



# Parliamentary Debates

(HANSARD)

FORTY-FIRST PARLIAMENT  
FIRST SESSION  
2023

LEGISLATIVE COUNCIL

Wednesday, 15 November 2023



# Legislative Council

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

## PAPERS TABLED

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

### IRON ORE ROYALTIES

*Amendment to Notice of Motion*

**Hon Dr Steve Thomas (Leader of the Opposition)** gave notice, pursuant to standing order 62(a), of an amended form of motion 15, Government Budget Surplus, as follows —

That this house —

(1) notes that —

- (a) the 2023–24 *Government mid-year financial projections statement*, also called the midyear review, released in December 2023 has again shown that the Cook Labor government has underestimated state revenue for this financial year, especially iron ore royalties revenue;
- (b) the latest figures are again predicting a multibillion dollar surplus for Western Australia; and
- (c) Western Australian residents and families continue to struggle with higher costs of living while the Cook Labor government continues to roll in and flaunt its wealth, which it owes to high international iron ore prices rather than its own financial management.

(2) calls on the Cook Labor government to urgently do more for struggling Western Australian residents and families.

### SPORTS AND ENTERTAINMENT TRUST BILL 2023

*Discharge of Order and Referral to Standing Committee on Legislation — Motion*

**HON SUE ELLERY (South Metropolitan — Leader of the House)** [1.03 pm] — without notice: I move —

That the order of the day for the Sports and Entertainment Trust Bill 2023 be discharged, and the bill be referred to the Standing Committee on Legislation for consideration and report not later than 14 March 2024.

If people have familiarised themselves with it, this bill has been in force for some 37 years without significant amendment. It goes to the Western Australian Sports Centre Trust, and the proposed amendments go to the commercial, retail and promotional activities that are essential to the use of venues and precincts delivering sport, recreation and entertainment outcomes for Western Australians, and world-class training and competition venues for various sports. The government sees value in referring this to the Standing Committee on Legislation.

**HON DR STEVE THOMAS (South West — Leader of the Opposition)** [1.04 pm]: President, I nearly fell over with shock at the motion we just had before the house to refer something to the Standing Committee on Legislation. I hope that the legislation committee can find time in its busy schedule to examine this legislation. I hope that the hardworking committee enjoys its investigation, and I hope that this is the beginning of a new trend of the government referring legislation to the legislation committee to give it something to do. Congratulations! Let us see a bit more of it.

**HON PETER COLLIER (North Metropolitan)** [1.05 pm]: I am gobsmacked by this. Let me see. President, can I just say a couple of things about this. Of course, we will support it. It will give the dire straits committee something to do. The committee members have been getting money for nothing for the last three years.

I do not mean to be flippant about this, but I cannot help but be flippant. The reason I am disappointed is that in normal circumstances, as the President is aware, I would have used the opportunity to bring down the government with the Sports and Entertainment Trust Bill 2023, but because Hon Samantha Rowe is one of my favourites, I was not going to do that. I was going to leave that for another occasion. Having said that, it has been an ongoing source of amusement around here that I have been waiting to deal with this bill for about the last three months. I have told the government on multiple occasions that it would take me 10 minutes, maximum, to deal with this bill and we will not go to Committee of the Whole. It is not an issue; it is an absolutely innocuous bill. It is making just a few refinements to VenuesWest et cetera. It is not a complex bill.

In a way, now I am thinking about it, I have to say that this is a bit disappointing because we are witnessing yet again the Labor Party's contempt for this chamber. The party is very exposed on the legislation committee—very

exposed—because the Labor Party has not on one occasion during this term of government sent a bill to the legislation committee. That is a shame because, as long-term members will know, that committee does a really good job. It comes back with recommendations that get bipartisan support more often than not, and then that legislation has a seamless transition through the chamber. That has not happened this time. There have been multiple occasions when very complex legislation would have really relished and benefited from going to the legislation committee but has not gone there. For example, the Aboriginal Cultural Heritage Bill would most definitely have benefited from that, or the Electoral Amendment (Finance and Other Matters) Bill, which we have just spent a week and a half with, would have benefited from it.

No; the government decides to put this piecemeal little innocuous legislation through to the legislation committee. I will be fascinated with the recommendations from this committee. I will be fascinated by the members of the community with whom the committee will ask to have hearings. I would love to find one person. I have a lot to do with the sporting community, I can tell you; sport is very much an essential part of my life. I do not know of one person or interest group that is remotely concerned about this legislation. It is just extraordinary.

I was staggered that the bill was not part of the legislation that the Labor government gave to the opposition to get through before Christmas. I said to Hon Dr Steve Thomas when we were working this out, “Look, mate, give me five minutes—10 minutes, max—on this bill. I will not go to Committee of the Whole; it needs 10 minutes maximum.” The government could have wrapped this up. Honestly, I would have stayed last night for another five minutes and got it through for the government; I would have. But, no, all of a sudden, the government has decided that the bill will go to the legislation committee. The government makes a mockery of this place. The Labor Party has neutered us because now we cannot go out and say that the legislation committee has not had any legislation. They will go, “Scoreboard! We have got the sports bill that we sent off there.” Do members know what I am going to do? I will sit in the public gallery and watch this. I will have a look at what this committee does with this legislation; I really will.

**Hon Kate Doust:** You can sub onto the committee, member.

**Hon PETER COLLIER:** Thank you, Hon Kate Doust. Hon Kate Doust is one of the few members of this chamber who can speak with authority on this issue because she has served on multiple committees and really values the use of committee work. I have just come from working with our wonderful team on the hardest working committee in the chamber, the Standing Committee on Estimates and Financial Operations. We had a bit of a robust hearing today and it was great. Ultimately, that is the role of the committees. Not only that, we had an inquiry into homelessness. We have had multiple agency report hearings. We have had multiple hearings with various agencies. We do not stop working because that is the value of the committee system in the Legislative Council. But the poor old “Nelly and Nigel No Friends”, otherwise known as the Standing Committee on Legislation, do not do anything. They have done nothing, but all of a sudden they will have this arduous task to do, and that is to look at this innocuous bill. I notice there was not a reporting time on that, was there?

**Hon Martin Aldridge:** There is.

**Hon PETER COLLIER:** What is it?

**Hon Martin Aldridge:** It is 14 March.

**Hon PETER COLLIER:** You guys are going to have a whale of a time over the Christmas break! You really are going to have a whale of a time. We are about to rise. Let me just get this —

Several members interjected.

**The PRESIDENT:** Order! I would like to bring the chamber back to some level of civility.

**Hon PETER COLLIER:** Let me get this straight. We rise in just over two weeks. I assume the committee will not sit after that. Remember we can go on long service leave for three months in the Legislative Council. We do not come back until the end of February. When will the committee hold its hearings? Will it have hearings? This is gobsmackingly amusing.

Having said that, I wanted to make the point that I am the shadow minister responsible for this legislation. I want it on the public record that I have stated consistently to the government that I will take 10 minutes, maximum, on this legislation. I will not cause the chamber to go into committee on this legislation. It is not required. The bill will effect some changes to VenuesWest and the board and that is all it is, and the government is sending it to the Standing Committee on Legislation. That is the amusing part of it. The serious part is that I really wish the government had picked a bill that was worthy of going to the Standing Committee on Legislation. I wish the government had picked a bill that could have been scrutinised and improved as a result of going to that committee, because this one will not be.

I will sit in amusement at the mass of recommendations that come back from that committee. Then, of course, as the fine legislator that I am, I will consider them and determine whether as a party and an alliance we will support them, because then and only then we might have to spend hours upon hours in the committee stage going through

the recommendations of the committee. It would be laughable if it were not so serious. Suffice to say, as the shadow minister responsible, the alliance will support the referral but I just am really disappointed that the government chose this bill amongst the multitude of more complex bills to refer to the Standing Committee on Legislation.

**HON MARTIN ALDRIDGE (Agricultural)** [1.13 pm]: I want to make a few remarks on the referral of the Sports and Entertainment Trust Bill 2023 to the Standing Committee on Legislation. The first thing I note is that we would have dealt with the bill in the time that we have dealt with the referral. Nevertheless, it is interesting. I listened intently to the Leader of the House speaking to this motion to refer the bill. I have lost count of how many motions to refer bills to the Standing Committee on Legislation have failed, but I think the primary defence of the government in objecting to a referral of a bill to the committee has been that, in its view, the mover of such a motion has failed to articulate the reasons for the referral to occur. I disagree with the assessment, but I do not disagree with the principle that value is added to the committee that is to consider these matters if there is some ventilation of the issues, the concerns, the potential problems and the risks that we would like the committee to specifically examine. Obviously, it does not curtail the committee's ability to look at whatever it likes, but it helps guide it.

All I have heard from the Leader of the House today is that this will amend an act that has not had significant amendment for 37 years. That was it. So by the government's own standard, by the government's own test, this bill should not be referred. There is still time in this debate for another member of the government to perhaps better articulate than the Leader of the House's articulation about why this bill should be examined by the Standing Committee on Legislation, particularly in the context of the remarks that have just been made by the shadow minister responsible for the bill.

Another thing that I would like to add is that in addition to the many bills that have been prevented from being considered by the Standing Committee on Legislation, including the Electoral Amendment (Finance and Other Matters) Bill 2023, which is on the notice paper today, and I will have more to say when we get to the third reading, the government has denied motions moved by the National Party to establish select committee inquiries into natural disaster management in Western Australia and, just last week, into the shutdown of the native forestry industry in Western Australia. The government has denied committee examination of those two very important matters facing Western Australia. But never fear; the government believes the highest order for a committee examination is the Sports and Entertainment Trust Bill 2023.

Question put and passed.

## CORONAVIRUS — GOVERNMENT RESPONSE

### *Motion*

**HON BEN DAWKINS (South West)** [1.16 pm]: I move —

That the Legislative Council acknowledges that some Western Australians were adversely affected by some state government COVID-19 policies.

This is not a controversial motion in any way. Regardless of whether members agree with what I say in the next few minutes, it is certainly not controversial. Premier Hon Roger Cook said in August, just a couple of months ago —

Of course we acknowledge that some of these decisions impacted on individuals negatively ...

Really in the way that this motion is framed, it is almost, we might say, a statement of fact. I know that Hon Roger Cook said that the policies that were introduced by the McGowan government during COVID were required to protect the wider community. This is where we run into big problems with individual rights and freedoms and things such as bodily autonomy. I would say individual rights and freedoms, such as bodily autonomy, are sacred and the importance of preserving them should override the whim of the government of the day. When I say "whim", I mean there is enough evidence in the words that have been said over that period to suggest that the vaccine mandate, for example, was to a degree—we can argue about how large a degree—related to political popularity.

Getting back to the tension between individual rights and freedoms and government influence, maybe that is something that is obvious to me and has become more obvious to me as my time here and speaking to individuals in the community has progressed. I do not necessarily wish to agitate this issue again, but maybe someone who is a Fabian Socialist does not understand the importance of individual freedoms. Maybe there is something in the article by Paul Murray that I previously referred to in the house, even though he did not actually mention COVID in it.

During COVID, the government said that vaccines were safe and effective and demonised anyone who questioned that. Anti-vaxxers, cookers and science-deniers were not to be tolerated in our society. These people dared to question how it could be known that vaccines were completely safe and effective if they had only just been developed. These people were aware of the usual practices of long-term clinical trials before a medication could be declared safe. They pointed out that the vaccine manufacturers had been given legal immunity from individual claims, with the federal government assuming liability for side effects. This indicated that the manufacturers knew that the

vaccines were not completely safe. These were reasonable points to make, but the viciousness with which people were attacked for pointing out the obvious was very disappointing to see. It turns out as we know now—this is not controversial—that the vaccines were not completely safe. Of course they were not. Many people who got the vaccine died of COVID. They were not necessarily effective to the degree that they said they would be. Surely mandating a medical intervention in a one-size-fits-all approach is not acceptable if you are not very sure of the outcome.

It is also another medical principle to do no harm. We were told that vaccines would stop the spread. We now know that they did not stop the spread at all. Almost everyone got the virus, and Pfizer, for instance, never investigated whether its vaccines would stop transmission. Maybe better scientific phrasing would have been that the vaccines could hypothetically limit the spread to less than it would have been without the vaccines, although we have no baseline to compare it to. But it would be hard to get onto a poster for a 15-second advert. The government chose to mandate vaccines based in part on the rationale that it would stop the spread.

When I say some people were harmed by the vaccine, I note that there has been a report done into the Western Australian government's COVID response. I have the report here. Even this report touches on adverse events from the vaccine. Page 77 of the *Review of Western Australia's COVID-19 management and response* released in July 2023 states —

Rare side effects were observed after AstraZeneca was administered to Australians, including severe allergic reaction, blood clots, myocarditis and pericarditis ...

That quote is from the Department of Health and Aged Care. It continues —

Whilst small in number, these rare side effects contributed to some anxiety surrounding vaccination.

Well, hello! Of course somebody is going to be anxious. I intend to spend some of my time today looking at the mandates and the employment outcomes. I have a background as an employment lawyer, and I take a particular interest in how side effects, adverse events and mandates affected my constituents. As soon as this stuff became known, the vaccine mandates should have been dropped because the government knew it was doing harm. I do not really care how infrequent the government says these things were. When something unsafe, to any degree, has been mandated, does that not become rather evil?

In terms of the lack of controversy in this motion, the Australian government also talks about COVID-19 vaccines and cardiac inflammation through the Department of Health and Aged Care website. It has particularly been reported in males under 40 years of age. It actually says that there is a link between COVID-19 vaccines and the rare side effects of myocarditis and pericarditis. I seek leave to table this information.

[Leave granted. See paper [2825](#).]

**Hon BEN DAWKINS:** I return to the existing government report from July. I note that recommendation 29 states —

The WA Government should advocate for an expansion of the existing Australian Government COVID 19 no-fault vaccination injury compensation scheme ...

It refers to compensating people for injuries from vaccines. That is actually in the report here. I probably will not get an answer today because the Minister for Health is not here, but I would like to know for my constituents how the government is lobbying the federal government to expand the vaccine injury compensation scheme. That will probably be a question put forward later.

This material is from the website that refers to the government's COVID claim scheme. I seek leave to table the material, President.

[Leave granted. See paper [2826](#).]

**Hon BEN DAWKINS:** These things were also acknowledged in the vaccine safety report. I know Hon Peter Collier, Hon Nick Goiran and I are waiting for the next one. For some reason, the 2023 one has not arrived yet. However, even if we look at the *Western Australian Vaccine Safety Surveillance: Annual report 2021*—there are quite a few s's—we can see that there were 10 000 vaccine injuries in 2021 as compared with the previous year. It is not controversial to say that we have an issue to deal with here in our community.

I have spoken about pericarditis before. It is suffered by my nephew. His doctors linked it directly with the vaccine. Let us stop this culture of fear or of demonising anyone who wants to talk about the safety of the vaccine and, by extension, of the mandates. We have been told that these cases of damage that I have referred to are rare and that most people recover quickly and only have mild symptoms. Based on that statement, it would be reasonable to assume that some people did not recover quickly and that their symptoms were not mild. Indeed, some recorded symptoms were of death.

I put out a call on various channels asking people to contact my office if they wanted to share their COVID vaccine injury story with me as well as job losses associated with the mandates. The most common complaints from Western Australians who have contacted me over the last few days were heart complaints. They used to be fit and active, but the COVID vaccine weakened their heart tissue and their doctors advised them not to do too much exercise. That is what my nephew has been advised as well. He was a 35-year-old man at the time and a father of four. The vaccine was mandated and he was effectively coerced into taking it in order to continue his job in the mining sector.

There have also been a couple of reports of ongoing immune disease following the vaccination, including ongoing injection site pain, brain fog and general aches and pains. People are saying that their doctors are having trouble diagnosing what is affecting them, but they are sure that it was because of the vaccine because their symptoms started shortly after. Another very common report is that some people genuinely fear the vaccine for a range of understandable personal individual reasons. Being forced to take the vaccine caused potential mental health harm for them.

I am now going to read an email from Julie who contacted me in the last few days. This is getting on to the issue of the way that the state government dealt with its essential workforce, particularly police and nurses. Julie wrote to me saying that she was a hospital-based healthcare worker for 23 years and studied at university for five years as the basis of her healthcare career. Julie is not her real name by the way. She worked at Royal Perth Hospital for the last 17 years of her career before moving with her department to Fiona Stanley Hospital. She stated —

When the covid vaccine mandates arrived I refused the vaccines for 2 reasons;

... firstly ... I was reading evidence that the covid vaccines available could be harmful for me given my own health history.

We need to appreciate that individuals might have a health history that makes it unsuitable for them to get vaccinated. Her email continues —

The early evidence was showing that they did not stop you catching or transmitting covid, and that they were not safe. This ... has ... become stronger as time has gone on. I kept waiting for the vaccines to be withdrawn from the Australian market given the growing evidence of adverse events, but this did not happen.

Julie continues in her email —

The second reason was that mandating a medical procedure was completely against medical ethics.

This nurse has 23 years' experience in the health sector and this is her take on the matter. She goes on to write that the mandates have been lifted, but for 17 years she worked in a very specialised role and her position has been given to somebody else. She states —

It is ... quite difficult for me to return to healthcare because the positions available in my area of expertise are so limited.

... I spent many months in 2022 and early 2023 cleaning houses but I now have a casual job driving trucks on the mines —

That is good. She writes that there are so many stories like hers. I could go on.

During the pandemic, the public sector workforce—nurses and doctors in particular—were totally mismanaged. A public health directive does not override the non-delegable duty that an employer has to an employee. I think 47 police officers and several thousand nurses did not want to be vaccinated. As we know, they have been sacked or are in ongoing legal battles with their employers. An action group of police officers, led by one very brave and commendable young man—an experienced police officer of 15 years—has spent \$800 000 fighting to keep their jobs or obtain compensation, one might say, for having been sacked or disciplined over the vaccine mandate.

It is an absolute disgrace when people who want to maintain their existing rights and freedoms have to spend that amount of money in the legal system to get any recognition from the government. It is also disgraceful that the previous Premier of this state, the previous Minister for Health and the previous Commissioner of Police treated their employees in that way. The idea of terminating experienced, trained and valued critical workers for choosing bodily autonomy over mandatory vaccination is evil, completely dumb and commercially irresponsible, given the workforce issues with those people at the time, Hon Peter Collier, particularly in the Western Australia Police Force, for example, and with the nurses. Yes, we are now struggling for numbers in those professions, yet we treated these important workers with such contempt at the time. Many have now been lost from those professions forever.

Our courts and our industrial tribunal laws around employment are totally insufficient to deal with those circumstances. What I would say about this is that we should use the standdown principle if people cannot be usefully deployed in the workplace through no fault of their own. That principle exists in our employment laws and that is what should have been applied in that case. Employees who refused to be vaccinated should have been allowed to stay at home, either paid or unpaid, because it was not their fault. We get back to that word “fault”. A standdown applies when the individual is not at fault. It is not the individual's fault that they chose to maintain their personal freedoms and not have medical treatment forced upon them. Why in God's name did we sack people who found themselves in that circumstance? It is insane. It was not their fault. They should have been redeployed at home, paid or unpaid, working or not working. It does not really matter. I know that JobKeeper does not apply to the public service, but the whole idea of JobKeeper is for it to be used when an unforeseen event like a pandemic comes along. The Chief Health Officer can say what they want, but it should not have overridden the employer's duty to deal fairly with their employee.

During the pandemic, it might have meant that the people who were hesitant about getting vaccinated could work from home. I am sure that police officers could have reviewed some cold cases from home, or the nurses could have developed training modules for nursing students. I am sure there is plenty that they could have done at home. In that sense, it could have been a form of public service JobKeeper with employees working from home, either paid or not paid, and either doing other duties or not doing duties, but the problem was not theirs. All they are doing is choosing not to have medical treatment forced upon them, and they should not have been made into pandemic scapegoats. It is like a director's duty. It is a non-delegable duty that Mr McGowan, Roger Cook, the Department of Health and the Commissioner of Police had, and they failed those employees terribly. Those people cannot delegate responsibility for the fair treatment of employees to the Chief Health Officer and then say, "Look, he made us do it. He made us sack valued, frontline critical workers." That is not how it works. The responsibility for treating those people fairly rests with the employer. It cannot be delegated.

We need to conduct a proper review. I have highlighted some of the recommendations from the existing July 2023 report that need to be further looked at, including the federal government's compensation scheme for vaccination injuries. We also need to look at fairer ways of dealing with people so that we do not destroy people's lives when all they want is to simply maintain their right to bodily autonomy.

The first step to honestly evaluating the true impacts of the government's COVID policy is to acknowledge that some Western Australians did, indeed, suffer. I commend the motion to the house.

**HON WILSON TUCKER (Mining and Pastoral)** [1.37 pm]: I rise in support of this motion. The wording of the motion itself is fairly innocuous and common sense when we talk about the fact that members of the Western Australian public suffered adverse outcomes during the pandemic. That statement alone is quite difficult to argue against. I will say from the outset that the McGowan government did a good job for the most part in managing the pandemic, but we have seen some recent examples in which the government has not been perfect, and the Aboriginal Cultural Heritage Bill is certainly an example of that. I feel that better outcomes are achieved for the Western Australian public when the government, rather than obfuscating or trying to cover up poor decision-making, takes ownership of those decisions and potentially pivots to a new direction. That is what we have seen happen with the Aboriginal Cultural Heritage Bill. Hopefully, the amended legislation will be a good thing. When we talk about the previous iteration of the bill, it cannot be any worse.

We know that the government is not infallible and that certainly applies to its handling of the COVID pandemic as well. The recent *Review of Western Australia's COVID-19 management and response* is a free kick or an own goal for the government. One of the adages I have learnt in this place is that it takes a member three years to learn what they are doing and then they are up for re-election. The other one is that a member should not form a committee unless they know the outcome of that committee. That is what we have seen with the COVID report. It is a free kick for the government. It really gives the government a glowing endorsement for its COVID management and handling. I have said that I agree with a large part of the report, but it sidesteps a lot of the more auxiliary decisions and actions that the government took during the pandemic. I think that was a missed opportunity. The government could learn by its actions, hopefully rectify those mistakes and put a plan in place moving forward if, heaven forbid, we encounter another pandemic and a situation of that complexity in the future. They were certainly unprecedented times and very difficult to navigate. When we talk about getting the entire Western Australian public on board and trying to encompass the needs, wants and desires of everyone in the community in decisions on how to handle the pandemic, we realise that it is a very difficult and complex beast to navigate.

I will briefly share my experience of the pandemic. I was living in the United States under President Trump. Members can imagine some of the misinformation and certainly disinformation that was being floated in the US at the time. There were a lot more liberties under the conservative government in the US around individual freedoms and the ability to travel within the US. For better or worse—I am not endorsing the US government's response during the pandemic—as an individual, I was allowed to travel within the United States. After spending about eight months glued to my desk, working remotely in my apartment, staring at a screen for over 10 hours a day, I think I went a little crazy so I exercised that option and travelled around the US a little. I tried to take some appropriate precautions. I got COVID during that time. I had an unvaccinated dose of the Delta strain. I would not suggest that other members follow in those footsteps. From memory, I was probably the sickest I have been. For two weeks, I had what felt like a very serious case of flu. I consider myself fairly fit and healthy. I had a lot of respiratory issues. I can imagine that for the elderly or those with other health concerns, those symptoms would certainly exacerbate their situation. It was certainly not an easy time, but there were certainly more freedoms in what we could do at the time.

**Hon Martin Pritchard:** How many people died in America?

**Hon WILSON TUCKER:** I am not sure. I am not condoning the response in the US. The member can have a stab at it. I cannot remember the number. It was huge and it was devastating for the community.

Coming back to Australia, my first port of call was the New South Wales border. I was in hotel quarantine for two weeks. I am sure some members have done the same. It is obviously a very isolating experience. During that isolation period, I think I was PCR tested on a daily basis. Given that I had COVID antibodies, I tested positive. There



were not that many active cases of COVID in the community at the time so it was kind of a big deal. I was staying in the Hyatt, which I think is a five-star hotel. Very quickly, I was transferred to a health hospice, going from five stars down to probably one star. The only interaction I had with people at the time was with nurses wearing HAZMAT suits arriving in the morning and at night to test me. A panel of doctors needed to assess my case. They could not determine whether it was a passive case and the antibodies were fighting off the infection or an active case of the coronavirus, which meant I could not be released into the community. It was quite stressful to go through these hoops to hopefully get to WA before the border shut, which would have meant quarantining in NSW and then quarantining again when I arrived in WA. Basically, that would be four weeks of isolation. In my opinion, two weeks was enough; four weeks would certainly have been very difficult.

On coming back to WA, it felt like I was in a bubble of freedom. For the most part, for someone in their formative years who is retired, whose world view is one in which everything they know and everyone they love is in WA, they would certainly be happy with that situation. They have their caravan, their dog, their husband or wife and their four-wheel drive and the rest is history. They can stay in this state in relative freedom for as long as necessary but if they have a different world view, they like travelling and they have friends and family in other jurisdictions, it is certainly a different experience. These are the competing interests that the government needed to weigh up at the time. It was an unprecedented situation and certainly one that was difficult to navigate. There will be adverse outcomes regardless of the decisions taken by government. It is a lose-lose situation for government.

In the time remaining, I will not speak about the vaccine mandates or the border closures, other than to say that the last border closure in January 2022 was a mistake. We have not yet seen the modelling, so I do not think the gold standard of transparency was there. It was claimed that hundreds of lives had been saved. That was potentially the case, but it would be nice to see that modelling.

Mandates and border closures aside, I would like to take this opportunity to talk about the ancillary decisions and actions that the government took. First, I will refer to G2G permits. The police had an unprecedented level of discretion for granting and denying G2G applications. There was not really any oversight and there has been no inquiry into the system and the authorisation by police officers, ministers and members of Parliament on who basically got the tick and who was denied entry at the border. I spoke about the case of Hannah John during the pandemic. Hannah is a nurse who was coming to WA to work in a Kalgoorlie health service. In response to an ABC article, I reached out and had a couple of conversations with Hannah. Her application had been denied multiple times, despite the fact that she provided all the necessary paperwork. She had a house lined up, her partner was in Kalgoorlie and she had a job offer from the health service, which desperately needed workers. For over four weeks, Hannah was basically stuck in a queue without much information on why her application had not progressed.

It took an ABC article being published and a response from the Minister for Health at the time, Hon Roger Cook, before Hannah's application was approved. The only response by a health official into that incident and why Hannah's application had taken so long to be approved was that a glitch in the G2G system had been fixed, which the Western Australia Police Force was made aware of only the day before, and Hannah's G2G application had been approved. Hannah's case was not an isolated one. She was adversely affected by government decisions and by a system without any oversight or accountability baked into it. A number of people were fighting the complexity and the black box of the G2G system. No more information has been forthcoming around the number of people who were adversely affected by the G2G system, which is obviously an issue in its own right.

The other point I would like to make about the G2G system relates to the promises by the health minister and the Premier that the health and private information collected as part of a G2G application would be used only for health-related purposes. We know that was not the case. The police accessed that information on several occasions during inquiries. Some legislation came in after the fact to try to close that loophole, which is a massive erosion of trust. That information is still being stored under the State Records Act 2000. I believe that under that act, information can be stored for 25 years, which is obviously longer than it needs to be stored or used. That is another issue. There was a misplaced trust element there, which certainly caused anxiety and eroded trust in public institutions and in the Premier who made that promise to the Western Australian people at that time. We are still waiting for overarching data privacy legislation to ensure that future actions with applications by the government or similar will not occur in the future.

Given the time, I will probably leave it there and let other members speak on the mandates and borders. When we talk about the G2G application, I think it is a clear case of people who have been adversely affected. The really troubling part is that we do not know how many people were adversely affected, but the actions of the government caused a lot of anxiety within the community. As I said previously, the government, for the most part, did a good job in this space, but I think we missed an opportunity in our COVID-19 response to take a proper deep and meaningful look at the actions of the government, learn the lessons and try to not repeat the sins of the past.

It was a missed opportunity, and that is why I support this motion. The first part is to acknowledge that there were adverse actions and that people in the community were adversely affected; that is a no-brainer. I think the first step is acknowledgement and the second step is to try to rectify the problem and learn from those mistakes.

**HON STEPHEN DAWSON (Mining and Pastoral — Minister for Emergency Services)** [1.51 pm]: I rise to make a contribution to debate on the motion that is before us today. I was a member in this place at that time, in early 2020, when it seemed the world had gone crazy. I vividly remember at the time seeing pictures of people in HAZMAT suits in New York burying bodies in mass graves; it was quite extraordinary. This was something the like of which we had never seen before—certainly not in our lifetime—and I hope we will never see it again. Those of us who were in this place at that time, both in government and in opposition, had some extraordinary decisions to make very, very quickly—overnight. Those of us who were here will recall sitting late, waiting for legislation to be drafted to deal with straightaway, to keep people alive.

I have seen a couple of figures in relation to how many deaths have occurred around the world since February or March 2020, and they vary between seven million up to about 14.9 million; that is the figure that the World Health Organization uses, which relates to excess mortality—both people who died directly from COVID-19 and people who died from complicating factors linked to COVID-19. Those are extraordinary, mind-blowing numbers. The fact is that people around the world lost loved ones and, in some cases, their whole families to COVID-19; that is quite extraordinary.

We had some tough decisions to make in Western Australia, undeniably. Did we have a book on the shelf, “How to Deal with Coronavirus Pandemic”? No, we did not. We had pandemic plans, but to be honest the last pandemic the state had seen was 100 years earlier, so no-one, anywhere around the world, was ready for this. Of course, people shifted gear straightaway and state and territory governments around the country, and the commonwealth government, really did work in lockstep. We took advice from those who know best; we took advice from medical professionals, and decisions were made. Yes, rights and liberties were taken away from people. That was quite extraordinary, but those decisions were made in the interests of keeping people alive.

As I said, we worked in lockstep with the commonwealth government. There were only a couple of issues, with regard to borders and Clive Palmer, but aside from that, we really did work together. Regardless of whether the colour of the party was blue or red, all around the country people worked together to keep people alive at that time.

Did everything go right? Well, there were certainly learnings to be had, and that is why we instigated the *Review of WA's COVID-19 management and response*, which was undertaken by Hon John Day, a former Liberal member of Parliament in the other place; Emeritus Professor Margaret Sears, AO, a distinguished public servant and former Deputy Vice-Chancellor of the University of Western Australia; and Dr Michael Schaper, who was a former deputy chair of the Australian Competition and Consumer Commission.

**Hon Peter Collier:** He used to be a student of mine.

**Hon STEPHEN DAWSON:** Did he? Well. The member must have been in his early years, because I would have thought he was close to the member's age.

**Hon Peter Collier:** When I started, with Michelle Roberts.

**Hon STEPHEN DAWSON:** Yes, right.

These are three eminent people, and they went about their work, talking to various stakeholders. I have the report here, and in the appendix there is reference to the stakeholders that they spoke to to get feedback. They did not look at things through rose-coloured glasses; there are parts of the report where they talk about what they heard from people. I will quote from a part of the report where they talk about vaccine mandates and what the inquiry heard. It states —

Vaccine mandates, their efficacy and concerns regarding adverse reactions, were significant themes raised throughout the Review, with more than 70 per cent of public submissions focused on these topics.

The vaccine mandate received substantial criticism in some public submissions as an imposition on individual freedoms, while other submissions raised concerns about the safety of COVID-19 vaccines and the incidence of adverse events following immunisation.

The Review has noted the strength of the opinions voiced against vaccine mandates, both within Australia and abroad, while also noting the view of senior Government officials that imposing a mandate was a tough decision, but nonetheless warranted in terms of prioritising the safety of Western Australians.

The Review heard from many stakeholder groups who praised the WA Government for introducing the vaccination mandate. Medically vulnerable people, residents of aged care and their families, and the disability sector all voiced their support for the mandate and the role it played in protecting vulnerable cohorts. There was also strong support for the vaccination program being free.

I spent my first four years as a minister as Minister for Disability Services in the McGowan government, and in 2020 there was certainly a heightened sense of anxiety amongst the disability community, because we all saw people dying around the world from COVID-19. People with disability need to access community services; sometimes they need to have people in their homes, delivering services; sometimes they need to go to not-for-profit service providers to access those services. They, being immunocompromised, did not want to access those services. They

did not want strangers in their homes. They did not want the people that they worked with a few times a week coming into their homes to deliver their services; nor did they want to leave their homes and risk catching COVID-19 from someone.

It was an extraordinary time and, as I said, I hope we never have to face a time like that again. Difficult decisions were made at the time, but those decisions were made in the best interests of the people of Western Australia. Of course, we did not make those decisions in isolation; as I said, we worked with the commonwealth government and with other states and territories, but we also, in the main, followed decisions that were being made by other countries around the world.

We did not do everything the same; we did things differently in Western Australia. Early on, we took the decision to put up the border. I heard that Hon Wilson Tucker was not happy with the fact that we had a hard border, but for those of us who were here at the time, aside from the fact that we could not fly overseas to Ireland or wherever to visit our families and friends, our lives were pretty normal in this state. We did not see the death and devastation that countries like the US saw. We did not see people being buried in mass graves on Hart Island, New York; that did not happen here. Whilst most of us probably have had COVID-19 since that time, we did not see the numbers of deaths that other places did, so that is something we can be proud of.

As I said, a review was undertaken and it examined what parts of the state's COVID-19 response worked well and what could be improved on. As I said, although there was no blueprint or book on the shelf for dealing with COVID-19 back then, we want to make sure that, moving forward, there will be advice and a manual so that people in the future can say, "You know what? In 2020 to 2022, the world went crazy, mad. People died, but if this is going to happen again, at least there is a body of evidence that suggests what should and should not be done in the future to deal with it." As I said, we wanted to leave a guidebook or blueprint for future governments on how to manage a pandemic and what tools are most effective. Of course, pandemics all have their own characteristics. This pandemic was not the same as the one 100 years ago, and I daresay a pandemic in 100 years' time will be different again, just as COVID had different variants resulting in different responses and different public health and social or societal measures.

I am pleased to report that, overall, the review reaffirms the approach that was taken in Australia to managing COVID-19. That includes the quick action taken to mobilise emergency management structures, leveraging our geographic isolation through border controls to restrict COVID-19 case numbers and maintain a strong and vibrant community. I recall that, post-the lockdowns, I talked to colleagues interstate and they said, "Oh my God! You people in Western Australia; I feel so sorry for you!" But, actually, you know what? For the most part, our lives were virtually unchanged. Yes—some people might have had reactions to the measures taken, and that is terrible, but for most of us, our lives were unchanged. We did not have our kids at home for months at a time because they could not go to school or hang out with their friends. In Western Australia, they could. They could not go and see grandparents on the Gold Coast, which again was terrible and caused grief for families, but, for the most part, our lives were unchanged here, unlike in Melbourne or other places around the world. At that stage, we were the first state to complete an independent whole-of-government review into COVID-19 and how we managed it in this state. I hope that the report's findings benefit future generations to come; I think that they will.

What did the report find? It found that we performed exceptionally well during COVID-19 from a not only health but also social and economic perspective. The independent review goes into detail on each of those elements and makes a number of recommendations for future governments to continue the approach that was taken during the COVID-19 pandemic. The review also identifies several opportunities to enhance our ability to respond to future pandemics and made 35 recommendations, which the state government has indicated it supports. Notably, the report recommends that current and future governments should continue to consider the trade-offs between health, economic and social outcomes when making future decisions on public health and social measures such as border restrictions. I think that this is an important recommendation. Governments really cannot make emergency decisions through the prism of single issues, or, indeed, individual circumstances. We have to take all factors on board, consider them, and then do what is right for the collective community. That is a tough —

**Hon Ben Dawkins** interjected.

**Hon STEPHEN DAWSON:** The member can sit there and smile and laugh; he was not here! He was not here in this place when we were making these decisions.

**Hon Ben Dawkins:** Have some empathy for the people!

**Hon STEPHEN DAWSON:** You were not here!

**The DEPUTY PRESIDENT:** Order, members!

**Hon Ben Dawkins** interjected.

**The DEPUTY PRESIDENT:** Order!

**Hon STEPHEN DAWSON:** I certainly have empathy! How dare you!

**The DEPUTY PRESIDENT:** Order, members!

**Hon Ben Dawkins:** Have some empathy!

**The DEPUTY PRESIDENT:** Order!

**Hon STEPHEN DAWSON:** Honourable members can sit and smirk and smile or laugh in this place, but the fact is we made tough decisions to keep people alive in Western Australia. As I said, 15 million people around the world died. That did not happen in Western Australia. Although we lost people, and every life lost is tragic, we did not see the death and devastation in this state that other places saw, and that is a result of people in this place on all sides of the chamber taking the issue seriously and voting, sometimes late at night, on laws that we thought could keep people alive and safe and we thought could keep the economy going. All those things were under consideration.

There are always hard decisions to be made in government or, indeed, in Parliament, but I do not think I or any of us had ever before countenanced the severity of the decisions we were making at that time. In my time earlier in the pandemic as the Minister for Disability Services, and later as the Minister for Emergency Services, no decision was made lightly. Of course, we acknowledge that some of those decisions had an impact on people's lives and impacted some people negatively, but, as the report shows, governments have to balance these decisions. They have to balance what is right for the community and protect the wider community. I think that is one of the key defining roles of government—that is, that it governs in the interests of all Western Australians.

The review suggests that all government agencies should schedule regular reviews of crisis management and business continuity plans. This has to be a key part of our planning and hazard response for the future.

The report recommends that, should we face another pandemic, the government of the day should again establish an emergency management team when a state of emergency is called. This is in addition to the emergency management structures that are already in place through legislation that we have in Western Australia. Again, this was an important feature of our management of the pandemic. The then Minister for Health and the Premier, together with the Chief Health Officer, the Commissioner of Police and other advisers, met daily, sometimes on multiple occasions in one day, allowing clear, precise, and, indeed, what I think was timely decision-making to enable them to respond appropriately, and I think that is exactly what is needed in an emergency. That gave us the ability to communicate and action those decisions across government and through to the wider community. The review also recommends that government reviews the pandemic elements of our emergency legislation so that we have a fit-for-purpose framework for future pandemics. That is something we are keen to do.

Of course, another decision that we made that we have been condemned for was to provide rapid antigen tests to the community. Through the WA free RAT program, we distributed millions of rapid antigen tests directly to households, schools and community groups. That had an impact on our community and on the numbers of lives lost. I think it was essential to provide those tests to households. If people were feeling unwell, the tests gave them confidence about whether they had COVID. They made us all be safer and, because they were free, we could make decisions and not have to think about whether we would buy a RAT or food to eat. It has undeniably been a tough few years for everybody. This is a good motion to have in this place, because there is no problem with talking about COVID-19, and there is no problem acknowledging that there was not a manual on the shelf for every decision we needed to make. Sometimes it was the first time that decision had been made in the history of the state. Decisions had to be made at the time, but every decision was made in the best interests of the state and of Western Australians.

I think the *Review of Western Australia's COVID-19 management and response* is a good one. I thank Hon John Day, Emeritus Professor Margaret Seares, AO, and Dr Michael Schaper for the effort they put into the report; equally, for the breadth of their work and the fact that they spoke to people from all sides. Those people had different and sometimes diametrically opposed views, but the authors spoke to and acknowledged them and recognised their views in the report. It is a good report and I think it will serve us well for future generations.

*Amendment to Motion*

**Hon STEPHEN DAWSON:** Having said that, I want to move an amendment to the motion before us. I move —

To insert after “COVID-19 policies” —

and notes the findings of the *Review of Western Australia's COVID-19 management and response* found that Western Australia's successful management of the pandemic led to excellent health, economic and social outcomes for the population as a whole

**HON BEN DAWKINS (South West)** [2.09 pm]: I am very happy with the amendment proposed by my friend. I appreciate the hard work that Hon Stephen Dawson and others put in during the crisis. I have never said that there is anything inherently wrong with encouraging vaccination. I have never spoken about borders, isolation or lockdowns. I have spoken about none of those things. It is absolutely the case that Hon Stephen Dawson should congratulate his government for those aspects of what occurred.

**Hon Stephen Dawson:** I didn't mention Labor or anything; I just mentioned the government collectively.

**Hon BEN DAWKINS:** There is no need to cross-examine what I am saying; I am just saying that I do not have any problem with the state congratulating itself for the things it did correctly. I am happy to support the amendment to my motion. I note that it refers to social outcomes as a whole. Members will interpret it as they will, but I take that as an endorsement of my submissions today about individuals—everybody is an individual. I was hoping for a little more empathy from Hon Stephen Dawson. It happened to my nephew, so that is a personal circumstance. It happens to individuals. It happens to all our constituents. We should all have empathy for those individuals who have reported vaccine injuries and job losses.

The report from July 2023 refers to all the submissions about the harm caused to individuals that Hon Stephen Dawson referred to. I do not accept the premise that the so-called good of the population should override individual freedoms. There are other ways that it could have been managed. I have talked about standdowns and JobKeeper. There were other ways in an employment context to deal with this, rather than sacking good people and/or forcing them to have a vaccine that then created an injury. That is a legal liability issue. There were other ways of managing it. I said that people could be sent home, paid or unpaid, just as we did with JobKeeper. Nobody cared, but those people should have been allowed to make their own choices about the medical treatment they received. That is what Hon Stephen Dawson did not acknowledge. The report from July 2023 does not acknowledge it either. All those submissions were not published; they were just glossed over. They were covered in one paragraph: “By the way, people’s lives, health and careers were ruined because of the draconian overreach by the vaccine mandates in certain professions.”

I am happy to sing *Kumbaya* and agree to the amendment by Hon Stephen Dawson. In fact, one iteration of this motion contained something along the lines of “and let us do an even better job next time”. Since I have taken carriage of this issue for the constituents in my electorate, I have found that the fundamental thing, which Hon Stephen Dawson did not acknowledge, is that there were other options to deal with these people, rather than overriding their individual right to choose their own medical treatment. There were other options.

**The DEPUTY PRESIDENT:** Member, I am reluctant to interrupt, but, as you know, at the end of motions on notice, you get five minutes to reply to the debate generally. The question before the chair at the moment is whether the words moved by the minister should be inserted, and your contribution should be confined to the insertion of those words, not replying to every other argument.

**Hon BEN DAWKINS:** I will sit down. All I am saying is that, next time, we do it better and we find employment laws that enable people to make their own choices and not be sacked.

[Interruption from the gallery.]

**The DEPUTY PRESIDENT:** Order! There should be no interruption from the public gallery. I just give a general warning to those in the public gallery that the debate should be heard in silence. The question is that the words to be inserted be inserted.

**HON DR STEVE THOMAS (South West — Leader of the Opposition) [2.14 pm]:** The opposition is happy to support the amendment before the house. I was under some misapprehension that it was a replacement motion, but obviously I got that wrong. It is not; it is an addition to the motion. The substantive motion before the house is innocuous and unarguable; it is the debate that followed it that is problematic, and I will deal with that when we get to the substantive debate. In my view, the motion did not require an addition, but I have no objection if the government wants to make an addition. The member who moved the motion has also accepted it. I am happy to get on to the substantive debate.

Amendment put and passed.

*Motion, as Amended*

**HON DR BRIAN WALKER (East Metropolitan) [2.14 pm]:** I listened with great interest to both parts of the debate and my contribution is going to be a little bit technical. I was not in the house at the time that all these difficult decisions were taken; I was, in fact, practising at the sharp end of medicine, facing life-and-death decisions at the time. As the Deputy Leader of the House stated, at the time, the death rate in China was allegedly 10 per cent from the Alpha variant and we were seeing body bags. That would have been a terrible number of bodies to bury if this had gone on, and, if it had worsened, it would have been catastrophic. Therein we have the actual problem—that is, the fear that arises. I was in Hong Kong when we had the first SARS epidemic and there was a 2.5 per cent death rate. Bodies were, metaphorically, piling up in the streets because we could not bury them all in time. That is not a good sign for the public. The Americans left in droves. There was fear and panic. People closed down. Banks were shut. Panic is very easily obtained when these uncontrollable situations arise. I will ascribe to every member of this house the good intent to serve the people of this great state of ours—that every decision that was taken was taken with the best intentions. However, as we have also discovered, decisions were made that, with hindsight, might have been better.

As a seasoned medical practitioner, I have witnessed a spectrum of vaccine reactions, such as a sore arm and mild discomfort, but I have also experienced severe life-threatening injuries and emergencies, such as anaphylactic shock,

which is a lot of fun for a medical practitioner to deal with if they know what they are doing and they manage to save a life; it feels really, really good. However, that points out that vaccines are not without risk. My clinical experience ranges from administering vaccines to treating cases in which a vaccine has not been administered or has failed. I have seen one case of tetanus and one case of diphtheria, which basically means that the childhood vaccinations work. I have treated lots of people who have survived polio. That was in an age when the vaccine was not as widespread as it is now. Vaccines have saved lives, but what about vaccine safety and efficacy? I want to draw members' attention to that critical issue of vaccine safety and efficacy, particularly of the COVID-19 vaccines. The gravity of this situation deserves our utmost scrutiny, just as we recently rigorously reviewed the Electoral Amendment (Finance and Other Matters) Bill 2023 to eliminate potential corruption. We spent a lot of time considering that.

First of all, let me mention one vaccine that I have personally administered but never taken, and that is the Japanese B encephalitis vaccine. One-third of people who catch Japanese B encephalitis die, one-third have irreversible brain damage and one-third recover completely. We might expect that a vaccine should be given to all people at risk, but at the time I was giving this vaccine, there was a one in 400 chance of a severe adverse reaction. Adverse reactions could be severe allergic reactions and nervous system and cardiovascular side effects, but death was certainly one of the potential side effects of giving the vaccine. A vaccine is given to save a life, but when there is a one-third chance of dying—a significant, but not zero, chance of dying—as a result of the vaccine, that is a little bit of a problem. This dichotomy is not unique to this vaccine; it is a recurring theme in immunisation, which is one reason we need to have full medical disclosure and consent from the parties involved—the doctor and the patient.

The thalidomide tragedy taught us the importance of long-term safety studies, a lesson seemingly overlooked in the rapid approval of the COVID-19 vaccines. We can all agree to this. Despite my personal attempts to report adverse effects, there has been a troubling reluctance to acknowledge these concerns. Reporting these concerns to the agency has been actively discouraged. This discrepancy raises serious questions about the integrity of our health regulatory system. This is one area in which we, as a Parliament, ought to be looking. Are we really having security in our health regulatory systems? This is one area in which we have to have a close look at the pandemic because it is important to have a thoroughly tried and tested vaccine, and that usually requires 10 or 15 years of post-research study and testing. The thalidomide adverse effects were really brought home only after the drug had been brought into general use. Doctors then reported an accumulating increase in fetal abnormalities since the drug had been introduced. Such abnormalities were certainly also known before in very small numbers, but the rapid increase caused people to ask: I wonder why this happened? Doctors were actively involved in recognising and reporting the problem. That eventually led to thalidomide being identified and taken out of service for pregnant women, although it is still in use today.

I had problems reporting COVID-19 vaccine reactions. It was actually quite difficult, and it was made very clear to me that I was an unpopular doctor. If that is the case for me and I am sure for others, it is probably true to say that the actual relative risk of COVID vaccination in our country now is probably incorrect because the level of reporting of adverse reactions is not 100 per cent. I think that this is of immense concern. Am I alone in this?

We were told that COVID-19 vaccines would stop the transmission of disease and prevent death. Neither of these statements is true. I questioned the Chief Medical Officer about this, and he refused to give me details in this very house, claiming his advice was cabinet-in-confidence. We are told to trust a doctor, but the government's response was based on information that was not correct. The vaccine mandates we then got were predicated on the truth of these claims, which have been proven to be false. People have lost not just their confidence in the system, because of this manifestly incorrect statement, but also their livelihoods and homes because of their refusal to abide by what we now know were false assumptions.

Let us go on. It might be very hard to believe, but three senior editors of the *British Medical Journal* indicated that the studies that extolled the COVID-19 vaccines as safe and effective could not be trusted. Why? Because there is evidence of adverse event data having been hidden in similar situations. In our just completed rigorous review of the Electoral Amendment (Finance and Other Matters) Bill 2023, we discussed a major component, which was, of course, the shady donations to political entities that might reduce the potential for corruption if we managed to control them. We considered that of the highest importance, did we not? Let us compare and contrast that with the Department of Health now. The *British Medical Journal* has published that—I will say this quite slowly—all the drug regulators, like the Therapeutic Goods Administration, the Food and Drug Administration and counterparts in other major Western countries and in the European Union, receive the majority of their funding from the industry they are meant to regulate. A question was asked and answered in the European Parliament. The World Health Organization is now 80 per cent funded by industry and non-government organisations such as the Gates Foundation. I understand that our TGA appears to be 96 per cent controlled by big pharma. I could name names, but I will not do so here today. I am just pointing out that we have a systemic problem within our system, not just for the pandemic but also for general health in our great nation.

We need to look very carefully at how we are being regulated. As a person who works within the system, I can tell members that I do not trust them, and that is a sad state of affairs. I should be able to because they are designed to help us and keep us safe. The big revolving door for lucrative big-pharma jobs is not an uncommon career move

for FDA commissioners and others who hold health regulatory positions. This exposes our agencies. They are commanded to protect our public safety, but they manifest conflicts of interest and downplay the risk of adverse events. I first came across this when I was looking at the Vioxx and Purdue Pharma scandals; both were in the United States, and both resulted in over 100 000 deaths from drugs erroneously approved by the FDA.

I will go into some molecular biology—so I will bore members for a little bit—about why the COVID-19 vaccines are unsafe. It is because a pseudouridine-modified mRNA, or modRNA, is long lasting and produces far more spike proteins over vastly longer time periods of up to six months, according to one study. That is much more than the few hours that Pfizer, Moderna and the TGA informed us at the start of the vaccine rollout. It is six months, against a few hours. The lipid nanoparticle carrier envelope for the modRNA carries the gene code to every organ in our bodies; that is millions of cells that can be transfected and produce spike proteins. The TGA knew this as early as January 2021, and that was only discovered in a freedom of information release of the TGA's report on the Pfizer vaccine. An FOI was required to identify the problem that it was hiding from us. This is why we have adverse reactions that range from myocarditis to blood clots, neurological, autoimmune, skin, cancer and quite numerous other reactions. In the case of the AstraZeneca vaccine, it has an adenovirus shell encapsulated DNA code. The adenovector shell carries it through the bloodstream and into a wide variety of our body organs, which is why a wide array of adverse reactions were reported, including the cerebral venous thromboses that have killed quite a few people.

A few months ago, a gentleman came to my clinic with excruciatingly painful neuropathy. Despite every single symptom corresponding to the diagnosis of neuropathy, the neurologist refused to make that diagnosis. He could find no other cause, but he refused to ascribe this to neuropathy. This perfectly healthy gentleman, from one day to the other, developed sudden, excruciating neuropathic pain, but the neurologist refused to acknowledge neuropathy and refused to acknowledge that it could be a potential COVID-19 side effect. Yes, I did try cannabinoids; no, it did not work. Yes, he is considering suicide because he cannot live with his terrible situation.

In the US, teacher Brienne Dressen suffered the same neuropathies in the AstraZeneca phase 3 clinical trial. Her case was deliberately excluded from a paper in the *New England Journal of Medicine* that AstraZeneca used to say it was safe and effective and that was what the message was based on. She emailed the chief editor of the *New England Journal of Medicine*, who replied, telling her to go away. Go tell the FDA. He continued to allow the paper that stated that the AstraZeneca vaccine was safe to be printed in his very esteemed journal. He and the health authorities continued to base their decision to call it a safe vaccine on a paper that had excluded evidence of a serious side effect.

Something similar happened to an Argentinian lawyer, Augusto Roux, who suffered pericarditis in the Pfizer trial. His adverse reaction was also not reported in the *New England Journal of Medicine*, and the TGA based its report on evidence that was excluded. They were taking the data, excluding the unfavourable data, publishing that and saying it was safe. Both of these cases are described in the *International Journal of Risk and Safety in Medicine*, which, unlike the *New England Journal of Medicine*, does not receive industry advertising money. I think there may be a clue in that.

In the meantime, Ms Dressen, along with other unnamed scientists and clinicians, has set up a website. A few months ago, the website had compiled over 3 500 published studies of these gene-based vaccines' adverse reactions. It is simply not science for health authorities around the world to still call these modRNA and adenovector DNA vaccines safe. It is simply not possible.

Moreover, a comprehensive literature review by Australian and Swiss–German authors highlighted the synthetic, virus-like effects of gene-based vaccines, which cause illnesses similar to severe COVID-19. This raises concern about the long-term impact of these vaccines on public health. We ought to look at these things seriously because this scientific observation has so far not hit the public consciousness.

Myocarditis and pericarditis are officially accepted as adverse events of mRNA vaccines. However, officially, it is said that they are rare. I must be one of those rare cases because I have had myocarditis. When I attended my cardiologist, the staff confided in me they had seen a surge in the number of such cases but they had not been able to report them. They dare not report them. Prospective studies are few, but they suggest that silent cases are common. There was prospective study of 301 teenagers in Thailand who received Pfizer and 777 hospital workers in Switzerland who received the Moderna booster. Both studies involved careful questioning and investigations for myocarditis and pericarditis. They found the rate of myocarditis or pericarditis was 2.3 per cent in the Thai teenagers and 2.8 per cent among the Swiss hospital workers.

A majority of the cases were symptomatically mild or silent and would have been missed; the patient would have been sent home from hospital had they not had specialised scans. But in these cases—my case too—people possibly have long-term scarring of the heart muscle, and that is a plausible hypothesis for the apparent increase in sudden deaths. The scarring causes foci for later cardiac arrhythmias, particularly when someone is exercising or in the small hours before dawn when the adrenaline surge happens. That is something we ought to look at. We have an unprecedented rate of excess deaths, many of them sudden cardiac deaths, and also cancers in heavily vaccinated

populations and that correlates time-wise with lockdowns and the use of vaccines. The people who will look at this most closely are not governments or doctors; it is the insurers because they are the ones putting up the money to pay for the deaths. I have been speaking to insurance companies, and they have said that they have had to revise what they are doing because, based on the pure finances, there is a problem in our society, and it is one that we have not fully recognised.

I am not really going to address just now the mandated vaccines. I have not time to deal with that, but there is untold physical, mental and financial damage to our society. The government had to deal with these issues at a time of great stress and panic, and was given information that was faulty, through no fault of the people in this chamber or other chambers around the world. The information that was fed to the specialists to feed in to the government was not of the appropriate standard. We can see why there may well be concerns that it has not been fed in to the appropriate bodies because of a desire for financial gain on the part of those seeking to profit from a situation of panic in society. I can think of no other reason why someone would want to put out a vaccine and hide the potential effects, as Pfizer has sought to do, depriving us, the doctors, of the ability to give solid advice to our patients, which leads me on to a problem I have.

We doctors have difficulty in reporting to the bodies about the adverse effects. Also, if I happen to have a paper that suggests there is a problem with a vaccine and I mention it to my patient, I will, like many of my colleagues before me, be suspended from my work as a doctor because I failed to give the government line. This is a danger to the entire society. Doctors are no longer allowed to give the science, or one version of the science, as it appears in the peer-reviewed published press because it might conflict with what the government has said. The Australian Health Practitioner Regulation Agency, the government body, is now removing doctors from public service because they have dared to stand up for truth on the science. I beg the government to look at this most closely because if there is one group of people, apart from nurses, who need the trust of the public, it is doctors. If we are not trusted to tell the truth, the whole underpinning of the trust in doctors for the health of the society is going to be attacked. I cannot allow that to happen.

The necessity for a comprehensive, unbiased and uncensored inquiry into the vaccines is vital. We must uphold the ethics principles of transparency and public safety. It is our duty as representatives of the people. Having said that, I commend Parliament here assembled for the work it has done and thank all my colleagues who were here at that difficult time. That was a very difficult time. I will give every support to the members here who have been through that very difficult time. Let us look behind that in more detail to see how we have been misled on these other interests about which, at present, we know very little.

**HON DR STEVE THOMAS (South West — Leader of the Opposition)** [2.34 pm]: I was going to respond in order to some of the comments today, but I might start with my good friend and the second-most qualified person to speak on vaccination in this chamber, Hon Dr Brian Walker, whom I have to professionally disagree with on some of his commentary. It is very easy to say that there is dispute amongst the medical profession and, therefore, make the judgement that a single dispute in the medical profession delivers a particular outcome. The medical profession and the scientific community have always worked on the majority view of the majority of scientists, and I think it is very dangerous for the member to suggest that an individual doctor is perfect. I could make a joke about doctors having a God complex, but I am trying to get straight to the point here.

The member raises a very difficult problem. The first thing I would say to the member is that many people go to a doctor and get a second opinion; that does not mean the first opinion is correct. Many doctors get it wrong. What we use, for the most part, are the most widely agreed methods and theorems, as we do across the body of science in total. I am not going to buy in to the conspiracy theories of pharmaceutical companies et cetera. I think that was something of a disservice.

The simple reality is that if we take the science of this, as I have said in this chamber before, no vaccine is perfect. No vaccine offers 100 per cent protection from a particular disease. That includes all the diseases that we have vaccines for, be they human or other or animal, no vaccine is 100 per cent effective. No vaccine will deliver 100 per cent protection from spread of a disease. Anybody who claims any different is wrong. No vaccine will prevent the spread. Any vaccine can be overwhelmed by a large enough infective dose. This argument that comes around that, “Look, people who are vaccinated still caught COVID”, is a nonsense argument. The argument that the vaccine did not stop the spread is a nonsense argument. The arguments put forward by the mover of the motion, Hon Ben Dawkins, I thought were somewhat specious. The member should have moved his motion—a motion that is, in my view, inarguable and accurate—and at that point sat down, because it was kind of downhill from there.

The reality is that whilst the member seems to be highly focused on the rights of those people who suffered a vaccine injury or refused to be vaccinated, he missed the entire other side of the argument in his debate. That is the rights of the people who caught COVID and the rights of the people who were protected by vaccination—not 100 per cent protected because no vaccine is 100 per cent effective. Those people were able to walk down the street—particularly vulnerable people, people who are immunocompromised—because of a vaccine program that was rolled out across Australia, not only this state. I am sure that the state government wants to take credit for most of it, but it was a national response. It always has to be a national response. I will give the government credit for implementing the health advice



it received. As I have said before, I do not deify the government for that. I do not think they were the champions. I think it implemented the health advice adequately and I am happy to give it kudos for that. But the reality is that the vast majority of the population of Western Australia was protected.

The problem with Hon Dr Brian Walker and the medical profession is that they are not very good at population health or demographic health, because they cannot quite see past the person who walks in the door. They are not ideal at looking at a wider population and saying: what is the impact? I have a few numbers to throw out in the debate.

Across the world, the best estimate—all of these are estimates, as all things are—is that there were approximately 772 million cases of COVID-19 with seven million deaths. That is a death rate of 0.9 per cent. In Australia, there were an estimated 11 million cases with 23 000 deaths at a 0.2 per cent death rate. Just based on those broad numbers, we would have to say that Australia did significantly better than most of the rest of the world. I am reminded of a debate we had previously in which Hon Dr Brian Walker was extolling the response in Germany saying that it was not mandating the vaccine. I got up and said that it had in fact started mandating vaccination because it had a COVID rate of 40 000 cases a day and its death rate had skyrocketed. I will just remind members of that particular debate.

In Western Australia, we recorded 1 241 deaths during the COVID period. I think the number of vaccines in Western Australia was five point something million—someone might have the exact number there. There are about 2.6 million of us and the majority had two or three vaccinations. Some people did not. Some people were unable to be vaccinated and there was an opportunity for people who were immunosuppressed to go to their doctor and seek an exemption. Not many doctors handed an exemption out just quietly because most doctors took the view that the impacts of COVID-19 would be worse than the impacts of the vaccination.

The number of deaths attributed by both the World Health Organization and the commonwealth Department of Health to the vaccination program in Australia—not Western Australia—is 14. There is obviously a significantly higher number of adverse reactions. In Australia, the Therapeutic Goods Administration put that number at something like 140 000 adverse reactions. They cover an enormous range, like every vaccine we take. Every vaccine has a proportion of adverse reactions from localised swelling or irritation, skin irritation, muscle pain and aches all the way through to some more systemic reactions such as fever et cetera. Unfortunately, some people have reasonably severe reactions to them. That is the group of people who should be identified by their general practitioner and provided with an exemption. That was available. Those exemptions needed to be small in number otherwise they would have impacted on the spread of the disease and put vulnerable people at risk, but they were available to the community.

I just gave some basic numbers there, Deputy President. Of the 14 deaths attributed in Australia, eight were attributed to the AstraZeneca vaccine through issues around clotting. Interestingly, they seemed to have a genetic predisposition to that. There are another three out there. The issue of cardiomyopathy is a real one. It is absolutely the case that there is a very low incidence of cardiomyopathy that comes about through the mRNA vaccines. Most of those cases are temporary, short-term and not severe, but it does exist.

I have forgotten how many times I have said this in the chamber: the small tiny risk from vaccination that we all take is our gift to the people who surround us. It is our gift to the population of Australia, particularly vulnerable people. We take on that small risk to protect people for whom the risk is much greater. I agree with Hon Dr Brian Walker that we should do it knowingly. We should be aware of the risks and say “I accept this risk because that is the best thing for my family and the people around me, particularly those who are immunosuppressed and vulnerable.” That is the small risk that we take. There was an opportunity for people not to take that risk going forward and people could refuse.

There was a jobs mandate. I was interested in some of the comments of Hon Ben Dawkins. At one point, he talked about the vaccine as “causing injury”. It does not cause injury; it has the potential to cause injury. It causes injury in a number of cases. Hon Ben Dawkins also talked very much about the individual rights of autonomy. I thought that was really interesting because what became blatantly apparent in his contribution is that the individual rights of those members of the community who did not want to be vaccinated, in his argument, obviously far outweighed the individual rights of the people who could catch COVID, die from COVID or get seriously sick from COVID. I think that is the issue. This is a simple case. If the individual rights of a person to not vaccinate themselves are important, so are the individual rights of everybody else—otherwise, it is a very selfish argument and that group puts themselves and what they want well in front of everybody else in the community. That is the problem with the argument that Hon Ben Dawkins presented.

His motion actually makes sense. It is absolutely the case that people were negatively impacted by the COVID-19 vaccination program and the restrictions. It is absolutely true. Businesses struggled. The government was dreadful and absolutely failed at rolling out business support. That is the debate that we might have had, but the contribution of Hon Ben Dawkins was entirely about the arguments around the efficiency and effectiveness of the vaccines. It is of no benefit to the state, the Parliament or the people for that debate to be paramount amongst all the other debates that occurred.

Let us take a couple of looks back through history. When was forced vaccination first used, that we are aware of? Funnily enough, it was used in the American War of Independence. This guy George Washington went out and said “Smallpox is decimating our soldiery. We are going to infect people with smallpox and then those who survive, we will put in the army.” Not only were people forcibly vaccinated, if they survived it, they were drafted and the English got to fire shots at them!

**Hon Darren West:** With a blunderbuss!

**Hon Dr STEVE THOMAS:** I think we were past blunderbusses at that point, but it was probably initially muskets before self-loaders came in. Let us not have the gun debate today.

That was the first mass vaccination program. For all those who say “America is the land of the free”, it happened first in America. Let us have a look at disease outbreaks and pandemics. Putting aside plagues, and the Black Death, which was different—it was a flea on a rat that spread a bacterium—when we start to look at respiratory viruses, the most obvious one to use is what we perhaps somewhat unfairly call the Spanish flu. Depending on the estimate that we use, the Spanish flu killed somewhere between 30 million and 50 million people worldwide. Bear in mind, we said before that the COVID-19 pandemic outbreak has caused, at this point, seven million deaths, the Spanish flu caused five times the level of deaths in a population that was a fraction of what it is today. I can see that we just ticked over to eight billion people. At that point, I think we were closer to a billion. The proportion of deaths was significantly higher.

Interestingly, most countries, including Australia, put restrictions on travel in place and impinged upon people’s personal freedoms. Why did they do that? Because great swathes of the population were dying. Worldwide, 30 million to 50 million people worldwide died. I think there are estimates of 15 000 to 20 000 in Australia, but it might be hard to tell. Again, this was at a time when the Australian population was relatively small. The difference in those numbers and the difference in control is about vaccination. Vaccination protected the vast majority of the community from the COVID pandemic. From 1919 to 1922 when the Spanish flu was running rampant around the world, there was no vaccine. There was no opportunity to be vaccinated. A person’s only chance to attain immunity was to become infected.

The difference is the vaccine, but it is absolutely the case that governments then, state and federal, implemented restrictions and controls for the protection of the community. Governments recently implemented restrictions and controls for the protection of the community. I will happily have a debate with Hon Dr Brian Walker about the effectiveness and efficiency of those, which ones I thought were reasonable and which ones probably were not as successful as others.

Like I say, I think there were business impacts. Some of the federal rollouts were not bad. Some of the state rollouts for health were reasonable, but I think business support was average. Which ones worked and which did not is the debate we could be having, and probably should have naturally fallen out of the motion before the house. However, the concept proposed in Hon Ben Dawkins’ contribution was not that. It undermined the entire process of implementing restrictions, and cast doubt upon the effectiveness of the vaccination process and isolation itself. He trumpeted this issue that he referred to as “the rights of the individual”, but only for a very tiny section of the community. Perhaps it is the section of the community he thinks will save his political career. I suspect it will require a lot more than that group of people to save him.

In the 2021 election, the Liberal Party raised a few gentle doubts about the efficiency of the vaccine rollout, but it was never opposed to it. We had significant debates in this house. We were never opposed to the vaccine rollout or the restrictions applied. We always accepted the health advice and the science of immunology. I conducted numerous debates along those lines in this house. We still got smashed at the 2021 election, in part because the people of Western Australia actually liked the actions of government—I think unfairly. I think the government took credit for a lot of the work of the Chief Health Officer. It implemented the advice of the Chief Health Officer adequately. I give them a pass mark—not a conceded pass—but in the old one to seven university category, I would give the government a four. I think it did okay. However, the people of Western Australia made very plain what they thought—about the vast majority of them.

The motion itself is fine. Like I say, Hon Ben Dawkins should have moved this motion and sat down. Everything after he moved the motion was the problem. If, at that point, we were simply debating that effect, that would have been fine. However, his contribution picked this one small group—some of whom are friends of mine—who refused to get vaccinated and are still very angry, some who lost their jobs and are still very angry. He is right; that small group is angry. He can plug into them all he likes, but that will not continue his political career, despite his best efforts. He is better off putting an application back in for membership with the Labor Party, in my view. He might stand a better chance.

*Point of Order*

**Hon BEN DAWKINS:** Hon Dr Steve Thomas is just banging on about political stuff in the background. It is not relevant.

**THE DEPUTY PRESIDENT (Hon Martin Aldridge):** Member, the first thing I would say is that raising a point of order is an opportunity to continue the debate, but there is no point of order of relevance. It is quite a wideranging motion, as he would appreciate, but I will continue to monitor the remarks of the Leader of the Opposition.

*Debate Resumed*

**Hon Dr STEVE THOMAS:** There is one for the end-of-year speech.

To sum up, I did not intend to speak for this long, but some of the debate this afternoon could not go unchallenged and uncommented on by somebody who actually understands immunology and science. I think that was important. The motion initially put before the house was very reasonable, which was then corrupted in this effort as it was. May I say, supporting the motion—which we may well do—should not be interpreted in any way, shape or form as supporting the comments of Hon Ben Dawkins in his contribution after he moved the motion. Large swathes of that was just nonsense. Whether it was amended by the government to commend the report or not probably is also immaterial. I think the chamber needs to move on from the debates that we had two or three years ago to the debates that we probably should have today. This is because, as I have said in this chamber before, at some point another pandemic will come along. There will be another pandemic, because when the population increases, simple science says there will be an increase in exposure to viruses, and viruses will jump species. Perhaps the debate should be about how we handle the next one. What have we learnt from this pandemic and how can we do it better? I can tell members, as we go through it next time, we will probably have the same old arguments all over again. That would be a really sensible debate to put before the house because it will arrive; it is inevitable. That is the debate we potentially should be having. The debate before the house today goes nowhere, achieves very little and the honourable member might think it assists his re-election campaign, but if that is the case, all I can say is good luck to him.

**HON KATE DOUST (South Metropolitan) [2.55 pm]:** I rise to make some comments on the amended motion before us today. I find myself agreeing with Hon Dr Steve Thomas on a whole number of fronts.

**Hon Dr Steve Thomas:** That's dangerous.

**Hon KATE DOUST:** Yes, I know! The one thing I would say is that he is correct. This motion is innocuous in its language, but the commentary behind it is not. Quite frankly, it could have been much more targeted. If it was indeed going to talk about the physical and employment impacts of vaccinations, perhaps it could have been a lot clearer. We saw COVID-19 dance around Europe and the world change almost overnight. I was travelling with my husband at the beginning of January 2020. As it turned out, we went to all the COVID hotspots and by the time we arrived home on 1 February, within a couple of weeks, the place was empty. The world had changed.

Hon Stephen Dawson already referred to that visual of hospitals overflowing, the lack of facilities, the high rate of death, and the burials on Ellis Island in New York City. These were visuals that we had not anticipated seeing. The world changed dramatically almost at the flick of a switch. We were dealing with a disease that kept morphing into something different. It was an absolute challenge for scientists and medical operators to keep up with those changes, and come up with the appropriate formula. I think it is a blessing that the researchers were able to come up with an appropriate vaccine in a relatively short space of time.

I say to Hon Dr Brian Walker, in his reference to thalidomide, that it is a different world. That drug had a different purpose. It was not a widespread mandated drug. My mother used thalidomide when she had me, so I am just very fortunate—some of my friends were not. It is a different world, so I think we should be grateful to those drug companies and pharmaceuticals that were able to provide us with a range of vaccines in such a short space of time.

We saw a range of other changes that led to how we managed to deal with this situation at a localised level. We saw democracy change and a shift in the manner in which decisions were taken. We saw the executive of government step up and take a much stronger role in decision-making. We saw Parliaments accede to that because they acknowledged the necessity for quick decisions. We saw that happen here in our own state. At that point in time, we had seven political parties and an Independent and we saw those people working together. Those seven parties came to the table with the Independent, reached decisions, and agreed to change the way we did business in this house, restrictions on debate, and who could speak. It was a different beast. We got through 15 specific COVID pieces of legislation over that period in 2020. In fact, I stand to be corrected. I think 10 or 11 COVID-specific bills were read in and dealt with over a period of two weeks. I remember we sat an additional period of time. I think we sat through a school holiday, which we have never done before. The discipline of the members in this chamber was incredible. They all knew that they had to act in the best interests and for the common good of everybody in this state to try to resolve the issues that arose as a result of COVID entering our state. I think the report that was handed down validates the decisions that were made. Hon Dr Steve Thomas is right; the government's response was not perfect. I do not think anyone anywhere in the world could say that they ticked all the boxes when dealing with COVID. This report identified a range of areas for improvement—how to communicate and how to reduce the misinformation that was used by certain parties in some places to scare people and to drive them away from the idea of vaccination. I think about how that was managed in some of the Indigenous communities in the north west.

**Hon Dr Steve Thomas:** That was horrendous.

**Hon KATE DOUST:** Absolutely. We need to consider the use of data sharing across departments and identify gaps in our legislation and not have the quick-fix bandaid approach that we had during the pandemic, when everything was changing. I felt for the leadership of our state during that period because things were different almost on a daily basis. There was no continuity and no certainty about what would happen the next day. That was an extremely difficult period. I say to Hon Dr Brian Walker that hindsight is indeed a wonderful thing. The decisions that were made in this place were made in the best interests of the community at that point in time based on the information at that point in time. Honourable decisions were made by people in this place.

I want to deviate and thank all the members who are still here for the work they put in and the collaboration that we saw. We probably will not see that again. I also want to acknowledge the role that our staff in this building played. It was also a particularly tough time for them. Some staff members were vulnerable given their health issues. We had to accommodate them.

That leads me to the issue of mandatory vaccinations. I acknowledge that a number of people in our community had great difficulties during the pandemic. I reacted extremely badly after my first vaccination; it knocked me out for a few days. I must say that getting COVID was so much worse. I am happily vaccinated now—five times. I would very eagerly stick out an arm and say, “Give me the needle that I need”, because I do not want to get ill.

The issues around vaccination are challenging. The idea of mandating vaccination would have been a significant decision for this government to make—not a light decision. We were dealing with different types of ethical decisions. It is an ethical decision when we consider how we weigh up the interests of the individual that Hon Ben Dawkins spoke about. I do not agree with him; I do not think the rights of the individual should supersede the common good for everybody. I think it should be the other way around. In times of a pandemic, we have to act in the best interests of everyone. Individual rights will be superseded because we have to ensure that we look after the most vulnerable people in our community.

**Hon Dr Steve Thomas:** Who have their own set of rights.

**Hon KATE DOUST:** Yes, indeed, they have their own set of rights. I think that is where the government came to. In a 2022 report, the World Health Organization said that all the alternatives need to be taken into account when making decisions about whether vaccination is mandated. We have to question whether the alternatives are working. If they are not, we have to make that hard decision in the best interests of all individuals in our community. At that point our government put in place all the alternatives. Unfortunately, vaccinations were rolled out nationally later than they could have been. That is a whole other debate. Perhaps the take-up was not as rapid as hoped. It would have been essential to ensure that frontline workers were protected so they would not get COVID. I think those decisions were significant; they were made in the best interests of people.

We could look at the work of some bioethicists. I read an article written by Julian Savulescu from the University of Oxford headed “Good reasons to vaccinate: Mandatory or payment for risk?” He likes the idea of paying people. Maybe that is too challenging. He said —

Mandatory vaccination, including for COVID-19, can be ethically justified if the threat to public health is grave ...

Let us face it, colleagues; it was indeed grave. The article continues —

... the confidence in safety and effectiveness is high, the expected utility of mandatory vaccination is greater than the alternatives, and the penalties or costs for non-compliance are proportionate.

Margaret Somerville, a bioethicist at the University of Notre Dame, also spoke about the complexity of dealing with a grave situation in which we have to find the balance between the rights of the individual and the rights of the broader community. She said that when the risk of serious harm to health outweighs the individual’s right, as the member referred to when talking about physical autonomy, she said that it is a situation in ethics called “a world of competing sorrows”. It is a really tough decision to make. If there is no alternative, we have to err on the side of greatest protection of the vulnerable in our community, and that is what the Western Australian government did at that time. That is reflected in the report that was handed down recently, which identified 35 recommendations, acknowledging what happened. It identified opportunities for change. I note that the government has accepted all 35 recommendations. There is a piece of work to be done.

Hon Dr Steve Thomas is right; we are already seeing a range of literature in which people talk about the next pandemic. We have recently seen a spike in COVID cases erupting around our country; perhaps it is a new variant. I do not know whether it has been given a name yet, as were all the others. I will pull up some statistics because I think they pick up on what Hon Dr Steve Thomas was saying earlier. These are not from the ABS but from another organisation. As at 22 August 2022, 81.2 per cent of people in Western Australia had three vaccinations; 98.1 per cent of people had two doses; and 99.6 per cent of people had one dose. Quite frankly, that difficult decision to go down the pathway of mandatory vaccination worked. That is an outrageously high level of vaccination compared with anywhere in the world. If we check the comparison of deaths across Australia, Western Australia had the lowest rate of death. Once we opened the doors and our borders went down, our numbers went up, but

that was natural once we started circulating again. The only time I have had COVID was the first time I left Western Australia—in July of that year. I went to a family event. It was one of those cluster occasions when we all came away with a gift that we did not expect. That was well and truly after the borders were opened.

It is really good to have discussions about how these things were managed because they should be seen as a learning tool. The review that the government received will possibly be one of many. We can break these things down into chunks and go away and do an enormous amount of research on every aspect. I note an article in *The Sunday Times* on the weekend referred to the physical impact of COVID on a number of people who live in Perth. I refer to Jeremy Nicholson, who heads the Australian National Phenome Centre based in my electorate. He is an amazing scientist and researcher. Unfortunately, Jeremy contracted COVID in the very early stages—I think in 2019 or 2020. He said that the impact on him physically was such that he now has diabetes and liver damage, things that he never had before. COVID presents differently in every person. If someone has an underlying issue, it could exacerbate it. The challenge for the government was that if it allowed people to voluntarily vaccinate, the numbers would be lower and there would be a higher propensity of a significant death rate and a significant number of people would possibly have other health issues if they were not vaccinated, or should it have compelled people to be vaccinated and look after themselves and reduce both of those capacities? I think the government made the right decisions with its legislation in each of those situations, and it made them in the best interests of all Western Australians—the collective good, rather than the individual rights.

**Hon Ben Dawkins** interjected.

**Hon KATE DOUST:** I think those are issues that we can deal with in a different situation. I agree with Hon Dr Steve Thomas: the member needs to be very, very careful about trying to get his 2.8 per cent to stay in this chamber. He needs to target his motions. He actually needs to do his homework. I will give him a big tip: if he is running something like this, he should stay in the chamber and actually listen to what people have to say and be respectful of his colleagues in here. These are significant issues. Our constituents had to bear the brunt of these issues. They had to deal with the lockdown, changes to employment and changes to their lifestyle. There were impacts on people's health and the health of their families; this was, indeed, a dark period for all of us in Western Australia and my view is that the government managed it in the best possible way it could during an extremely difficult time in the best interests of the whole state and the common good. That is really how governments should make decisions in situations as dire as the COVID-19 pandemic in 2020 through to 2022.

I still have another minute; oh, joy! I thought I had to finish.

A plethora of research has been done. It will spark up a whole new industry about every particular element of COVID-19. There will be legal cases and points of law around how things are managed. There will be challenges. Every country will have managed this differently. It was managed differently even within Australia. I remember attending a conference in Italy last year; we were talking about the impact of COVID-19 on a number of countries. There was an ethicist from Stanford University talking about Australia in general and about how we had these outrageously high death rates and the impacts upon us; he was an anti-vaxxer. I took the opportunity to stand up at this conference and talk to him about how the government had made these tough decisions that ultimately afforded every citizen in Western Australia full protection of their health and wellbeing. The government acted in their best interests; they were not popular decisions, but they were successful.

**HON BEN DAWKINS (South West)** [3.12 pm] — in reply: I accept everything Hon Kate Doust and Hon Dr Steve Thomas have said about this issue insofar as, yes, it is about individual rights versus the collective good. I think Hon Dr Sally Talbot is a philosopher, and she would say that it is about utilitarianism versus deontology, perhaps. When are blanket rules and harm to individuals justified by the greater good? Honourable members have been talking about this issue, and that is where this debate needs to be.

However, I differ from them in the sense that I do not think the harm was justified by the greater good, and I will tell members why: the outcomes for people whose employment was terminated because apparently they did not follow a lawful direction to be vaccinated. These are police and nurses, and these issues are ongoing in the courts. Failing to have a vaccine should not be a failure to comply with a lawful order, or whatever the words are under employment law. Those people could have been relocated or redeployed at home on some form of JobKeeper-type thing.

**Hon Kate Doust:** Not everyone has that capacity.

**Hon BEN DAWKINS:** Yes, they do. I spoke about Julie from my electorate whose employment was terminated for not being vaccinated. She worked for 23 years in the WA public health system and had a lot of expertise.

**Hon Dr Steve Thomas:** Some people were relocated.

**Hon BEN DAWKINS:** If the member will just let me finish. Julie could have been redeployed writing up training manuals at home. Even if she had not been, why terminate her employment and destroy her career and life, when the honourable member's argument that it was to protect other people was also untrue? It did not actually stop transmission; it may have prevented deaths.

Several members interjected.

**Hon BEN DAWKINS:** We are talking about transmission; it has to be transmitted for —

Several members interjected.

**The DEPUTY PRESIDENT:** Order! Hon Ben Dawkins, when I call order, all members come to order. Hon Ben Dawkins has very limited time in which to respond, so I ask that he be heard in silence.

**Hon BEN DAWKINS:** The flaw in Hon Kate Doust’s argument that forcing people to get the vaccine was justified by the greater good is that it did not actually stop the transmission. That is the only way that someone can protect someone else—by not transmitting it, and that did not actually happen.

Several members interjected.

**Hon BEN DAWKINS:** No, I have heard about not stopping transmission from other members, including Hon Dr Brian Walker, and from some of the reports. AstraZeneca did not even look at whether it affected transmission, so that was not a valid reason. Those people were not being protected by that.

The motion is fine as it is because it refers to some individuals being harmed. It acknowledges that the overall outcomes were good, but that is the precise reason for having these debates. I am advocating for the people who were harmed, who lost their jobs and who were forced into getting the vaccine and experienced adverse events as a result. It is fine for me to highlight those things, because those are people in my electorate. The future of the Liberal Party is really dire if its members do not understand individual freedoms and how they could have been maintained.

Several members interjected.

**The DEPUTY PRESIDENT:** Order, members!

**Hon BEN DAWKINS:** I think my friends in the Libertarian Party—I am not a member—should nominate for election to Parliament right now, because Liberal members do not understand individual freedoms and bodily autonomy in the way they should. In any case, we did not even need to go there, because people should not have been sacked. That was my point. My point is that under employment law, people should not be sacked just for wanting to maintain their bodily autonomy. That is my point. There were alternatives to that. The ends did not justify the means; there were alternatives to that.

Question put and passed.

## COMMITTEE REPORTS — CONSIDERATION

### *Committee*

The Deputy Chair of Committees (Hon Stephen Pratt) in the chair.

*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 8 November on the following motion moved by Hon Dr Steve Thomas —

That the report be noted.

**Hon KLARA ANDRIC:** It is with great delight, and I do not think I have ever said that before, that we move on today. It gives me great pleasure to continue my remarks on the ninth report of the Joint Standing Committee on the Corruption and Crime Commission, *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?*

For the sake of clarification, for anyone who may have missed my and Hon Dr Steve Thomas’s contributions last week on the ninth report, do not fear; we are back, and we will be making some further contributions on the extensive discussion.

**Hon Dr Steve Thomas:** If you want to roll over and keep going, you’re welcome to.

**Hon KLARA ANDRIC:** That is right; I have one minute.

**Hon Dr Steve Thomas:** You could continue. I’m happy to let you go.

**Hon Klara Andric:** I will seek the call, if I may.

**The DEPUTY CHAIR (Hon Stephen Pratt):** Hon Klara Andric.

**Hon KLARA ANDRIC:** Thank you very much, Hon Dr Steve Thomas.

**Hon Dr Steve Thomas:** We’re here to help in the opposition!

**Hon KLARA ANDRIC:** Thank you; help from the member is always very welcome.

As stated, we have had extensive discussions on the ninth report. There are a few areas that I was not able to speak to last week, so I take this opportunity to do that today.

As I previously mentioned, the disagreement in question that resulted in this ninth report by the parliamentary inspector related to whether the Corruption and Crime Commission has the discretion to form an opinion of serious misconduct in a situation in which a police officer's actions are, in fact, contrary to the law. We went into quite of lot of detail last week about the actual incident that was raised in the ninth report and resulted in the parliamentary inspector bringing these issues to the knowledge of not only the CCC but also the Parliament. Last week, I gave a step-by-step run-down of that incident and how it all unfolded. I will give a summary now for context purposes.

As mentioned, in May or August of 2022—do not quote me—a complaint was filed regarding an incident involving a male police officer and a woman. The officer had observed the woman cycling without a helmet.

**Hon Dr Steve Thomas:** August.

**Hon KLARA ANDRIC:** Yes. I am sure that many members in this chamber see that quite often. Having lived in South Fremantle, I do not want to call out any of my constituents, but I note that a lot of people are still riding on our roads without helmets.

**Hon Dr Steve Thomas:** The lawless people of South Fremantle!

**Hon KLARA ANDRIC:** No, I think it is an opportunity to remind people, because it is very important. We never know when something will happen on the roads. The roads are very dangerous. I use this opportunity to briefly say that I encourage all cyclists to wear helmets all the time. Although I know they can be a bit annoying, they save lives. I digress; I will try to get back to the report that is on hand.

After the officer observed the woman in question riding without a helmet, he asked her to provide some identification, but not in the correct way that is acceptable by law. As a result, she proceeded to leave the scene away from the police officer, and a physical struggle ensued as a result of that. As members know, the officer's dog was involved. I talked about the injuries in detail last week. During the trial, the officer claimed that the dog was unintentionally released; however, from what I recall, the dog was unintentionally released the first time when the van wagon doors were opened, but the second time, after he had warned the woman, he did in fact let the dog go after her. As a result, she sustained quite significant injuries to her arm. The incident led to charges being laid against the woman. However, her legal representatives at the time argued that the officer had no authority to detain her as he did not correctly request her details as required by law.

I may have mentioned last week that the magistrate ruled that the officer's actions constituted an unlawful assault or arrest—I am not quite sure, but I believe it is assault—which granted the complainant the right to resist, and therefore considered her actions quite reasonable.

In the context of what is now deemed an illegal detainment, I questioned: when can a police officer ask for identification? There is plenty of information about this. I use this opportunity to remind members when this can take place. A police officer can ask someone for identification in circumstances in which the officer holds the belief that the person is breaking the law. The police officer has to actually believe that someone is in the process of breaking the law. An officer asking someone for identification must have a lawful reason to ask, which refers back to the belief that they are breaking the law, and must advise the person of the consequences of failing to comply with the request. If the police officer is in plain clothes—not in uniform—the officer must provide identification to prove that they are, in fact, a police officer.

People might bring up the question of the right to silence in circumstances such as this. The right to silence does, in fact, exist. However, there are some questions that, if asked correctly, by law, the person must answer. They include the person's name, address and date of birth. In this case in particular, and I am sure in many cases that have happened subsequently within the police force and our community, it is really important to note the importance of body-worn cameras. I think they have played an incredible role in serving not only the Western Australia Police Force, but also our community as a form of protection for both sides, I would argue. During very heated times and struggles that I am sure our Western Australia Police Force face every day—we know that they face those struggles every day—the use of body-worn cameras to protect themselves in the line of duty is very important. I am glad to see that they are being used more often than not. The purpose of body-worn cameras within the WA Police Force is very clear, and I really strongly support them being implemented here in Western Australia.

Since the ninth report is centred around serious misconduct, I take this opportunity to give a brief breakdown of exactly what constitutes an allegation of serious misconduct. One of the major functions of the Corruption and Crime Commission is, in fact, to investigate these allegations. I note for members that the definition of "serious misconduct" can be found in section 3 of the Corruption, Crime and Misconduct Act. It has been split into two categories—serious misconduct of a public officer and serious misconduct of a police officer. It is broken down into two categories because the implications of serious misconduct are different depending on whether someone is a police or a public officer. The first part of the definition refers to instances that constitute serious misconduct by a public officer. I refer to page 6 of the report to outline the words of the parliamentary inspector. As stated in the ninth report, the instances include —

- a public officer corruptly acts or corruptly fails to act in the performance of the public officer's office or employment; or

- a public officer corruptly takes advantage of the public officer's office or employment as a public officer to obtain a benefit for himself or herself or for another person or to detriment another person; or
- a public officer, while acting or purporting to act in his or her official capacity, commits an offence punishable by two or more years' imprisonment.

**Hon Dr STEVE THOMAS:** Did the member want to finish what she was saying? She can seek the call again.

**Hon Klara Andric:** No; that's fine.

**Hon Dr STEVE THOMAS:** It seemed like the member was in full flight for a moment, and I have had plenty of opportunities so far today.

In my contribution last week, I went through the basics of this case. A police officer stopped somebody on a bicycle who was not wearing a helmet, which is an offence, and said, "Do you have any identification on you?" instead of saying, "You need to provide me with your identification; give me your identification." That was it. For that simple act, this police officer has committed, under the letter of the law, serious misconduct, because, as I said last week, all misconduct by police is considered serious misconduct and is examined by the Corruption and Crime Commission. My view is that, in this instance, the Corruption and Crime Commission effectively delivered a dose of common sense when it said that obviously the intent was to uphold the law when this person attempted to walk away from the police officer and perhaps the person used the restraints in an overly enthusiastic manner. However, that is actually not what the investigation was for. The Parliamentary Inspector of the Corruption and Crime Commission is quite right; according to the letter of the law, simply by not asking for identification in the correct form, the police officer's subsequent arrest of this person was illegal and therefore it was serious misconduct. Despite that, I think that the Corruption and Crime Commission took a common sense approach to this case.

There are two ways to look at this case. One is through the prism in which some people view the Corruption and Crime Commission and the police as having constant and ever-present corruption. The alternative view is that the legislation that is in place, which was originally put in place following demonstrations of significant corruption and to prevent corruption occurring in the future, overstretched its mark in its attempts to prevent all corruption and is so prescriptive as to not allow common sense to apply. I think that is the outcome we see in this report. In my view, almost everybody who was involved after this sad and unfortunate issue was correct. The original person was obviously wrong in not wearing a helmet while cycling. That is the law. Not many people like helmets. I was on a committee in the previous term of Parliament, instigated by former member Hon Aaron Stonehouse, that looked at whether they should be compulsory.

**Hon Pierre Yang:** I was with you.

**Hon Dr STEVE THOMAS:** Hon Pierre Yang was on that committee, as was Hon Dr Sally Talbot. We looked at that. It is unlawful; that person was wrong. The police officer involved made an incorrect statement. The statement, which he followed up with action, was not completely legal according to the concepts that he should have been using. In that case, both the original protagonists were in error. In my view, the CCC was in error in not making a finding of serious misconduct, but was correct in saying that such a finding would have been a ridiculous outcome of what was a fairly simple case.

Let me be absolutely clear on this: I am backing the police officer in this case, even though the police officer used the wrong words to seek the identification. Members of my committee undoubtedly realise that I am archly conservative and tend to back the police as a matter of principle until proven otherwise rather than vice versa, and in that I differ from some previous members of this committee who assumed a problem with police until they managed to prove themselves innocent.

**Hon Martin Pritchard:** Has it been proven that he did the wrong thing?

**Hon Dr STEVE THOMAS:** What he did wrong was use the wrong wording.

**Hon Martin Pritchard:** I know—technically.

**Hon Dr STEVE THOMAS:** That is right. That is why I say that he was also wrong. Sorry; I may not have been 100 per cent clear. I think they were both wrong. He used the wrong wording. He said, "Do you have identification on you?" If I was asked that, I would provide identification. I have been pulled over on occasions late at night for a random breath test, and I suspect that a police officer would have said to me, "Do you have any identification on you?" I would have said, "Yes; it's here in my pocket" and I would have grabbed it out. I have never blown over .05, so I am quite comfortable with that. However, if I was asked, "Have you got identification on you?", I would say, "Yes", and I would assume that that was a request for identification. In this case, the technicality was that the officer was required to be prescriptive and specific: "Please show me your identification" or "Give me your identification." To be honest, I suspect that a thousand police officers would say a thousand times a year, "Have you got any ID on you?" In fact, I suspect that that has been said in some of those police shows that are incredibly common: "Have you got any ID on you?" I know that Hon Martin Pritchard is a great advocate of reality TV and we have discussed that in the chamber before—it might come up in my end-of-year speech again.

**Hon Dan Caddy:** Licence and registration, please.



**Hon Dr STEVE THOMAS:** It is quite prescriptive in the United States. Police officers have the little card on which the Miranda rights are written, because if they make a single mistake, once again there are extreme technicalities.

In this circumstance, an error was made by the police officer. The person he was trying to arrest was in the wrong at the beginning of the process. Matthew Zilko, SC, a fine parliamentary inspector, is absolutely right; according to the letter of the law, the Corruption and Crime Commission was unable, and did not have the freedom or the flexibility, to not make a finding of serious misconduct given the circumstances. The simple error by this police officer means that the parliamentary inspector is correct; a finding of serious misconduct should have been made. The CCC applied normal reason and common sense. There is no doubt that, according to the letter of the law, it should have provided a finding of serious misconduct. I probably would not have done that in those circumstances either if there was a section of the act that I could have stretched slightly like a rubber band. It would have been a ridiculous outcome even though it was, according to the letter of the law, the required outcome. I do not know whether this is parliamentary, but there is a statement that says that the law is an ass—and I use the equid version of it and nothing else. The reality is that oftentimes the law does not deliver the things that it should and is designed to deliver. In this circumstance, I think that is absolutely the case.

The recommendation of the parliamentary inspector, which was adopted by the committee, is that the Attorney General should look at this in the review of the Corruption, Crime and Misconduct Act to allow for the sorts of decisions that the CCC and the commissioner took. I am not sure that that was necessarily the intent of Matthew Zilko, SC, when he wrote this report, but he is certainly right in what he said. I think the error lies in not allowing the necessary flexibility within the Corruption, Crime and Misconduct Act to allow the Corruption and Crime Commission to look at something like this and say that it would be a ridiculous outcome for a police officer to have a finding of serious misconduct forever on their record, based on asking, “Do you have ID on you?” instead of “You are now required under section such and such to provide me with ID”. That is precisely what we are talking about. It would be a waste of everybody’s time. In my view, it would be a travesty of justice if that police officer had that on their record forever for something as simple as that. I know that police officers are supposed to get it right, but they are human beings like everybody else. I think that the legislation needs to be looked at to allow the Corruption and Crime Commission to judge a matter to be not reasonable, just, fair or in the public interest, rather than being forced to make a finding of serious misconduct when the current act leaves it no flexibility to do otherwise. That would mean putting a bit of looseness and freedom into the CCC and the Corruption and Crime Commissioner, but I think this is absolutely essential. Otherwise, we lose faith in the Corruption, Crime and Misconduct Act.

**Hon PIERRE YANG:** Thank you for the opportunity to say a few things about the ninth report of the Joint Standing Committee on the Corruption and Crime Commission, *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?* We have heard from Hon Klara Andric and Hon Dr Steve Thomas about the case, which was the basis of a legal dispute, a prosecution, a complaint to the Corruption and Crime Commission and, later, a referral to the parliamentary inspector. We have heard categorically that the police officer in question did not ask the correct question. Instead of asking for the woman’s full details, he instead asked for her identification. We have heard from Hon Klara Andric and Hon Dr Steve Thomas about what happened after that.

I will reflect on my personal experience some 22 years ago. I was on my bike, travelling in Osborne Park, and I was stopped by two police officers who asked me why I did not have a helmet on. By that stage, I had been in Western Australia for about three months and in Australia for about two years. I did not possess a bicycle when I was in Sydney, but I obtained a bicycle when I came to Western Australia. I was not too sure about the law and no-one told me. I told the police officer that that was the situation. Later, when I was admitted to law school, I learnt that ignorance of the law is no defence. Nonetheless, on that occasion, the two police officers asked me my name, address and other details, which I provided, and they were very polite and caring in a way. They advised me that it is important that I adhere to the law and get a helmet, and that it was also for my protection. That is what I did afterwards. My encounter with the two police officers was a fantastic demonstration of the positive image of the Western Australia Police Force. I also want to add another point. A few years later, I bought a second-hand car. I think some old second-hand cars have a tendency to have batteries that are not the best, so I had flat batteries a number of times. On one occasion, I was visiting a shop and—there you go—the battery went flat. A police car was next to me, so I asked the police officers whether they could help me to jumpstart my car, and they were very helpful. My car was able to be restarted with their assistance because I had a recharge cable. That is another very positive encounter I had with the Western Australia Police Force.

I come back to this case. Unfortunately, in this case, the police officer did not follow the prescribed question as articulated in the law. Instead of asking for her full details, he asked her for her identification, and a matter ensued from that. Section 16 of the Criminal Investigation (Identifying People) Act 2002 enabled the police officer to “detain the person for a reasonable period for the purpose of the person’s compliance with the request” for details. Had the right questions been asked in that case, the person on the other side of the argument would not have been able to successfully prosecute arguments that the whole situation was a breach of law as articulated in Criminal Investigation (Identifying People) Act 2002.

The crux of the commission's argument is about the meaning of the word "may". The commission is of the view that the word "may" confers a discretion about whether to start an investigation on a complaint. I draw again from my experience in law school. The Criminal Code is a statute that we, as a state, borrowed substantially from the state of Queensland's Criminal Code, but we obviously adapted, added to and amended it over the years to suit Western Australian circumstances. The Criminal Code and many other state and federal legislation use the word "may". In a literal sense, one may think that "may" means "may", but as a matter of fact, on many occasions when it appears in legislation—not always, but very often—it actually means "must". In this case, the commission has given its interpretation. The parliamentary inspector talked about looking at the whole section of the act in its totality and came out with a different opinion. I wholeheartedly agree with the position the parliamentary inspector and the joint standing committee have taken. I would like to quote the second-last paragraph of the parliamentary inspector's report —

... in this instance, I believe it is undesirable that these two bodies —

These being the parliamentary inspector's office and the commission. I will come back to this later.

### **Consideration of report postponed, pursuant to standing orders.**

*Joint Standing Committee on the Commissioner for Children and Young People — Fifth Report —  
Report review 2022: Examination of selected reports by the Commissioner for Children and Young People*

Resumed from 30 March.

### *Motion*

**Hon AYOR MAKUR CHUOT:** I move —

That the report be noted.

I rise today to speak on the Joint Standing Committee on the Commissioner for Children and Young People's fifth report. On 30 March this year, the committee tabled its fifth report, titled "Report review 2022: Examination of selected reports by the Commissioner for Children and Young People". I happen to be on this wonderful committee that is chaired by my parliamentary colleague Robyn Clarke and deputy chaired by Hon Neil Thomson. Also, we have Rebecca Stephens. I acknowledge our staff who support us, including Sarah Palmer, who is no longer with us. I acknowledge Lucy and, of course, Carmen. I would like to acknowledge the people who support our joint standing committee.

The report reviews the Commissioner for Children and Young People's annual report for 2021–22 as well as several other selected reports published by the CCYP office in the preceding year. Most of the selected reports were published subsequent to Jacqueline McGowan-Jones' commencement as the Commissioner for Children and Young People, a role previously held by Colin Pettit. It must be acknowledged, however, that in some instances the work referenced by this report was originally commenced by Mr Pettit. For example, the second Speaking Out Survey, which was conducted in 2021 and is referenced in this report, collected the views of 16 500 students in year 4 to year 12. The commissioner's office continued to explore this data after Ms McGowan-Jones commenced as commissioner, revealing additional significant findings on the views of kids. As a parent as well, I think it is important that we listen to young people because they know what is right for them and how we can assist them in the community.

The commissioner's annual work plan was conducted on three key platforms, which I will speak about today. The first is promoting the rights, voices and contributions of children and young people. That is very important; as I acknowledged earlier, it is good to listen to voices that come from the community. The second platform is monitoring and advocacy to strengthen the wellbeing of all WA children and young people. The third key focus is prioritising the needs of disadvantaged and vulnerable children and young people.

Firstly, I would like to speak on promoting the rights, voices and contributions of children and young people. As time is not in our favour, I will give members a small summary of the focus. A key activity for this platform is the commissioner's listening tours, which involve the commissioner talking with children and young people, and others in the community, about what youth need to be healthy and to reach their potential. Since tabling the fifth report, the commissioner has continued to travel across the state to visit children in metropolitan, regional and remote areas. A total of 4 512 children and young people have shared their views with her, which is very important.

Another thing that the commissioner looked at was monitoring and advocacy to strengthen the wellbeing of all children in Western Australia. The publication of the Speaking Out Survey 2021 results was a key achievement for this platform as well as an extension project to survey marginal groups not reached by the main survey. The commissioner received Lotterywest funding to extend the Speaking Out Survey to several groups, which is very good. The commissioner targeted students who are homeschooled, students with special educational needs and students in remote communities. It is important to capture the views of minority populations to provide the best possible understanding of what children and young people in this state are experiencing. I think all of us here are for that vision. The committee looks forward to hearing the voices of those children.

The girls' wellbeing project is another fantastic project, which is also part of this platform. The relevant insights were released with the Speaking Out Survey. Findings from the Speaking Out Survey showed that female students consistently rated their wellbeing below that of their male peers, which is really worrying. This worrying finding basically made the commissioner establish the girls' wellbeing project to explore the reason for the gap and gather views on how to improve girls' experiences. As a means of further understanding this finding, almost 1 000 people took part in this online survey. It is so fantastic because we sometimes say that the girls and young people do not take part in what the commission does, but they are interested to be a part of it. This was conducted in late 2022.

Also part of this platform is the continued promotion of support for the implementation of child safe principles and practices and child-friendly complaints mechanisms in organisations, as well as continued monitoring of how WA government agencies deal with complaints from children and young people. That is another fantastic way for us to design effective policies that will benefit young people.

Another area of key focus is prioritising the needs of disadvantaged and vulnerable children and young people in our state. Deeper analysis of the Speaking Out Survey 2021 responses has focused on views on mental health and safety and wellbeing from Aboriginal and culturally and linguistically diverse children and young people. The commissioner has subsequently been involved in a number of initiatives to promote the interests of Aboriginal children and young people. One is the Young Aboriginal Researchers in Community project, which is a fantastic project. The commissioner is also a member of the Kimberley Aboriginal Youth Wellbeing Steering Committee, which brings together state government agencies with the Kimberley regional governance groups to support and enable Aboriginal-led solutions to improve youth wellbeing.

Through a series of focus groups, the CCYP remains aware of serious challenges for gender-diverse young people. Ms McGowan-Jones said the cohort is very vulnerable and at risk in a range of ways, but particularly in regards to mental health and housing, violence, engagement in community and not being believed on what they are going through. That is another way of saying the commissioner is really concerned about the day-to-day issues of our young people. As a member of the committee, I look forward to working further with the Commissioner for Children and Young People.

**Hon NEIL THOMSON:** I also want to thank my colleague Hon Ayor Makur Chuot along with my other colleagues on the committee. Working across the aisle together on committees for the betterment of Western Australia is one of the more enjoyable parts of the job in Parliament, particularly on the issue of children and young people. This report is a year old. We are a little behind and we have got more coming. It is the fifth report titled *Report review 2022: Examination of selected reports by the Commissioner for Children and Young People*.

As mentioned by my honourable colleague, the Commissioner for Children and Young People is Jacqueline McGowan-Jones. I want to make a comment about her. She has been in this job for about two years now. I am sure that she has made comments about a whole range of things in the media that the government has not always agreed with, but I think it is good that we have independent commissioners in these roles. No matter which side of the aisle we come from, whether we are in government or opposition, having someone who can speak their mind as an advocate for children and young people is a very important part of our democracy. We need to make sure that we have senior people who are not fettered by the policy of the day. The commission undertakes research and it does important work. It has done an amazing amount of work over the last 12 months, which we will no doubt speak about some time next year. An incredible amount of very important research has been undertaken.

I refer to point 2.2 of the report titled "Monitoring and advocacy to strengthen the wellbeing of all WA children and young people". The key issue for the committee and the role of the commission is to give children a voice and to enable them to be heard in a way that they have not always had. In fact, it is very difficult for children to have a voice in the public policy space. The commission does amazing work to reach out to students; for example, 4 500 students were reached through surveys funded by Lotterywest. An amazing amount of work was done there. There was the Speaking Out Survey on girls' wellbeing. This work is vital. It is important that young people have a voice. The perspectives of adults sometimes get lost in the day-to-day grind and we do not see the perspectives of children because they are subject to many new changes and influences that have emerged through, for example, social media.

One thing that came out of the girls' wellbeing study is the huge issue of body image and the role of social media. There are challenges in making sure that young girls are not constantly up late on their devices. Something that came through was the impact this has on participation in sport. Practical issues have emerged around body image such as the provision of change rooms and so forth in sporting facilities. All of these things were picked up by the wellbeing survey and the substantive work that has been undertaken. It is vital work because it is the way that the commission has been able to speak directly to young people and hear their concerns. We know that there has been a negative trend in wellbeing that has really impacted mental health and the ability for those young people to step into opportunities in the future and live a full life in the way that we would expect.

The commission also looks at the matters of disadvantaged and vulnerable children and other groups. For example, it looked at Aboriginal and culturally and linguistically diverse children. I just want to commend Hon Ayor Makur

Chuot for her participation on the committee. It has also been very helpful to us in our consideration in our oversight role of the commission, in providing a different perspective and in highlighting the need to progress and do work. There will no doubt be more work to be done and reported on next year. I do not want to get ahead of myself, but the important thing is that the commission has also been engaging with CALD communities.

As I said, there have been a number of key reports such as *Missing out matters: Child poverty in Western Australia*. Child poverty is a major scourge for young people. It impacts their educational outcomes, wellbeing and future opportunities. There was the report of *Students' wellbeing during the primary–secondary school transition and transition practices—A literature review*. We know that transitioning from one point in a child's school career to another is a massively challenging issue. There was also the *Girls' wellbeing insights from the 2021 Speaking Out survey*. The Speaking Out Survey has been a very long process and has provided some incredible data for us to assess and compare year on year. Former commissioner Colin Pettit was involved in that work as well. I think that is a credit to him and the ongoing commitment of the current commissioner to continue with that work.

There is also the issue of a position of commissioner for Aboriginal children and young people. It was recommended and put forward, but has not been picked up yet. Notwithstanding that, the commission continues to do work in this sector to engage with Aboriginal children in particular across our state, many of whom face unique disadvantages that need to be properly considered.

Concern was raised about a lack of an oversight mechanism in the Royal Commission into Institutional Responses to Child Sexual Abuse. I think that has been an ongoing discussion. It is something that was raised by Jacqueline McGowan-Jones. I think many members here would probably be aware of that. It is a very serious issue that has been raised before. Of course, we no doubt will continue to seek the best resolution as we go forward.

This is the report. I just want to commend the commission and commissioner for the work they do. As I said, the government does not necessarily adopt everything it says, but I think it is vital. I think even the opposition would probably not support everything that was said, but it is vital that we have a tradition in this place, firstly, of bipartisan oversight committees with the joint standing committee and, secondly, having an independent commissioner and commission. We need to ensure that children and young people have a voice in Western Australia in a way that is supported by evidence and research. Thank you.

**Hon SHELLEY PAYNE:** Today it gives me great pleasure to talk about the fifth report of the Joint Standing Committee on the Commissioner for Children and Young People, *Report review 2022: Examination of selected reports by the Commissioner for Children and Young People*. I would like to acknowledge the comments made by Hon Ayor Makur Chuot, who is a member of the committee, as well as the deputy chair of the committee, Hon Neil Thomson. As the other contributors have said, this report examines some selected reports by the Commissioner for Children and Young People. I want to reiterate the comments made by Hon Neil Thomson about the work of the new commissioner, Jacqueline McGowan-Jones, who has been in the role since January 2022. She took over from Colin Pettit. I acknowledge that she is the first Aboriginal Commissioner for Children and Young People as well as a female Aboriginal person. That is a great addition. As some members may have mentioned, we have talked about another report of the committee dealing with having a specific commissioner for Aboriginal children and young people. It is great that we have appointed an Aboriginal woman as the Commissioner for Children and Young People.

This report refers to a number of reports that were examined by the committee, including the commissioner's annual report, setting out her work. I particularly want to talk about the Speaking Out Survey, which a couple of members mentioned. This is a great piece of work. Two of the three Speaking Out surveys have been completed, with one more to go. A record 16 500 children and young people took part in this landmark survey for Western Australia. It aimed to look at the perspectives of young people on their health, mental health, education, safety, community life and their hopes for the future, giving us an insight into how our young people are faring. I note that triple the number of children engaged in the second survey compared with the number who engaged in the first survey in 2019. Hon Ayor Makur Chuot, who is away on urgent parliamentary business, acknowledged Lotterywest and the funding that it contributed to help extend the survey. I would also like to acknowledge Lotterywest because those funds extended the survey to groups that the mainstream survey could not cater for, including homeschooled kids, students with special educational needs and students in remote communities.

One of the reports that came out of the survey related to the wellbeing of girls, entitled *Girls' wellbeing: Insights from the 2021 Speaking Out Survey*. This is a really great piece of work. Of note, the Speaking Out Survey acknowledged that young girls were struggling more than young boys, particularly the older girls in the higher years. I would like to briefly talk about this report on girls' wellbeing. It included the results from the second Speaking Out Survey. I noted that it found that female young people in particular rated their wellbeing less favourably than male young people. It found that young people feel like they are not being listened to; they feel they do not belong; they feel unsafe at home, at school and in public spaces; and they feel like their male siblings and peers are treated differently from them. The report outlined that there is a clear need for targeted services and programs to support girls' mental health, their self-esteem and their sense of belonging. The report concluded that there is a broader requirement to continue to decrease gender inequality and gendered attitudes in Australian society. This is a great piece of work.

It asks us to carefully consider the views of young people and take action to make meaningful changes across multiple areas of young people's lives to ensure that female children and young people are supported and given opportunities to achieve their potential.

One of the things that Hon Neil Thomson noted was the transition to high school being particularly challenging. My daughter was in the first cohort that went to high school in year 7. By year 8, nearly every single girl in her class had moved to the other high school in Esperance. I acknowledge the difficulties with that transition; maybe the needs of young girls during that transition were not met.

Interestingly, Hon Neil Thomson noted the *Students' wellbeing during the primary–secondary school transition and transition practices—A literature review*, which was commissioned by the Commissioner for Children and Young People and which the committee looked at. This is a really important piece of work. It highlighted some of the issues my region is facing and that people talk about in my community, such as kids from smaller schools being required to go to the bigger centres to attend high school, and the transitioning that occurs.

I commend the work of organisations such as the Clontarf Foundation, their importance within our schools and their ability to think freely and look at the issues. I want to commend Clontarf on some of the work that it is doing, going into primary schools and helping to prepare some of the kids to transition to high school.

The literature review examines a few things. It addressed the impacts of the primary to secondary school transition on students, the best practice approaches and some guiding principles that we can use to help kids transition to high school. This is an important time in young kids' lives. Obviously, they are experiencing puberty at the same time. Lots of things, including emotions, have to be considered. I will run through some of the guiding principles that came out of the literature review that would help support students' wellbeing during the transition. One of the things that Hon Neil Thomson mentioned was a student voice, allowing people to directly participate and contribute on how the transition should occur. I think we are really good these days in listening to people, whether it is young people or the community, talking about issues and taking their views into consideration.

Another principle related to family engagement and having well-informed parents. That involves really engaging families on their viewpoints and informing parents about the significance of school transition practices and how they can support their children. The review also looked at how primary and secondary schools can collaborate. I see some of this in my region when students have to transition to bigger centres. The primary and secondary schools work with each other. My kids had what they called their transition days. Another one of the principles related to multiple stakeholders, making sure that a lot of the support networks external to the school and other organisations are included to help with the transition. The review also examined communication, sharing information and educating teachers on how they can help support students.

**Consideration of report postponed, pursuant to standing orders.**

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

### **ELECTORAL AMENDMENT (FINANCE AND OTHER MATTERS) BILL 2023**

#### *Report*

Report of committee adopted.

### **MAIN ROADS AMENDMENT BILL 2023**

#### *Second Reading*

Resumed from 18 October.

**HON STEPHEN DAWSON (Mining and Pastoral — Minister for Emergency Services)** [4.21 pm] — in reply: I thank the honourable members who made a contribution to the second reading debate of the Main Roads Amendment Bill 2023 and for their indication of support of the legislation. They were Hon Neil Thomson, Hon Ben Dawkins, Hon Dr Steve Thomas and Hon Dr Brad Pettitt.

I want to reply to the issues raised, so I make the following points. The previous Liberal–National government introduced the Main Roads Amendment Bill 2015 in the Legislative Assembly on 12 November 2015, but it did not proceed beyond second reading and fell away with the proroguing of Parliament in 2017. It is important to note at the outset that many of the provisions in the 2015 bill relating to commercial powers and business arrangements have been carried over into this 2023 bill before the Parliament. Proposed section 15B(1)(g) in clause 17 of the bill, which sets out the commercial powers with respect to earning revenue or profit, is prefaced with the words “without adversely affecting its other functions”—that is, the Commissioner of Main Roads' functions. This is a deliberate gateway through which any new commercial proposal must pass to ensure it does not negatively impact on Main Roads' core business. Further, proposed subsections 15B(1)(a) to (f) were deliberately included in the bill to spell out those core functions, much more so than what is currently in the Main Roads Act. The expanded definitions of “works” and “Main Roads works” were drafted to put beyond doubt what Main Roads can and should do, as well as to provide scope to carry out works that Main Roads may be called upon to do.

Carrying out road maintenance in-house is not affected by the new commercial powers in the bill or related to those powers. Any commercial proposal to earn profit or share in profit-making ventures as part of a business arrangement would rightly be regarded as requiring proper due diligence assessment to ensure any potential risks are mitigated. The definition of “business arrangement” including the reference to profit sharing is unchanged from that 2015 bill.

Provisions in the statute book are far from new. A review of WA legislation, excluding acts that apply to government trading enterprises, shows that a number of acts make a provision for business concerns or arrangements and participating in such business concerns or arrangements in discussing the powers of such authorities or agencies. These acts set out that such powers are also subject to additional Treasurer scrutiny, and some examples include the Public Transport Authority Act 2003, the Metropolitan Redevelopment Authority Act 2011, the Western Australian Land Authority Act 1992, the Biosecurity and Agricultural Management Act 2007, the Health Services Act 2016, the Planning and Development Act 2005, and the School Education Act 1999.

The great majority of commercial arrangements Main Roads will enter into will likely be nowhere near as complex as business arrangements—for example, allowing coffee vans, food trucks or other amenities to operate in 24-hour rest areas. At the moment, these activities are operated on a permit-based system; however, Main Roads has no power to charge anything other than a nominal administration fee covering the cost of processing applications. It seems sensible that the taxpayer receives a benefit from allowing use of public land for such purpose, and these things, and things like unstaffed fuel outlets in road train assembly areas supplied and maintained by a private operator, are examples of the direction Main Roads may go with the new powers. Local government development approval requirements will still apply in all cases. Far from being crowded out, the private sector will very much look forward to the prospect of these opportunities. It means Main Roads will be able to unlock under-utilised land and other government assets for commercial use, and the private sector will benefit from Main Roads doing its best to facilitate such private sector involvement on a competitive basis. Main Roads will not displace the private sector and will enter into a business arrangement such as a partnership or joint venture only when it makes sense on the principle of unlocking commercial opportunities on under-utilised assets for the benefit of the community. It may not happen for years, but the bill will look to the future. It may be another 25 or 30 years before the Main Roads Act is amended again.

The amendments concerning commercial powers are about the ability to meet community or industry needs when the private sector needs to partner with the government to unlock opportunities with public assets, as well as providing opportunities for the private sector that did not exist before. The amendments will enable Main Roads, together with the private sector, to respond to any market failures or gaps. For example, if there is a remote section of highway where there is no roadhouse or a previous roadhouse was unable to continue operating in a viable manner with no prospect of a new owner, Main Roads may be able to facilitate a location and assist with the preparation or rehabilitation of the site or provide access to the road in a safe manner on reasonable commercial terms. Main Roads cannot operate the roadhouse itself. Proposed section 22B(2) in clause 27 of the bill only permits the facilitation of a road service centre and not anything further. This point was made very clear during the drafting of the bill. There may be a commercial benefit to Main Roads, the taxpayer, in the process of facilitating the location, but the objective is to help the private sector and, of course, contribute to improving road safety, by providing a serviced rest stop.

Queries about electric vehicle charging facilities were raised, and they were also mentioned by Main Roads in the briefings to members. It is one of the areas Main Roads is investigating, coming from the perspective of facilitating opportunities for the private sector, if that is necessary. It is obviously an emerging market, with many industry participants, and Main Roads has no intention of directly providing such services in its own right.

There were concerns about profit sharing. The concept of profit sharing is incorporated in the definition of “business arrangement”, which is included in a number of other acts, including the examples I have already referred to. As well as the requirement to obtain the approval of both the minister and Treasurer under proposed section 18F(1)(a), which is unchanged from the 2015 bill, any proposals involving a profit-sharing business arrangement will be subject to proper due diligence and a procurement approach that will ensure the private sector will participate, but also compete on a level playing field. A further control that can be placed on the use of the commercial powers is proposed section 18D(1)(c), introduced in clause 25 of the bill. This proposed section provides the ability to prescribe under regulation any kind of arrangement to be agreed subject to ministerial approval—for example, any agreement involving a road service centre, the definition of which captures everything from mobile coffee vans to large fixed development such as road houses; any commercial agreement using a particular stretch of road, such as Forrest Highway, or in a particular region or area of the state or for a particular purpose; or any agreement in which the commercial charge, licence fee or rental is above a certain value. It is a very flexible and powerful provision to enable ministerial oversight and is also unchanged from the 2015 bill.

I go back to the commercial arrangements Main Roads will engage in. Far from commercial powers being let loose, which I think were words used by somebody, we will take incremental and carefully considered steps when utilising the new powers. Main Roads will rely on specialist advice and, not least, the State Solicitor’s Office and the experience of others in the public sector, including those in the Public Transport Authority who are already involved in commercial arrangements. Main Roads will tap into the existing commercial acumen of its people. That is part and parcel of working with industry, especially the resource sector. The approach Main Roads has taken

over the past 25 years to partner with the resource sector to achieve mutually beneficial outcomes, such as more cost-effective heavy haulage and improve road safety, has built important commercial skills in the agency. They involve complex legal arrangements, hundreds of millions of dollars and significant commercial decisions about how much risk to accept and how to manage that risk in the context of facilitating resource sector development. It shows that Main Roads is not unnecessarily distracted by such matters. On the contrary, they are examples of modern commercial thinking and risk analysis.

Debate interrupted, pursuant to standing orders.

[Continued on page 6365.]

### QUESTIONS WITHOUT NOTICE

#### GRIFFIN COAL — CONSULTANTS

#### 1444. Hon Dr STEVE THOMAS to the parliamentary secretary representing the Attorney General:

I refer to my questions without notice 1273, 1301 and 1391 of 18 and 19 October and 9 November 2023 on the partnering arrangement between the State Solicitor's Office and Ashurst for the provision of legal advice relating to the foreign-owned and insolvent Griffin Coal.

- (1) What is the specific and detailed framework and the mechanics of the partnering arrangement between the SSO and Ashurst?
- (2) What reporting mechanisms are embedded in the partnering arrangement between the SSO and Ashurst, and how, to whom and with what frequency are reports or recommendations delivered?
- (3) Does the SSO report directly or indirectly to the Attorney General and/or his ministerial staff on legal advice provided by Ashurst relating to Griffin Coal?
- (4) Will the Attorney General define and detail the "issues relating to this matter" that the 18 Ashurst solicitors have "worked on" from the answer to my question on 9 November 2023?
- (5) If no to (4), why not?

#### Hon MATTHEW SWINBOURN replied:

I thank the member for some notice of the question. The following answer has been provided to me by the Attorney General.

- (1) As previously advised, the terms and conditions of the arrangement with Ashurst are subject to legal professional privilege and are confidential.
- (2) Ashurst undertakes legal services as and when requested by the State Solicitor's Office.
- (3) The State Solicitor's Office provides advice, which may include or incorporate advice by Ashurst, to relevant agencies, departments and ministers as required and appropriate, as part of the government's response to Griffin Coal's insolvency.
- (4)–(5) The issues relating to this matter that have been the subject of legal advice are subject to legal professional privilege and are confidential.

#### PUBLIC SECTOR — STAFF — PERMANENCY

#### 1445. Hon Dr STEVE THOMAS to the Leader of the House representing the Minister for Public Sector Management:

I refer to my question on notice 1651, answered on 7 November 2023, on the conversion of casual and contract public sector staff to permanency.

- (1) Why has data for the conversion of casual and contract public sector staff not been collected for the financial years 2021–22 and 2022–23?
- (2) Who decided this data was not to be collected and on what basis or rationale was this decision made?
- (3) Can this data be retrospectively harvested and collated?
- (4) If yes to (3), will the minister undertake to provide the 2021–22 and 2022–23 data to the house?

#### Hon SUE ELLERY replied:

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

- (1)–(2) Data collected in relation to the conversion of casual and contract public sector staff was commenced in 2018 in association with a temporary measure and has concluded now that agencies have completed their review of eligible staff. Further reporting was not required once the temporary measure concluded.
- (3)–(4) The Public Sector Commission publishes information on permanency and the number of job advertisements for permanent roles annually in the *State of the WA government sector workforce* report, which provides a more complete view of sector-wide employment arrangements.

## EMANUEL EXPORTS — LEGAL ACTION

**1446. Hon COLIN de GRUSSA to the Minister for Agriculture and Food:**

I refer to the withdrawal of animal cruelty charges against Emanuel Exports Pty Ltd.

- (1) When was the legal advice that led to the withdrawal of charges originally sought and received by the Department of Primary Industries and Regional Development?
- (2) Having regard to the manner in which the information was acquired that led to the charges being laid, will the minister —
  - (a) support the referral of this matter to the Corruption and Crime Commission; or
  - (b) initiate an independent investigation into the way the prosecution process was handled by DPIRD?

**Hon JACKIE JARVIS replied:**

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

- (1) The Department of Primary Industries and Regional Development received advice on 1 November 2023.
- (2) No.

## IMMIGRATION DETENTION CENTRES — STATELESS DETAINEES — RELEASE

**1447. Hon TJORN SIBMA to the minister representing the Minister for Police:**

I refer to the seven reportable offenders released from immigration detention centres based in Western Australia.

- (1) Who are those individuals, what offences have they committed and what conditions are they subject to?
- (2) Has the commonwealth government offered, or has the Western Australia Police Force requested, any support to assist in mitigating the threat to public safety that their abrupt release into the community so obviously presents?

**Hon STEPHEN DAWSON replied:**

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

The Western Australia Police Force advises as follows.

- (1) The WA Police Force cannot provide the names of the seven reportable offenders, as section 82(1) of the Community Protection (Offender Reporting) Act 2004 provides that a person must not directly or indirectly record, disclose or make use of any personal information in the community protection offender register, which is established and maintained by the Commissioner of Police, unless an exception applies.  
Offences include penetrative sexual offending and indecent assaults against children, and the production, distribution and possession of child exploitation materials. All reportable offenders within Western Australia are subject to reporting conditions as legislated by the act. A reportable offender is required to report certain personal information, including where they reside, contact information, employment and any unsupervised access to children, within certain time frames. Reportable offenders must also advise the WA Police Force at least seven days prior to travelling outside Western Australia.
- (2) The WA Police Force will continue to work with relevant commonwealth agencies, such as the Australian Border Force and Australian Federal Police, to enable the assessment of those being released. When a person is identified as a reportable offender, they will be subject to the relevant reporting and monitoring requirements.

## HAKEA PRISON — PRISONER DEATH

**1448. Hon PETER COLLIER to the minister representing the Minister for Police:**

I refer the minister to the response to question without notice 1433 on Tuesday, 14 November 2023.

- (1) Given that Corrective Services notified the Western Australia Police Force at 1.33 pm of Mr Ugle's death, at what time did WAPOL notify Mr Ugle's family?
- (2) Which member of Mr Ugle's family did WAPOL notify?

**Hon STEPHEN DAWSON replied:**

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

The Western Australia Police Force advises as follows.

- (1) At 7.30 pm on 6 November 2023.
- (2) The documented senior next of kin with the Department of Justice.



## REGIONAL JOINT ASSESSMENT PANEL — APPLICATIONS

**1449. Hon NEIL THOMSON to the minister representing the Minister for Planning:**

I refer to the operations of the regional joint development assessment panel for the 2022–23 financial year.

- (1) How many applications were considered?
- (2) How many applications were approved?
- (3) How many applications were rejected?

**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 Planning.

The below data represents applications that have been considered by the development assessment panel and do not include applications that are still current, have been withdrawn or for which the DAP has been invited by the State Administrative Tribunal to reconsider its decision.

- (1) Seven applications were considered.
- (2) Seven applications were approved.
- (3) Nil were rejected.

## CHEVRON AUSTRALIA — GORGON CARBON CAPTURE AND STORAGE

**1450. Hon Dr BRAD PETTITT to the parliamentary secretary representing the Minister for Mines and Petroleum:**

I refer to Chevron's carbon capture and storage facility that is currently burying only a third of the pollution it committed to as part of the Gorgon gas project.

- (1) How many carbon credits has Chevron purchased in the last two years to make up for the ongoing shortfall of the 80 per cent injection target?
- (2) What oversight does the government have over international carbon credits being purchased by Chevron to make up for the shortfall?
- (3) Does the regulator have any other avenues or tools at its disposal to improve the rates of carbon capture and storage at Gorgon?
- (4) Does the government modelling assume that carbon capture and storage can effectively work at scale, given there is no current example of the technology doing so?

**Hon MATTHEW SWINBOURN replied:**

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

Questions (1) and (2) should be asked of the relevant minister, the Minister for Environment.

Chevron's carbon capture and storage operations are regulated under a complex framework, with government oversight from the Department of Mines, Industry Regulation and Safety, Department of Water and Environmental Regulation and Department of Jobs, Tourism, Science and Innovation. Questions (3) and (4) potentially cover all three agencies and associated ministers, and it is not possible to provide a thorough response in the time allocated. To ensure an appropriate answer can be provided, the question will be answered on 30 November 2023.

## CYBERSECURITY POLICY

**1451. Hon WILSON TUCKER to the Minister for Innovation and the Digital Economy:**

I note the Australian Cyber Security Centre's most recent *Cyber threat report*, published this morning, and the 23 per cent increase in reported cybercrimes since last year. I further note the more diligent reporting of cybercrime in Queensland and Victoria compared with Western Australia.

- (1) To date, how much has been allocated from the digital capability fund towards improving cybersecurity capabilities in WA?
- (2) Other than the services provided by the Consumer Protection division, what role does the WA government play in educating and supporting our critical industries to prepare for, respond to and report cybercrime?

**Hon STEPHEN DAWSON replied:**

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

- (1) To date, \$69 million has been allocated from the digital capability fund for specific cybersecurity capability involvement. The digital capability fund has also contributed to improving cybersecurity by investing in the upgrade of legacy systems. To date, \$323 million has been allocated to projects in the improving digital foundations investment category.

- (2) Both the Western Australian and commonwealth governments play a role in educating and supporting critical industries in relation to cybersecurity. The WA government does this through the Cyber Security Operations Centre, implementing the cyber incident response framework and supporting the implementation of baseline technical controls and policy requirements. Additionally, efforts include promoting cybersecurity awareness through training and conducting incident response exercises with essential service providers in sectors such as energy and water.

#### MEDICAL CANNABIS

**1452. Hon Dr BRIAN WALKER to the Leader of the House representing the Minister for Health:**

I refer the minister to a recent research paper published by a combination of clinicians and academics based at the University of Sydney and the University of Western Australia that concludes that access to medicinal cannabis led to significant, clinically meaningful improvements in overall health-related quality of life and fatigue in patients with chronic health conditions.

- (1) Will the minister join me in congratulating the researchers concerned on the production of what appears to be one of the largest studies of its kind to date?
- (2) Taking on board the conclusions that a range of chronic health conditions, as well as anxiety, depression and pain, showed meaningful improvements over the course of the study, what does the Cook government propose to do during the remainder of this Parliament to help make medicinal cannabis more affordable and accessible to patients here in WA?

**Hon SUE ELLERY replied:**

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

- (1) The government supports Western Australian involvement in high-quality research across all medical therapies.
- (2) The government supports access to approved medicines for the Western Australian community through the commonwealth pharmaceutical benefits scheme. For high-cost or unapproved medicines, the government will maintain existing access mechanisms for patients in exceptional circumstances through WA Health. The government is progressing regulatory reforms to remove barriers to prescribing medicinal cannabis products, as recommended by the Select Committee into Cannabis and Hemp.

#### LAVERTON HOSPITAL

**1453. Hon MARTIN ALDRIDGE to the Minister for Finance:**

I refer to the request for information process for the new Laverton Hospital, which ran for just nine days.

- (1) Did the state government invite any proponents to participate in the RFI process?
- (2) How many submissions did the state government receive as part of the RFI process?
- (3) When does the state government intend to open the expressions of interest for this project?
- (4) Is the state government targeting construction to commence in mid to late 2024, as outlined in the RFI process?

**Hon SUE ELLERY replied:**

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

The request for information opened on 19 October 2023, not 31 October 2023 as indicated in my response to question without notice 1426. The tender was open for 21 days. I apologise to the house for the error.

- (1) The RFI was released to the open market on Tenders WA.
- (2) There was one.
- (3) The RFI has only just closed. Government is now considering the information to determine the tendering approach, contract model and construction methodology that will deliver the best outcome for the Laverton community.
- (4) Mid to late 2024 is the indicative date included in the RFI to help inform RFI submissions. Construction dates will be finalised following contract award.

#### SIMCOA — SAWLOGS

**1454. Hon LOUISE KINGSTON to the Minister for Forestry:**

I refer to the minister's contribution to the debate on the motion on notice on 8 November 2023 to establish a select committee on native timber industry closure impact assessment and her comments that Simcoa continues to receive firewood-grade timber.

- (1) Has the Forest Products Commission entered into a contract to continue supplying Simcoa with sawlogs post-31 December 2023?

- (2) If yes to (1), when will this contract be formalised?
- (3) If no to (1), why not?

**Hon JACKIE JARVIS replied:**

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

- (1) The Forest Products Commission does not supply Simcoa with sawlog-grade timber.
- (2)–(3) Not applicable.

## FIREARMS ACT — REFORM

**1455. Hon NICK GOIRAN to the minister representing the Minister for Police:**

I refer to the minister's answer to my question without notice on 19 October 2023 and the additional information tabled on 7 November 2023 that informed the house that 120 of the 143 recommendations from the Law Reform Commission's project 105 will be implemented in the government's proposed reforms to firearms laws.

- (1) What are the 23 recommendations that will not be implemented in the proposed reforms?
- (2) What is the reason they have been excluded from the proposed reforms?
- (3) Are any of the proposed reforms inconsistent with recommendations made by the Law Reform Commission?
- (4) If yes to (3), which ones and why has this been done?

**Hon STEPHEN DAWSON replied:**

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

- (1)–(4) The additional information provided to the honourable member was preliminary and based on the consultation paper. The full extent of adoption of the Law Reform Commission's recommendations will not be known until feedback from the consultation period is compiled and the firearms bill presented before Parliament.

## EMANUEL EXPORTS — LEGAL ACTION

**1456. Hon STEVE MARTIN to the Minister for Agriculture and Food:**

I refer to the Emanuel Exports legal matter involving the Department of Primary Industries and Regional Development.

- (1) How many FTE DPIRD staff worked on the Emanuel Exports case?
- (2) For those in (1), how many were paid under each public service pay classification?
- (3) Has the minister ever received advice concerning jurisdictional matters in relation to the case; and, if so, can it be tabled?

**Hon JACKIE JARVIS replied:**

I thank the member for some notice of the question.

- (1)–(2) Over the last five years, a number of DPIRD staff across a range of pay classifications from level 3 to level 7 have conducted investigations and provided advice and support on this case as part of their normal duties.
- (3) Jurisdictional matters have been raised in both the Perth Magistrates Court and the Court of Appeal since the commencement of the case and are on the public record.

## SYNERGY — EMERGENCY SOLAR MANAGEMENT

**1457. Hon Dr STEVE THOMAS to the parliamentary secretary representing the Minister for Energy:**

I refer to my questions without notice 1361 and 1402 on emergency solar management and Synergy's Solar Rewards, noting that since 14 February, Synergy has had the capability of remotely turning on and off new and upgraded rooftop solar systems and has never once employed this capability.

- (1) Why has Synergy activated the \$450 000 Solar Rewards program, duplicating the capability that already exists in its power management regime?
- (2) Who formulated the financial incentive structure that is Solar Rewards and was the minister or his office consulted on the financial incentive rationale of Solar Rewards?
- (3) Will the information harvested by Synergy during the 1 October to 30 November 2024 contract period be publicly available at the conclusion of the contract period?
- (4) If no to (3), why not?

**Hon MATTHEW SWINBOURN replied:**

I thank the Leader of the Opposition for some notice of the question. The following answer has been provided to me by the Minister for Energy.

- (1) Emergency solar management is a last resort measure to maintain system security in the south west interconnected system during extreme low-load events. ESM can be activated only by the Australian Energy Market Operator under emergency operating conditions. Synergy's Solar Rewards program enables Synergy to manage customers' rooftop solar on an opt-in basis for the value of customers and the grid. Value is derived under the program via a non-co-optimised essential system service contract between Synergy and AEMO intended to reduce the risks of extreme low load to the grid and avoid emergency operating conditions emerging. Solar Rewards is helping Synergy further build its capacity as a virtual power plant operator, consistent with the state government's distributed energy resources road map.
- (2) Synergy identified the opportunity for the program as part of its regular customer research and insight activities.
- (3) No.
- (4) Data regarding the management of rooftop solar ultimately belongs to the customer who owns those assets.

## SOUTH COAST MARINE PARK

**1458. Hon COLIN de GRUSSA to the parliamentary secretary representing the Minister for Fisheries:**

I refer to the response to question without notice 1431.

- (1) Was the separate decision for the Department of Biodiversity, Conservation and Attractions to undertake a baseline socio-economic study made jointly by DBCA and the Department of Primary Industries and Regional Development as marine planning partners?
- (2) If yes to (1), on what basis was the decision made to revise the scope to a baseline study?
- (3) If no to (1), was the decision made solely by DBCA; and, if so, how was this the case given the joint planning arrangements between DPIRD and DBCA?

**Hon KYLE MCGINN replied:**

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

- (1)–(3) The Department of Primary Industries and Regional Development has contributed to the planning process for the south coast marine park. The decision to undertake a socio-economic study was made by the Department of Biodiversity, Conservation and Attractions, as the lead agency for marine park planning in Western Australia. The consultant appointed to undertake the study sought input from DPIRD on fisheries inputs into the study.

## BUILDING AND CONSTRUCTION INDUSTRY

**1459. Hon TJORN SIBMA to the Minister for Commerce:**

I refer to extensive problems concerning the standard and timeliness of private residential dwellings delivered by home builders in the present market.

- (1) Can the minister provide information within this week's sitting that identifies, in tabular form, the number of building approvals granted in 2020, 2021 and 2022, and the proportion of those homes completed to an acceptable standard within 12, 18 or 24 months after commencement?
- (2) How many of the homes remain unfinished?

**Hon SUE ELLERY replied:**

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

- (1)–(2) Honourable member, I cannot provide that. Department of Mines, Industry Regulation and Safety's building energy division does not collect this information; it is held by individual local governments, which are the building permit authorities.

## POLICE — RETIRED SERVICE DOGS

**1460. Hon PETER COLLIER to the minister representing the Minister for Police:**

- (1) What is the total annual cost to the Western Australia Police Force for the retired service dogs?
- (2) What is the number of kennelling days a year for retired service dogs?
- (3) What is the cost for kennelling days a year?

**Hon STEPHEN DAWSON replied:**

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

(1)–(3) The Western Australia Police Force advises that the answers are in tabular form.

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

I should note that there is an asterisk that says that figures are current as at 15 November 2023, today's date.

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

(1)

Total Annual Cost For Retired Police Dogs Per Financial Year		
2021–22	2022–23	2023–24 *
\$10678	\$9752	\$8382

(2)

Total Kennelling Days For Retired Police Dogs Per Financial Year		
2021–22	2022–23	2023–24 *
109	59	125

(3)

Total Cost of Kennelling Per Financial Year		
2021–22	2022–23	2023–24
\$5179	\$4014	\$6493

\* Figures are current as at 15 November 2023

#### LANDS — CARBON FARMING APPROVALS

**1461. Hon NEIL THOMSON to the minister representing the Minister for Lands:**

I refer to the minister's answer to question without notice 1422, answered on 14 November 2023.

- (1) How many pastoralists of the 18 carbon farming proposals that are yet to be approved are on pastoral stations?
- (2) Are proposals being delayed on account of conflicting proposals for hydrogen production?
- (3) Is the state still supporting human-induced regeneration on pastoral leases where a diversification lease is not being sought?
- (4) Is the minister aware that some proposals in the Gascoyne region have been waiting for approval for over 12 months?
- (5) Is the minister aware that delays are putting the projects at risk, given the Clean Energy Regulator imposes a deadline by which all consents must be provided or a project is deregistered?

**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 Lands.

- (1)–(5) The state will only consider eligible interest holder consent for human-induced regeneration carbon projects that are on pastoral leases. All active and proposed land uses, including hydrogen projects, if applicable, are considered when assessing proposals. The Department of Planning, Lands and Heritage encourages carbon proponents to seek the state's eligible interest holder consent at the earliest possible stage. The human-induced regeneration method, under the federal Australian carbon credit units scheme, concluded in October 2023. No new projects can be registered under this method; however, projects already conditionally registered on pastoral leases seeking the state's eligible interest holder consent are still being considered.

#### PRESCRIBED BURNING — CONDITIONAL BURN AREAS AND FIRE EXCLUSION REFERENCE AREAS

**1462. Hon Dr BRAD PETTITT to the parliamentary secretary representing the Minister for Environment:**

I refer to the answer to question on notice 1461 from 20 June 2023, which included tabled paper 2316, *The Department of Biodiversity, Conservation and Attractions Parks and Wildlife Service: Prescribed burn planning manual 2018*. Will the minister please table the following documents referred to in the prescribed burn planning manual —

- (a) DBCA's bushfire risk management framework;
- (b) DBCA's current regional fuel management plans; and
- (c) DBCA's current regional burn programs?

**Hon DARREN WEST replied:**

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

- (a) See the tabled document titled *Parks and Wildlife Service bushfire risk management framework — Managing fuel hazards on public lands to control bushfire risk*.

Do I need to table that, President, or is that automatically tabled?

**The PRESIDENT:** Continue and I will —

**Hon DARREN WEST:** Yes.

- (b) The Department of Biodiversity, Conservation and Attractions regional fuel management plans are currently in draft form and will be finalised and approved by 30 June 2024. The nine plans can be tabled upon finalisation.
- (c) DBCA's burn options program is available publicly on DBCA's website. There is a link. This burn options program covers all nine of DBCA's regions. As this website is interactive and contains live updates, a physical copy is unable to be tabled with this answer.

[See paper [2827](#).]

ELECTORAL AMENDMENT (FINANCE AND OTHER MATTERS) BILL 2023 —  
DISCLOSURE REQUIREMENTS

**1463. Hon WILSON TUCKER to the parliamentary secretary representing the Minister for Electoral Affairs:**

I know that this question may be ruled out of order, but we will see how we go. I refer to the proposed disclosure requirements of the Electoral Amendment (Finance and Other Matters) Bill 2023, and I note recent reporting of a planned Labor Party fundraiser advertising tickets for \$6 000 a person or \$10 000 to sit next to former Premier Hon Mark McGowan.

- (1) Will political parties hosting such events be required to disclose individual ticket sales within seven days?
- (2) Will in-kind contributions, such as bottles of Penfolds Grange wine, be subject to the same disclosure requirements?

**Hon MATTHEW SWINBOURN replied:**

I thank the member for some notice of the question. I might say that if the member thinks the question is out of order, he might not want to ask it in the first place. In any event, I shall provide the answer that has been provided to me by the Minister for Electoral Affairs.

- (1) If the amount or value of the gift exceeds the specified amount, which will commence at \$2 600 and be indexed annually thereafter, the political party will be required to disclose it to the Western Australian Electoral Commission. If a gift involves inadequate consideration, such as the purchase of a ticket to a fundraiser for which a meal and drinks are provided, the amount or value of the gift for the purpose of disclosure is the difference between the consideration provided—the meal, drinks et cetera—and the value of the gift, which is the ticket price.
- (2) The definition of a gift includes a disposition of property made by a person to another person without consideration in money or money's worth or with inadequate consideration.

Note that the commencement date for the bill, once passed, is 1 July 2024.

SERPENTINE COMPLEX BUSHFIRE

**1464. Hon Dr BRIAN WALKER to the Minister for Emergency Services:**

We enter what threatens to be a long and dangerous bushfire season.

- (1) Will the minister join me in thanking all those firefighters involved in tackling the blaze in Serpentine over the past week, which threatened homes and businesses at the very heart of my electorate?
- (2) As fires continue to burn elsewhere in the state, will he take this opportunity to reiterate the Cook government's support for the emergency services volunteers who make this level of service and community support possible, alongside their full-time colleagues?

**Hon STEPHEN DAWSON replied:**

Can I thank Hon Dr Brian Walker for an amazing question.

- (1)–(2) As Minister for Emergency Services, I will, of course, join the member and thank all firefighters and emergency services personnel who have been involved in the response to the Serpentine complex, which is the fire he referred to.

The Serpentine complex involved over 95 emergency services brigades, groups and units in response to a complex incident that involved seven separate fires within multiple local governments. All our Department of Fire and Emergency Services emergency services personnel do an amazing job, but I want to highlight the work of members of local government volunteer bush fire brigades, members of the Volunteer Fire and Rescue Services, the volunteer fire emergency services, and members of the State Emergency Service.

The Department of Biodiversity, Conservation and Attractions firefighters and rangers played a crucial role not just in the Serpentine complex, but also right across WA during the high-threat season. I would also like to thank the many staff and personnel from local governments and shires, especially the chief bushfire control officers and community emergency services managers, as well as the many other non-government volunteer groups like the Salvation Army emergency response group.

Of course, our career firefighters also do an amazing job, and over the past few weeks, they have been drafted to help fight fires in the regions. I am very grateful to them for their work, too.

#### HOSPITALS AND HEALTH CAMPUSES — MAINTENANCE FUNDING

**1465. Hon MARTIN ALDRIDGE to the Leader of the House representing the Minister for Health:**

I refer to Legislative Council question on notice 1510, answered on 12 September 2023, regarding the state government's priority hospital maintenance program for regional health services.

- (1) What was the total funding amount that was reprioritised for Newman Health Campus?
- (2) What was the total funding amount that was reprioritised for the Geraldton Health Campus redevelopment?
- (3) Noting that 97 priority hospital maintenance projects were not delivered as part of this program, does the minister stand by her claim that this initiative created 1 300 new jobs?

**Hon SUE ELLERY replied:**

I thank the honourable member for some notice of the question. The minister advises that an answer will be provided on 16 November 2023.

#### FIREARMS ACT — REFORM

**1466. Hon LOUISE KINGSTON to the minister representing the Minister for Police:**

I thank the minister for the answer to question without notice 1384, and I refer to the answer to parts (2) to (4), "Not applicable".

How were the almost 90 000 firearm licence holders in WA directly contacted regarding the government's proposed firearms reforms consultation paper?

**Hon STEPHEN DAWSON replied:**

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

- (1) As part of almost two years of public consultation on firearms reform, the Western Australian public—both licensed firearms owners and non-firearms licence holders—all of whom have an interest in public safety, were notified of the proposed firearms reforms via the following means —
  - (a) engagement with the WA Firearms Community Alliance, which represents some individual firearms licence holders, clubs, dealers, collectors and the broader firearms community;
  - (b) engagement with the Western Australian Primary Producers Firearms Advisory Board, consisting of representatives from the WA Farmers Federation, the WA Pastoralists and Graziers Association, the Kimberley Pilbara Cattlemen's Association, vegetablesWA, and Wines of WA;
  - (c) ministerial media briefings and statements;
  - (d) Western Australia Police Force website, including via the firearms licensing services blog site;
  - (e) state government website; and
  - (f) media advertisements in all mainstream media, including newspapers, radio and television, and online sites.

#### VIOLENT SEX OFFENDERS — PAROLE

**1467. Hon NICK GOIRAN to the minister representing the Minister for Police:**

I refer to the minister's answer on 19 October 2023 to my question without notice 1326 that revealed that three return to prison warrants are outstanding for offenders who are known to be in custody in another jurisdiction.

- (1) For how long has each of these three warrants been outstanding?
- (2) What are the names of these three fugitives?

- (3) What is the earliest date of release from custody in each of these three extra-jurisdictional cases?  
 (4) What arrangements are in place to ensure that these warrants are executed at the first possible instance?

**Hon STEPHEN DAWSON replied:**

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

- (1) The Western Australia Police Force advises that a return to prison warrant has been executed, 1 097 days and 13 138 days.  
 (2) The WA Police Force assessed various considerations and does not deem the public release of the information necessary.  
 (3) (a) Not applicable.  
 (b) It is 22 February 2024.  
 (c) No release date was provisioned.  
 (4) The WA Police Force rapid apprehension squad liaises with all Australian law enforcement agencies regarding RTP warrants to determine whether they are in custody or on parole. Actions to extradite are ongoing for these RTPs.

ENERGY — SAFETY — POWERLINE BAYS

**1468. Hon STEVE MARTIN to the Minister for Commerce:**

I refer to question on notice 1595 asked in the Legislative Council on 31 August 2023.

- (1) How many of the 73 bays have been remediated as of 13 November 2023?  
 (2) If they have still not all been remediated, is the minister confident this will be completed by the end of 2023?  
 (3) Can the minister provide the locations of each of the 73 bays yet; and, if not, why not?

**Hon SUE ELLERY replied:**

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

- (1) It was 44 as of 2 November 2023.  
 (2) The Director of Energy Safety is monitoring the progress of the work and has been assured work on remaining bays will be completed by the end of 2023.  
 (3) No; I cannot provide further detail until the court proceeding has been completed.

BIODIVERSITY CONSERVATION ACT — PLANT SPECIES

**1469. Hon Dr STEVE THOMAS to the parliamentary secretary representing the Minister for Environment:**

For each of the financial years 2017–18 to 2022–23 inclusive, under the Biodiversity Conservation Act, how many plant species within Western Australia has the Department of Biodiversity, Conservation and Attractions categorised as —

- (a) vulnerable;  
 (b) endangered;  
 (c) critically endangered; and  
 (d) extinct?

**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, which was correct as of Tuesday, 17 October 2023. The answer is in tabular form.

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

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

(a)–(d)

	Vulnerable	Endangered	Critically endangered	Extinct
2017–18	128	139	161	15
2018–19	129	140	160	15
2019–20	129	140	160	15
2020–21	129	140	160	15
2021–22	129	140	160	15
2022–23	130	143	163	15



## ELECTRIC VEHICLE STRATEGY — GREAT NORTHERN HIGHWAY

**1470. Hon COLIN de GRUSSA to the parliamentary secretary representing the Minister for Climate Action:**

I refer to the state government's electric vehicle charging network.

- (1) Does the state government plan to install electric vehicle charging stations on Great Northern Highway between Perth and Port Hedland?
- (2) If yes to (1), can the minister please specify the locations of the stations and their proposed date of installation?
- (3) If no to (1), why not?

**Hon DARREN WEST replied:**

I thank the member and fellow electric vehicle driver for the question. I provide the following answer on behalf of the Minister for Climate Action.

- (1)–(3) The Western Australian EV network extends from Perth through to Port Hedland along Indian Ocean Drive and North West Coastal Highway. North of Port Hedland, the Western Australian EV network extends to the Northern Territory border along Great Northern Highway. On 4 November, the Minister for Energy announced round 2 of the Charge Up grant program providing grants for local governments, not-for-profits and small to medium enterprises to install EV charging infrastructure. These organisations located along Great Northern Highway between Perth and Port Hedland are eligible for these grants, which can support public EV fast-charging installations along this route.

**QUESTION ON NOTICE 1612**

*Paper Tabled*

A paper relating to an answer to question on notice 1612 was tabled by **Hon Sue Ellery (Leader of the House)**.

**HAKEA PRISON — PRISONER DEATH**

*Question without Notice 1433 — Answer*

**HON STEPHEN DAWSON (Mining and Pastoral — Minister for Emergency Services)** [5.03 pm]: I would like to provide an answer to Hon Neil Thomson's question without notice 1433.

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

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

- 
- (1) The secure complex is currently providing accommodation to contracted workers other than those employed by the Fitzroy Bridge Alliance.
  - (2) Accommodation at this complex became available for other contracted workers conducting flood-related activities from 6 October 2023.
  - (3) Not applicable.
  - (4) The Department of Communities has engaged additional private security in Fitzroy Crossing.
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**MAIN ROADS AMENDMENT BILL 2023**

*Second Reading*

Resumed from an earlier stage of the sitting.

**HON STEPHEN DAWSON (Mining and Pastoral — Minister for Emergency Services)** [5.05 pm] — in reply: I was giving my second reading reply before we were interrupted, so I will continue that.

The bill contains powers that underscore this commercial capability and put the ability of Main Roads to negotiate such agreements beyond doubt. It is expected that the majority of commercial leasing arrangements entered into by Main Roads will be managed by the transport portfolio land and property services branch, which was established in 2022. It contains a dedicated commercial and leasing team servicing Main Roads, Department of Transport and the Public Transport Authority.

Main Roads' operational and network management areas—in other words, the regional offices—will not be burdened with additional duties in the commercial space. This portfolio branch will also undertake significant development of new policy frameworks, building on existing policies and practices to ensure that the new powers will be utilised in a considered, appropriate manner.

As to new regulations and the expanded regulation-making powers and infringement powers that go along with the increased penalties, this will be the subject of considerable work in Main Roads. It will take at least a year to properly develop and approve the key policies that must underpin the new regulations, then more time to draft the regulations. I am advised that this will not be rushed work; it will be considered and planned, and involve consultation with affected stakeholders, writing procedures, training staff and informing the community. Only the necessary regulation under section 18D(1)(a), to prescribe the relevant contract expenditure above which the minister's approval is required, will be put in place from the commencement date of the amended act.

Main Roads is very much a modern road authority. The use of technology to manage the road network, accepting innovative designs, especially around structures and grade separations, and the existing commercial acumen when dealing with the resources sector are examples of this, but the current Main Roads Act is simply too old to provide a sound and proper basis for using that commercial acumen in better ways, and maximising opportunities for the private sector to utilise Main Roads' assets for the public good.

This bill will provide clarity and certainty, and will enable Main Roads to manage its assets as effectively as possible for the benefit of the public.

I commend the bill to the house.

Question put and passed.

Bill read a second time.

#### *Committee*

The Deputy Chair of Committees (Hon Dr Sally Talbot) in the chair; Hon Stephen Dawson (Minister for Emergency Services) in charge of the bill.

#### **Clause 1: Short title —**

**Hon NEIL THOMSON:** I thank the minister for his response to the second reading debate. There was some good information in that. Hopefully, we will finish this bill today. I am not anticipating that I will go too long. There may be other questions from other people. In particular, I would like to focus in clause 1 on some of the accountability mechanisms.

We are expanding the capacity of Main Roads Western Australia to undertake certain business activities. I think the minister's words were that it will clarify the head of power for the activities that it might be able to undertake. I suppose my first question is: are there any activities that are currently undertaken by Main Roads that might be firmed up by the passage of this legislation into law?

**Hon STEPHEN DAWSON:** Honourable member, I am sorry. I was handing some notes to Hansard. Does the honourable member mind asking that question again? Apologies.

**Hon NEIL THOMSON:** The question was about the activities. The minister used the word "clarifying" regarding the head of power for some commercial activities. We can also see that there is an expansion of those powers. Are there any activities that Main Roads has currently undertaken that will be clarified once this bill becomes law? What might those activities be?

**Hon STEPHEN DAWSON:** Yes, there are. Main Roads will bring a more commercial focus to arrangements with third parties, such as partnering with resource sector companies to optimise mining and haulage tasks, for example, to have dedicated heavy haulage corridors. There are powers in the legislation before us that will give us better capacity to negotiate with those third parties.

**Hon NEIL THOMSON:** I have a follow-on question. What other activities might Main Roads contemplate that it does not currently contemplate under the existing laws?

**Hon STEPHEN DAWSON:** One that we spoke about previously, and I raised earlier, is commercial operations in rest areas. There is also putting pipelines in road reserves. At the moment, we cannot charge a fee for the work that we do to enable those pipelines to be placed, essentially, in road reserves. The changes before us would allow us to get a commercial return for the state.

**Hon NEIL THOMSON:** Is that all or are there other activities that it might extend to?

**Hon STEPHEN DAWSON:** They are the ones that I countenance at this stage.

**Hon NEIL THOMSON:** That gives me some comfort. The minister read some elements of the bill, and we will probably get more specific in due course, in the next half or quarter of an hour. My main concern, which I mentioned in my second reading debate speech, is that the expansion of Main Roads' activities means it might be able to engage in partnerships. Profit sharing is another thing I mentioned. If it is to do with pipelines and road reserves, I am not sure why there would be profit sharing. Maybe there would be profit sharing with those resource companies for work on corridors; I am just thinking out loud here.

I am making the point that ultimately when governments step into commercial activities, it is not always a bad thing, but it can become problematic. I am thinking about how there might be scope or an opportunity for a third party. My question relates to competition policy and trade practices. What discipline is going to be imposed on Main Roads as it expands its commercial activities to ensure that it operates in accordance with the competitive neutrality of completion policy? It obviously would not be breaching the Trade Practices Act, but we do sometimes see government agencies spreading into potential activities that are harder to enforce, like third line forcing. What protections would be in place for a third party, a private sector organisation, that might also want to engage in the delivery of civil works that Main Roads might otherwise be engaged in?

**Hon STEPHEN DAWSON:** There would be a competitive tender process, presumably on Tenders WA, so people could see what is being suggested. It would happen through procurement. Any agreement would need to be signed off by the State Solicitor's Office. It would give advice about whether we fall foul of competition policy or indeed any other federal policy. That would take place.

**Hon NEIL THOMSON:** I would expect that competitive tendering will occur when Main Roads seeks to engage a third party to deliver work on its behalf. For example, there could be a situation in which Main Roads is in a profit-sharing arrangement with a resource company to deliver civil works. As part of that profit-sharing arrangement, it would obviously go to a competitive process. That would be expected. I am referring to situations in which there might have been an opportunity for the delivery of civil works on behalf of a resource company for a slip-road or road of some sort that might be next to or within a road reserve. In that situation, there may be a competing civil construction company that wants to engage in that work with the resource company, but Main Roads, effectively, has a head start. How do we ensure that the activities that Main Roads promotes will still allow for, and will not overcut, competition from other parties engaging with resource companies? Maybe the minister could elaborate on that.

**Hon STEPHEN DAWSON:** I am told that currently there are circumstances in which we might help a company construct a road into its mine site, for example. It is not for my department, but I would suggest that some private sector providers probably pay less to their staff than the public sector pays. There are probably commercial opportunities out there to get better value for money. In saying that, in some cases around the state, Main Roads might be the only agency that has road crews. In some cases, a company may come to us and ask us to provide assistance.

High-risk ventures such as partnering, profit sharing, new commercial ventures, or creating a separate business entity or joint research venture would most likely constitute a business arrangement, which requires both the minister and the Treasurer to approve it. There is that safeguard in terms of high-risk ventures, but I am told that there are cases at the moment in which the private sector might come to us and ask for help with a road because no-one else in the locality can do it. That work already takes place.

**Hon NEIL THOMSON:** In that circumstance, is there any restriction on Main Roads or the state to effectively deliver something into the marketplace at a price that is not market competitive? I am talking about a private company. Let us say that an energy company wants a road, which is in line with the energy objectives of the state. Somehow Main Roads is effectively directed to deliver that road at a net cost to the state. Will there be circumstances in which these powers may be pushed? I expect that that happens now to a certain degree. Main Roads is more likely to be in that position as a result of this legislation. To what extent can we ensure a level of discipline around commerciality and full cost recovery of some of these activities?

**Hon STEPHEN DAWSON:** If we did work for somebody at the moment, the cost of that work would need to be recovered. It is not the government's intention to subsidise work. That remains the case. There would be a procurement process if we got the work. Obviously, the company would want value for money, and we would need to ensure that we recouped our costs. That is what happens now.

As the member would understand, with bigger projects such as Fitzroy River Bridge, for example, we tend to partner with organisations that have greater capacity than we do. In the case of the Fitzroy River Bridge, there is an alliance contract. There are builders who build things, naturally. We are working with them to make sure it is delivered. Moving forward, there is no intention to change how we do things. The state government will not subsidise the work that Main Roads might do for a private sector proponent to help us get the work. It does not happen now and it will not happen in the future.

**Hon NEIL THOMSON:** To clarify that, will these laws affect the alliance arrangement relating to the construction of the Fitzroy River Bridge?

**Hon Stephen Dawson:** No, they will not change it.

**Hon NEIL THOMSON:** So what the government did was fine under the current act.

**Hon Stephen Dawson:** Absolutely.

**Hon NEIL THOMSON:** I am thinking about oversight and complaints. I mean no disrespect to anyone; Main Roads did a great job with the Fitzroy River Bridge. Some tremendous work was done, and no doubt it will continue to do a great job. Hardly a month or even a week goes by when I do not get somebody grizzling to me or complaining—"complaining" is probably the most appropriate word to use because often these complaints are valid—about the exercise of anticompetitive behaviour, even though it might not pass the threshold test of a complaint to the Australian Competition and Consumer Commission. I am squeezing out those private sector companies. We are thinking ahead here. We are giving more power to Main Roads. As I said during my second reading contribution, I do not see a provision in the bill insisting on the exercise of competitive neutrality under clause 3 of the competition principles agreement. I do not see an intent statement—maybe that is already in the act—in relation to maintaining that high standard of assessment in some of those other aspects that I mentioned, such as third line forcing, which is a very difficult practice to get some sort of complaint up with the ACCC.

If a civil contractor, a consultant or someone out there thinks that the current powers are starting to impact—we are not saying that the current management might do it, but in five years' time somebody else will be at the helm and could expand the capacity of Main Roads to do certain things—and there is a concern, what oversight will the state government have for the commercial activities that this bill expands? What mechanism will a contractor have to raise a complaint other than just writing to the minister? What mechanism for complaints will be available for anyone who might feel aggrieved about the activities undertaken by Main Roads in the future?

**Hon STEPHEN DAWSON:** There are a couple of things I can say to that. First of all, currently under the act, the minister has to sign off on every spend over \$500 000. That has been in place for a long time. This bill will up that figure to \$1 million. That is a safeguard. Whether it is the frugal and very good Treasurer we have now, who happens to be the Minister for Transport, or another minister in the future, they will need to sign off on everything over \$1 million. That is a safeguard.

I turn to the federal legislation that the member referred to, the Australian Competition and Consumer Commission and whatever else. We will be compelled to abide by federal legislation by virtue of being a state government agency, so it does not need to be in every piece of legislation. We are captured by that stuff so we have to abide by it. Just because it is not written in the bill before us does not mean that we are not captured by that stuff.

I turn to procurement. I understand that we will establish a procurement grievance process. That is being worked on. If a third party felt aggrieved, they could complain as part of that process. I understand that there is a similar process of sorts in place at the moment for procurement, so there will certainly be one moving forward.

**Hon NEIL THOMSON:** This is more of a comment by way of clarification, and I will get to my next question. That is quite common in competition policy for many government agencies or government trading enterprises. Main Roads is not a government trading enterprise, but it is quite common for those working in the commercial sector to have some sort of provision in legislation to provide a level of certainty, discipline and conformity with the Competition Principles Agreement. Of course, the government will always be bound by the Trade Practices Act. Anyway, that is just a comment.

It is important that there is an expanded complaints mechanism that takes into account not just tendering. Again, I am making a comment, but it is important, and maybe that could have been included in some provision. I have made my general concerns about commercial arrangements moving forward in clause 1 clear. We have the terminology, for example “innovative business arrangements”; we have talked about that. There is the issue of crowding out the private sector, which is a reasonable concern. I am happy to leave debate on clause 1 at that because we can go into the specifics of the other clauses.

**Clause put and passed.**

**Clauses 2 to 4 put and passed.**

**Clause 5: Section 6 amended —**

**Hon NEIL THOMSON:** We have touched on this. Clause 5 deletes the definition of “road construction”, which will be replaced by a broader term of “works”. It will also insert a new term “adjoining works” to provide the Commissioner of Main Roads with the power to undertake activities outside of the road reserve. We have mentioned that. My question is about “adjoining works”. I assume that adjoining works require a level of co-location. There is no proposal to expand into other works beyond those that are physically adjoined to the road reserve. Maybe we could have a bit of background about what that means.

**Hon STEPHEN DAWSON:** The proposed term “adjoining works” is required to provide the commissioner with power to undertake activities outside the road reserve of main roads and highways for the purposes of the commissioner fulfilling functions under the act. It includes reference to the proposed term “works”, which is defined to include a broad range of works and related activities. The proposed term is required to provide clarity about what constitutes adjoining works for the purposes of proposed section 22A of the bill. Under the current act, the commissioner’s functions are largely confined to the road reserves of main roads and highways. Proposed section 22A and the defining term “adjoining works” will enable the commissioner to undertake a number of activities outside the road reserve of main roads and highways, including installing noise abatement measures on private properties adjoining main roads or highways, obviously with the consent of owners, or undertaking drainage modifications on adjoining land, and establishing and using quarries on land outside the road reserve.

**Hon NEIL THOMSON:** Would that categorically not mean any other works that were not in some way adjoined to the road reserve?

**Hon STEPHEN DAWSON:** No, it needs to be adjoining.

**Hon NEIL THOMSON:** There is another proposed definition in clause 5, “business arrangement”. The explanatory memorandum states that —

... is required to support and provide clarity to the powers of the Commissioner under proposed sections 15B(1)(g) and 18E, which in certain circumstances requires the approval of the Minister and Treasurer —

That is the same person, which is interesting —

to participate in alternative forms of agreements and business arrangements ...

My first question is about that matter. Is it normal to have the Treasurer and the minister provide the same approval when they are the same person? I would have thought that the reason for having approval by the minister and the Treasurer would be to provide a bit of competitive tension between the two. It might just be an official title; I am not sure. I am just wondering. Is that normal in the current legislation?

**Hon STEPHEN DAWSON:** In my second reading response I cited the examples of the Public Transport Authority Act 2003, the Metropolitan Redevelopment Authority Act 2011 and the Western Australian Land Authority Act 1992, to name a few, that make provision for business concern or management in discussing the powers of such authorities or agencies, so it happens from time to time across government. Obviously, the advice the Treasurer receives comes from the Department of Treasury, and, obviously, the advice the Minister for Transport receives is from the Department of Transport, so they come from two different directions. But, yes, the member will have heard of cases, whether mentioned in this place or externally in the past few months, in which the minister has written to the Treasurer or, correspondingly, the Treasurer has written to the minister. That happens in government.

**Hon NEIL THOMSON:** I note that the term “alliance” is not included in the proposed definition of “business arrangement”. It seems to be a prominent arrangement used today. The definition refers to joint ventures. Is that the same thing?

**Hon STEPHEN DAWSON:** An alliance contract is simply a contract, and that will be covered by an agreement in this bill.

**Hon NEIL THOMSON:** Okay, so that is already covered. Could joint ventures include, for example, firstly, the acquisition of land and, secondly, the expansion of road reserves? Will this bill in any way alter the current arrangements in place?

**Hon STEPHEN DAWSON:** No, this current bill does not change what happens currently.

**Clause put and passed.**

**Clause 6 put and passed.**

**Clause 7: Section 9 amended —**

**Hon NEIL THOMSON:** The amendment is to replace “acts and powers” with the term “functions”. The term “function” is defined in the Interpretation Act. Is that a definition issue?

**Hon STEPHEN DAWSON:** It is an updated way of drafting. Rather than list powers, duties, responsibilities, authorities and jurisdictions, this is a drafting modernisation.

**Clause put and passed.**

**Clause 8: Section 9AA inserted —**

**Hon NEIL THOMSON:** This clause refers to the status of the commissioner as an agent of the state with immunities and privileges. Clause 8 will insert a provision. The explanatory memorandum states —

There is no express provision in the current Act that provides the Commissioner is an agent of the Crown, such consequence being implied. This new section will put beyond doubt the intention that the Commissioner is an instrumentality of the State and therefore enjoys the privileges and immunities ...

As in the point I made during the consideration of clause 1, what projects might have been put at risk? This question is more about how the commissioner is currently impacted by not being an agent of the Crown?

**Hon STEPHEN DAWSON:** It is implied under the current act, and this just formalises it. There is no material difference. This tidies up what is implied in the current legislation.

**Hon NEIL THOMSON:** Is there a history of any legal challenges to the commissioner’s role? Has it ever been an issue?

**Hon STEPHEN DAWSON:** I am told no.

**Clause put and passed.**

**Clauses 9 to 16 put and passed.**

**Clause 17: Section 15B inserted —**

**Hon NEIL THOMSON:** Proposed new section 15B(1)(e) provides —

... control or regulate traffic —

- (i) directly on highways and main roads; and
- (ii) on other roads in conjunction with local governments and other road authorities;

Why does the control to regulate traffic directly on main roads or on other roads in conjunction with local authorities not already exist? I am aware of Tanami Road, for example, which is a local road. Main Roads is coordinating the project. I think the Broome–Cape Leveque road might have been the same as that. Is part of the story that this helps with the regulation of traffic in relation to that? What is the purpose of this provision?

**Hon STEPHEN DAWSON:** I think it clarifies that we can work with local government on things like the erection of signs, road markings, traffic control signals and similar devices.

**Clause put and passed.**

**Clause 18 put and passed.**

**Clause 19: Section 16A amended —**

**Hon NEIL THOMSON:** This clause will put up the fine. We seem to do a lot of that. I know that this legislation has probably been around a while, but it was only a \$400 fine for powers as to the closure of highways or main roads. There is a new penalty in clause 19(4); it will amend section 16A(3) by increasing the penalty for interfering with signs that indicate a main road is closed from \$200 to \$10 000. What assessment was undertaken, given a broad range of problems arise from people interfering with signs? In some parts of Western Australia, there might be a case in which people travel on certain roads, maybe without too much impact, whereas they should never travel on a road when it says it is closed. However, we know the reality out in the bush, and I wonder where the \$10 000 figure was picked up from. On account of that, if a truck drove over a wet road that was still being built, it would make a big mess and could cause millions of dollars' worth of damage. In one sense, the fine seems a bit low because if a road has recently been rolled and was being closed, then it rained and a triple road train drove down it, one might find it is going to cost hundreds of thousands of dollars to repair. I wonder about the choice of that penalty.

**Hon STEPHEN DAWSON:** The \$200 fine might have been a deterrent in 1975. It might have been a lot of money.

**Hon Neil Thomson:** Was it that long ago?

**Hon STEPHEN DAWSON:** Nineteen seventy-five? The penalty has not been increased since that time. The figure of \$10 000 was suggested by the Parliamentary Counsel's Office as an appropriate and comparable fine. That is a maximum fine, though. It would be up to a court to ascertain and decide what the fine would be. The minister has correctly pointed out that a significant amount of damage can be done, for example, by a truck driving on a wet road. This is supposed to be a deterrent. We know that going through a closed road can endanger lives but also cause significant and costly damage to main roads and highways. This is seen as an appropriate amount in a piece of modern legislation.

**Clause put and passed.**

**Clauses 20 to 22 put and passed.**

**Clause 23: Section 18AA inserted —**

**Hon NEIL THOMSON:** Clause 23 will insert proposed section 18AA with the heading "Agreements for contributions towards commissioner's expenditure." An explanation has usefully been provided about resource companies approaching Main Roads to seek changes to the network, and the commissioner entering into agreements. The explanatory memorandum states —

The commissioner has entered into agreements for work for the benefit of third parties, such as road realignments ...

We know that is probably not just resource companies; it occurs everywhere, does it not?

**Hon Stephen Dawson:** It is not just resource companies, but it is predominantly resource companies.

**Hon NEIL THOMSON:** Thank you for that, because it says "such as road realignments to assist mining companies." It further states —

... operations or for benefit of property developers for housing or other property ...

This is sometimes a controversial subject with property developers, for example, because there can be a bit of an argument about what all this costs—probably more so in relation to those development contributions, which is a different issue. It is not actually covered by the State Administrative Tribunal. That would be with local government when there is a developer contribution for a road modification into the future. However, it is an issue here. This is not effectively enabling a developer contribution scheme, is it? This is for putting in place a specific funding arrangement to enable specific works to take place. Is that correct?

**Hon STEPHEN DAWSON:** That is correct. It is not about developer contributions; it is as the member has suggested.

**Hon NEIL THOMSON:** What will be the process for the commissioner's calculation? Will the decision on costs be transparent and will it be challengeable? A resource company does not have a lot of options; it has to go to Main Roads. That is the situation here. Will the resource company be able to challenge that decision? How will that be transparently presented?

**Hon STEPHEN DAWSON:** We would essentially do an estimation of what we think the work would cost. It would be done entirely by negotiation. Obviously, it would be done on a case-by-case basis. It would be up to the company. We would give it a quote, essentially, if I am using the correct terminology. We would tell the company what we want to charge it and it would be open to the company to say that we are highway robbers or that it sounds reasonable and it would like us to do the work.

**Hon NEIL THOMSON:** To go back to the point that we touched on in debate on clause 1 but did not quite get to the end point on, if a resource company did not like the quote that was provided, as the minister described it, would it have the capacity to undertake the works itself, provided it conformed with the engineering design specifications required by Main Roads to meet the standards for the safe conveyance of transport and for egress, merging and everything that needs to occur?

**Hon STEPHEN DAWSON:** It is the company's road and it could decide to go with whomever, but it would need to be to our specifications. It could go to the private sector or it could bring in people from all sorts of places, but it would have to be to our specifications.

**Hon NEIL THOMSON:** Sorry to hammer on a little about this, but I imagine that there would be a point on the road reserve that is not the company's road, but a bit of work would still need to be done. Would there be scope for a mining company to undertake, quid pro quo, the design for the work on the piece that engaged with the merging lane on the Main Roads road reserve? How would that be worked out? Once works start, we do not want it to be split. The minister is nodding so I think he understands the point I am getting to, which is about getting the best deal for the company.

**Hon STEPHEN DAWSON:** We would be open to negotiation, essentially. There would be negotiation between the company and Main Roads on an appropriate price or what the quid pro quo might be.

**Hon NEIL THOMSON:** It might be conceivable and legally possible for a mining company to find a way outside of this arrangement to design a road to its plant on the adjoining part involving a turning lane or an intersection with the main road in accordance with the standards. Would it be possible for that to be undertaken?

**Hon STEPHEN DAWSON:** That would be possible. That would be part of the negotiations.

**Clause put and passed.**

**Clause 24 put and passed.**

**Clause 25: Sections 18C to 18F inserted —**

**Hon NEIL THOMSON:** This is a piece around the authorisation of works. It provides the power to authorise works. It states that business arrangements and agreements requiring the approval of the minister and the Treasurer include agreements by which the commissioner acquires, holds or disposes of shares, units or other interests in or relating to a business arrangement or research body. This is an interesting one. We are talking about shares, units and other interests. What does that mean? In what circumstances might there be the exchange of shares, units or other interests in a business?

**Hon STEPHEN DAWSON:** I am told that this provision will allow a company to upgrade a road to our standards and specifications with our agreement. It would maintain it. It would allow a company to use bigger vehicles, such as B-quads instead of B-doubles. Obviously, there would be an impact on the road as a result of the heavier loads and whatever. This will allow the maintenance to be done by the company itself, rather than by us, by agreement.

**Hon NEIL THOMSON:** Just to clarify that, part of that agreement might involve interests, shares and units in the other company. Main Roads is not going to get involved in buying shares in a company, is it?

**Hon Stephen Dawson:** In that case, there would not be shares involved. In terms of the question about shares and joint venture stuff, that is about futureproofing the legislation. What we have spoken about would not require us to have shares or, indeed, a joint venture.

**Hon NEIL THOMSON:** I am trying to envisage a situation in which there might be a need for shares. Does Main Roads currently have any shares, units or interests in a business?

**Hon STEPHEN DAWSON:** No; currently, there is not. We do not hold shares in anything. Again, this is not related to the bill, but I think there might be instances in which government trading enterprises have shares in a new project or whatever, but Main Roads does not currently. This will allow for it to happen in the future.

**Hon NEIL THOMSON:** That highlights a bit of an issue. GTEs are subject to certain reporting requirements that Main Roads is not. I will come back to that point.

**Hon Stephen Dawson:** Can I stand up again?

**Hon NEIL THOMSON:** Yes, please.

**Hon STEPHEN DAWSON:** I draw the honourable member's attention to the fact that a number of other government acts allow for joint ventures of shares, including the Public Transport Authority Act 2003, the

Metropolitan Redevelopment Authority Act 2011, the Western Australian Land Authority Act 1992, the Biosecurity and Agriculture Management Act 2007, the Health Services Act 2016, the Planning and Development Act 2005 and the School Education Act 1999. They make provision for a business concern or business arrangement or for participating in such business concerns or arrangements. It is not a new thing. It is in other acts already. Essentially, the great majority of commercial arrangements that Main Roads will enter into will likely be nowhere near as complex as business arrangements. It might just be allowing coffee vans or food trucks to operate in 24-hour rest areas. At the moment, as I said, these activities are operating on a permit-based system, but Main Roads has no power to charge anything other than an administration fee to cover the cost of processing applications. In some of those cases, it might be that we seek further payment for the state for something.

**Hon NEIL THOMSON:** Are we thinking about potentially going out to tender for a coffee van that will pay the highest amount to park up and sell coffee at a busy Main Roads stop somewhere?

**Hon STEPHEN DAWSON:** Possibly, if there was a market for it. It is probably not about where we are looking for the most money, but it is simply trying to get a service provided on a piece of land adjacent to a highway where a service is probably needed. At the moment, people drive vast distances in this state and our road toll rate is significant. There are probably some road safety benefits from having such facility 200 kilometres down the road. It might not make sense to open a big petrol station or a big camp site or whatever. In those cases, what we have before us now would allow us to do something different.

**Hon NEIL THOMSON:** I know that the Road Safety Council does some great work during peak times and holidays. It gets out there and provides driver reviver stops. During the eclipse, I saw that quite a lot of work was put into making sure people were safe on the road, which is a very important issue given our horrendous road toll. Would this provision mean that the government might have a share in the development of an actual service station centre, like the type we see on freeway south? I am recalling in the recesses of my mind the challenges of getting those up when we first extended the Forrest Highway. Would that be what we are talking about?

**Hon STEPHEN DAWSON:** It is almost always the case that we would facilitate a private sector running of a facility that might be able to be commenced as a result of the legislation before us. There might be an instance in which a project would get across the line only if we took a share in it. In that instance, we might consider taking a share, but we would rather that the private sector ran it. In fact, I am sure that we would not see ourselves running petrol stations—these days we call them road service centres. It would only be if we are trying to get a project across the line and the other potential shareholders said, “The only way we will do this is if you stump up cash and become a shareholder”. In that case we would look at it, otherwise it is not countenanced.

**Hon NEIL THOMSON:** That is important. I assume that this is my last question. Main Roads should not look to become shareholders of a string of road service centres across WA, notwithstanding that it would be good to have more, so maybe this is a capacity for that, because Main Roads’ business is about building great roads in Western Australia and maintaining them. My last question on this aspect is around the level of accountability through the annual report. Will this be something that we will see included in the KPIs on the annual report of Main Roads? That will be the important bit to make sure that we do not end up focusing on the wrong things going forward.

**Hon STEPHEN DAWSON:** Yes, absolutely.

**Clause put and passed.**

**Clause 26: Section 19 amended —**

**Hon NEIL THOMSON:** There is a proposed section talking about intellectual property at clause 27, and the explanatory memorandum states —

Subsection (1) introduces the term “intellectual property” which includes intellectual property —

- (a) created or acquired in the course of the performance of the Commissioner’s functions under the Act; or
- (b) otherwise created in the course of performance of functions by a person in the capacity as an officer or employee of the Commissioner.

What was the reason for including this?

**Hon STEPHEN DAWSON:** I am advised that the government recently introduced an intellectual property policy. The inclusion of this is a result of the fact that we now have an IP policy in the state.

**Hon NEIL THOMSON:** Will this in any way negatively impact on road safety data being provided to the research sector or the public?

**Hon STEPHEN DAWSON:** No, it will not, honourable member.

**Clause put and passed.**



**Clauses 27 to 36 put and passed.****Clause 37: Section 29 amended —**

**Hon NEIL THOMSON:** This is a fairly onerous provision. The explanatory memorandum states —

Section 29 provides the Commissioner the power to acquire land and grant a lease or licence to occupy any land acquired by the Commissioner to any person from whom the land was acquired.

That land has been acquired by the state, and often the Western Australian Planning Commission does a lot of the acquisition. From recollection, there is probably some direct acquisition from Main Roads. Help clarify it for me, because I am again going to the recesses of my knowledge. For example, the Great Eastern Highway was acquired by the Planning Commission. I think there were some other processes, maybe by the Department of Lands at the time that acquired the rest of the road reserve when it was expanded. I just wonder why the commissioner needs this acquisition capacity.

**Hon STEPHEN DAWSON:** This will just broaden the ability for Main Roads to purchase land that might not necessarily be the road itself. It could be if we need to construct infrastructure that relates to the road; we could buy a block of land in relation to that to help us construct a road. “Designated purpose” means Main Roads works or other works associated with the construction of the infrastructure or activities to provide services for vehicles or road users or in connection with road travel or transport or other purposes directly or indirectly connected with the commissioner’s functions or other public purposes.

**Hon NEIL THOMSON:** For the acquisition of land, does the commissioner have the capacity to acquire land for a road reserve?

**Hon Stephen Dawson:** Yes.

**Hon NEIL THOMSON:** And they do so compulsorily, but this bill will extend it to other things, like a service centre, as the minister mentioned in the explanatory memorandum. The question, I suppose, will be subject to the budgetary process. There will be a limit to Main Roads and we will not see Main Roads buying up shopping centres, for example, will we?

**Hon STEPHEN DAWSON:** No. If I can further clarify, we might want to realign the carriageway or a highway. This would allow for the commissioner to acquire the land to do that work or to enable the construction of road service centres on land adjoining highways and main roads, but it will not go out and start building shopping centres.

**Clause put and passed.****Clauses 38 and 39 put and passed.****Clause 40: Part 10A inserted —**

**Hon NEIL THOMSON:** We are talking about inserting proposed section 33, “Infrastructure and other works”. The commissioner has no general power in the act to impose charges and fees. It comes back to my question about the potential relative contribution. Again, this is just a quick question: will this in any way have an impact on any activity that might be just a plan for the future as opposed to something that is actually being done on the development? Does the minister understand my question? Sorry, it is not very well put. I want to make sure that we are not creating a development contribution scheme by stealth.

**Hon STEPHEN DAWSON:** No, this does not allow us to create a developer contribution scheme by stealth. At the moment, there might be areas in which there is no prescribed fee. This will provide the power for the commissioner to recover costs through commercial charges if there is no prescribed fee, but it is not about developer contributions.

**Hon NEIL THOMSON:** Can I make sure that I have got this one right? In a Metronet precinct, for example, if there has to be an expansion or realignment of a road to deliver services, is it possible under that circumstance that this could be used to charge back to the landowner under that structure plan? Will there be no capacity within the scope of this provision?

**Hon STEPHEN DAWSON:** No. That is not the intention.

**Clause put and passed.****Clauses 41 to 44 put and passed.****Title put and passed.***Report*

Bill reported, without amendment, and the report adopted.

*Third Reading*

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

**DUTIES AMENDMENT (OFF-THE-PLAN CONCESSION  
AND FOREIGN PERSONS EXEMPTIONS) BILL 2023***Second Reading*

Resumed from 19 October.

**HON DR STEVE THOMAS (South West — Leader of the Opposition)** [6.14 pm]: At the outset, I pass on the message that the opposition will be supporting the Duties Amendment (Off-the-Plan Concession and Foreign Persons Exemptions) Bill 2023. I do not intend to go on for a long time in my second reading contribution. The intention is that we will go to a relatively short clause 1 debate in Committee of the Whole, probably tomorrow, so the advisers can probably be excused for the night. I do not think that I will be coming up with a blinding flash of brilliance between now and 6.20 pm.

**Hon Kyle McGinn:** Don't sell yourself short.

**Hon Dr STEVE THOMAS:** I have got only so many blinding flashes of brilliance, Hon Kyle McGinn, and I have used up a few today already.

**Hon Kyle McGinn:** I must have missed it.

**Hon Dr STEVE THOMAS:** I have had to take myself slowly. Hon Kyle McGinn is just extending the debate for tomorrow—that is all—and annoying the Leader of the House.

**Hon Kyle McGinn:** I am in trouble.

**Hon Dr STEVE THOMAS:** That is a constant, Hon Kyle McGinn.

**The PRESIDENT:** The President is also getting a little bit on edge.

**Hon Dr STEVE THOMAS:** Okay. President, we are dealing with the Duties Amendment (Off-the-Plan Concession and Foreign Persons Exemptions) Bill 2023. This is an ongoing process that the government has in place to subsidise the production of higher density living throughout Perth, in particular, but also generally around Western Australia. The focus, of course, is on Perth.

I might start by saying that if we look at the housing density of various capital cities of the world, high-density living in Perth is a very tiny component of the housing market in Western Australia. We have a very low level of high-density housing compared with many other cities in the world, particularly older cities in Europe and throughout the Americas in which they have a large number of apartments and multi-apartment dwellings. In Western Australia, we are a little bit addicted to our quarter-acre or eighth-of-an-acre blocks. Thus, Perth has the kind of spread that it has, and there are many kilometres from one end of it to the other as we go north and south. It goes inland a bit, but we have really spread out along the coast.

The first iteration of this rebate came out of the COVID-19 pandemic, which is a popular topic today. At one level, the government was attempting to stimulate some high-density construction and, at the same time, stimulate the building economy. The first comment that we probably need to make is that it is one of the few areas in which the current Labor government has perhaps been overly successful in its ambitions in that it stimulated the construction economy to the point that it took three years for someone to get a house built and multiple construction companies have gone bankrupt in the interim. Between the state and federal governments, we had multiple building stimulus packages, various duties rebates and even some land tax rebates and reductions.

I was pleased to see the Minister for Finance extend some of those land tax rebates. I called for that at the beginning of this year, so I was pleased to see that the government picked up on that. I will give myself a little tick of credit for that one. I am very pleased to see that there was an extension on that. The government has stimulated the building economy. It has obviously overstimulated the building economy, and that has caused some damage to some of the building sector.

I have to admit that the intention of trying to build higher density in many places is an admirable aim. It is not as easy to deliver as people think, particularly in a market in which people are not used to it. One of the problems in Western Australia is, of course, that we are not used to it. Because we are not used to it, we do not accept it very well. Because we do not accept it very well, people tend to oppose it when it develops, so we get this really interesting cycle. Whether we call it the nimby effect or not, it is the old thing—someone who built last year does not want someone to come in and build this year. It is that age-old argument and is very difficult to do.

Obviously, the opposition will support legislation that reduces government fees, charges and taxes. That is in our DNA. It would be silly to suggest that we will oppose something that reduces taxes, but we will have an interesting conversation about the rebate given to foreign persons. I will be very interested to see, as part of this debate, probably when we get to clause 1, what the impact of that additional seven per cent stamp duty impost was on the building industry in Western Australia.

Debate adjourned, pursuant to standing orders.

**METRONET — ARMADALE RAIL LINE — SHUTDOWN***Statement*

**HON TJORN SIBMA (North Metropolitan)** [6.19 pm]: I intend this to be only a short statement because I consider the matter to be urgent. I was not initially preparing to make a statement this evening. However, this statement seems to have prepared itself.

In the time between the cessation of question time and the commencement of members' statements, I had the opportunity to listen to a radio interview on Oliver Peterson's 6PR program. I listened to a lady by the name of Nihal Ischel who lives adjacent to the Armadale train line. Many members would be aware that the Armadale line will be shut down from next Monday for a period of at least 18 months, and as experienced people we all understand the kind of disruption that works of this nature can bring. On a number of occasions over the last month I have inquired into the degree to which the Metronet team and the minister's office have consulted with public transport users who have a disability. I was prompted to do so because I received an email from People with Disabilities WA Inc identifying to me some very serious shortcomings in the quality of consultation that it has had with the government in respect of meeting particular needs.

To cut a long story short, Ms Nihal Ischel believes that she has no alternative but to sell her home because she cannot safely cross busy roads to get to the public transport temporary hubs that have been created. She is blind. It is a long journey to walk across a dangerous road. A number of representations have been made by her and I commend the minister's office for sending someone from the office to visit her and discuss her needs. But, effectively, the two options that were requested—a temporary transport user subsidy scheme so she can have taxis to convey her to her place of employment or a potential temporary upgrade to the pedestrian crossing to make it audible—have been utterly rebuffed. The answer from the Metronet team has been, "Computer says no. Too bad, so sad."

I do not believe for one moment that there is not an alternative that is within the gift of Minister Saffioti. I request members of the government benches to draw this matter to their minister's attention. I have no reason to suspect that Ms Ischel, whom I listened to in a previous interview, is engaging in any degree of hyperbole. There is a serious problem with the level of consultation that has occurred with public transport users with a disability, people who by the very nature of their conditions rely upon the provision of this service. I appreciate that bespoke solutions cannot be provided in every circumstance, but what aggrieves me is that this shutdown was foreshadowed in February last year. There has been nearly 18 months, close to two years, of planning and there are still some serious grievances that have gone unaddressed by the government to the disability sector.

I identify something that aggrieves me greatly: a bureaucratic inertia in respect of this matter. I am just going on the advice that has been conveyed to me. The Metronet dimension, the transport office as it is contained in the Public Transport Authority, appears to be attempting to find some solutions. There is a solution potentially within the gift of Main Roads, an agency under the orbit of the minister's portfolio responsibility, but it refuses, apparently, to be helpful at all. It is completely unacceptable that a person who attempts their best to live a full life, a life of dignity, and to go about their daily work cannot have some accommodation met for their special and unique circumstances.

I believe it is within the gift of the minister to drive an expedient and reasonable solution in this case. I believe a minister who has spent an enormous sum on Metronet can find it within the capacity of government to find an 18-month-long solution, whether it be some pedestrian crossings that are useful and suitable or some transport subsidy vouchers. I think the minister can do it. I implore her to do something. It would be an absolute disgrace if this person feels they have to relocate because they will be effectively trapped at home and their options to go out will be far too dangerous for them to consider.

**CYBER ATTACKS***Statement*

**HON WILSON TUCKER (Mining and Pastoral)** [6.25 pm]: I would like to give members a brief update on the current state of cyber and the risks posed to the WA resources sector. We know that the resources sector in WA is the engine room of the economy and it is very important we keep it ticking along. The cost to the Australian economy through cyber attacks is around 1.9 per cent of our GDP, which is equivalent to about \$29 billion a year. That number is expected to grow exponentially. It is obviously a massive figure. It has overtaken the illicit drug trade. It is more beneficial for criminals to steal our data than it is to sell us drugs. As well as the financial implications to the Australian economy, the WA economy and businesses and entities, there is also the reputational damage, which in some cases is more significant than the financial burden. Optus and Medibank are clear examples of that; the companies really took a reputational hit and are still dealing with the fallout.

There are a few truisms in the cyber space. One is "It is not if but when" and the other one is "There are those who have been breached and those who do not yet know they have been breached." Both these really speak to a mindset that needs to be adopted by entities and companies when it comes to cyber. Companies never really truly reach a state of nirvana around cybersecurity. A system is never 100 per cent safe. It is a moving target and the landscape moves very quickly. That is why reports by the Attorney General that really highlight the state of the IT infrastructure for state government entities are really important, because vulnerabilities have been identified in one of the annual

reports. There is a flow-on effect and a rollover with a high percentage of those still present the next year, which is obviously concerning to me and to the Attorney General. It is a sector in which changes are measured in hours and days. They are not measured in weeks or months and certainly not years.

Plenty of tools are available on the dark web for hackers and the landscape really changes quickly as the attack vectors for hackers evolve as well. As businesses and entities move online and embrace the digital economy and the digitisation of services, it presents more opportunities for people to access the system and steal people's data. Also, as systems become obsolete, there is a growing need to really pay back that tech debt and make sure that systems are up to date. The analogy is a moving target as opposed to a stationary one. If we do not install those firmware and software updates, the system does not have those security patches and is basically a stationary target and it is very easy for hackers to find vulnerabilities and exploit them. It is really a mindset that has to be instilled within the organisation. It cannot just lie with the manager. It has to come from the CEO and the board level—a top-down directive instilling a culture of cybersecurity awareness within an organisation.

Members will be aware of a recent cybersecurity attack on DP World, which affected operations in the major Australian ports of Sydney, Melbourne, Brisbane and Fremantle. I believe that about 30 000 shipping containers were piled up at one of the terminals, which affected operations for a number of days. That attack has been resolved. An investigation into how it happened and who was responsible is still ongoing. The Australian Federal Police is investigating, along with the Australian Cyber Security Centre, which is based here in Perth. I believe that the Australian Signals Directorate is also involved.

The Cyber Security Centre works with businesses and makes them aware of any compliance coming from federal legislation in response to cybersecurity. The Australian Signals Directorate, Australia's cybersecurity intelligence agency, released a report yesterday on the current state of cybersecurity as it sees it. It is the authority on cybersecurity in Australia. Some of the statistics are actually quite damning. The average cost of cybercrime is up 14 per cent. On average, it costs a business \$71 000 when it is attacked. Nearly 94 000 cybercrimes were reported in the last financial year, which is up 23 per cent. On average, a report was made every six minutes. It received over 33 000 calls during that year. The top three cybercrimes for individuals are identity fraud, online banking fraud and online shopping fraud. The top three cybercrimes for businesses are email compromise, business email compromise and online banking fraud.

Typically, attacks are monetary in nature. A classic example is someone who gains access to a person's system, saying, "Give us a couple of million bucks in bitcoin or crypto and we won't leak your dataset or your clients' personal information on the dark web", or they could basically install some ransomware, getting into their system, locking it down and disrupting their business until they pay that ransom, when they restore access back into the system.

The more troubling scenario and one that we are seeing increasingly is sophisticated state-backed hackers who want to disrupt supply chains, gain a market advantage or cause havoc for other geopolitical reasons. The Optus hack was attributed to Chinese-backed hackers, which probably helps with the reputational damage for Optus a little as we can all point to a foreign entity and say that it was responsible. The reality is that despite the fact that the hackers were very sophisticated, the hack itself was not. It involved an API endpoint, a development endpoint, linked to a production database. It was set up for ease of access for developers' testing. A quick penetration test would have picked this up. The blast radius was obviously huge, with millions of Australians' information leaked.

I wish to talk about the resources sector in particular in the minutes that remain. We know that WA has a lot of experience in remote operations capabilities. During the COVID-19 pandemic, miners really tried to automate their operations. The Venn diagram between operational technology and the ability to automate the operations of their equipment and machinery onsite and their IT systems that hold all their operation is merging. Their footprint is expanding. A recent report by PricewaterhouseCoopers found increased apathy at the board level within Australian companies, not just in the resources sector but across the board. When we talk about an increase in the digital footprint, more attack factors for hackers and then an apathy at the board level, which trickles down through the organisation, that is obviously a concern.

As bad as the attack on DP World was, it affected retailers, potentially people selling goods and maybe getting Christmas presents. I believe that the operation at Port Hedland is the largest bulk export port in the world and the second largest iron ore port in the world.

**Hon Dan Caddy:** By volume, largest.

**Hon WILSON TUCKER:** Perhaps the Leader of the Opposition can do the napkin maths, but if we shut down the port for a number of days, it would be pretty easy to calculate the cost to Australian gross domestic product and to the WA economy. It would be significant. If we think shutting down a port for a couple of days is a thing of fiction, the Israelis did it to an Iranian port back in 2020 for four days. It certainly can be done. We have the critical minerals agreement with the United States and AUKUS. It does present the critical infrastructure in Australia and certainly in WA as becoming a target for state-backed hackers.

I have run out of time. I have more to say on this issue. It is a topic that moves quickly. I will update members in the future.

**EMANUEL EXPORTS — LEGAL ACTION***Statement*

**HON STEVE MARTIN (Agricultural)** [6.36 pm]: I rise to make a brief member's statement on the legal case with Emanuel Exports that was discontinued this week. At 10.04 pm last night, the Minister for Agriculture and Food, Hon Jackie Jarvis, who is out of the chamber on urgent parliamentary business, made a member's statement to that effect. I want to comment on some of her remarks and put this decision into some context. I feel for the minister; I imagine she has had a tough week. She has been stuck between the outrage of the animal activists at this decision and some farmers and farming groups who welcomed the decision to drop this case, which she said she was disappointed to see. She has not pleased anybody.

Another person was in the building this week. I believe that the former Minister for Agriculture and Food, Alannah MacTiernan, was in Parliament this week. I would have loved to have been a fly on the wall if there was a conversation between the former minister, who brought this legal case in the first place, and Hon Jackie Jarvis. I have asked a series of questions in the last couple of days about how much of taxpayers' funds and resources have been put to this task. I have not received an answer. We do know that some support was provided. Hon Colin de Grussa asked some questions about when legal advice was sought and received. Again, we are not getting much information, which is a little disappointing, but the decision was only just made. I am sure the minister will be more forthcoming in the coming weeks and months.

I have a couple of things to say about what Hon Jackie Jarvis said last night. In her member's statement, she said —

DPIRD initiated the prosecution of those responsible for this shameful episode in 2019, and I absolutely back DPIRD's decision to do so; it was certainly the right thing to do. From the start, this was a difficult case to prosecute. There was a question of whether breaches of the Animal Welfare Act happened in international waters beyond the state's jurisdiction ...

There was a question! That is fascinating. Looking on from afar, it is difficult to see how much of a question that was. Clearly, these incidents did not happen in Western Australia or in Western Australian waters. This was brought about five years ago, according to the minister. I asked yesterday about DPIRD staff, and she said that over the last five years a number of DPIRD staff across a range of pay classifications from level 3 to 7 have conducted investigations and provided advice and support on this case as part of their normal duties. For five years, they have been at this. Apparently, it has only just come to light that there may be a jurisdictional issue.

*Point of Order*

**Hon STEPHEN DAWSON:** The honourable member is quoting from uncorrected *Hansard*. I do not think the standing orders allow for it.

**Hon Dr Steve Thomas:** As long as you identify that it is uncorrected.

**Hon STEPHEN DAWSON:** It was not identified as uncorrected *Hansard*. I urge the member to do the right thing in that regard.

**The PRESIDENT:** Thank you, minister. I did not hear you identify it as uncorrected *Hansard*, Hon Steve Martin, so I invite you to identify what you are quoting from, and in future identify what you are quoting from.

*Debate Resumed*

**Hon STEVE MARTIN:** Thank you, President, for that useful advice. I am in fact quoting from the uncorrected *Hansard*, and I apologise for not making it very clear earlier.

For five years, Department of Primary Industries and Regional Development staff and the lawyers involved have been working on this case, and only in the last couple of weeks, apparently, have we been made aware that there might be jurisdictional issues. It is extraordinary that it has taken this long. The minister has been asked how much taxpayers' money has been spent in those five years. We do not know. I guess it is substantial, but at this stage we do not know. Hon Colin de Grussa asked today when legal advice was sought by DPIRD and when it was received. We got the answer on when it was received. It was received on 1 November 2023. The answer did not say when the advice was sought, so we do not know whether DPIRD had just sought legal advice about whether there was a jurisdictional issue or whether, four or five years ago, Minister MacTiernan did so, which we would think was the appropriate thing to do. It could have happened five years ago and we have spent five years getting to this stage of the case being discontinued, or, extraordinarily, it could have happened two weeks ago and the advice has come back and said, "We have a problem; it does not look like it is within our jurisdiction, so we are going to have to back away after five years." There was another reason given in the uncorrected *Hansard* for the decision yesterday, in that she told us —

... more recently, a key witness relocating overseas and some complexities to the case.

We will have to take the minister at her word that that very recent decision by a witness to leave the country has had some impact.

In the uncorrected *Hansard*, the minister went on to explain how incredibly disappointed she was that this case had been discontinued on the advice of lawyers. Then she went on to explain where the blame should lie for the federal Labor government's decision to ban the trade. Remember, our agriculture minister supports the live export trade, the previous Premier supported it and I assume that the current Premier, although he has not been quite as vocal as his predecessor, also supports it. That is the correct thing to do. Obviously, it is. The minister is right. Since that incident in 2017, the trade has reformed itself—the sector has; the government regulations around it have—and it is appropriate that state agriculture ministers like Hon Jackie Jarvis support this industry, and she has been vocal in that support. She tells us she has been on the phone to her federal counterpart to explain the importance of this industry to Western Australia, and that is a good thing. However, yesterday in her statement she said —

If the livestock industry wants to blame anyone for the decision to end live exports that has been made by the federal government, it should look squarely towards Emanuel Exports.

It is something that happened five years ago, and since then the trade and governments have completely turned the sector around and made it a world leader in animal welfare. In fact, in November 2021, Minister MacTiernan was quoted as saying —

“We note the AAT's view that a period of suspension of Emanuel's export licence was appropriate, and that the restructure and rehabilitation of the company was sufficient to allow it to resume exports,” ...

That was as far as the minister was concerned. The same article states —

In a statement, the department said the company had now “sufficiently rehabilitated itself so as to resume its status as a body corporate of integrity”.

The department also said it had since strengthened regulations by implementing a ban on export shipping to the Middle East during the hottest part of the northern hemisphere summer.

Yet, here we have the state's agriculture minister blaming an incident that occurred in 2017 for the recent decision by the federal Labor Party to shut down the live export trade. That is where farmers in the livestock sector should look; that is where they should put the blame. At this stage it is worth mentioning —

**Hon Pierre Yang** interjected.

**Hon STEVE MARTIN:** I have two minutes left, President. I will not be taking interjections.

**Hon Pierre Yang** interjected.

**The PRESIDENT:** Order!

**Hon Pierre Yang:** Do not be playing politics!

**Hon STEVE MARTIN:** Do not be playing politics!

**The PRESIDENT:** Order! Hon Pierre Yang, when I have called order, I expect it to be achieved. Hon Steve Martin has the call.

**Hon STEVE MARTIN:** In the short time I have left, I wish to bring to members' attention why this trade is so important and deserves a future, and why, in fact, in the last year numbers in the trade have risen.

**Hon Pierre Yang** interjected.

**The PRESIDENT:** Order!

**Hon STEVE MARTIN:** As I was attempting to say, year on year there has been an increase of 41 per cent in the number of sheep in the live trade. At the moment in Western Australia we have a very, very depressed market for livestock—sheep and cattle. The sheep market is at levels that we did not think we would see again. This is like the late 1980s or early 1990s, with farmers getting a bill for taking stock to saleyards. It is not worth the price of the freight. That is with the live export trade in existence. Can members imagine how much worse it would be if the boats were not leaving in the spring? If the boats were not leaving in the spring, there would be tens of thousands more head of stock that the processors cannot handle and supermarkets apparently do not want on the Western Australian market. Thank goodness we have those boats leaving now in the spring because it will get much worse in the autumn. The minister is correct: this trade is worth supporting and deserves a future, and long may it be so.

## PARLIAMENTARY FRIENDS OF THE ARTS

### *Statement*

**HON DARREN WEST (Agricultural — Parliamentary Secretary)** [6.46 pm]: On a much more positive note, tonight I would like to acknowledge an event we held here at Parliament last night, the launch of the Parliamentary Friends of the Arts. We had a great roll-up of the who's who of the arts community from all corners. My co-convenor Hon Dr Brad Pettitt and I put on a function last night and invited lots of members of the arts community, and they were very well received. I would like to acknowledge June and Kelly from the Chamber of Arts and Culture Western Australia for helping us with the guest list and inviting those who came along. I thank

all the members of the arts community from right across the state. We had plenty of arts people from the great southern, the wheatbelt and even from the Kimberley attend last night. The Minister for Culture and the Arts, the great artisan himself, Hon David Templeman, entertained the crowd with a rousing speech and again showed his and the government's commitment to the arts.

We had fantastic music from a string quartet—I understand it might have been little bit loud for some people last night—which provided a bit of culture to the event. I would like to acknowledge Aquila. Anyone who wants to engage a string quartet at their place can give them a call.

We also had a rock star in the house. Kav Temperley from Eskimo Joe was a special guest. He gave a speech about his time emerging as a young and upcoming musician, and how much more difficult it is now for young bands to make it, with the cost of touring and declining crowds post-COVID.

It has been a difficult environment for the arts community over the last few years, and crowds have not rushed back to events, exhibitions and theatre productions in the numbers before the COVID pandemic. There are now cost-of-living pressures on families as well, which has not helped.

The big message from last night is that the arts community needs you. The arts community needs you to go and see a play, watch a live gig, go and see an exhibition, get involved, buy a CD or download some music—whatever you can do to help our artists and the arts community, because it has been a difficult few years. Get involved, everyone. If you can, please support our arts community because they need you more than ever.

### EMANUEL EXPORTS — LEGAL ACTION

#### *Statement*

**HON DAN CADDY (North Metropolitan)** [6.49 pm]: I am going to take only a minute to speak. I want to respond to what I just heard from Hon Steve Martin. I found a couple of things in his contribution to be very disconcerting. The first is that he referred to a statement that was given by a minister of the government—by a member of cabinet. He used the phrase “she tells us” several times. The first time was when he spoke about the witness having relocated—“she tells us”, as though there is some question about what is being said. That is a statement of fact. The insinuation is just appalling. It is beneath people in this chamber to make that sort of insinuation. The second time was when he said that “she tells us” that she has been speaking to people in the agriculture sector. I have personally been there and seen the minister speaking to people in the ag sector. I have spoken to people the minister has spoken to in the ag sector. When a member stands and makes statements like that with a very definite insinuation, I think it is absolutely appalling, and I think he should consider apologising to the minister for those remarks. I remind him as well from the outset that Minister Jarvis has at all times said that she supports the farmers of this state and that she supports the live export trade. She has never walked away from that. I note that the member mentioned that right at the end of his contribution, but to suggest that is also appalling.

The final thing I want to say is that the member started his contribution by talking about where these events supposedly took place. They did not supposedly take place. These events happened. Whether they happened five minutes from port, in the middle of the ocean or five minutes from the port they were going to, the vision run on news services that showed what happened, which everyone in this country saw, was absolutely appalling. The member knows full well that I come from a sheep-farming family. I was disgusted. I hope that I never again see scenes like we saw in that video. The fact that the member appears to take joy, whether politically or otherwise, in this decision is absolutely atrocious. I do not think there is a person in this state who wants to see those scenes ever again on a live transport vessel.

### MINING AMENDMENT BILL 2023

#### *Returned*

Bill returned from the Assembly without amendment.

*House adjourned at 6.52 pm*

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### QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

#### HEALTH — RADIATION ONCOLOGY — GERALDTON

**1612. Hon Martin Aldridge to the Leader of the House representing the Minister for Health:**

I refer to the status of the Geraldton Radiation Oncology Unit, and I ask:

- (a) since the Federal Election in May 2022, have you written to the Federal Minister for Health regarding additional funding to deliver this much-needed facility for Mid West residents;
- (b) please table any correspondence between you and the Federal Government in relation to this issue;
- (c) what is the total value of outstanding funding required to deliver this project;
- (d) will a Radiation Oncology unit be incorporated into the Geraldton Health Campus redevelopment as stated during WA Health budget estimates;
- (e) please table the business case for the Geraldton Radiation Oncology unit which was referred to during WA Health budget estimates;
- (f) noting the Cook Labor Government's significant budget surplus and your commitment to ensure all Western Australians have access to top quality healthcare no matter where they live, will you commit to funding the budget shortfall for this project;
- (g) if no to (f), why not;
- (h) for each of the financial years, 2020–21, 2021–22, and 2022–23 to date, please provide a breakdown of:
  - (i) the number of Mid West patients who have received the Patient Assisted Travel Scheme (PATS) to access speciality radiation oncology services each year;
  - (ii) the total number of PATS trips made by Mid West residents to access specialty radiation oncology services each year; and
  - (iii) the total cost in PATS subsidies for Mid West residents to access speciality radiation oncology services each year; and
- (i) please table the Community Health and Hospitals Program Project Agreement in relation to the \$9 million in Federal funding for this project.?

**Hon Sue Ellery replied:**

- (a)–(b) Yes. [See tabled paper no 2828.]. The State Government is continuing to work with the Commonwealth to progress this project.

It was clear from the outset that the \$9 million election commitment made by the previous Liberal–National Commonwealth Government in 2019 would not be sufficient to establish a service of this kind. The previous State Health Minister also wrote to his then Commonwealth counterpart requesting the commitment be honoured in full.

- (c)–(g) A radiation oncology service remains under consideration for the redevelopment of Geraldton Health Campus. The full cost of this project, and therefore the quantum of additional funding required, is yet to be determined due to change in market conditions. The Business Case is Cabinet in Confidence.

- (h) (i)

Financial year	Number of patients
20/21	88
21/22	87
22/23	93

Please note: PATS supports access to public and private services, and both inpatient and outpatient care not available locally.

- (ii)

Financial year	Number of trips
20/21	450
21/22	411
22/23	460



(iii)

Financial year	PATS subsidies
20/21	\$308,041
21/22	\$410,313
22/23	\$437,061

- (i) Federal–State Agreements are publicly available through the Commonwealth’s Federal Financial Relations website. [See tabled paper no 2828.]

## URGENT CARE CLINICS — DATA COLLECTION

**1659. Hon Martin Aldridge to the Leader of the House representing the Minister for Health:**

I refer to the State Government’s Urgent Care Clinic trial and questions on notice 463 and 765 and question without notice 796, and I ask:

- (a) on what date was the end-of-pilot and analysis report for the GP urgent care network finalised;
- (b) on what date was the report presented to the Minister;
- (c) please table the report; and
- (d) what progress has the Government made on its election commitment to deliver urgent care clinics in the following,:
- (i) Geraldton;
- (ii) the Pilbara;
- (iii) Albany;
- (iv) the Kimberley; and
- (v) Kalgoorlie?

**Hon Sue Ellery replied:**

- (a)–(d) As the health care needs differ between regions, a singular urgent model of care was determined not to be an optimal solution. The analysis was completed in March 2022 and supports the delivery of urgent care in regional areas.

## ENVIRONMENT — DENMARK HERITAGE RAILWAY PRECINCT LEASE

**1667. Hon Dr Steve Thomas to the parliamentary secretary to the Minister for Environment:**

I refer to the Denmark Railway Station Historical precinct, and I ask:

- (a) has the Department of Water and Environmental Regulation conducted any contaminated site testing of the land and groundwater under the site;
- (b) if yes to (a), what was the result of the testing; and
- (c) if no to (a), is testing planned to be done and, if so, when?

**Hon Darren West replied:**

- (a) No.
- (b) Not applicable.
- (c) No testing is planned.

## PERTH CHILDREN’S HOSPITAL — INDEPENDENT INQUIRY REPORT

**1672. Hon Steve Martin to the Leader of the House representing the Minister for Health:**

I refer to the 30 recommendations from the inquiry into the death of Aishwarya Aswath at Perth Children’s Hospital, and I ask:

- (a) how many of these recommendations have been implemented in full;
- (b) how many have not been finalised; and
- (c) for each recommendation not finalised in (b), what is the reason why?

**Hon Sue Ellery replied:**

- (a)–(c) As of 5 October 2023, 5 recommendations remain in progress. Three relate to long-term actions that remain ongoing. Of the further two recommendations, one is well progressed and in evaluation stage, and one is on track for completion in 2024.

## PERTH CHILDREN'S HOSPITAL — MENTAL HEALTH UNIT

**1673. Hon Steve Martin to the Leader of the House representing the Minister for Health:**

I refer to Perth Children's Hospital Ward 5A, and ask:

- (a) for each year since its opening, how many requests for repairs have been made for ward 5A;
- (b) of these requests, how long did it take for the repairs and have they all been completed;
- (c) did any of the infrastructure requests breach the Chief Psychiatrists Sexual Safety recommendations;
- (d) have there been any staff complaints regarding infrastructure issues on ward 5A; and
- (e) were any repairs for security-related concerns, what did they address and at what cost?

**Hon Sue Ellery replied:**

(a)

Financial Years	Repair Requests
2017/18	74
2018/19	431
2019/20	381
2020/21	323
2021/22	381
2022/23	612
2023/24 to 10 October 2023	205
<b>TOTAL</b>	<b>2407</b>

(b) Of the 2407 repair requests, 35 are yet to be completed

Financial Years	Completion Time (Median)
2017/18	4 days
2018/19	2 days
2019/20	2 days
2020/21	2 days
2021/22	4 days
2022/23	3 days
2023/24 to 10 October 2023	1 days

(c) No.

(d) Yes.

(e) Repairs relating to security concerns, such as jammed or damaged door hardware, cost \$204,233.26 including GST.

## PERTH CHILDREN'S HOSPITAL — MENTAL HEALTH UNIT

**1674. Hon Steve Martin to the Leader of the House representing the Minister for Health:**

I refer to Perth Children's Hospital Ward 5A, and ask:

- (a) each year since it opened, how many incidences of violence against staff have occurred; and
- (b) each year since it opened, how many incidences of violence against patients have occurred?

**Hon Sue Ellery replied:**

Financial Year	(a) Incident Report against Staff	(b) Incident Report against Patients
2017/18	0	0
2018/19	4	3
2019/20	41	4

2020/21	56	14
2021/22	36	5
2022/23	61	13
2023/24 to 10 October 2023	10	0

MINISTER FOR ENVIRONMENT — LOBBYISTS — MEETINGS

**1698. Hon Peter Collier to the parliamentary secretary to the Minister for Environment; Climate Action; Racing and Gaming:**

- (1) Has the Minister or any members of the Minister's staff met with any lobbyist since 1, January 2022?
- (2) If yes to (1), which lobbyist?
- (3) If yes to (1), when did the meeting take place, where was the meeting and who attended (Minister, Minister's staff and lobbyist(s))?
- (4) If yes to (1), what was the purpose of the meeting?

**Hon Darren West replied:**

- (1)–(4) Refer to Legislative Council Question on Notice 1685.
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