules and guidelines around that in order to facilitate changes when required. I understand that sometimes the current law can be a little bit difficult when there is general consensus out there.

The second dot point states —

- for proposals that require the temporary or permanent closure of the village, SAT approval will be required, and additional requirements can be imposed by SAT to protect the interests of residents.

I know that SAT will holistically look at ensuring that the whole system is protected and, including the interests of the operators, is managed in a way that is stable and in the best interests of all 25 000 residents out there. I just want to make it clear that this is not the complete list of provisions. I have really read only from the first two pages on the overview of the bill in the explanatory memorandum because of the time requirement of the second reading contribution. As I said, it is a very long bill; it is 80 pages. However, I think it is important to say that the bill states, “The provisions in the Bill provide for, among other things,” I have just gone through the list, but there are other things as well that need to be worked through. We may spend a little bit of time on it.

This last point states —

- SAT will also have the power to order the Registrar of Land Titles to amend a village memorial where an approved development proposal requires land to be excised from the village.

Again, that seems perfectly sensible and red-tape reducing. That is our position. We are here to exercise the brainpower of this group. The Liberal Party will not just waive things through and say, “We have got it 100 per cent right.” Why? That is because we are seeing the appalling failure of this government on a range of bills.

HON LOUISE KINGSTON (South West) [6.02 pm]: I just want to reiterate some of the comments Hon Neil Thomson made about the complexity of the amendments and the difficulty that industry has had in navigating that and trying to come to a position to be able to support the Retirement Villages Amendment Bill 2024. There are a few things that I will focus on as we debate the bill.

Firstly, I want to provide some background information on the level of people and operators that we are looking at. The Property Council of Australia represents 2 300 Western Australian members, small and large, as well as church and charity operations. These lifestyle villages perform a very important role and alleviate pressure on the government by providing user-pays purpose-built facilities. It is very important that we protect this sector and make sure that these changes will be in the residents’ and operators’ best interests.

We are going to see a significant rise in the number of people trying to access aged care and lifestyle village accommodation going forward. For people over 75, it is predicted to rise by another 150 000. It is imperative that we maintain operators’ confidence and that we raise industry standards and create better regulation that is balanced for both the residents and the operators.

I think Hon Neil Thomson referred to the fact that there are currently approximately 148 000 people aged over 75 living in dwellings that are oversized and that they could potentially look at downsizing. That would therefore take pressure off the housing crisis at the moment and would allow young people more access to residences.

The report that was jointly submitted by the Property Council and Retirement Living states —

Research ... shows that ... residents are 15 per cent more physically active, 41 per cent happier, five times more socially active, twice as likely to catch up with family or friends and have reduced levels of depression and loneliness.

That is a really fabulous outcome for those retirement villages. I remember when I was younger that, after my grandma passed away, my granddad went into a lifestyle village in Albany. He was quite the little social butterfly. He still had a driver’s licence in those days. Others were not able to drive anymore, so he used to ferry a lot of the residents around and check on them to make sure that they were all okay, which was very sweet of him to do. My mum is 89. She still lives at home and has considered moving into a retirement village many times, but part of what Hon Neil Thomson alluded to is part of the reason why she has not actually taken that step; it is very complex, and she worries about the financial implications and some of the issues surrounding that. There are those concerns out there and it is imperative that we make this as easy and simple as possible for both the operators, residents already in residential villages and those who are considering it in the future.

Based on that report, it is also estimated that living in a retirement village reduces hospitalisations each year across the country by about 14 000. That is a pretty significant amount of people who are living in retirement villages with a much better outcome. A retirement village is also about 46 per cent cheaper than a residence in Perth. Of course, that delivers a range of benefits to the broader community.

The additional responsibilities on operators to manage exit entitlements is one of the biggest issues that was raised. I draw members’ attention to an article that was printed on May 28, 2019. It is based on the changes to the Queensland retirement villages and is entitled, “Village regulation jeopardy: QLD leads with \$30M+ in buybacks on Day One”.

I think the changes to the exit entitlements is a really big issue that has to be managed very effectively because we definitely do not want to see operators being put under such undue financial pressure that we end up with a whole heap of collapses, particularly of those smaller operators.

One of the things that I discussed with the guys from the Property Council was the potential for a government fund to be set up so that the operators can actually access those exit entitlements so that it is a very speedy and efficient operation. Then once a unit does actually sell, those funds can be paid back into the fund. I think it is a really good idea that should be considered. We need to look at the collapse of building companies, and businesses in general, over the last two or three years. I heard the other day that something like 6 000 businesses have collapsed just this year. We need to ensure that any regulations that are going to be introduced are well thought out and that those mechanisms to protect those operators are in place. Ultimately, as we saw with the Nicheliving situation, it is the government that ends up having to pick up the pieces and ensure that people's lives are not significantly impacted. This is a really good idea, and I think that it should be considered by government.

I point particularly to an article that came after that one relating to Queensland. This is dated 28 August 2019. I draw attention to the original article, which was dated 28 May 2019. Already, an operator in Queensland had collapsed. I note that the Property Council of Australia raised that it preferred the New South Wales model for the exit entitlements in respect of the situation that occurred in Queensland, and that has not been followed.

I refer to the consultation, which Hon Neil Thomson touched on as well. It has been going for a long time. We know that a tranche of changes has been introduced, and this is the latest of them, but there are some gaps in that consultation in what members of the industry have asked for. Initially, concerns were raised that certain regulatory changes could add complexity and confusion for both operators and residents. The government needs to focus on making sure that the process is simpler and easier to navigate and is not going to have major impacts on operators and residents alike.

Some concerns were raised about the introduction of the mandatory exit entitlements, interstate laws, and whether there will be any uniform legislation issues. I ask the minister to touch on that in her reply to the second reading debate.

I will focus on a number of different elements. I am just checking my notes and trying to get my phone to behave! The first will be the definition of "permanently vacated". There are a few issues surrounding that definition and whether there needs to be a change in the wording within the bill. Other elements I will focus on include the definition of "facilities"; the prospective court cost document; the public online database of retirement villages; modifications of retirement villages; liability for recurrent charges; reinstatement of units; exit entitlements, which I have already raised; the aged-care rule; mandatory capital maintenance funds, which I think Hon Neil Thomson has also raised, as well as the exit entitlements; rules of conduct for administering bodies and residents; the advertising and marketing clause in the bill; and the regulations.

I propose to move some amendments that I have drafted and submitted this afternoon, so they should be out fairly shortly. Those amendments are industry-led; they were provided to me by industry and cover some of the issues that the industry is talking about.

Obviously, this bill and particularly these changes have been a long time coming. The legislation aims to improve transparency and provide a better process going forward for both residents and operators, but some issues will need to be discussed and addressed as we go into the Committee of the Whole.

An issue that concerns me quite a lot and also concerns industry is applying retrospectivity to the contracts, what impact that will have on the level of complexity and the compliance that will be required by the operators, whether they will need to actually draw up new contracts with all their residents, and how that will play out.

I mentioned the government fund, which I think is a fabulous idea to assist those smaller operators, but I think that it should be available industry-wide for those exit entitlements, as Hon Neil Thomson has alluded to and the industry has said to me, particularly in a market downturn. At the moment, we do not have a downturn, so it is very easy to say that it will work under these circumstances, but we need to think about the situation going forward and what we are likely to face if we have any sort of industry downturn, which could put an enormous amount of pressure on those operators and potentially see a lot of operators of retirement villages faced with going broke, which we certainly do not want.

That is my contribution to the second reading debate, because Hon Neil Thomson covered most of what I am going to be focusing on during the Committee of the Whole, as well. Thank you.

Debate adjourned, on motion by **Hon Peter Foster**.

ORDER OF BUSINESS — MEMBERS' STATEMENTS

Motion

On motion by **Hon Jackie Jarvis** (Minister for Agriculture and Food), resolved —

That members' statements be now taken.

ECONOMIC POLICY — CONSTRUCTION*Statement*

HON DR STEVE THOMAS (South West) [6.16 pm]: I work fairly hard in the Legislative Council to introduce fairly sensible economic policy and debate. I have to say, it is a fairly frustrating exercise. If it makes members of the Council feel any better, it is a fairly frustrating exercise to introduce it to political parties as well, because I am not sure that anybody listens all that much. It saddens me deeply that good economic debate and good economic rules get thrown out the window.

Over the last couple of years, members will frequently have heard me talk about issues around the economy and construction. When we have a massive amount of construction happening, the industry will overheat. Members have heard me say before that when the state government moves its infrastructure spend from \$5 billion to \$10 billion and then to \$12 billion a year, and the mining sector says that we need 40 000 new jobs in Western Australia because, ultimately, we do not have enough workers for the construction we are going to have, that is a massive impost on the economy of Western Australia. The third group in construction is the poor person who is trying to build a house. They cannot compete with the government and the mining sector. I will say it until I am blue in the face, and I think that everybody disregards it. The government disregards it. I suspect that the opposition disregards it. Nobody is very interested, except for those people who have an interest in and an understanding of economics. I know that there is an occasional smattering of members in the Legislative Council who are interested, and I am quietly encouraged by that.

I want to give some encouragement to those people in the room with an economic bent who actually understand the principles involved. I ask them not to take my word for it. Members might have noticed that there was a very interesting release yesterday from Deloitte Access Economics dealing with this particular issue. I am going to quote from a media release from Deloitte Access Economics of Tuesday, 22 October 2024. The author of a report on this issue said —

“The construction sector has been dogged by difficulties since the onset of the pandemic, including high wage and materials costs, labour shortages, restricted site access and, ultimately, a squeeze on profits.

...

Adding to the woes is the fact that although construction costs are no longer accelerating higher, neither are they declining. With permanently higher construction costs, the sector will be both unwilling and unable to lift supply unless property prices also lift ... That is, housing affordability will get worse before it has a hope of getting better.

I think they are wise words that everyone in the chamber should take notice of. It means that it will get tough. I am pleased that the Premier, Hon Roger Cook, has been quoting some of this stuff. I hope someone passed on this speech to him because he needs to know, and members need to learn this. A short summary document was done of this study. I will try to read it in. It refers to the *Business Outlook* by Deloitte Access Economics and says —

This edition of *Business Outlook* contains a material downgrade in Deloitte Access Economics’ expectations for new dwelling commencements. In earlier editions, the potential for the construction sector to find its feet underpinned the expectation of an upswing in construction activity through 2025.

Not any longer.

The construction sector has been dogged by difficulties since the onset of the pandemic, including high wage and materials costs, a shortage of labour, restricted site access and, ultimately, a squeeze on profits.

Related to these challenges, the Federal Government’s HomeBuilder program contributed significantly to the backlog of residential construction projects. To qualify for the HomeBuilder grant, applicants were required to enter a contract between June 2020 and March 2021, with construction to commence within 18 months of the contract date. As such, HomeBuilder distorted demand by inducing a ‘bring forward’ of activity that otherwise would have taken place later (or not at all), further straining a sector already under pressure.

The sector is gradually working through the significant number of dwelling projects under construction in Australia at present. But doing so leaves very little spare capacity to start new projects. Adding to the woes is the fact that although construction costs are no longer accelerating higher, neither are they declining. With permanently higher construction costs, the sector will be both unwilling and unable to lift supply unless property prices also lift commensurately. That is, housing affordability will get worse before it has a hope of getting better.

That is a fairly solid negative comment to put to the people of Western Australia. The only hope that the housing sector has of recovering is for the price of houses to go up, so people trying to get into their first house will find it more difficult. It is a crisis, and it is a crisis of government policymaking. Whether it is the federal government throwing money into the economy around construction or the mining sector throwing money into the economy around construction or whether it is home owners who are struggling, an economic policy issue is hammering the people of this state and across the entire country.

I do not generally have too many highly positive things to say about the media, but I have to say that *The West Australian's* business reporter, Matt McKenzie, actually seems to understand this stuff. I suspect that he might be the best journalist that *The West Australian* has, and is possibly the new Shane Wright. I know that is high praise from me, because Shane Wright is an excellent economics journalist. Matt McKenzie wrote an article in today's *The West Australian* on this report. It is on page 20 and states —

The pain has been exacerbated by a shortage of workers, rising material costs and the tangle of red tape.

But Deloitte cautioned that the country's immense pipeline of public infrastructure was sucking employees away from building houses and apartments.

“Many skills in the construction sector are highly transferable, with infrastructure projects typically offering higher wages, more stable work and better conditions compared to smaller residential developments,” the report said.

“This means publicly funded infrastructure projects are competing against private housing developers for workers, adding to the cost of development and reducing the feasibility of new residential construction.”

The sector had “very little spare capacity to start new projects”, Deloitte said.

The big four consultant added that construction costs were permanently higher, and housing affordability would “get worse before it has a hope of getting better”. Deloitte also called out the Morrison government's extraordinary stimulus spending through the HomeBuilder program—a huge sugar hit for the industry.

HomeBuilder added “significantly to the backlog of residential construction projects” by squeezing demand into a narrow time window and straining the sector, Deloitte said.

Western Australia was the only state that had not only the federal government's stimulus package, but also a state government building stimulus package. That meant people could get up to \$70 000 off the price of a new house. I have said before that that did two things. It put enormous pressure on the construction industry and pushed up the price of house construction by \$70 000. There was no benefit to the community and the people of this state. Government policy, both state and federal, ended up causing immense damage to the construction industry, which, funnily enough, went out and wanted, as the paper says, these sugar hits to make sure that the industry had plenty of work. Ultimately, it caused damage. The result of that damage is that building companies went broke because they took on work that they could not deliver, particularly on fixed-price contracts when the price of everything went up by \$70 000 to \$100 000. I have said repeatedly that the issue is the government, which will perhaps be the next opposition as we go into the election, promising to spend billions of dollars for its political benefit rather than managing the economy in a way that delivers the best outcomes for the people of Western Australia. I see that repeating itself again and again. The government has doubled its own infrastructure spend. Yes, it will cut a lot of ribbons on Metronet projects and use that to go into the election.

Hon Stephen Dawson: You don't like trains.

Hon Dr STEVE THOMAS: No; I love trains.

Economic policy has been thrown out the window. Funnily enough, it was thrown out the window by everybody who blamed former Governor of the Reserve Bank of Australia Mr Lowe for the interest rate rises when the new Governor took over and increased interest rates because there was no choice. I have not heard many media outlets calling for the head of Michelle Bullock. Interestingly, the economic theory and principles did not change automatically. I commend Deloitte Access Economics and I commend in particular the journalist Matt McKenzie for a very good economic piece in *The West Australian* today. If members do not believe me that economic policy matters and that the economic policies of government, both state and federal, are damaging the commercial and residential sectors, maybe they might believe Deloitte Access Economics and maybe members should read this article and believe Matt McKenzie, because, given the standard of his article, I think he should be believed.

ILLEGAL DRUGS

Statement

HON SOPHIA MOERMOND (South West) [6.26 pm]: I spent some time in Berlin recently. I was invited to participate on two panels at a global health summit. One related to drug policy and one to COVID-19. Due to the kind gesture of Hon Wilson Tucker, I was able to swap my dates for motions and was able to attend, so that was exciting. To be honest, it was a highlight of my political career, buoyed further today by my motion being supported by the government!

Whilst in Berlin, I visited a safe injection room at which I learnt more about the safeguard systems that are in place there. Users can buy cheap needles and syringes from vending machines around town. Users can also have their substances tested and the centre has a full-time social worker guiding people to suitable services when needed. There are also three vans that provide mobile services, which seems like an approach that may well work here. That is a way of circumventing community hesitance about providing these types of services in neighbourhoods. Germany has the same bias there against drug users that we have here. People do not choose to become addicted. Addicts are

not single individual units with no connection to community and society. They are mothers and fathers and someone's child, and they have family and friends. Providing support services frees up time for those addicted to focus on their lives and hopefully at some stage have the physical, mental and emotional resources to go through withdrawal.

Germany has similar drugs entering the country as Australia, and meth is now one of the most common drugs there too, versus heroin, which used to be much bigger. An issue in Germany is the cutting in of other substances into the drugs. It is really problematic. I am talking about nitazenes. They are very potent, so people do not need much of it, which makes it easy to overdose on. People do not necessarily want to use it, but they are added to other substances like heroin, cocaine, fentanyl and MDMA. Whereas most overdoses of opioids can be reversed with only one dose of Naloxone, these new substances require multiple doses. Obviously, that will add to the number of people who are dying from drug overdoses.

Prohibition is failing, and I fear we will see an increase in accidental overdoses here, too. We need strong regulation here, based on the reality that these substances are now here. Whilst participating on this panel with drug policy experts from around the world, it came up that a decriminalisation model like the Portuguese model and pill testing are two very effective methods for preventing overdoses and addiction. At some stage, I would love to see some of these things implemented here in WA. From what I am hearing from various sources, we are dealing with an increase in very dangerous substances and people will lose their lives, basically. Thank you.

WORLD HYDROGEN DAY

Statement

HON DR BRAD PETTITT (South Metropolitan) [6.30 pm]: I rise today to talk about Australian Hydrogen Day but in the context of World Hydrogen Day on 8 October. That date was chosen as Hydrogen Day because of its relationship with the atomic weight of hydrogen—the tenth month and the eighth day, so 1008, being the atomic weight of hydrogen. I had the pleasure of speaking, alongside many other good people, at a Hydrogen Society of Australia event at Murdoch University on that day. They asked me to propose to the Parliament that we consider a Hydrogen Day for Western Australia as well.

I want to make a couple of points about hydrogen, because a really interesting and evolving discussion has happened over the last little while, and WA has taken a very good lead on it with our renewable hydrogen strategy. I note that that strategy will be refreshed sometime later this year, following the consultation paper that was put out late last year. I look forward to that. One thing I hope will come out of that is that although the role of hydrogen will remain really important in the Western Australia economy, it will probably be a bit different from what we thought it would be when the first strategy came out. It will be less about passenger cars and putting hydrogen into our gas network, because neither of those things will ultimately compete with electrification, which I will talk about tomorrow. There are other, better uses for hydrogen, such as shipping and long-distance trucking and, most importantly, things like green iron and maybe even green steel, which is potentially a big opportunity for Western Australia.

One of the key lessons to come out of this is that we have to use hydrogen where we make it, so there is an opportunity for us in Western Australia to value-add to that product. It has been a really interesting evolution, and I acknowledge the great work that the Hydrogen Society of Australia is doing. I would like to read its proposal for recognition of 8 October as WA Hydrogen Day and what was said in its recommendation. It states —

Designating the 8th of October as Western Australia Hydrogen Day is a strategic move to bolster the hydrogen sector's visibility and support in WA and nationwide. It aligns with our commitment to a sustainable and prosperous future, leveraging hydrogen's potential to drive economic growth, energy security, and environmental stewardship. We urge the Western Australian Legislative Assembly to adopt this proposal and lead the way in recognising and promoting hydrogen as a cornerstone of our clean energy future.

I want to congratulate the Hydrogen Society on the great work it is doing. This is a really important opportunity for Western Australia. I seek leave to table the society's proposal to us.

[Leave granted. See paper [3735](#).]

KEYSTART BILL 2024

Receipt and First Reading

Bill received from the Assembly; and, on motion by **Hon Stephen Dawson (Minister for Emergency Services)**, read a first time.

Second Reading

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Emergency Services) [6.35 pm]: I move —

That the bill be now read a second time.

Keystart is one of the key vehicles through which the state government achieves its objectives for housing policy. Keystart focuses on providing an affordable pathway into home ownership for Western Australians, having assisted

more than 122 000 people to own their own home. Its low-deposit home loans enable households that have the capacity to service a mortgage but do not meet the deposit requirements of commercial lenders, or those who are unable to fund the cost of lenders' mortgage insurance, to achieve home ownership. It is also a transitional lender, promoting and supporting customers to refinance through another lender when they are ready to do so.

Keystart's current structure is different from that of most government trading enterprises, which are established with their own enabling legislation. Keystart operates through a group of companies established under the Commonwealth Corporations Act 2001 and a trust. It is governed by an independent board, with the Western Australian Housing Authority its sole shareholder. To ensure that Keystart can continue to fulfil its objectives into the future, this bill will establish Keystart as a statutory corporation with direct accountability to a minister, in line with the Government Trading Enterprises Act 2023. The application of the Government Trading Enterprises Act will mean that Keystart will operate under the same legislative governance as other GTEs, with clear ministerial oversight. The GTE act will provide Keystart with expectations of what information should be shared with government and articulate the role, responsibilities and accountabilities of the Keystart board.

Under this bill, Keystart's current operations will continue and there will be no material changes for its existing customers. Keystart's range of loan products—referred to in this bill as financial assistance products—and all existing customer loans will be transferred to the Keystart GTE through the making of a statutory transfer order. Keystart's existing employees will also transfer to the new GTE on substantially the same terms and conditions via an offer and acceptance process.

The bill will also achieve administrative efficiencies by providing for the wind-up of the Country Housing Authority and the transfer of its existing loans to the new Keystart GTE. The authority currently has 180 loans on its books and has issued only 11 loans in the last three financial years. Keystart currently administers the operations of the Country Housing Authority through a service agreement. The wind-up of the Country Housing Authority will achieve administrative efficiencies by removing the need for a separate board and reporting requirements for the relatively small number of existing loans in place. Although the Country Housing Act will be repealed, the bill will provide the Keystart GTE with functions that will enable it to continue to facilitate the provision of housing in rural areas.

The bill will also provide the required functions and powers to ensure that Keystart can continue its important role in facilitating home ownership for Western Australians. These functions will allow new products to be developed as the housing market evolves and will enable Keystart to provide financial assistance to support new housing developments. Additional functions connected to housing can also be prescribed in regulations to provide flexibility for future activities to assist Western Australians with housing.

The existing Keystart group of companies and trust will continue to operate until all preparatory work for the transition is completed, with the aim that the Keystart GTE will commence operations on 1 July 2025. When the preparatory activities are completed, the transfer of the assets and liabilities of the existing Keystart and Country Housing Authority to the new Keystart GTE will occur predominantly by way of a statutory transfer order made under the bill. Following the statutory transfer order and the commencement of operations of the new Keystart GTE, the existing Keystart companies will be voluntarily deregistered and the Country Housing Authority will be wound up. This bill will fulfil the government's commitment to enhancing Keystart's role and ability to efficiently assist Western Australians in achieving their home ownership goals and will provide mechanisms that the government can utilise to increase affordable housing supply.

A significant amount of due diligence has occurred to ensure that the benefits of the bill and the changes to Keystart's structure can be realised without impacting on Keystart's operations or customers. Transitioning Keystart into a GTE through this bill will have the benefit of ensuring consistent treatment of Western Australian government-owned entities by holding Keystart to the same standards, under the same legislative and regulatory governance, as other GTEs.

I would like to close by acknowledging the strong engagement of Keystart, policy agencies and central agencies in developing this bill and the ongoing support that the Keystart board and its chief executive officer have provided throughout this process.

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

[See paper [3736](#).]

Debate adjourned, pursuant to standing orders.

House adjourned at 6.39 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

SCHOOLS — RESTRAINT USE — COMPLAINTS

2127. Hon Dr Brad Pettitt to the Leader of the House representing the Minister for Education:

I refer to the use of restraint practices against children in Western Australian primary schools from the period of January 2020 to June 2024, and I ask:

- (a) how many complaints has the Department of Education received to date, from parents regarding the potential use of restraint practices against their children in Western Australian primary schools during the relevant period;
- (b) will a breakdown of the nature of the complaints at (a) please be provided, including the type of restraint, how long the child was restrained for, how many staff were involved, and whether the child's family were debriefed about the incident;
- (c) how many of the complaints at (a) are currently under investigation by the Department;
- (d) how many families of children subjected to these restraining practices during the period have settled their cases financially with the State Government; and
- (e) will the Department's processes for investigating complaints regarding the potential use of restraint practices against a disabled child please be provided?

Hon Sue Ellery replied:

- (a) Complaints regarding the use of restraint practices are not collected at a system level.
 - (b) This information is not collected at a system level. Schools maintain local records.
 - (c) See answer to (a).
 - (d) There have been no cases brought to the Department of Education regarding use of restraints in this period.
 - (e) Yes [See tabled paper no 3734.]
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