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LEGISLATIVE COUNCIL

Wednesday, 15 December 2021

Legislative Council

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

PUBLIC HOUSING — KARAWARA

Petition

HON STEPHEN PRATT (South Metropolitan) [1.03 pm]: I present a petition containing 115 signatures addressed to the President and members of the Legislative Council of the Parliament of Western Australia in the Parliament assembled. The petition relates to Department of Communities housing in the Karawara area.

[See paper 994.]

WORK HEALTH AND SAFETY ACT — REGULATIONS

Statement by Minister for Industrial Relations

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Industrial Relations) [1.04 pm]: The McGowan government is committed to prioritising workplace health and safety for all Western Australians. The Work Health and Safety Act 2020 was assented to by the Governor on 10 November 2020 and will come into operation once the supporting sets of regulations applying to the general, mining and petroleum operations are finalised. In a national first, the new laws will bring together work health and safety for general industry, mines and petroleum operations under a single WHS act.

Drafting the WHS regulations for all three sectors, which is needed to allow the WHS act to be proclaimed, has been a very complex process. Recognising the importance of this legislation, the government has allocated significant resources to the drafting process. The government now expects to have exposure drafts of the WHS regulations for the three sectors online and publicly available in late December.

Publication in the *Government Gazette* of the work, health and safety regulations for the three sectors and transition to the new laws, which was originally scheduled for January 2022, is now expected to be completed in March 2022. The new WHS laws, based on the national harmonised model, will mean that companies that operate across Australia will have similar obligations and requirements in each state and territory. Information and educational material about the work, health and safety laws is already available on the website of the Department of Mines, Industry Regulation and Safety. The government is also partnering with peak employee and employer bodies to ensure a wide distribution of information about the WHS laws. The peak bodies are best able to target their messages aimed at particular issues relevant to their sectors. This approach will complement promotional activities being undertaken by DMIRS to other important stakeholders. In addition, to support the commencement of the new WHS laws, the government will fund an education and awareness campaign.

Further funding has also been provided by the government for additional DMIRS investigators and inspectors; and legal, policy, communication and administrative officers with the aim of improved compliance under the WHS laws. During January 2022, officers from DMIRS will deliver in the metropolitan and regional areas information update sessions on the WHS laws. Where possible, it is intended the sessions will be live streamed and recorded. DMIRS will provide information about the update sessions and the availability of the WHS regulations exposure drafts as soon as they are available. This information will be promoted on the DMIRS website through its subscriber mail newsletters and social media channels. The website link to become a subscriber is available by typing "DMIRS subscription" into a search engine. Information can be found on social media by searching "WorkSafe WA".

PUBLIC HOUSING — KARAWARA

Point of Order — Petition Summary

Hon DONNA FARAGHER: I seek some clarification from you, President, with regard to today's petition that was tabled by Hon Stephen Pratt. It may well be within the standing orders, but normally we hear the text of the petition as well as the prayer at the end. I did not hear that. That may be covered in the standing orders, but I seek your clarification, because it is unusual.

The PRESIDENT: Thank you, honourable member. Indeed, it is in the standing orders. Standing order 102(3)(b) states that members presenting the petition shall read the text of the petition or a summary of that text, and that is indeed what the honourable member did. At times, given the length of the text of some petitions, members are encouraged to read the summary. There is no point of order and the honourable member was quite correct in providing a summary.

PAPERS TABLED

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

NON-GOVERNMENT BUSINESS — SCHEDULE

Motion

HON SUE ELLERY (South Metropolitan — Leader of the House) [1.09 pm] — without notice: I move —

> That pursuant to standing order 111(4), the schedule for non-government business tabled by the President be adopted.

HON DR BRAD PETTITT (South Metropolitan) [1.10 pm]: President, I want to flag something for the purposes of transparency. I have raised this issue with the Clerk and I will be writing to you about the formula used for this procedure. I seek clarity about how it can be done in the most transparent and fair way possible. Although I do not oppose the motion at this point, I want to put on the table that I think there are some better ways of doing this that I would like to raise with you in due course.

HON DR STEVE THOMAS (South West — Leader of the Opposition) [1.11 pm]: It is done on a proportional basis of the representation in the chamber. I have gone through the numbers, in case there was any diddling of the books that I might have had to jump on top of, and I was unable to find any in this instance, which was both pleasing and disappointing at the same time! I can confirm that representation is exactly how it has worked out, because I check it just to make sure.

Question put and passed.

PRIVATE MEMBERS' BUSINESS — SCHEDULE

Motion

On motion without notice by **Hon Sue Ellery (Leader of the House)**, resolved —

> That pursuant to standing order 112(4), the schedule for private members' business tabled by the President be adopted.

DOG AMENDMENT (STOP PUPPY FARMING) BILL 2021

Second Reading

Resumed from 2 September.

HON DR STEVE THOMAS (South West — Leader of the Opposition) [1.13 pm]: I note that I am continuing my remarks on the Dog Amendment (Stop Puppy Farming) Bill 2021, made, from memory, late on a Thursday afternoon, which, according to the notice paper, was 2 September, so it has been three and a bit months. Although members probably would have hung on every word, they may have forgotten where we got to in this debate, so I might do a short recap of the first few minutes of when I spoke previously and perhaps start over. Obviously, I am not the lead speaker for this bill, that will be my good friend and parliamentary colleague Hon Colin de Grussa, but as a registered veterinarian, I will make a few comments across the board. I will start from where I finished when I last spoke during the second reading debate on the bill and that is on the inherent hatred of farmers that the Labor Party likes to portray. The mere fact that the government has applied a derogatory title to farming is a continuation of its very long trend —

Several members interjected.

The PRESIDENT: Order! The Leader of the Opposition has the call.

Hon Dr STEVE THOMAS: Almost as a sop to this, the minister said in the third line of the second reading speech —

> Other than in the short title of this amendment bill, members will not find the term "puppy farming" used.

That is probably a positive. Of course, when I mentioned this last time, there was a great upswell of outrage. The Labor Party did not necessarily invent the term "puppy farming"—it came from other sources—but it was always open to the Labor government to come up with a different title for its legislation. Bear in mind that the only mention of the term "puppy farming"—apart from all the media released by the former Minister for Local Government who had original carriage of this bill and the moral outrage that he managed to distil and send out into the community—in the bill is in the title. It might have been used a thousand times in public. There is a lack of courage in convictions here on behalf of the government because with this derogatory term its negative attachment to farming continues.

I know that the government will not accept any amendments to the bill today. The intent of the opposition is to progress this bill at a reasonable pace; it is not our intent to hold up the bill. We accept that this bill is firmly on the government's agenda and has been for a long time. We will not be here all day debating the minutia of this bill, but I make the point that given that the term "puppy farming" has that derogatory link that the Labor Party is so fond of, I would have thought that the government might have considered using an alternative title.

It might surprise members to know that I have been around for a while! When I first started my veterinary training, we used to refer to "puppy factories". I do not know whether that is equally offensive to those who have factories.

We do not generally call them factories anymore. Perhaps that is a more appropriate term, given that the industry does not tend to use the word "factory". It is used more in the United States. That is an alternative that the government could have used because it is less derogatory of our agriculture sector and those who produce. That is merely a suggestion. This undermining of agriculture seems to be in the Labor Party's DNA.

Several government members interjected.

Hon Dr STEVE THOMAS: The message is getting through.

The PRESIDENT: Order! The Leader of the Opposition has the call.

Hon Tjorn Sibma interjected.

The PRESIDENT: Order!

Hon Dr STEVE THOMAS: Thank you, President. The shouts are loudest when you kick a bruise. There you go!

I note what is stated in the fifth sentence of the minister's second reading speech —

> It is intuitive to connect puppy farming with animal cruelty, especially when we see photos and images of dogs that are barking and pacing, cooped up in cages and looking visibly undernourished.

I do not think anyone would disagree that there is vision of mistreated dogs. When I talk about the things that I trained in, which was what we then called puppy factories, I will be happy to describe, as I did during the debate on the Veterinary Practice Bill 2021, some of the more painful sights I have seen over the years and how this legislation should be done differently. The government is yet to establish that this legislation is necessary because of the level of animal cruelty in the state of Western Australia. We have come to a great fork in the road: are we dealing with this legislation because there is a demonstrated need for it, or because it is good politics to be positive about nice, cuddly, fluffy animals? Is this bill based on the animal rights ideological bent of the Labor Party? There are a few significant animal rights exponents in the Labor Party who were probably empowered after the last election. I am sure they can talk up their credentials. Everyone likes to be nice to cute and fluffy animals. The reality is that the government is yet to demonstrate widespread mistreatment of animals specifically in the breeding system. I think there is a notable exception to that, which I will come to further along in my address. I suspect that the government has not adequately addressed the greatest degrees of neglect of breeding animals in an uncontrolled sense. That is not necessarily a criticism of the current government; I suspect it is an issue that governments have failed to get a handle on over many decades. Let us think about the level of cruelty and neglect that currently exists. The government is yet to demonstrate the level of that.

It was not a long second reading speech; it was pretty much to the point. An example was given of the boxer dog Strawberry in respect of transitioning pet shops to adoption centres to stop these things from happening. The minister stated —

> Who could forget the case of the boxer dog Strawberry, who was alleged to have been living at an interstate puppy farm?

These puppy factories, as I prefer to call them, certainly exist. I have been in the veterinary industry for a very long time. Victoria has been the centre of the veterinary industry for many years, and it would not surprise me to discover a significant amount of animal cruelty with the caging and repetitive breeding of dogs in that state. If the government has evidence to show that that also occurs in Western Australia, I would be very interested to see it. I know it exists. In fact, I have known some veterinarians who have been involved in that practice—some of whom were, let us say, well-known veterinarians of some renown. It is absolutely the case that people from my own profession, who one would think would have animal welfare firmly at the centre of their existence, have engaged and invested in this practice. I am not saying that it does not exist in Western Australia, but we could go some way towards answering the question of whether this is a political, ideological or practical bill if the government were to provide evidence of the level of animal cruelty that exists in the Western Australian system.

Members will be well aware that animal cruelty is already illegal. This bill does not introduce a particularly new concept. Strawberry was 10 months old when she gave birth to three puppies. If she were to be denied veterinary care in Western Australia today, the owners could be taken to court under the Animal Welfare Act. It is not the case that this legislation will suddenly provide new protections for animals who are being treated cruelly, because the Animal Welfare Act is still the principal act relating to how animals should be treated and animal welfare. That will not change with the passing of the bill before the house today.

The Dog Amendment (Stop Puppy Farming) Bill 2021 is an administrative bill, which is perhaps why the government was happy to leave it for three months from 2 September. In reality, I do not think it will actually change many outcomes; it may do, in some circumstances, but I do not think it will change the majority of outcomes in the breeding process. It will apply significant levels of administration. Whether that is called red tape or appropriate oversight will probably depend on the person's position. The reality is that the government is taking control of what to date has been a relatively unregulated industry, which is the breeding of puppies either for sale or for use, or a combination of the two.

The first question that always springs to mind—this is why the definition is important—is: what precisely is a puppy farmer and how do we measure it? I have spent 30-something years in the veterinary profession. I am still registered and I still practise a little to make sure that I maintain my registration. Over the many years that I was actively running a practice, I can guarantee members that the majority of dog breeders in the south west region in which I operated were what members might call home breeders or backyard breeders. Let us look at the definition of that for starters. A person who has one or two dogs in their backyard and breeds them occasionally would officially be a backyard breeder under the current proposal and would have to register to become a registered breeder. The opposition is not opposing that. It is an additional layer of bureaucracy, but, ultimately, that is the way the world is moving, so let us assume that we will allow the government to put that in place because it is hard to argue that we should not have some level of oversight, otherwise we could not manage what was going on. I am also concerned about the demonisation of people who breed in backyards and who look after their animals in a way that probably most people who have not been involved in the industry would not understand.

I will tell members about a couple of my clients whom I dealt with. I will name them because this is a very positive story. I have not asked their permission to do that, but I hope they will forgive me. They were both quite elderly some time ago, so they may not be with us anymore. If so, apologies to their family for not finding out whether they are. Dudley and Joan Newbon bred dachshunds at their home outside Donnybrook for many years. They bred a mixture, but mostly they bred small long-haired dachshunds. I think they are great dogs, although they can have back issues. Owners have to watch any type of long-haired breed in Australia because of heat issues and prickles and all sorts of things. They have to look after them by grooming them to make sure that they are okay. I say that for all dogs, but particularly some of the small hounds. This couple had, at various times, between three and four breeding age females. I will not use the technical definition, even though it is scientifically accurate.

Hon Sue Ellery: It is technically correct.

Hon Dr STEVE THOMAS: It is technically correct, but I think we will try to maintain the standards of the house. In regard to that, I commend all the men present who are wearing a tie today. I think that is a good standard to set.

Hon Sue Ellery: Don't get distracted.

Hon Dr STEVE THOMAS: Okay. Let us not go there. Do not distract me.

The Newbons would have three or four dogs. They did not breed on every cycle, but, on average, every second year they would raise a litter. The dogs were well loved. Dudley and Joan went through the process of vetting the potential owners to make sure that the people would look after the dogs. They loved their animals to the point at which I suspect that if there was ever any issue with one of the dogs, the dog would be in the bedroom and Dudley would be either outside or downstairs, such was the care that they took of their animals. I think we need to be careful because the very good breeders who very much look after their dogs need to be recognised. That is not the group of people who need to be targeted by this legislation. We have to accept that all those people who are doing the right thing—in my experience, that is the vast majority of dog breeders—will be inconvenienced, basically, because of the very small group of people who are doing the wrong thing.

The argument is that that applies across the board to a lot of things, including speeding fines. I get the argument, but it deserves to be acknowledged because I think it is too easy. That is not so much the rhetoric that I have heard from the current Minister for Local Government, who has carriage of the bill and who has taken a more sensible line, but the theatrics, if you will, of the previous Minister for Local Government, who alienated and demonised lots of very good dog breeders who are absolutely doing the right thing. Such dog breeders would not over-breed their dogs and simply turn them into a money-making machine. To be honest, I think someone would have to be a fairly cruel and tough human being to live with a smallish number of dogs and effectively turn them into reproductive instruments churning out puppies, like the equivalent of caged hens. It happens. It happens particularly in Victoria. I suspect it happens in New South Wales a bit, but I am not as across what happens in that area. They would have to be pretty cruel. Most dog owners who breed dogs look after their dogs sometimes better than they look after their kids. They become children substitutes, if you will.

I am concerned that it is too easy to demonise a whole group of people when, for the most part, the vast majority of them are trying to do the right thing. As we step through that process, we basically have to recognise the small group of people doing the negative activities, and everybody else pays a penalty for that and carries the burden. It would be good if in introducing these laws, the government made more of an effort to sell the concept that so many home breeders—let us call them home breeders because it is hard to apply a negative connotation to the word "home"—are doing the right thing. So many of them care passionately about the welfare of their animals, and that is the vast majority. I have known breeders who refuse to sell their animals to people who they think will not look after them—people who have turned up and do not look like good ownership material. To be honest, a huge proportion of the breeders I have worked with over many, many years do that.

Effectively, we will put in place a licence to breed dogs. I wonder sometimes whether that should not apply more universally, but that is a whole other question we will not address today! We are going to make sure that people are licensed. I think the main reason I, and I suspect many in the opposition, will not be opposing the government's intent

is that we recognise that there has to be oversight. If we are going to catch that last three per cent or two per cent, or whatever it is—it is probably a smaller number than the anti-vax brigade—it would be hard to do it without oversight. We accept that. The regulations will no doubt provide for some onerous governance, but that, unfortunately, is the price that everybody will have to pay. But I think the way that it is done is critically important. As I said, if it is recognised that most dog owners do the best that they can and generally do a very good thing, that would help. I am not accusing this minister or the new Minister for Local Government, who has carriage in the lower house, of demonisation, because I have not heard them going down this path, but certainly the demonisation has been there previously, and I think it would be useful to give credit where credit is due.

Mandatory sterilisation is another component of the bill. I have to say that I am a huge fan of mandatory sterilisation. Again, some days I wonder whether it should not be extended, but that is a whole other argument again! I think there are some reasons why we would not do mandatory sterilisation of dogs. For example, when the level of testosterone in males or oestrogen in females drops in working dogs, they have lower muscle tone and less intent. Like humans, as they age and as those hormones decline—as I am sure Hon Dr Brian Walker knows—muscle density and bone density drop, and exercise levels and strength generally fall away.

An argument exists for some dogs to remain unsterilised, despite the fact that they are not breeding dogs. I appreciate the government has made some steps in this regard so that working dogs are exempt, whereas previously they were not. That is a good step by the government. As a veterinarian, people would come to me and say that they wanted to leave their dog entire because they wanted them to be more active. Unless they were a working dog, I always found there was zero benefit to this. In my view, keeping a male dog entire, for reasons other than genuine work, is a fallacy. I am happy to put that on the record. People would come through and say that they wanted to keep their dog entire, and my first response would be to say that if they were looking for aggression, they should get rid of the dog, particularly large dogs. The view in veterinary science has always been that timid people or aggressive young people, in particular, should not own big dogs. If a dog is aggressive, usually they have picked up that behaviour from their owner. Again, if a dog is timid and has become a fear-biter, they have picked that up from their owner. Those groups of people should not buy the Rottweilers and Dobermans of the world! If someone is frightened, they should get a small dog with a big voice, like a basset hound. Even little dachshunds can give a fair old bark, considering they are only this high.

Hon Sue Ellery: I have got one next door to me.

Hon Dr STEVE THOMAS: The minister probably well understands. Funnily enough, as a child, I had a full-size, standard dachshund as my first dog. He used to come on cattle musters with us. The blue heelers would be racing after the cattle, and the cattle would not know they were there until they were nipping at their heels. This little dachshund would be 100 yards behind, barking its head off with a deep woof, and as long as the dachshund did not give away his presence earlier on, they worked pretty well as a team. Certainly, a small dog with a big bark is ideal for someone who is either aggressive or timid. I stand by those rules.

Mandatory sterilisation, apart from a small group of exemptions, is the right way to go. I appreciate that working dogs will now be exempt, but there should be discussion around exactly what is regarded as a working dog. Is a guard dog a working dog? It probably is. Certainly, stock dogs are. There may be other examples. For the most part, there would probably be little benefit to exempt guide dogs or other dogs, because they do not require that strength test. That is a debate on the regulations for another day. I appreciate that mandatory sterilisation will have exemptions. I agree that all dogs, and particularly all cats, should be sterilised.

As a veterinarian, I always found that most owners would sterilise females generally at four to six months of age. After six months, in the dog's first cycle, because a dog's reproductive cycle is a fairly messy affair, most people would decide to do that for convenience. I am absolutely a fan of desexing dogs. An argument exists that if we take the hormones out of an animal, because they are a bit like humans, like us, they will age and potentially reduce muscle strength and bone density. But remember that most dogs last to about 14 years, as opposed to the average age of most humans, which is 80-ish—I am not certain, sorry; it is the wrong species for me—or somewhere about there. Hon Dr Brian Walker could probably tell me. Basically, yes, with sterilisation, animals will drop bone and muscle density, and their calcium metabolism changes a bit. Probably the best time to have it done is when the animal is between six months and a year old, which is the usual time, when generally speaking they have reached full growth. Some breeds are a little slower to achieve full growth, so sterilisation could be done a bit later; and if the animal is desexed too early, it will change the animal's total height. So, a good time for sterilisation is usually between six and seven months, and the legislation says two years. It will provide adequate time, generally, to get to full growth. It is a bit like us, honourable members; after a certain age, the growth one puts on is not positive and the additional weight is not a plus. I think the bill will give people time to work that out. The one thing that I guess we need to be careful about is when decisions are made about whether to leave working dogs as working dogs or take them as pets, effectively, because they are not good at working. That decision might be made a little later, so people might have exemptions for working dogs and that situation might change over time. The system has to allow for that. I am a big fan of mandatory sterilisation, but I am a reluctant acceptor of the additional regulation that this bill will provide.

The next thing I want to address is the centralised registration system. There is not much point in trying to manage where dogs are and who is breeding them without having some sort of oversight of that and a registration system. A couple of points come out of this. The first is fairly obvious; that is, despite the enthusiasm of particularly the previous Minister for Local Government, local government is not enthusiastic about having a whole extra level of bureaucracy to maintain, and that is exactly what will be applied. Again, this is not exactly new to government and it is not an issue purely for this government. The previous government implemented a similar system for cats and required local government to administer it. I can tell members that local governments were not overly pleased about that, to be honest, and they are also not overly pleased about this bill. The issue is always one of cost transfer. State governments make a set of rules, often with good intent. For instance, the previous government wanted to control cats. It decided that there were too many feral cats and wanted to stop cats from breeding, so it decided to register them. It gave that job to local government to administer, but it did not provide local government with any resources. I suspect the same thing will happen when this whole new registration and compliance regime is put in place. My understanding, at this point, is that there will be no cost transfer of significance to local government to assist it with the process. Somebody has to provide that. I urge the government to address the issue of resourcing if this system is going to be foisted onto local government. I think local government gets far too much foisted upon it, and it is time for the dollars to flow with the activity. Let us follow the dollars on this one and see what happens.

The other key issue I want to raise about the registration system is that the equivalent of the English Kennel Club exists in WA at the moment. The one that probably has the greatest membership in Western Australia is Dogs West. The administration of Dogs West is centred in the East Metropolitan Region, where Hon Donna Faragher holds sway. I know that it has approached a number of members. I have had a conversation with Dogs West as well.

Hon Sue Ellery: It is in Southern River, which is actually in South Metro.

Hon Dr STEVE THOMAS: South Metro; okay.

Hon Donna Faragher: It is across that band.

Hon Sue Ellery: Dogs West is actually in South Metro.

Hon Dr STEVE THOMAS: There we go. I do not know the metropolitan boundaries, but given the legislation that we passed this year, that will not matter much anymore. It is a bit ambivalent at the moment.

Hon Dan Caddy: We're making life easier for you.

Hon Dr STEVE THOMAS: There we go; I do not need to know them anymore!

There should have been, and there might still be, a better way to embrace the dog breeding organisations. I know that the government will not accept an amendment at this point, but maybe this could be looked into. Dogs West currently has a dog registration process. Would there not be a way for the system that the government will put in place to embrace that? My suggestion is that Dogs West could easily be the equivalent of a local government. There might be a twofold way to register a breeding operation; it could be registered with the local government or with Dogs West. There are about 153 local governments now. We could effectively make Dogs West the 154th administration point for this process. That would be empowering.

The other issue is that because we will have a regulatory oversight mechanism, somebody will have to manage the database. I will be interested to see precisely how this will be managed. There will be an enormous spreadsheet of dogs and breeders all linked together. With regard to whether the Department of Local Government, Sport and Cultural Industries will maintain the database, the initial understanding from the previous bill was that local governments would have to come up with an administration system for this. That may well be the case. If that is the case, there will be a twofold problem. The first is that we will have 153 different administration systems that do not necessarily communicate with each other and are not easily cross-checkable. The second is that we will potentially leave the kennel group—in this case, Dogs West—out in the cold. That will come at a cost. Therefore, once again, if every local government will have to come up with its own database system, this will be a cost-shifting exercise.

I accept that local governments already have a dog registration system. This will, by definition, be a different system, because every registered dog is not necessarily a registered breeding dog; therefore, although there might be some connectivity with an internal system, it will not be the same. Local governments will need to run two systems side by side. Either they will have to do this individually or one local government might come up with a larger model that it could sell to its neighbours, presumably at a cost. In theory, one very entrepreneurial local government could sell a consolidated database to the state government if it got big enough and wanted to do that. Why would we not involve Dogs West in that process, particularly if funding was available? I know the government has not talked about transferring funds into the system, but I would have thought that if it did transfer funds into the system, there would be an opportunity to privatise—that is a dirty word to members on the other side—the management of the database. For example, with adequate funding, Dogs West could become the manager of the database and then incorporate its database into a much wider database. The government would have to do the right thing and put it out to tender, and I suspect it might find a few different groups that have the capacity to provide this service. That would be a pretty sensible way forward. The government will need to have an external database, unless it is housed

in the Department of Local Government, Sport and Cultural Industries; and, if it will be, I will be interested to see what funding will be provided for that. Presumably, the simplest thing for government would be to say to local government, "You do it; we don't care."

It is incumbent upon the state government to find some funding for this. Once the government finds some funding for it, it will open up a few opportunities. This is not necessarily just a threat. It is an opportunity to be part of the process. The government might find an alternative group to Dogs West that would be prepared to pick this up. The outcome might be that instead of having a group of breeders who are antagonistic towards the process—I think they have shifted from being antagonistic to accepting, perhaps not necessarily happily, that this is coming and they will need to deal with it—we will get on board as part of the process a huge proportion of the large and very good and highly professional dog breeders who look after their animals. Perhaps the government will tell us the reasons why this will not work. I would urge the government to explore this as a way of embracing the existing breeding enterprises and groups of breeders. I think that system potentially has some merit.

The final part of the bill relates to the need for greyhounds to be muzzled in public. For those who were around a long time ago, the comment that was always made was that greyhounds need to be muzzled in public not because of the risk to people but because of the risk to other animals, in particular cats. Greyhounds are very quick things. They are not bad rabbit dogs. In fact, most greyhounds are lovely animals as they are housed elsewhere, but they are perhaps not necessarily the healthiest of dog breeds. I give this advice to all members: if you want to get a dog and you want the healthiest dog possible for the longest time—I will probably get shot for this later—do not buy purebreds. Purebreds come with a whole range of problems and I have to say that the best reason I can advise members to get a purebred is that my profession makes a fortune out of them. To that point, members can buy bulldogs, for example, that can no longer breed naturally, which is all due to the way people have bred them. As humans, we have bred in bad hips, bad backs and all sorts of issues, so I recommend to members a good crossbreed. The problem of course is that in the system that we are bringing in place, we would probably like to have a lot less crossbreeds and purebreds because we will have to go to the trouble of getting registered. I am not going to rant about that; I just think that that might be an unfortunate outcome of the path that we will find ourselves going down, so I would recommend crossbreeds as best you can.

I will finish on this, and I know I could tell veterinary war stories forever, but let us move on and get the legislation done. The best intent in the world is probably sometimes dangerous and I will use this example—funnily enough, it is about another dachshund. If members ever watched the old *All Creatures Great and Small*, they might remember Tricki Woo. My version of Tricki Woo was a highly obese dachshund that I would take into the clinic on occasions and make sure that it had starvation rations for a little while. The owner was a lovely lady. She was the mother of the local police sergeant and she loved this dog passionately. She hated being away from it. The dog was her company. She would do her best, but she would always give in because the dog would always tell her that it was hungry. With the best intent in the world, some people just forget that dogs are different. I will never forget her coming to visit the dog, because we kept it for at least a week, and a bit longer sometimes. She came in to visit the dog and she brought chocolate with her and said, "I've brought some chocolate for the dog so it doesn't miss me." We had to explain to her that, first off, chocolate is not good for dogs; and second off, we are trying to keep it on a starvation diet. We occasionally kill with kindness and we have to be a bit careful about that.

The opposition is not opposing this bill. We think there are some positives to it and we also think there are some issues that should be addressed. I have made suggestions that I think are eminently sensible. I know that the government will not take them on at this point, but perhaps they might be up for consideration sometime down the path. I think the government should perhaps look at the wording. I would love to see it take the word "farming" out and try something different, and I think the government needs to be very careful about another set of regulations out there being policed and being imposed upon people. We accept that that is probably a necessary negative, but the way that it will be done will be critical. Therefore, hopefully, with those comments, the government takes them in goodwill and we will proceed.

HON COLIN de GRUSSA (Agricultural — Deputy Leader of the Opposition) [1.53 pm]: I, too, rise to contribute to the second reading debate of the Dog Amendment (Stop Puppy Farming) Bill 2021. As my colleague the Leader of the Opposition has just made clear, members of the chamber are well aware that the opposition is committed to the passage of this bill on this day's sitting, and we remain committed to what is a very generous undertaking to ensure that this bill is passed through this place today. In that vein, I do not expect debate on this bill to be lengthy and I will certainly keep my contribution relatively brief to facilitate any necessary debate during the committee stage.

I reiterate again that the opposition does not oppose this bill. We have some concerns, however, about some of the aspects of the legislation. We are absolutely opposed to the practice of so-called puppy farming. Members who were present in the fortieth Parliament will remember a very similar bill—the Dog Amendment (Stop Puppy Farming) Bill 2020. That bill was read into this place on 25 June 2020. Despite the rather misleading claims of members in the other place that this bill was held up by the opposition or opposed by the Liberal and National Parties in this place, of course, the truth is far simpler; that is, the Dog Amendment (Stop Puppy Farming) Bill 2020 was never again brought on for debate after it was second read in this place. It was not prioritised by government. Obviously, it is absolutely not the opposition or crossbench that decides the legislative agenda in this place; of course, any decision

to debate legislation is up to the government. If it had been made a priority then as it has been now, there was no reason we could not have debated that bill towards the end of 2020 and had it passed and enacted at the time, but that was not the case.

The current Minister for Local Government, Hon John Carey, has even gone so far as to state in a media release on 2 June this year —

> "The Government wanted this bill passed in the previous term of government, but this was another piece of critical legislation that was not supported by the Liberal Party and National Party.

That is absolutely untrue. The government did not bring the bill on for debate, as I have said. It is impossible for members of this place to pass a piece of legislation if they do not get to debate it because the government has not put it on the agenda.

Hon Kyle McGinn interjected.

Hon COLIN de GRUSSA: The member interjecting well knows that regardless of whether any member supports a bill, we cannot pass legislation if we do not get to debate it. It is completely untrue to say that members on this side of the chamber did not support the legislation, because we did not have the opportunity to debate it. As I said before, we are not opposed to this bill, and we are absolutely resolutely opposed to the abhorrent practice of so-called puppy farming.

I refer to a media statement by my colleague in the other place, the Deputy Leader of the Opposition and member for Moore, Shane Love, MLA. In a media statement in March 2020, he said —

> **The Nationals WA will seek to amend the Labor Government's proposed puppy farming laws to minimise impacts for farm working dogs and responsible dog owners.**
>
> Deputy Leader Shane Love said the Nationals WA were committed to stamping out intensive dog breeding.
>
> "The Nationals WA find the practice of puppy farming to be unacceptable and we support improved welfare for all animals," …

That was his statement in March 2020. It was clear from the outset that we were not opposed to this legislation. We wanted to see some sensible amendments. I will come to that later, but we note that some amendments to the 2020 bill have been included in the bill that is before us today.

Let us now look at the bill before us. Helpfully, in the second reading speech, the minister outlined the key aspects of this bill. They include turning pet shops into adoption centres so that pet shops will be able to sell only dogs that have been sourced from holders of a dog supply approval; of course, mandatory sterilisation of dogs by the time they reach two years of age; approval being required to breed dogs if they have not been sterilised by the age of two years; and that approval being immediately required if the owner becomes aware that the dog has become pregnant unintentionally. Those approvals are specific to an address and a local government area, and approval is required each time the owner moves. My colleague talked about the centralised registration system, the creation of which will be funded by the government, although costs may at some point be passed on to local governments under a cost-recovery mechanism, and there is obviously some concern about that. For the time being, there will be no cost to local governments. We will interrogate that a little further in the Committee of the Whole stage.

We have already talked about the ending of compulsory muzzling of greyhounds and the exemption to the sterilisation requirements that will be provided for greyhounds that are registered with Racing and Wagering Western Australia. Of course, local governments will continue to manage dogs and their registration and the approval and policing of the approval-to-breed requirements. That again means more work will be passed on to local government, which I will talk a bit about further on. The Dog Amendment (Stop Puppy Farming) Bill 2021 before us is ostensibly very similar to the bill with almost an identical name introduced into the fortieth Parliament, although some notable changes have been made. I referred to the working dog amendment the Nationals proposed to the bill in the fortieth Parliament. Exemption from mandatory sterilisation of what the government is calling "livestock working dogs" is a good outcome. Owners will be exempt from requiring approval to breed if the dog is not sterilised. However, they will require approval to breed if the owner intends to breed the animal. It is a welcome change and, in fact, reflects the proposed amendments that were on the supplementary notice paper in the previous Parliament that we never got to debate. They were excellent amendments proposed by my colleague Hon Martin Aldridge, who is away on urgent parliamentary business. He was the lead speaker on the bill in the fortieth Parliament. They were excellent amendments and they certainly went a long way to ensure that those specific exemptions applied to working dogs. It is good to see that they are now part of the bill before us.

At the time, other amendments were on the supplementary notice paper from a number of members. In fact, a number of such amendments were proposed by my colleague Hon Donna Faragher. They also were excellent amendments that proposed to incorporate within the legislation the Dogs West organisation and owners and animals registered to Dogs West, and to recognise that they are, essentially, the gold standard for dog ownership in Western Australia. Under the legislation, its breeding registrations would have been recognised and its registration system would have been required.

In the media statement I referred to earlier, my colleague the Deputy Leader of the Opposition, the member for Moore, said in March 2020 that Dogs West members should also be granted an exemption. He said also —

> "Dogs West owners and breeders represent the gold standard of dog ownership in Western Australia,"
>
> "They already have rigorous processes in place to ensure their membership has the highest standards of animal welfare in place, including restrictions on the number of dogs a person can own and the number of litters a dog can safely have.

Again, that was a sensible proposal in the previous Parliament by opposition members to recognise Dogs West in the legislation. I strongly encourage the government to work closely with Dogs West in the implementation of this legislation once the bill is passed, and ensure that it is closely consulted within the establishment of the registration system and other matters related to approvals to breed.

As my colleague also mentioned, the Leader of the House outlined that the bill mentions the word "puppy farming" only once—in the short title and nowhere else in the bill. The government's reasoning behind this is that puppy farming encompasses a wide range of dog breeding practices that can affect the health and wellbeing of dogs. I agree, but, again, as my colleague the Leader of the Opposition said, I am disappointed by the implication in the short title that the farming of animals is an evil that must be prevented. Mass breeding of dogs in poor standards of care and in awful conditions in which that occurs is an abhorrent practice and is absolutely not a practice that any decent human being, let alone members on this side of the chamber, want to see occur. However, I personally disagree vehemently with the implication in the title that farming itself is an evil or abhorrent act. No doubt, of course, the spin doctors in the Labor Party are quite proud of the short title. However, I hold the view that farming is a fundamentally good practice and not one that should be associated with the practices that this bill aims to end.

As my colleague mentioned earlier, and others have mentioned in previous debates on the earlier legislation, significant concerns have been expressed by the local government sector around this proposed legislation. The local government sector has concerns with this bill, as it did with the bill in the fortieth Parliament. Local governments are concerned about the costs that may be passed on to them and their ability to recover some of those costs, the management of compliance issues and other matters as well. When the bill was being developed in the previous Parliament, the Department of Local Government, Sport and Cultural Industries apparently did some modelling around the impact on the local government sector of the proposed legislation, but I understand that modelling was not released and that is still the case. It is a significant concern that the sector has not had access to some of that modelling to help it plan, basically, for what this legislation will mean to it and how it will manage the associated aspects of implementing it.

Of course, we do not know whether the impacts will be uniform across local governments, either. As my colleague indicated, there are 150-odd local governments across the state. Will there be disproportionate impacts on local governments in specific areas or will it be the same for everyone? We do not yet have answers to those questions. Certainly, it would be in the interests of the sector, and I think the government, to release that modelling to assist the sector to prepare for the commencement of the legislation. In fact, my colleagues have also reported to me that some of their regional local governments have told them that the cost of the ranger services they provide is already somewhere around two per cent of their rate base. Therefore, any addition to that cost will be a significant additional cost to those local governments, and, of course, they need to understand how that will impact on them and their ratepayers. There will be significant costs to implement this legislation. Will they all be placed on local government? The establishment of the centralised registration system will be funded by government, but at what point will costs be passed on to local government and how will that be done? What will be the pricing mechanisms for any cost recovery and so on? It is not that local government necessarily is vehemently opposed to the idea of this legislation as such, but it really wants its concerns to be clearly heard on the impact it will have and to know whether some local governments will be disproportionately impacted, I guess, rather than impacted evenly across the field.

Of course, the other issue is what an approval to breed will mean for local governments. Local governments will process approvals to breed. Will there be a model policy for any local laws that need to be established? Will the department assist with those model policies, or model local laws, if you want to call it that, to assist local governments implement various aspects of this legislation?

The Leader of the Opposition mentioned Dogs West. I have mentioned some of its concerns as well. I again reiterate the need for government to work very closely with that organisation that represents the gold standard of dog ownership in Western Australia. I again implore the government to work closely with Dogs West.

I will wind up my remarks fairly shortly in order to assist with the passage of this bill. I said at the outset that the opposition does not oppose this legislation. In the time we have available for debate on this bill, we will do our level best to ensure that there is a level of scrutiny at least during the Committee of the Whole stage. I make it clear that the practice of so-called puppy farming is abhorrent. Again, I personally dislike the association of this disgraceful act with the inherently good act of farming. I guess the government has decided to use that catchphrase; it is not something I particularly agree with and I think a different title could have been considered. However, it is also clear that the majority of people in the community consulted support ending the practice of so-called puppy farming, and I 100 per cent agree that that is the right decision.

Finally, I will reiterate my earlier comments that, indeed, this bill could have progressed in the fortieth Parliament, and could well already be law in this state, had the government brought it on for debate. That it chose not to at the time says more about the priorities of this government than any opposition position on the legislation. We did not oppose the legislation then and we do not oppose it now.

HON DR BRIAN WALKER (East Metropolitan) [2.09 pm]: People who have spoken to me behind the chair will realise that this topic is close to my heart. I am an avowed dog lover. I treat my puppy—she is a three-year-old now—preferentially. I have to confess that both my wife and I have at times referred to our puppy by the name of one of our sons; therefore, it is fair to say that we have a vested interest in ensuring that all dogs—in fact, all animals—are treated kindly. I think that it is a mark of disgrace when people abuse animals; I find it abhorrent and difficult to stomach. I can say at the outset—I am sure all members here will agree—that it is wonderful to be taking forward the Dog Amendment (Stop Puppy Farming) Bill 2021. I applaud its intent. However, I am also aware that, once again, legislation that could have been a little bit better has been brought to this house. Its intent is good, but it is a little like saying when there is a bit of discomfort between you and your partner, "Christmas is coming up. I've a great present to give to my partner that will help to repair the relationship." I can tell members now, not from experience but from simple logic, that buying a vacuum cleaner will not achieve that purpose. It may be a useful and good thing to do, but it will not achieve the purpose of assisting a relationship to flourish, if that is the purpose for which it is bought. The same is also true of this admirable legislation—the Dog Amendment (Stop Puppy Farming) Bill 2021.

I spoke to a number of people involved in this bill some months ago now, because it was delayed for some considerable time. I note that since we saw the earlier version of the legislation, there has been a considerable amount of public engagement. As ever, we find that some people fully support the bill and some are against it, because there are different points of view. The issue can sometimes be very contentious. This time there have not been many emails or telephone calls, but there have been enough to assure me that the concerns of those who care about this legislation have not been adequately addressed.

I note the words of my honourable colleague the Leader of the Opposition, who is, of course, a registered vet and whose knowledge I will not in any way compare with mine. I listened with admiration to him describing the management of puppies and dogs. We have in the Leader of the Opposition a voice of experience, and that is what we need—experience about what is actually needed and not what people think might be a good idea. He noted—I took this on board—that this is an administrative bill. It will not actually change much in managing the safety of animals and keeping them free from being abused. Let us consider just the aspect of administration.

I will not dwell on the correspondence that I have received, but I will put on the record one email that I am sure most members have received. It comes from Dr Carla O'Donnell, the president of the Golden Retriever Club of WA. That is nice, but after looking at what she actually represents, I gained a much different understanding of her as an eminently qualified person—someone who cares about and loves animals and who is eminently qualified. As well as being the president of that association in Western Australia, she is also, according to her email, an Australian National Kennel Council registered breeder of golden retrievers and the secretary of the National Golden Retriever Council of Australia. But that does not necessarily mean that she has expertise—just a concern. She is also a certified professional dog trainer and a senior instructor at both Perth Training and Obedience Dog Club and Joondalup Dog Training Club. She is also a committee member on several local dog clubs. I think it is fair to say that she is committed to the welfare of dogs. She is also a member of Dogs West, which was mentioned earlier by my honourable colleagues. Personally speaking, I had not had experience with Dogs West until recently. I did some very interesting research into what Dogs West represents. It represents, if nothing else, a body of experienced dog owners, trainers and breeders—people who have given of their physical and material substance to look after dogs.

If Dr O'Donnell and her colleagues have concerns about this bill, I think we ought to listen, and we can at least share those concerns. I would like the minister to assure me that the concerns that have been raised can be allayed. With your indulgence, Acting President, I shall read into *Hansard* the main concerns that Dr O'Donnell has raised with me and, I suspect, many other members. She says —

> I have concerns over the draft *Dog Amendment (Stop Puppy Farming) Bill 2021*, which has been introduced into Parliament. The Bill will only serve to undermine responsible ANKC registered breeders. There is no evidence the proposed legislation will prevent puppy framers. The Bill proposes that anyone granted exemption from mandatory de-sexing will become a "Registered Breeder".

I will say it again —

> The Bill proposes that anyone granted exemption from mandatory de-sexing will become a "Registered Breeder". I have several concerns with this proposal.
>
> First is the term itself. "Registered Breeder" is a term that is at present used exclusively to describe a person who is:
>
> - a member of the relevant Australian National Kennel Council Affiliate, in WA that being DogsWest; AND
> - Has passed the requisite examination; AND

- Holds an ANKC Breeders Prefix; AND
- Agrees to breed only in accordance with the Dogs West Regulations and Code of Ethics.

Dr O'Donnell is highlighting the concern that the current legislation, which has a high intent of assisting to reduce damage caused to dogs, will water down what we currently have rather than enhance it. It will not bolster the present system; it will reduce it. It will dilute the definition of "registered breeder". I will be interested to hear what the minister has to say in response to that claim from someone who has eminent experience in the area. Dr O'Donnell goes on to give what I think is a useful summary of the processes currently in place when breeding golden retrievers. These are not dachshunds; these are golden retrievers, but they are dogs. Again, I quote from her email —

> To be approved for breeding, a Golden Retriever goes through the following process:
>
> After 12 months of age the dog's hips and elbows are x-rayed and evaluated by a veterinary orthopaedic specialist listed under the ANKC's Canine Hip and Elbow Scheme.
>
> After 12 months of age the dog's heart is assessed by a veterinary cardiologist and issued a certificate stating that he is free from hereditary cardiac disease.
>
> The dog's eyes are examined yearly by a veterinary ophthalmologist and issued a certified certificate stating that the dog is free from hereditary eye diseases.
>
> In addition, the majority of breeders perform available DNA tests on their dogs.

I do not know about members, but that strikes me as very stringent and not a process compatible with signing a certificate—a piece of paper—that will make someone a registered dog breeder. Dogs West members voluntarily adhere to something far more stringent than anything in this bill. By enacting this bill, we will be reducing the standards within WA.

Dr O'Donnell then summarises as follows —

> The reason I have outlined this is to illustrate that there is much more to becoming a "Registered Breeder" than filling out a form. The proposal to label anyone who has an intact dog a "Registered Breeder' severely devalues the concept and undermines the investment of many thousands of dollars and many years that each ANKC Registered Breeder invests in producing a dog that is suitable for breeding.

On the face of it, she has a point, does she not? That is one point on which I would really like a response from the minister in her reply. I would also dearly love to know what kind of consultation took place during the preparation of this bill. I have no doubt that Dogs West was consulted, informed and spoken to, but many of its members who have consulted me in the past months have been of the opinion that, during the early stages of the bill's preparation, they were assured that there would be an exemption included in the legislation for Dogs West members, who could then continue to self-regulate. The Leader of the Opposition suggested that perhaps we might add Dogs West to the list of local government authorities. That is an eminently sensible thing to do because Dogs West already has the systems in place, the experience and claimed authority to master this. I do not know about local government authorities, but I would assume that any required jobs would be delegated to someone who was appointed to this job and who may not have anything like the experience of Dogs West. In fact, we are making it more difficult to assure ourselves of the safety of the animals concerned. That should cause concern. Once again, this bill has been a little bit rushed. It has been delayed, but we are not listening to those who are materially involved in making clear what is actually needed. We should listen to them, and not what people in bureaucratic positions deem to be needed.

Dr O'Donnell made several concrete recommendations in the email, which I will refer to, because they may well have some merit. She would like to see Australian National Kennel Council registered breeders exempted from the requirement to seek additional approvals to breed, with their ANKC registration details being used to identify them going forward. That makes sense. She argues that non-ANKC or non–Dogs West members should be given a distinct identifier that makes it clear that they are not members of these "gold standard" organisations. By following through with this legislation, we will have a substandard system compared with what already exists. This should cause concern. She raises valid concerns over the desexing provisions in the bill. I cannot claim to know this, because I have no knowledge of it—I am not a vet and I have no experience of this—but she says that golden retrievers, in particular, do not reach their full adult height until they are three years of age, rather than the two years specified in the bill. She said she would be interested to know whether the minister can tell us why a seemingly arbitrary figure has been chosen for that, and how many other breeds might be out of step with that two-year cut-off. She goes on to ask that we consider inserting two short additional paragraphs into the bill at proposed section 26E(3), to add an exemption if "the dog is registered in Western Australia on the main register of the Australian National Kennel Council Ltd," and again at proposed section 26L(3) to add a defence when a similar registration can be proven.

I do not imagine that these amendments will pass the chamber today. I do not think these potential amendments have any merit in the chamber today, bearing in mind the numbers we have and the proven intent to drive forward the legislation—of course, with the support of the opposition.

Hon Peter Collier: They might have merit, but they will not succeed.

Hon Dr BRIAN WALKER: Indeed. The merit may be there, but they will not succeed. Thank you for that; that is correct.

I think it is necessary to have a closer look and explore these possibilities further. I would be very interested to hear, during Committee of the Whole, whether these concerns could be addressed in some form and amendments made.

It is not at all my intention to be negative. I will support this bill as well, but there are concerns that need to be addressed and I think we should have a very close look at them during Committee of the Whole. The intentions are admirable. As I said earlier, I am a dog lover. As anyone who has owned a dog will know, they are not just a dog; they are part of your family. You love them deeply and care for them. Anything that will enhance the safety of animals in our society really has my full, unwavering support. However, I remain to be convinced that what we have in front of us now could not be improved on. We could take on board the concerns of responsible, respectable breeders across the state. Although I support this legislation, my hope is that I can support it even more if, by the time we conclude our deliberations, there have been amendments made or at least a vigorous defence of the current draft by the minister. That being said, I indicate I will support the passage of the bill, but I have concerns with its detail.

HON STEVE MARTIN (Agricultural) [2.24 pm]: I rise to make a very brief contribution to the Dog Amendment (Stop Puppy Farming) Bill 2021. Like my colleagues, I am keen to see this bill progressed through Parliament today; we have given that commitment, so I will confine my remarks. I do not see much point in repeating the good work done by my colleagues on some of these issues, other than to let the Leader of the House know of the concerns raised with me by some of the smaller local governments particularly from my part of the world. I am keen for the Leader of the House to respond to these concerns in her reply and through the committee process. I will let the house know about them now.

Maintaining the current structure under the Dog Act can cost those local authorities up to two per cent of their rate base. For a local government such as the City of Joondalup or the City of Swan, perhaps that is not a major concern, but for the smaller Shires of Westonia, Yilgarn or Wagin, it might be. That is the existing regulatory burden. It is uncertain whether this new legislation will add to that burden. I am guessing that it will not reduce the burden, and local authorities are nervous that it might increase it by another two per cent. Small metropolitan councils have expressed similar concerns. I am repeating those remarks so that the Leader of the House is aware that in my patch, some of those smaller councils have that concern.

I will make a quick remark about the working dog amendments that were made to the bill that was introduced in 2020. That was a great change. There would have been all sorts of concerns if that had stayed as it was in the bill. Congratulations to the government for responding to the amendments that I believe were moved by Hon Martin Aldridge in the previous Parliament. That is a good outcome.

I will duck back to local governments and reassure the house that unlike puppies, local governments are not breeding. We heard earlier from a couple of my colleagues that there are 150 local governments in the state. Unless I missed something in the last couple of weeks, I can assure the house that there are only 137. Local governments are not breeding.

Hon Sue Ellery: I think the expression he used was "an odd 153" and I thought that he was being a bit unkind. I don't think there are any odd ones.

Hon STEVE MARTIN: Some are definitely odd, Leader of the House, but there are only 137 of them.

I will make a couple of quick comments about the approval process. Again, I think that this will add to the burden for local governments. Leader of the House, I am sure that this will come up in the committee process. Proposed section 26J(1) states —

> On receiving an application for the grant of an approval to breed, a local government is to grant or refuse to grant the approval.

A local government can then look to a number of conditions, one of which is —

> the applicant is not a fit and proper person to breed dogs;

I have no idea what that means but I am sure that it might be teased out in the committee process. That would be a fair burden for a council with a staff of three, such as the Shire of Westonia. The staff member on the front counter would have to assess whether a person who has come in to apply for a licence to breed dogs is fit and proper. I hope that the department will provide some guidelines on that and some funding.

I will close by reinforcing the comments made by the speakers today about Dogs West. The body seemed to put forward a good model for registration and dog breeding, so if it can somehow be involved in the implementation of this legislation, that would be a good outcome. Thank you for the opportunity to speak on this bill.

HON DR BRAD PETTITT (South Metropolitan) [2.28 pm]: I rise today to indicate that the Greens will support the Dog Amendment (Stop Puppy Farming) Bill 2021. I acknowledge that much of the work for this bill was done in the previous Parliament. I also acknowledge my former Greens colleagues for their work, especially Alison Xamon, who took a special interest in this area. As I went through the very lengthy notes that I was left on this bill, it was

interesting to read how this bill came about. One of the things that came through to me was what seemed like a really robust consultation process around the stop puppy farming plan that was formulated throughout 2017 and 2018. It is worth going back a little to some of the key tenets of that engagement process. They included the creation of a centralised statewide database that would identify and keep track of every dog and puppy at the point of sale or adoption; mandating the compulsory sterilisation of all dogs, unless an exemption was granted for breeding purposes or on veterinary advice; the transition of pet shops that sell puppies into adoption centres to rehome puppies and dogs from approved shelters and rescue organisations; and the initiation of an education program for people looking to buy or adopt a puppy or dog, whether from a shelter or rescue organisation, an adoption centre or a registered breeder. It is interesting that much of that has made it through this process.

One part that was of particular interest to my former colleagues was around greyhounds. There is a growing community interest in greyhounds, especially in encouraging the adoption of greyhounds. Although that is a small part of this bill, I acknowledge that this legislation will make the muzzling of greyhounds no longer compulsory. That part of the review of the Dog Act 1976 attracted some robust community submissions. According to my notes, over 1 190 individual submissions and a petition containing 2 700 signatures were received. I acknowledge the community that has fought very hard in the greyhound space. We would all agree that the muzzling of retired greyhounds is no longer necessary. It has been phased out in many jurisdictions and it is good to see that WA is moving that way as well.

There is a lot to commend in this bill. However, I could not find a definition of "puppy farming" in the legislation. The Royal Society for the Prevention of Cruelty to Animals defines it as —

> an intensive dog breeding facility that is operated under inadequate conditions that fail to meet the dogs' behavioural, social and/or physiological needs

It would be fair to say that this is a practice, whether it be a small backyard operation or one on an industrial scale, in which the common denominator is an exploitative and cruel approach to breeding dogs that prioritises personal profits and not animal welfare.

Hon Dr Steve Thomas: Would you accept that that is an incredibly subjective definition then? Because it depends on somebody's opinion as to that. Part of the problem is that the definition of it is an issue.

Hon Dr BRAD PETTITT: It is certainly subjective, although I do not think one needs to be particularly anthropomorphic to understand that dogs, and many animals, have behavioural, social and psychological needs.

Hon Dr Steve Thomas: That is right, and some will be obvious, but it is subjective.

Hon Dr BRAD PETTITT: But of course they do not have language. The fact that animals do not have language means that it is our role to make sure that, to the best of our ability, we at least try to understand what their needs might be.

Hon Dr Steve Thomas: They kind of do have a language; it is interesting.

Hon Sue Ellery: My dog's got a language.

Hon Dr BRAD PETTITT: For those who did not hear, and for Hansard, comments were made that many people in this chamber have dogs that have language. That is right. They have very good ways of communicating with us their behavioural, social and psychological needs; that is correct.

Puppy farming is problematic because of the long-term health and behavioural issues it causes to the dogs and the consequences for future owners of those puppies. Without any regulation or oversight, puppy farmers are able to disguise their operations, avoid scrutiny and exploit dogs for profit. This is something that came through the work that was done. Unfortunately, there was clear evidence of unscrupulous breeders—I appreciate that they are in the minority—operating in Western Australia, sometimes on an industrial scale. I will give a couple of examples.

One puppy farm in Gingin uncovered by the RSPCA in 2018 involved 46 dogs and 20 cats. In 2012, another farm outside the wheatbelt town of Kellerberrin had 50 dogs seized. A dozen of these dogs had been kept in appalling conditions in total darkness in an underground bunker. These are the kinds of operations the bill aims to stop through a comprehensive suite of measures, including providing lifelong traceability of all dogs, increasing the transparency of and information on breeders and improving the ability to identify and detect puppy farms. I am pleased to say that I am happy to support this legislation. It aligns very closely with Greens' policies on animal welfare and also community attitudes. I commend the bill to the house.

HON SUE ELLERY (South Metropolitan — Leader of the House) [2.34 pm] — in reply: I thank members for their contributions to the debate on the Dog Amendment (Stop Puppy Farming) Bill 2021 thus far and the support they have shown. At the outset of my second reading reply, I place on the record that many people have worked really hard to get the policy of this bill in place, and I want to name one person in particular, the member for Maylands, Lisa Baker, who has worked extraordinarily hard and took the detail of this policy to two elections. I congratulate her for the work she has done. I know today will be an important day for her. I also place on the record that Murphy the wonder dog also supports this bill, because when I left this morning, I told him I would!

I move on to more important things and to issues raised by members in their second reading contributions. The first person to speak on this bill was Hon James Hayward, and he made some points that I need to respond to for the record. From his point of view, the bill does not effectively deal with noncompliance and a more effective bill would have targeted enforcement. Indeed, this bill highlights and acknowledges those who do the right thing. Those doing the wrong thing can be stopped. Those doing the wrong thing will not have approval or a dog owner number and will not be complying. There are provisions to identify and stop them through enforcement action. The bill will provide a regulated system to proactively prevent and stop puppy farming by requiring dogs to be sterilised by two years of age unless exempt; requiring all dog owners who intend to breed from their dogs or keep them unsterilised to apply to local government for approval to breed; transitioning pet shops that sell dogs into adoption agencies; and introducing a centralised registration system, which that member conceded was a great idea, to facilitate easier monitoring, investigation and prosecution of people who do not comply with the Dog Act 1976.

The bill will provide significant penalties for new offences, including for dogs not being sterilised, breeding without approval to breed and not transferring a dog registration. The requirements in this bill relating to advertising of approval numbers will mean that unregistered breeders will have no real legal way to advertise puppies for sale, and an education campaign will be undertaken to make sure that consumers are aware of the new laws, including on the information they should make sure that they are provided with when purchasing a dog and responsible dog ownership.

That member also raised the comparison of our bill with the Victorian act, and was of the view that the similarities between this bill and the Victorian legislation would lead to an increase in the cost of puppies and therefore a reduction in the number of breeders. I need to say up-front that this bill is not the same as the Victorian legislation; there are a number of differences. Although the Victorian state government has banned puppy farming, its legislation is not the same as this bill. There is no evidence that this bill will lead to an increase in the cost of puppies. Several aspects of the bill, including the transitioning of pet shops into adoption centres, will provide the WA community with better access to affordable dogs seeking new homes. Although the requirement for approval to breed is intended to stop unethical puppy farming, the approval process will not be onerous and will not stop the breeding of dogs generally. Some pet shops have already established agreements with shelters to rehome dogs, and they are to be commended.

That member also raised that there are only three prosecutions relating to dog registration and that, in his view, the bill will not directly stop people from keeping unregistered dogs. The central registration system will make registering and transferring a dog easier and more consistent across the whole state. The government anticipates that compliance with dog registration more generally is likely to improve and the central registration system will also assist local governments with enforcing and monitoring. The member raised the issue of what he described as Postpak puppies from interstate. The central registration system will provide traceability. The bill will require people who are selling their dogs to provide their approval number in advertisements. When people register their puppy against a specific dog owner number, the data collated through the central registration system will likely assist in the identification of an unlicensed breeder operating in contravention of the act. The government has also committed to ensure that Dogs West members can include their membership number in the public-facing part of the central registration system if they so choose. People will also be encouraged to undertake their own inquiries to ensure that the person they are dealing with is an approved breeder and that they are breeding dogs ethically.

The proposition was put that the bill provides an incentive to dog owners to not register their dog and not register to breed. This bill will only concern people who do not do the right thing and value profits ahead of the welfare of dogs. The bill will encourage ethical breeders and dog owners who wish to breed from their dog or keep their dog unsterilised to comply with registration and breeding requirements. The bill will assist law-abiding people to comply with the registration requirements for dogs by enabling applications to breed and registration renewals to be submitted through the centralised registration system. The bill will prompt people to think through whether they want to breed from their dog; and, if so, to consider the facilities and expenses that ethical breeding entails; and, if not, to sterilise their dog from two years of age if a vet can undertake the procedure safely.

The bill sets out clear criteria relating to the welfare of dogs when breeding and will provide for the screening of people who intend to breed from their dog or keep their dogs unsterilised. This will be a one-off process if the person remains in the district of the local government and their approval to breed is not cancelled. The centralised registration system will assist local government to monitor and enforce rules to ensure a fair playing field. The bill is not about red tape for its own sake. Its aim is to prevent and stop puppy farming; indeed, it is about setting up a regulatory process to do that, and that, by its nature, means that there will need to be regulation and a system to provide oversight.

The proposition was put that the provisions of the bill will be onerous and effectively cost shift the state's responsibility. The Dog Act 1976 has been administered by local government since 1976. Local government rangers have long served to enforce the Dog Act. A central registration system will provide a stronger base for local governments to perform their functions under the act. The bill will remove the requirement for local governments to procure and manage their own registration systems. The central registration system will provide a basis for increasing compliance and the collection of registration fees, since registering will be online and easier.

Hon James Hayward in particular asked about the Western Australian Local Government Association's previous position on the bill, particularly around how the costs and fees will be set and managed. The government has

been proactively working with WALGA and the sector to achieve the objectives of the bill. Minister Carey has committed to continue the work with WALGA that was begun by the former Minister for Local Government, Hon David Templeman. He has committed to consult and involve WALGA and the local government sector in the process of implementing the bill.

In respect of proper facilities for breeding, the bill will establish that access to suitable facilities is a requirement for an approval to breed. As part of the government's broader work to stop puppy farming and ensure the welfare of dogs, last year the Department of Primary Industries and Regional Development finalised the *Health and welfare of dogs in Western Australia: Standards and guidelines*. Those reforms fall under the Animal Welfare Act 2002. The Department of Primary Industries and Regional Development is currently working to draft a new set of regulations about dogs, which will give legal effect to the standards. These standards provide a definition of "appropriate facilities". The standards are published online and establish minimum criteria. They complement the provisions of the Dog Amendment (Stop Puppy Farming) Bill 2021; local governments will be able to refer to them when assessing applications for approval to breed, and applicants can also review them before they lodge their application.

The question was put: would it not be better for the government to instead ban the unregistered sale of puppies? An approval at sale will come too late in the dog's life cycle, and therefore will not ensure the welfare of the dog as a puppy, nor the welfare of a pregnant dog. Poor conditions early in a dog's life can have lifelong consequences, and that is why approval will target the conditions that the pregnant dog and the litter will live in. This is a proactive plan for the welfare of the dog before breeding starts, and for ensuring that consumers can purchase dogs that have been bred in accordance with the standards.

The bill will require the person selling a dog to provide certain information to a seller for traceability, such as the person's dog owner number. The registration form for a dog will request details from the owner about whether the dog is sterilised, whether the breeder holds an approval to breed, and details about the breeder and any previous owner of the dog, if known. These details will be included in the centralised registration system, as well as on the sterilisation status of the dog, which will assist authorities with monitoring and enforcement.

With regard to Dogs West, the minister met with that organisation earlier this year. It is a well-respected, highly regarded membership and advocacy organisation. There is nothing about the construct or content of this bill that diminishes the government's respect for Dogs West, its leadership and the work its members do. Under the current Dog Act 1976, local governments manage dogs within their district. Practically every local government in the state already has a ranger who is doing the work of ensuring that dogs are registered and managed. Dogs West does not have the statutory powers that local governments have, including powers relating to investigation, powers to make binding local laws and policies, and powers to make seizures and impose penalties. The only penalty Dogs West can impose is to discontinue a person's membership of Dogs West. It does not have the same resources that local governments have to investigate and stop puppy farming. The central registration system will also interface directly with local governments rather than with Dogs West.

I turn now to the comments made by the Leader of the Opposition. He said that, other than being popular, the government was yet to establish a real need for this legislation. Cases of poor breeding conditions profiled in media around Australia, including in Western Australia, demonstrate the significance of this problem. Within WA, in 2012 and 2014 there were successful prosecutions of puppy farmers under the Animal Welfare Act 2002. Between 2017 and 2019 approximately 10 cases of major rescues at puppy farms involving the RSPCA were publicly reported. Between 1 January 2020 and 30 June 2021, Consumer Protection received 221 inquiries and 63 complaints relating to the sale of dogs, including scams.

Hon Dr Steve Thomas suggested that the use of the term "puppy farming" somehow represented Labor's ongoing hatred of farmers. Of course, nothing could be further from the truth. In my second reading speech I outlined why the bill does not contain a definition of "puppy farming". The exploitative breeding of dogs can take many forms, and the intent of the bill is to prevent any cruel breeding practices. Puppy farming is not just large-scale breeding situations; it is the breeding of dogs in inadequate conditions that impact on the health, behaviour and wellbeing of dogs and puppies, including overcrowding, poor sanitation and a lack of basic care. The government listened to the debate in the last Parliament and has added objectives to the bill.

The Leader of the Opposition and a couple of other members also raised the question of impost on local government. The state government has committed to resourcing the establishment of a central registration system. The central registration system will replace the systems of each local government, which will result in savings for local governments. Local governments will have full access to the online central registration system. Dog owners will also be able to transact online through the central registration system. The system will streamline the dog registration processes, which will save dog owners and local governments time and money. The minister and the department have begun engaging with the Western Australian Local Government Association on any other cost and resourcing implications for the local government sector.

The proposition was put that Dogs West could be constituted, effectively, as a local government or equivalent to a local government to run its own administration of the bill. I have already made the point that there is a distinct difference between the powers that Dogs West has now and the powers available to local government. To the extent

that members raised a concern about creating more bureaucracy, that is exactly what that process would do. I think I have addressed that issue. The minister has engaged with Dogs West and has certainly acknowledged and recognised the very important role that it has played for its members in ensuring the safety and welfare of dogs and the respect that it is owed as an advocacy association on behalf of its members.

I thank Hon Colin de Grussa for his contribution. I note his recognition of the Federation for Livestock Working Dogs. The government has worked carefully on drafting the bill before us today. We took on board the broad feedback and input into the bill. We have been pragmatic while sticking to the policy intent that people like Lisa Baker have worked so hard on. The minister has committed to engaging with Dogs West on the implementation of the bill. The government has briefed WALGA on the work the government has done on the cost implications of the bill. As I said, the state government is funding the establishment of a central registration system, and the minister remains committed to working with the sector on its implementation. With regard to the approval to breed, local governments already process applications for approval to breed cats. Local governments will have autonomy in implementing the future act. Hon Steve Martin raised the question of the cost to local government. I have touched on that already.

Hon Dr Brian Walker raised a question about the consultation undertaken to develop the bill. There has been extensive consultation and engagement with the community, including some 4 754 submissions that were received, five community workshops and four workshops with members of Dogs West. The member referenced an email that he read from Dr O'Donnell. I note that he did not table it, so I am taking at face value what he read out. If I can address those points. Receiving approval to breed does not mean becoming a registered breeder; it is simply the approval of the local government. Approval to breed would not result in a person being automatically enrolled as a member of an external organisation. The bill will not change how kennel clubs establish their own requirements for membership or specific breeding certification and will not diminish in any way those organisations' rights or capacities to continue to maintain their own high standards associated with their particular breed or club. Unfortunately, there have been cases of some kennel club members being charged with animal welfare offences in the past, but the majority of kennel club members do the right thing and have nothing to fear from the bill that is before us today. Hon Dr Brian Walker also said that Dr O'Donnell had claimed that a promise was made to Dogs West to provide it with an exemption to this bill. I am advised that that is not the case.

With that, I thank everybody for their support and their expressions of commitment to ensure that dogs are bred and kept safe and healthy.

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 Sue Ellery (Leader of the House) in charge of the bill.

Clause 1: Short title —

The DEPUTY CHAIR (Hon Dr Sally Talbot): I draw members' attention to supplementary notice paper 22, issue 1. Members will note there are several amendments in the name of a member who is not present in the chamber. It is good custom and practice to draw your attention to that. I assume that when we get to that point, they will either lapse or someone else will move them.

I do not think *Hansard* shows head shaking. Is that not the case?

Hon Dr Steve Thomas: They will lapse; that is the most likely outcome, deputy chair.

The DEPUTY CHAIR: That being duly noted, the question is that the clause 1 do stand as printed.

Hon COLIN de GRUSSA: I have a question, minister. Obviously, as I referred to in my second reading contribution, there are some changes between this bill and the 2020 bill. Does the minister have a summary of those changes and is she able to table that?

Hon SUE ELLERY: Yes. I table a document that is titled "Comparison Differences in Drafting Between the 2020 and 2021 Bill".

[See paper 995.]

Hon COLIN de GRUSSA: While that is being copied for the benefit of members, I will ask a couple of other questions. The minister mentioned in her second reading reply that the Western Australian Local Government Association was briefed on the cost implications around this bill; I think they were the words she used. Was WALGA presented with the modelling that was done by the department, and can that modelling be made available to members?

Hon SUE ELLERY: No, WALGA was not provided with it; no, it will not be; and no, I cannot table it. We are in the process of determining the appropriate procurement process to go through, so right now it is considered commercial-in-confidence.

Hon COLIN de GRUSSA: Is there no way we can ascertain any of the potential cost implications; and, if not, how could the Western Australian Local Government Association be briefed on those cost implications if those costs were not known?

Hon SUE ELLERY: I am advised it was a confidential briefing to the Western Australian Local Government Association. It canvassed estimates—I think that is the correct expression to use—of costings at a fairly high level. I made the point in my response to the second reading debate that government will fund the cost of establishing the central registration system and that savings are expected to be made because applications will be done online.

Hon Dr STEVE THOMAS: I want to jump in and follow on the same issue. I listened to the minister's response to the second reading debate in which she said that the government would cover the cost of establishment. Potentially, if there were a dispute from local government or anybody else about their costs, could we hold the government to its commitment to cover all the costs of establishment? Is that a core promise or a non-core promise that the government can be held to?

Hon SUE ELLERY: Government will cover the cost of establishing the central registration system. Government is working with the sector regarding the costs for registration fees. Government will work with local government if there are particular elements of the implementation of the central registration system, once government has provided the funding for its establishment. As to whether the government will cover anything else, I am certainly not in a position to stand up here and give the member a commitment that any costs identified in the future that are incurred by local government will be met by government. We have made a commitment to fund the establishment of the central registration system, a commitment to work with local governments on the actual costs of the fees, and a commitment to engage with local governments if they identify anything else they want government to take into consideration, but the government cannot commit to unknowns.

Hon Dr STEVE THOMAS: Thank you, minister. We do not necessarily need to resolve this single point, but the point needs to be made that, potentially, there are costs that the government will negotiate but not necessarily cover. No doubt, there will be an ongoing debate about the impact on local government, which is not something we can address or finalise today. Obviously, the opposition will keep a close eye on that because there have been issues of cost shifting around some of these exercises. I take the minister's word that she will look into these things, but, at this stage, it is probably a non-core promise until we get to the detail.

Hon Sue Ellery: There is a commitment to ongoing discussions with local government about what other potential cost issues they may identify.

Hon Dr STEVE THOMAS: That is a commitment to dialogue, which is good; it is not necessarily a commitment to cap costs. Let us see where it ends up. That is a risk factor for them and us to be aware of.

Hon COLIN de GRUSSA: I refer to the earlier conversation about high-level discussions with WALGA around costings, and I understand they are commercial-in-confidence. Will the development of the registration system be outsourced or will that be a job for government?

Hon SUE ELLERY: We are going through a procurement process. It will go out for tender.

Hon COLIN de GRUSSA: Would the Western Australian Local Government Association, for example, be eligible to tender for that if it were to prove that it had the expertise to do it?

Hon SUE ELLERY: That is a possibility. The tender terms have not been drawn up; that obviously requires the progress of the bill, and I am fairly confident that the bill will progress. I would not rule it out.

Hon STEVE MARTIN: This is a bit of a narrow focus for the clause 1 debate, but on the discussion of the fees with WALGA, will they be based on a cost-recovery model? Bearing in mind my earlier comments in the second reading debate about the smaller ones versus the larger ones, could the minister flesh out that discussion for us?

Hon SUE ELLERY: I cannot say that it will be full cost recovery. In these things, we always need to balance people's capacity to pay, for example, in terms of what the fines regime might look like, and how much money we might expect that to bring in to balance out other costs. The government is absolutely committed to working with local government to get to a final position on these things, but it is about balancing a range of things.

Hon DONNA FARAGHER: My questions at clause 1 relate to Dogs West and the implementation of this legislation. There is obviously a reasonable understanding that this bill will pass. I note that the minister indicated in her summing up of the second reading debate that the government has committed to engaging with Dogs West during the implementation phase. From my discussions with Dogs West I know that, notwithstanding its continued concerns, it is keen to ensure that it remains around the table, if I can use that term. I appreciate that the bill has to pass and that processes will follow, but, to perhaps give some comfort to those who want to ensure that Dogs West will remain involved, can the minister tell me what is anticipated in the context of implementation and what form of engagement might take place?

Hon SUE ELLERY: I am advised that the minister has written to Dogs West and given it a formal commitment to engage with it on implementation issues and the development of the central registration system, and that Dogs West will be able to identify any needs or issues that it wants taken into account in the development of the

registration system. The minister has indicated to Dogs West that it will have the option to include its number on the central registration system and that he will engage with Dogs West if it identifies things that it would like to be included in the development of any regulations. Ultimately, there still might be issues upon which government and Dogs West disagree, but the minister has given Dogs West a formal commitment to engage on the implementation of the processes that will be established.

Hon DONNA FARAGHER: I thank the minister for that, and I appreciate that the minister is not the minister with responsibility for this bill. I appreciate the advice the minister has just provided. It is helpful to understand the sorts of things that Dogs West will be engaged upon. I will ask a general question first. Is it anticipated that a working group or something similar will be established in the implementation phase, whether that relates to the register or other parts of the bill; and, if so, will the minister commit to ensuring that Dogs West is a member of any working group that is formed?

Hon SUE ELLERY: I am advised that no decisions have been made to establish a working group. Bearing in mind that I am not the minister, the advice available to me is that if a working group were established, it is likely that the minister would consider having Dogs West as a member of that working group. I am certainly happy to take that request directly back to the minister myself. At this point, there is no intention to establish any formalised working groups, but I can say that the minister has put formally in writing to Dogs West that he recognises the important role that it plays and he wants to engage with it in a formal and meaningful way on implementation matters.

Hon DONNA FARAGHER: I appreciate the minister's response. That will bring some comfort to Dogs West. I appreciate that the minister is not the minister responsible in that regard, but should a working group be established for whatever reason, I would appreciate the minister passing on that clear request from Dogs West. It would be appropriate that it be included in such a working group.

Hon Dr STEVE THOMAS: One of the issues in dealing with the untoward breeding of dogs is that the more remote the region, the more likely it is that unregistered and uncontrolled breeding is occurring. That is occurring throughout great swathes of regional Western Australia and in fairly isolated patches. One of the issues is being able to attribute ownership to the animals. The government, in conjunction with Murdoch University, runs a dog sterilisation program throughout many of the remote areas in the north west of Western Australia. That is a very good thing.

I am interested in that because as part of this process, every breeder will need to be registered. If that will be applied equally throughout remote communities of all sorts, it will be either a massive undertaking, with a massive expansion of the good work that is already being done, to which government contributes, or a slow implementation process, or maybe a combination of both. Again, in remote areas, uncontrolled breeding is probably contributing to the wild dog population and other bits and pieces as well. How will the legislation before the chamber today be used in—let us call them—isolated communities? An isolated community might be an extended station farmhouse for example; it is not necessarily any particular thing. It is absolutely the case that that is where a lot of the uncontrolled breeding is occurring. Will this legislation capture that process, and will that be only to the extent that local government rangers, for example, might be able to enforce it? This is obviously an issue under the current Dog Act, because a lot of regional areas do not have the resources to be able to deal with that now.

Hon SUE ELLERY: When I was reading the file last night, in addition to the program out of Murdoch University that the honourable member referenced, I thought it referenced another non-government organisation that assists remote communities. While the advisers are looking as to whether I just completely made that up, or there is in fact a note —

Hon Dr Steve Thomas: It is the end of the year.

Hon SUE ELLERY: I only read it last night, but I read a lot of things. Yes; see?

Hon Tjorn Sibma: Look at that; the system works!

Hon SUE ELLERY: Thank you very much.

I can advise the chamber that there are currently programs that provide free or subsidised sterilisation and microchipping of dogs in remote Aboriginal communities. Not-for-profit organisations such as Animal Management in Rural and Remote Indigenous Communities, or AMRRIC, which the honourable member might be familiar with, work to assist remote communities to access vet services such as surgical desexing to keep dog and cat populations stable, and then there is a reference to the Murdoch University program as well. It is anticipated that the central registration system will be expected to assist in the registration of these dogs, including by non-profit organisations and vets. Ultimately, it will remain the responsibility of local governments, given that they are already responsible for enforcing the Dog Act in their district. We expect that they will continue to work with remote communities in administering the new provisions, including the approval to breed and the sterilisation provisions.

Hon Dr STEVE THOMAS: I do not have an easy solution to this. This has obviously been around for a very long time and it is not just Indigenous communities to which it applies. I do not have a simple solution except, I guess, to point out that the government may well end up with an inadvertent double standard here. There may be fairly densely

populated areas where it is easy to control the outcomes and those people are then forced to be compliant, but there may be whole range of noncompliance in isolated areas for a whole range of reasons. The most common one will probably be that no-one can actually identify a particular owner of a particular animal, and that is a massive issue for enforcement at the moment. Like I say, I do not have an easy solution for it. If I did, I would be selling it. I guess I want to make the point that we are potentially going to have a huge double standard that we probably cannot do anything about, and at some point someone will get upset about that and there will be complaints. Of course, if I come up with a solution, I will let the minister know, but there will be this issue going forward probably for as long as we have a widely dispersed population in the north, and I think that will be a long time.

Clause put and passed.

Clause 2: Commencement —

Hon COLIN de GRUSSA: The minister has helpfully provided the table titled *Comparison of differences in drafting between the 2020 and 2021 bill*. Thank you for that, minister. This is quite a useful document. I have some questions on clause 2. There are significant differences from this clause as opposed to the clause of the 2020 bill, specifically around the mention of section 120 of the TAB (Disposal) Act. The note in the document that the minister has tabled suggests that these changes result from the passage of the TAB (Disposal) Act 2019, which received royal assent on 18 December 2019. Given that that was ahead of the 2020 bill coming to Parliament, why did that commencement clause not include those provisions at that time, and what are the effects of those provisions?

Hon SUE ELLERY: I am advised that it was not included in the first version of the bill that came before the last Parliament because it just had not been identified as an issue, but that it was subsequently identified as an issue. The government had it as a government amendment to be included when it was debated. Obviously, this bill is now before us in this version.

Hon COLIN de GRUSSA: I thank the minister for clarifying that. In clause 2(e), the rest of the act will come into operation on a date fixed by proclamation, and different dates may be fixed for different provisions. Is there an estimated date for proclamation, and are there any other dates that may be required in accordance with that provision?

Hon SUE ELLERY: I cannot give the member a precise date. The first thing that has to happen is the establishment of the centralised registration system, so every other element flows from that. As I have already indicated to the house, the procurement process for that is underway, but until that happens, I cannot give the member a date.

Clause put and passed.

Clauses 3 to 6 put and passed.

Clause 7: Section 2A inserted —

Hon COLIN de GRUSSA: This is a new clause that did not exist in the previous bill, and the explanation provided in the tabled document is that this was inserted because there was no definition of puppy farming in the bill. Why was it identified at a later date that this needed to be inserted? Was it considered as a government amendment in the previous Parliament?

Hon SUE ELLERY: The government listens, and in the previous debate —

Hon Donna Faragher: That's debatable!

Hon SUE ELLERY: The evidence is before us right now. In the previous debate, the issue was raised that if we did not include a definition, then a set of objectives would be unhelpful for people to clearly understand the intent, and that is why it has been included in the bill before us now.

Clause put and passed.

Clause 8: Section 3 amended —

Hon COLIN de GRUSSA: I have a relatively simple question. Clause 8(2) contains a definition of "designated person". Who is that likely to refer to, and will a designated person be required to have any particular qualifications to enable them to be a designated person?

Hon SUE ELLERY: Certain functions will be required to be carried out by the Department of Local Government, Sport and Cultural Industries in the administration of the act. The "designated person" will be the person in the department who has the role of carrying out those particular functions. Under the director general, people have to be designated to carry out certain functions.

Clause put and passed.

Clause 9 put and passed.

Clause 10: Section 9 amended —

Hon DONNA FARAGHER: This clause amends section 9 of the Dog Act, which relates to administrative responsibility and the role of local government.

I note that proposed subsection (2), which will appear at the end of section 9, is new. I want some clarity around why this has been included and whether it relates to circumstances—this might sound a bit strange—when there is no local government authority to exercise part of the act. I am asking that in the context of whether it might relate to the movement of dogs across state borders.

Hon SUE ELLERY: It is not so much about that; it is about ensuring that the CEO has the power to perform functions under the Dog Act, despite local government being primarily responsible for the administration and enforcement of the Dog Act. Currently, only local governments enforce the Dog Act. This clause will amend the Dog Act to account for the inclusion of functions to be performed by the CEO—that is, by the state government agency. The CEO's responsibilities will include establishing and maintaining the central registration system; recording, updating and correcting information in that system; and assessing and approving applications by refuge organisations to supply dogs to pet shops. In special circumstances, the CEO may need to exercise functions that are generally undertaken by local governments. It recognises that to the extent local government has long had a role, now the CEO of the state agency will have some responsibilities as well.

Hon DONNA FARAGHER: Thank you for that. I accept the issue regarding the activities that quite clearly will fall within the purview of the CEO and/or the department. However, the minister mentioned special circumstances when they might act in the shoes of the local government authority. Can the minister give us a couple of examples of what those special circumstances might entail?

Hon SUE ELLERY: It might be, for example, the allocation of a dog owner number to a breeder or dog owner from another state who wishes to sell or transfer dogs to new owners in Western Australia.

Clause put and passed.

Clause 11: Sections 9A and 9B inserted —

Hon DONNA FARAGHER: This clause deals with delegations by the CEO. I note that the explanatory memorandum referenced an example of a delegation for the establishment and maintenance of the centralised registration system, but can the minister give any examples of other powers that could be delegated?

Hon SUE ELLERY: The CEO may delegate their function to approve dog supply approvals.

Clause put and passed.

Clause 12 put and passed.

Clause 13: Section 12A amended —

Hon COLIN de GRUSSA: I refer to the questions I asked before about a designated person. Clause 13 amends section 12A to delete section 12A(2) and insert new section 12A(2). New section 12A(2)(a) refers to an authorised person and new section 12A(2)(b) refers to a designated person. What is the difference between an authorised person and a designated person?

Hon SUE ELLERY: An authorised person will be appointed by the local government and a designated person will be appointed by the CEO of the Department of Local Government, Sport and Cultural Industries. It is local versus state government.

Hon DONNA FARAGHER: My question is on consistency. I note new section 12A(2) in clause 13, which states —

> With the authority of a warrant or the consent of an occupier who has reached 18 years of age …

Section 12A, "Entry of premises", of the current act states —

> (1) A registration officer may, with the consent of the occupier, enter and inspect …

The current section 12A does not include "who has reached 18 years of age". Can the minister advise why there is a difference? It may be because it relates to a warrant, but I seek clarification.

Hon SUE ELLERY: The honourable member is right; it is because it relates specifically to a warrant.

Clause put and passed.

Clause 14: Sections 13A and 13B inserted —

Hon DONNA FARAGHER: I am interested in proposed section 13A(6), as it relates to the centralised registration system. Again, this relates to, I suppose, conversations that we often have when we are dealing with legislation—that is, the use of the words "may" and "must". Proposed section 13A states —

> (6) The CEO may establish a single database or system for the purposes of subsection (1) and the *Cat Act 2011* section 41A(1).

However, clause 59 of the bill, which inserts proposed section 41A, "Centralised registration system", states —

> (1) The Department CEO must establish and maintain an electronic database or system in which information relating to cats can be recorded …

In two different clauses, one proposed section uses "may" and one uses "must" to say exactly the same thing. Can I get some clarification on that, please?

Hon SUE ELLERY: Honourable member, the poor advisers at the table are shaking their heads at me because we have been in this position before. The use of the word "may" is a drafting protocol, if you like, of the Parliamentary Counsel's Office, and it is about enabling a head of power. That is why it is used. From time to time, in different clauses in different parts of a bill before the chamber, we may see those words and think that if it is an obligation, it should be there. As I said, I have been at this table before when we have had these conversations, and it has been explained to me that it is an enabling provision and it is about establishing a head of power.

Hon DONNA FARAGHER: I have also sat at that table and had a similar conversation. I appreciate what the Leader of the House said, but I think that it would have been appropriate to have had either "may" or "must" in the bill. In this case, I think it should have been "must", but we will leave it at that.

Clause put and passed.

Clause 15 put and passed.

Clause 16: Section 15 amended —

Hon DONNA FARAGHER: I have no issue with this clause, but my question is similar to the question I asked during a previous clause relating to the inclusion of "18 years of age". I note that clause 16(1) refers to "dangerous dog or a dog that is not sterilised". However, section 15(4B) of the act states —

> Subsections (3) and (4A) do not apply to a dangerous dog.

It does not refer to a dog that is not sterilised. Would the Leader of the House explain the reason for that, please?

Hon SUE ELLERY: I am advised that under the registration arrangements that are in place now, an unsterilised dog can be registered for one year, three years or its lifetime. The new provisions provide an incentive to get an unsterilised dog sterilised by providing only one option for unsterilised dogs—that is, one year. It differentiates between sterilisation and danger.

Hon DONNA FARAGHER: Just so that I am clear and to put it in context, section 15(3) of the Dog Act provides —

> Regulations may provide that concessional rates of registration fee shall be payable …

Is the Leader of the House saying that it relates to a dog that is only one year old; is that right?

Hon SUE ELLERY: It is not the age of the dog; it is the duration of the registration—how often it has to be registered. Currently, an unsterilised dog can be registered for one year, three years or a lifetime. Under the new provisions, an unsterilised dog will be registered for only one year.

Clause put and passed.

Clauses 17 to 22 put and passed.

Clause 23: Part IV inserted —

Hon COLIN de GRUSSA: The reason for the confusion, minister, is that this document identifies it as clause 22, but we are referring to clause 23, which seeks to amend division 1 of part IV by inserting proposed section 26E. Obviously, as we discussed during the second reading debate, changes have been made to this clause to allow for the exemption of working dogs. Proposed section 26E(3) states —

> A dog is exempt from sterilisation if any of the following applies —
>
> …
>
> (e) the dog is primarily kept to be used in the droving or tending of stock;

The comparison document says that an exemption from mandatory sterilisation for livestock working dogs was always going to be prescribed in regulations. I think it is a better outcome that it is now in the legislation, so I thank the government for listening to the concerns of the agricultural sector in that respect.

The other question I have on this clause is about proposed paragraph (g), which will allow a class of dogs to be prescribed in regulations. Are there any examples of particular classes of dogs that may be prescribed under those regulations and on what basis would such regulations be created?

Hon SUE ELLERY: I thank the member for his question. There is nothing that is envisaged right now, but that is, if you like, a catch-all in the event that something that has not been considered or contemplated by the drafters and policymakers needs to be dealt with in the future.

Hon STEVE MARTIN: I mentioned in my contribution during the second reading debate that proposed section 26J, "Approval to breed", mentions "the applicant is not a fit and proper person to breed dogs". Can the minister give us some examples of a non-fit person? It is on page 22.

Hon SUE ELLERY: Local governments will make the decision on how to apply the criteria, although I am advised that it is anticipated that guidance material will be developed. The purpose is to provide the community with some assurance that the applicant is an honest and reputable person who is likely to ethically breed puppies for sale. It will allow local governments to consider the conduct and reputation of the applicant more broadly—for example, relevant criminal history checks and reference checks from associates and clients. But further work is to be done on guidance material that will be provided to help local governments carry that out.

Hon STEVE MARTIN: I thank the minister for that response. It just occurred to me as she was speaking to ask: will that be an appealable process?

Hon SUE ELLERY: Yes, the decision on an approval to breed will be appealable to the State Administrative Tribunal.

Hon COLIN de GRUSSA: Further on in clause 23, there are some amendments. Again, helpfully, they are outlined in the table of changes that the minister has provided. Specifically, the offence provisions have been placed in a different clause.

Hon Sue Ellery: I do not have that in front of me. Can you tell me which part it is?

Hon COLIN de GRUSSA: I am looking at proposed sections 26L and 26M. Proposed sections 26I, 26J and 26K have been amended. Effectively, according to this document, this will remove the need for a transitional provision that excuses owners whose dogs are already pregnant when the provisions commence because the offence provisions can be proclaimed on a different date. What is proposed to be the lead time, if you like, between when the changes come into place and when the offence provisions are proclaimed?

Hon SUE ELLERY: I cannot give a precise time. As I indicated in an answer to an earlier question, the first piece of work that has to be done is the establishment of the central registration system. That might take around six months, but that is a best guess at this point.

Hon Colin de Grussa: By interjection, is that for the establishment of the registration system?

Hon SUE ELLERY: No, it is the parts of proposed section 26 we were talking about. It might take a little while, but I cannot give the member a precise date.

Clause put and passed.

Clauses 24 to 34 put and passed.

Clause 35: Section 43B inserted —

Hon DONNA FARAGHER: This relates to the insertion of proposed section 43B, "General powers of relevant persons". Proposed subsection (2) states —

> A relevant person may, in any premises lawfully entered, do any one or more of the following as is reasonably required for an authorised purpose —

It then goes through paragraphs (a) to (d). My specific question relates to paragraph (e), which reads —

> take any other action that the relevant person believes, on reasonable grounds, is necessary.

I appreciate that it is probably a catch-all for a whole range of things, but can the minister advise what, if any, other actions the government sees at this point would be necessary, taking into account paragraphs (a) to (d)?

Hon SUE ELLERY: I am not able to provide the member with any further advice other than that it is a general catch-all in the event that there is something that the drafters did not contemplate but makes perfect sense on reasonable grounds to be deemed necessary.

Clause put and passed.

Clauses 36 to 41 put and passed.

Clause 42: Part X Division 2 inserted —

Hon DONNA FARAGHER: I apologise if this is something that was previously raised. I refer to division 2, "Local government approvals", proposed section 54A, "Applications". It reads —

> (1) An application for the grant of an approval to breed, or for the grant or renewal of a pet shop approval, must —
>
> …
>
> (c) be accompanied by the fee, if any, prescribed …

Is there an expected fee or is there currently a fee? I seek some clarification on that.

Hon SUE ELLERY: We did kind of canvass this a little earlier. The cost of applying for an approval to breed is yet to be determined. Currently, if it is helpful, cat breeders pay an annual fee of $100. The cost of applying for an approval to breed will contribute to the administrative costs of assessing applications. If it is of assistance

to the honourable member, in response to a question about whether it would be full cost recovery, I said that the capacity of people to pay as well as the cost of providing the service will need to be balanced out, so the fees are yet to be established.

Clause put and passed.

Clauses 43 to 62 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 Sue Ellery (Leader of the House)**, and passed.

INDUSTRIAL RELATIONS LEGISLATION AMENDMENT BILL 2021

Second Reading

Resumed from 17 November.

HON NICK GOIRAN (South Metropolitan) [3.55 pm]: I rise on behalf of the opposition to speak on the Industrial Relations Legislation Amendment Bill 2021. At the outset, I indicate that I am the lead speaker for the opposition alliance in my capacity as the shadow Minister for Industrial Relations.

Members will be aware that this bill, which consists of 129 clauses, is substantially similar to a bill that was introduced in the fortieth Parliament. The overarching theme of any bill that has been introduced by the McGowan Labor government is that there is rarely any genuine attempt at consultation with stakeholders. This has been highlighted yet again by the bill before us. Some of the major issues that emerged during consultation with the 2020 bill, when the opposition was briefed and had the opportunity to consult with stakeholders, were as follows. Firstly, there appears to have been no consideration of the impact the proposed changes will have on jobs and the economy in Western Australia, particularly as the state struggles to recover from the COVID-19 crisis. Secondly, the legislation will create confusion and uncertainty as to which jurisdiction workers may be covered in. Thirdly, there will be unprecedented new powers for union officials to enter workplaces, including those used for habitation purposes, to take photographs, audio, video and other recordings. Fourthly, it appears that this bill will give unions powers that are better reserved for regulators and inspectors. Fifthly, unions may be able to forum-shop between state and federal jurisdictions. It appears that none of these matters that were raised in the fortieth Parliament have been addressed by the government in the bill before us. Since then, the Chamber of Commerce and Industry of Western Australia has provided a fresh submission identifying five areas of concern: firstly, the introduction of Easter Sunday as a public holiday; secondly, changes to right of entry provisions to allow unions to make electronic recordings of worksites; thirdly, removing the current exemptions for domestic workers; fourthly, expanding the scope of private sector awards; and, fifthly, extending the state industrial relations system to capture all local government councils.

The opposition has a concern about the substance of the consultation that has been undertaken by the government. We have a new Minister for Industrial Relations—I say "new" in the sense that the minister in this house was not the responsible minister for this portfolio in the last Parliament when the preceding bill was before us. It appears there has not been substantive consultation on the issues of concern that were raised in the fortieth Parliament.

Perhaps worse than the lack of consultation is the broken undertaking given by the McGowan Labor government in the fortieth Parliament. During debate on the 2020 bill, the government's then Minister for Industrial Relations, Hon Bill Johnston, gave an undertaking to amend the bill following concerns that were raised about clause 58. The equivalent clause in the bill before us is clause 65, and it has not been amended by the government; that is, it appears that clause 65 is in identical form to clause 58 in the last Parliament. For the benefit of members, clause 65 will amend section 98 of the Industrial Relations Act 1979 to give industrial inspectors the power to enter someone's private home. Under new section 98(3A) an inspector must give at least 24 hours' written notice of any proposed entry, except in circumstances where the owner or occupier is carrying on an industry at the location or premises, or the commission has made an order waiving the 24-hour notice period. The problem is that the government has not defined what it is to carry on an industry for the purposes of amended section 98. Although industry is defined in section 7 of the Industrial Relations Act, what constitutes the carrying on of an industry for the purposes of amended section 98 may be subject to some mischief, especially as one considers the consequences of the COVID-19 pandemic, particularly as more people have been working from home.

I want to draw to the attention of the new Minister for Industrial Relations three occasions on which his predecessor gave an undertaking on this issue. They can be found in extracts from the *Hansard* of the other place on 20 August 2020. The first occasion is found at page 5369 of the *Hansard* of the Legislative Assembly of 20 August 2020 when the former minister who had responsibility of this portfolio said —

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

We then turn to the following page of *Hansard* of that same day, page 5370, where the minister says —

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

I pause there to indicate that the reference is to the then member for Hillarys, Peter Katsambanis, who was the then shadow Minister for Industrial Relations. Later, on that same page, 5370, of the Legislative Assembly *Hansard*, for the third time the then minister provides that undertaking in this form. I quote —

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

It is recognised and acknowledged that the election victory for the McGowan government in March this year has absolutely changed the quantum of numbers in both houses, but that does not allow the government to walk away from an undertaking provided by the then responsible minister in the previous Parliament, not once, not twice, but three times. Trust has been broken by the former minister, and it is the opposition's view that the government and, indeed, the new minister have a duty to make good on that commitment. These are two of the areas of concern that the opposition has—the lack of consultation and the broken undertaking. However, I also want to put on the record our strong objection to the rhetoric of the former minister during the last Parliament. I note on 21 August 2020 that the then minister is quoted in a media release as saying —

> "The WA Liberals and Nationals should hang their heads in shame. It is astounding they voted against a Bill which would ensure Australia's compliance with the international anti-slavery protocol.
>
> "WA's industrial laws are the only ones in the country that exclude some employees from their coverage, including those engaged in domestic service in a private home.
>
> "It is naive to think that modern slavery is not occurring in Australia in private homes.

The media release goes on to quote the minister saying —

> "Maybe the WA Liberals and Nationals should talk to ordinary Western Australians to see whether they support modern slavery …
>
> "This is a test of leadership for Liza Harvey: will she stand with the most vulnerable in our community or will she ignore them?"

This media release is so short on fact and so heavy on rhetoric that it is astounding that any cabinet minister would agree to sign off on it. One wonders whether it was proofread before it was released. It is highly offensive to suggest in any way that any member of the opposition is supportive of modern slavery. As a member who has consistently advocated against such practices, I personally take great offence at that suggestion. Indeed, it might interest some members to know that I was one of the few members of Parliament who attended the Asia-Pacific Regional Workshop: The Role of Parliamentary Committees in Combating Human Trafficking & Forced Labour, which was held in December 2019. I note that Hon Matthew Swinbourn, who is away on urgent parliamentary business, was one of my parliamentary colleagues who attended that day. The event was held under the auspices of the Commonwealth Parliamentary Association, which was hosted by the then President of the Legislative Council, Hon Kate Doust. Although I take the comments of Hon Bill Johnston in the media release personally and distance myself entirely from them, I do so on behalf of all opposition members who are appalled by his rhetoric to, without equivocation, oppose all forms of modern slavery and, I might add, any type of forced labour and human trafficking. The suggestion by the former minister is highly offensive and perhaps it is no wonder that the Premier thought it fit to move the member on from the industrial relations portfolio and hand it to a different minister—one who has a track record of being far more temperate and moderate in his remarks about these types of matters. I would like to think that the new Minister for Industrial Relations would not assent to the garbage of the former minister that somehow any concerns raised by any member, including one from the opposition, about elements of the bill that is before us somehow justifies referring to honourable members as effectively pro-slavery and pro–modern slavery. It was an outrageous remark by the former minister.

Indeed, it might interest some members to know that one of the outcomes of the Commonwealth Parliamentary Association conference held two years ago—in fact, the Legislative Council chamber was utilised to host the international conference and it was probably one of the last remaining international conferences that occurred prior to the pandemic—was to consider what Parliament might be able to do in that respect. Hon Matthew Swinbourn and I have had multiple discussions about ways in which that might be able to be achieved, whether that be by way of a select committee inquiry, some other form of inquiry or in the form of a parliamentary friendship group or the like. There is certainly something to be said about looking into this issue in greater detail. That will require some hard work by any member who is interested in that. If it is ever done across both parliamentary chambers, I would like to think that Hon Bill Johnston, albeit no longer in this capacity, might lend his assistance to that particular cause rather than spruik these offensive false media statements, as occurred during the course of the last calendar year. Indeed, it could be said that there would be some merit in the Legislative Council considering an inquiry into the

nature and extent of modern slavery practices in our state. If an inquiry of that sort took place, it could identify the forms of modern slavery and the prevalence of modern slavery practices in our state. It could identify the extent to which companies, businesses and organisations, including government departments and government trading enterprises operating in Western Australia, rely on modern slavery practices in their supply chains. It could assess and review the existing legislative and policy framework. It could assess and review service delivery and agency responses, including the effectiveness of these responses for victims. It could identify ways in which regional cooperation can be strengthened with federal, state, territory and Asia–Pacific governments, Parliaments and agencies. Further, it could consider any new initiatives or legislative frameworks that may reduce the incidence of modern slavery practices in Western Australia and in Western Australian supply chains. If Hon Bill Johnston or another member is interested in exploring that a little further, I encourage them to come and have a chat with me and we can see if this can be achieved on a bipartisan basis without resorting to the nonsense of that media release from last year.

The Industrial Relations Legislation Amendment Bill 2021 is a start in addressing modern slavery in this state, but just because it is a start, it does not mean it is the finish of this matter; further work needs to be done. In addition, it does not justify the McGowan Labor government sneaking a clause into the bill to allow, for the first time, a union representative to enter a person's home. It simply does not justify that. If a union representative has a concern about what is happening in someone's home, they should report the matter to the department or to the police. That is not what is happening in this bill. What is happening in this bill, which is absolutely nothing to do with trying to address modern slavery, is a sneaky clause that allows a union representative to obtain from the Industrial Relations Commission an order to enter a person's home. Under the current law in Western Australia there is an absolute prohibition against union representatives carrying out that type of activity. It is crystal clear under the current act; there is an absolute prohibition. It cannot happen. Once this bill passes, that absolute prohibition will be tampered with by the McGowan Labor government, courtesy of this bill, in what is referred to as "exceptional circumstances". I might add that these exceptional circumstances have not been defined by the government, despite repeated requests from the opposition in the last Parliament for the government to provide some clarity on this issue. That is what will happen as a result of this bill. These types of things should concern ordinary Western Australians. More to the point, if the government and the new Minister for Industrial Relations believes it is genuinely crucial—not desirable, but crucial—for union representatives to be able to enter a person's home, there should be some explanation provided as to what the exceptional circumstances are that could possibly justify that. What are the exceptional circumstances that justify a union representative entering a person's home in the absence of the union representative going to the department or to the police? It is so crucial that they need to go to the Industrial Relations Commission to obtain an order in exceptional circumstances. Western Australians are entitled to know that. We have been asking about this for more than a year. We will be asking about that over the course of today and tomorrow, unless the government decides to refer this matter to the Standing Committee on Legislation, in which case that committee could look at it over the summer recess.

Members might also recall an article that was published on 11 June last year titled "Perth Mint gets its gold from company owned by killer and using child labour". That article includes the following extract —

> Perth Mint, owned by the West Australian government, has bought hundreds of millions of dollars' worth of "conflict gold" from a convicted killer in Papua New Guinea, in breach of its ethical policy.
>
> An investigation by the *Australian Financial Review*'s national affairs correspondent Angus Grigg published on Thursday, has revealed the Perth refiner purchased the gold from small-scale miners in PNG, which have been long criticised for their use of child labour and mercury.
>
> Conflict minerals like gold are usually mined via unsafe practices in conflict-ridden countries, such as PNG and the Congo, and are often used to fund violent armed groups, which use the riches to secure strategic trading routes.
>
> Speaking to 6PR's Gareth Parker, Mr Grigg said the Mint had repeatedly ignored concerns raised by staff about the sourcing of its gold from PNG suppliers and whether this breached ethical guidelines.
>
> …
>
> Mr Grigg said basic checks showed the company bought the metal from small-scale miners across PNG's highlands where children in places like Bouganville are employed to mine the metal.
>
> In addition to its use of children, the company uses mercury to cut the gold, a practice that has been banned in Australia for its devastating effect on humans—exposure to the heavy metal is known to cause cognitive impairment and development issues in children.

The article goes on to say —

> But while Mr Grigg said the government-owned refiner claimed to carry out a thorough audit and check of suppliers his own investigation suggested otherwise.
>
> "The big issue is that the Mint has really got out in the front foot and said it's at the forefront of ethical sourcing policies, it says that it's making huge steps to stamp out conflict gold," he said.
>
> "But even the most cursory checks of those who it buys gold from shows that this policy is paper-thin at best."

Ironically, during the last Parliament, in and around the time this article came out in June 2020—the heinous media release from the former minister came out in August of the same year—it is interesting that the McGowan Labor government claimed that the opposition was ambivalent or naive about the occurrence of modern slavery in this state. One has to ask what the government has done since the release of this report to investigate the complete breakdown in the ethical guidelines relating to the Perth Mint supply chain. This article states that Perth Mint gold had been sourced from a company that is known to use child slave labour and to use mercury to cut the gold, a practice that has been banned in our country due to its devastating effects. Maybe a committee needs to inquire into this matter and into modern slavery occurring in our supply chains. It is simply not enough for the government to issue media releases falsely stating that the opposition is somehow pro-slavery when we have matters like this sitting unaddressed and un-responded to. It is not enough for the government to simply say, as will happen, no doubt, over the next 48 hours in yet another media release boasting about the passage of this bill, that the government has amended our industrial relation laws to bring them into line with international labour protocols. The work cannot stop there. It needs to be more than that.

Members might also note that in September last year, again, in and around the time of the heinous media release by the former minister, a special report appeared in *The West Australian* with the headline "These are the kids being forced to wed". The article details human trafficking that is currently occurring in our state whereby children are forced to marry much older men. The report makes for some disturbing reading. I commend the Australian Federal Police for its ongoing work on combating human trafficking and the WA Forced Marriage Network, which also provides support to victims and works tirelessly to train frontline workers and members of the public to identify cases of forced marriage. Just as we are all concerned with forced labour and modern slavery in our state, we should also be concerned about matters like forced marriage. I look forward to the government taking these types of issues more seriously than what was demonstrated in the previous Parliament by the former minister.

I want to take a moment to quote the response that was put by the opposition at that time, on 21 August 2020, which reads —

> "The Liberal Party unequivocally condemns slavery in all its forms, so it is a disgrace that Minister Johnston seeks to politicise such an important issue like workplace slavery …
>
> "The Minister chose to include other contentious issues in the Industrial Relations Legislation Amendment Bill 2020 rather than having a separate piece of legislation that deals with workplace slavery.

I pause there to note that nothing has changed. It was always the case that the opposition indicated that it would support a standalone piece of legislation. That is not what happened in the fortieth Parliament. It is not what has happened in the forty-first Parliament. Yet again, we see some contentious clauses being snuck in. The response from last year continues —

> "Several contentious issues were identified during consideration of the legislation. These include major concerns with unions being empowered to enter private homes.
>
> "Furthermore, the provisions to change local government from the federal award to the state award have been heavily disputed by the Western Australian Local Government Authority—the peak local government body in this State.
>
> "During the parliamentary debate on this legislation, the Liberal Party informed the government of its concerns with these matters, and sought to make amendments. The government chose to ignore these concerns and instead used its numbers in the Legislative Assembly to pass the bill. So rather than work with the Liberal and National parties, the government has tried to exploit slavery.
>
> "Politicising serious issues like slavery is what Minister Johnston does when he cannot get his own way and therefore is unable to deliver on his promises that he makes to his union mates."

Those were the comments of the opposition last year. Nothing that has transpired since then dissuades us from those remarks. What happened last year should not have occurred. I simply urge the government, which will, of course, get this bill through over the course of the next 25 hours—the bill will pass at some point over the next 25 hours—and call on it to be responsible with its rhetoric because, if it is not, it can expect a response along the lines of what occurred last year. It would be regrettable if that were the outcome, given that I know, and I put on the record my confidence, that every member of the Legislative Council is equally appalled by modern slavery and has no tolerance for it in any way whatsoever.

Members will be aware that there is also a supplementary notice paper for this bill. I have already indicated to members that the bill consists of some 129 clauses. It is a mammoth bill that has been drafted over 191 pages.

To give members some indication of how significant this bill is, they may like to refresh their memory of the explanatory memorandum, which in itself is 147 pages in length. It might dawn on members that what will happen over the course of the next 25 hours is that the Legislative Council, the house of review, will be expected to consider and scrutinise a 191-page bill that is so complicated that the government has had to resort to a 147-page explanatory memorandum. The house of review is expected to fulfil its duty and task sometime in the next 25 hours. For the benefit of observers, it is not as though there will be 25 hours of consideration. I cannot imagine that the Leader of

the House will agree to that. I cannot imagine that the long-suffering Minister for Industrial Relations will look forward to 25 hours of Committee of the Whole House. But if we were serious about this significant piece of legislation, that is what we would do—we would commit to reviewing this bill for every minute of the next 25 hours. But that is not going to happen. Shortly, we will adjourn for the benefit of another very important process.

I welcome the Minister for Regional Development into the chamber. I know that she feels passionate about the Industrial Relations Legislation Amendment Bill, as we all do. It might interest the minister to note that in about six minutes' time, the President will take questions without notice; thereafter, we will have one hour and 20 minutes to consider this bill.

Hon Kyle McGinn interjected.

Hon NICK GOIRAN: I thought the member supported this bill.

Hon Sandra Carr interjected.

Hon NICK GOIRAN: No, I am not bothered; it is your honourable member on the front bench there.

Hon Kyle McGinn: Why not get on with it?

Hon NICK GOIRAN: Time is the issue, honourable member.

Hon Kyle McGinn: If you didn't spend all the time talking about nothing and actually spoke about the bill, we could deal with the bill.

Hon NICK GOIRAN: Honourable member, so far the entire Legislative Council debate on this matter has gone for 35 minutes. Such is the intellectual ineptitude of some members, they think that 35 minutes of debate is too long! The bill is 191 pages long. This government has resorted to a 147-page explanatory memorandum. We have had 35 minutes to consider it and, apparently, that is too long. These guys want to go on holidays, President!

Several members interjected.

Hon NICK GOIRAN: I do not know why they do the job. Why are they here!

Hon Kyle McGinn interjected.

The PRESIDENT: Order, Hon Kyle McGinn! Thank you. You have a few minutes left, Hon Nick Goiran.

Hon NICK GOIRAN: Thank you, President.

I would have thought that all members would agree that one of the significant roles of the Legislative Council is to scrutinise and review legislation. The simple point, honourable members—you might be tired, but do not worry, you only have 25 hours to go and then you can go on holidays! I would have thought, Hon Kyle McGinn, that a bill of 191 pages —

Hon Kyle McGinn interjected.

Hon NICK GOIRAN: I do not even know whether the honourable member has read the bill or the 147 pages of the explanatory memorandum. My point is that 37 minutes of debate is hardly excessive. In fact, this bill warrants a lot more scrutiny. That is one of the reasons that I give the Minister for Industrial Relations fair warning that in due course, probably after question time, I will move to have this bill discharged and referred to the Standing Committee on Legislation. No doubt when that happens, members opposite will say, "Oh no, we can't possibly do that. We can't possibly agree to that." Why would that be the case? Why would the government object to a 191-page bill, with an explanatory memorandum of 147 pages, being reviewed over the summer recess? Tomorrow is the last sitting day for this calendar year. Parliament will resume on 15 February. We can come back on 15 February and have this matter properly considered by the Standing Committee on Legislation. Members opposite will not want that, no doubt for multiple reasons. The first is that it would require some work and the second is that it would not allow for the sneaking in of the clauses. It is clearly very, very important for the McGowan Labor government to ensure that a union official has some capacity to enter a person's home, which at the moment is absolutely prohibited as a matter of law. Of course it would want to sneak this in over the next 25 hours. It could not possibly have it considered by the legislation committee. In fact, according to some members, apparently half an hour is too long to debate a bill like this, which has 191 pages. Half an hour is too long for some of these members; they are obviously the type who fall asleep in the middle of a movie. I know that the Minister for Industrial Relations is taking this matter seriously, unlike some of his colleagues, who regrettably are too tired.

We would like all matters contained in the supplementary notice paper to be properly considered by the Standing Committee on Legislation and not simply rushed through over the course of the next day or so. A number of amendments are standing in my name on behalf of the opposition. Members will note that we have amendments to clauses 2, 16, 18, 24, 25, 38, 65 and 70, and an amendment to insert a new clause 40A. Some of those matters are ancillary and consequential on other amendments, but there are substantial concerns that warrant proper inquiry and investigation. I am not confident that that can be done over the course of the remaining few hours that are available to us.

Debate interrupted, pursuant to standing orders.

[Continued on page 6426.]

QUESTIONS WITHOUT NOTICE

NATIVE FOREST — LOGGING

1176. Hon Dr STEVE THOMAS to the minister representing the Minister for Forestry:

I refer to the government's announcement on 8 September 2021 of the ending of most native timber harvesting in Western Australia.

(1) What volume of jarrah logs has been extracted to provide access to mining, including for bauxite and mineral sands, in each of the last five financial years, broken down into —

(a) sawlogs; and

(b) ecological thinnings?

(2) For each state agreement act that provides for jarrah to be supplied —

(a) what volume of jarrah is currently contracted; and

(b) what period of time is each state agreement act in place for?

Hon ALANNAH MacTIERNAN replied:

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

(1) (a) The Forest Products Commission does not differentiate between the source of sawlogs delivered in its system. Although this information can be extracted from the data by operations code, this is a manual process and it will take time to complete. If the member puts this question on notice, I will endeavour to provide an answer.

(b) The Forest Products Commission does not undertake any thinning of areas before mining activity.

(2) (a)–(b) State agreement acts are administered by the Department of Jobs, Tourism, Science and Innovation.

NATIVE FOREST — LOGGING — PROCESSORS

1177. Hon Dr STEVE THOMAS to the minister representing the Minister for Forestry:

I refer to the government's announcement on 8 September 2021 of the ending of most native timber harvesting in Western Australia, and to question without notice 1130.

(1) Can the minister confirm that processors have been receiving correspondence that includes the expected level of log supply in the 2022 calendar year?

(2) How many such letters have been sent to processors?

(3) For how many of those processors is the volume indicated in 2022 lower than their contracted volume?

(4) For each timber processor who received such a letter, can the minister please provide the contracted volume, the volume received in 2021 and the proposed volume for 2022?

Hon ALANNAH MacTIERNAN replied:

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

(1) Yes.

(2) The number is 12.

(3)–(4) All sawmills have been advised that they will receive volume in 2022 equivalent to the average of the previous two years of deliveries to their sawmill.

CORONAVIRUS — MANDATORY VACCINATIONS — HEALTH STAFF

1178. Hon COLIN de GRUSSA to the minister representing the Minister for Health:

I refer to Western Australian Department of Health staff.

(1) How many frontline workers have still not been fully vaccinated against COVID-19?

(2) How many of the workers in (1) are —

a) doctors; and

(b) nurses?

(3) How many frontline workers are confirmed to have received a booster jab?

(4) How many registered nurses resigned, regardless of reason for resignation, from the public health system between —

(a) 1 April 2020 to 3 November 2020; and

(b) 3 November 2020 to 1 April 2021?

Hon STEPHEN DAWSON replied:

I thank the honourable member for some notice of the question. The following answer is provided on behalf of the Minister for Health.

(1)–(2) As at 9 December 2021, 95.87 per cent of all WA Health employees have received two doses of a COVID-19 vaccine. WA Health continues to work in accordance with the relevant public health directions.

(3) Frontline workers are required to provide proof of having received two doses of a COVID-19 vaccine in line with relevant directions. A third dose is not currently mandated and there is no requirement for employees to provide evidence of this.

(4) It is not possible to provide the requested information in the time required and I therefore ask the honourable member to place this question on notice.

HEALTH PRACTITIONERS — CRIMINAL CONVICTION DISCLOSURE

1179. Hon TJORN SIBMA to the minister representing the Minister for Health:

I refer to obligations upon medical practitioners to disclose criminal convictions.

(1) Is there a requirement for doctors to disclose all criminal convictions, including those recorded in other states, territories, and countries, to the WA Department of Health or their private employer prior to commencing employment; and, if not, why not?

(2) How many registered doctors in WA have criminal convictions; and, of those recorded, how many were for sexual assault?

(3) How many of the recorded criminal convictions occurred in Western Australia?

(4) Is there any obligation to report those criminal convictions to patients; and, if not, why not?

Hon STEPHEN DAWSON replied:

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

It is not possible to provide the requested information in the time required; therefore, I ask the honourable member to place this question on notice.

AISHWARYA ASWATH AND COHEN FINK — CORONIAL INQUESTS

1180. Hon NICK GOIRAN to the parliamentary secretary representing the Attorney General:

I refer to the unanimous resolution of the house on the "Aishwarya Aswath and Cohen Fink—Coronial Inquests" motion on 2 June 2021.

(1) Did the Attorney General request, as promised, the Department of Justice to advise as part of its statutory review into the Coroner's Act 1996 whether section 22(1) ought to be amended to avoid confusion about its operation?

(2) Further to (1), has the statutory review been completed?

(3) If yes to (2), what has been recommended with regard to section 22(1)?

Hon MATTHEW SWINBOURN replied:

I thank the member for some notice of the question. I provide the following answer on behalf of the Attorney General.

(1) Yes.

(2) Yes. I confirm that the report of the statutory review was tabled today. I note also for the benefit of the house that on 7 December 2021, an incorrect and superseded version of the report was tabled. This was tabled as a result of an administrative error and should be disregarded and not relied upon for any purpose.

(3) The report relevantly states —

> **Finding 9**
>
> The Review finds that the power under section 22(1)(d) has never been relied upon to direct an inquest and its repeal would avoid uncertainty and confusion for persons who are seeking an inquest.
>
> **Recommendation 5**
>
> The Attorney General's power to direct a coroner to hold an inquest under section 22(1)(d) be repealed. The repeal of the power should be progressed as part of the existing suite of proposed amendments to the Act being progressed through the Legislative Project.

I note that the paper copy of this answer says Tuesday, 14 December, but the correct reference is Wednesday, 15 December.

METROPOLITAN CHILD DEVELOPMENT SERVICE

1181. Hon DONNA FARAGHER to the minister representing the Minister for Health:

I refer to the metropolitan child development service delivered through the Child and Adolescent Health Service.

What was the total amount of funding allocated specifically to the metropolitan child development service in the following financial years —

(a) 2019–20;

(b) 2020–21; and

(c) 2021–22?

Hon STEPHEN DAWSON replied:

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

(a) In 2019–20, $32 614 930;

(b) In 2020–21, $33 424 101; and

(c) In 2021–22, $34 902 394, current allocation.

PRISONERS — REHABILITATION PROGRAMS

1182. Hon PETER COLLIER to the minister representing the Minister for Corrective Services:

I refer to question without notice 1174 asked on Tuesday, 14 December. Will the minister provide a list of the non-government organisations that provide rehabilitation programs to prisoners after they have served their sentence; and, if not, why not?

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question. I have received an answer. I am seeking clarification around that answer and will undertake to make sure that we have a response to that by tomorrow.

GREENHOUSE GAS EMISSIONS

1183. Hon Dr BRAD PETTITT to the minister representing the Minister for Climate Action:

I refer to the government's recently released publication titled *Shaping Western Australia's low-carbon future: Developing sectoral emissions reduction strategies to transition the economy to net zero*. Can the minister confirm which year will be used as the baseline measurement for the sectoral emissions reduction strategies?

Hon STEPHEN DAWSON replied:

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

The government is considering setting interim targets for the broader economy to accelerate innovation and encourage new investment. In the event that interim targets are set, the government would have regard to national and subnational commitments in determining a suitable baseline year.

HOUSING AUTHORITY — CLIMATE CONTROL POLICY

1184. Hon WILSON TUCKER to the Leader of the House representing the Minister for Housing:

I refer the minister to the *Housing Authority rental policy manual*, particularly the climate control policy, which states —

The Housing Authority will install ceiling fans to properties in the North West or Kalgoorlie and remote areas.

I am sure the minister is aware that under the government housing air conditioning policy, government employee accommodation north of the twenty-sixth parallel is equipped with air conditioning.

(1) When was the climate control policy last reviewed?

(2) Is the climate control policy based upon a climatic discomfort index?

Hon SUE ELLERY replied:

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

(1) The climate control policy for public housing was last amended in 2015.

(2) The climate control policy is based on Bureau of Meteorology climate zones.

CORONAVIRUS — VACCINATIONS — SIDE EFFECTS

1185. Hon SOPHIA MOERMOND to the minister representing the Minister for Health:

Can the minister please advise the house how many Western Australians have been hospitalised or have died to date following a reaction to any of the COVID-19 vaccines currently being administered?

Hon STEPHEN DAWSON replied:

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

I have been advised that further time is required to answer this question. The information will be provided to the honourable member by 16 December 2021—that is, tomorrow.

CANNABIS — AMNESTY

1186. Hon Dr BRIAN WALKER to the Leader of the House representing the Premier:

I refer the Premier to his own comments, as captured by *Hansard* on 15 April 2003, when he said that he did not feel that people in our community who may be small-time users of cannabis—once or twice or even 10 times—should have a criminal record. I find myself in full and enthusiastic agreement with him. As we prepare to rise for the holiday season, will the McGowan government consider a Christmas amnesty for those currently facing charges based solely on possession of a small quantity of cannabis for personal use?

Hon SUE ELLERY replied:

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

The state government is not considering this.

CORONAVIRUS — VACCINATIONS — RECORDS

1187. Hon MARTIN ALDRIDGE to the minister representing the Minister for Health:

I refer to an article in *The West Australian* of 1 December 2021 titled "Storage of vax records 'bamboozles' WA bosses".

(1) What advice has been provided to employers required to collect and record the vaccination of employees and others pursuant to directions issued?

(2) What reasonable steps should an employer or organisation undertake to protect these records from unauthorised access or malicious use?

(3) Has the government sought the advice of the WA government cyber security unit or the chief information officer to guide the storage and use of this personal information?

Hon STEPHEN DAWSON replied:

I thank the honourable member for some notice of the question. Honourable member, I note that this question was asked on 7 December, so the answer was current as of that date.

(1)–(2) In response to the COVID-19 pandemic and to further enhance the safety of Western Australians, the Department of Health has issued lawful directions under the Public Health Act 2016 requiring a number of critical employment groups to be fully vaccinated against COVID-19. The directions detail that employers are to collect and record the vaccination of employees. The directions and associated frequently asked questions are available on the WA government website. The directions require that all reasonable steps are taken to protect the records from misuse, loss, unauthorised access, alterations or further release. What constitutes reasonable steps will depend on the circumstances of each workplace and will be influenced by the normal business practices.

(3) No.

HOSPITALS — ELECTIVE SURGERY — CANCELLATIONS

1188. Hon NEIL THOMSON to the minister representing the Minister for Health:

How many elective surgeries were cancelled in November 2021 in metropolitan and regional public hospitals?

Hon STEPHEN DAWSON replied:

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

The number of elective surgery waitlist cancellations—deferrals and reschedules—in November 2021 in metropolitan public hospitals was 1 137, with an additional 381 cancelled due to patient-initiated reasons. In regional public hospitals, there were 483 elective surgery waitlist cancellations, with an additional 215 cancelled due to patient-initiated reasons.

CYCLONE SEROJA — TEMPORARY HOUSING — CARAVANS

1189. Hon STEVE MARTIN to the Leader of the House representing the Minister for Emergency Services:

I refer to the ongoing housing shortage in Northampton following cyclone Seroja.

(1) What is the status of the Department of Fire and Emergency Services' plans to purchase six caravans for emergency relief staff to be situated in Northampton?

(2) Has DFES approached the Shire of Northampton to purchase the caravans and for the funds to be refunded to the shire at a later date?

(3) When does the minister expect the caravans to be utilised for accommodation?

Hon SUE ELLERY replied:

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

(1)–(2) The Department of Fire and Emergency Services has worked with the Shire of Northampton on options for temporary accommodation for reconstruction workers, which includes the purchase and installation of caravans at Northampton. Through the disaster recovery funding arrangements, the shire is eligible to apply to have costs associated with the purchase of the caravans reimbursed.

(3) Local government is procuring and managing the caravans. It is my understanding that this will be finalised in the new year.

CORONAVIRUS — WA RECOVERY PLAN — REGIONAL LAND BOOSTER PACKAGE

1190. Hon Dr STEVE THOMAS to the minister representing the Minister for Lands:

I refer to my question without notice 982 asked on 16 November 2021.

(1) As at 5 November 2021, what was the total sum of the contracted price for the 244 residential lots deemed to be under contract?

(2) As at 5 November 2021, what was the total sum of the contracted price for the 55 light industrial, commercial or tourism lots deemed to be under contract?

(3) As at 5 November 2021, what was the total sum of the contracted price for the 76 general industrial lots deemed to be under contract?

(4) What was the original forecast of sales for each of the categories of lots offered for sale under the affordable lands package in regional WA, who determined the forecasts and what certifiable real estate valuation matrix was used?

Hon ALANNAH MacTIERNAN replied:

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

(1) The total was $42.8 million.

(2) The total was $12.6 million.

(3) The total was $38 million.

(4) The pre–Regional Land Booster forecasts for 2020–21 for residential, light industrial area, commercial and tourism were 48 lots. For the Industrial Lands Authority, 15 lots were forecast. DevelopmentWA determines its forecast. Valuations were a combination of Landgate and commercial valuers.

NURSE PRACTITIONERS — EASTERN WHEATBELT

1191. Hon COLIN de GRUSSA to the minister representing the Minister for Health:

I refer to the funding of nurse practitioners, specifically for the eastern wheatbelt, and the lack of funding to continue provision of basic health care in the eastern wheatbelt.

(1) How many communities will be impacted by the decision to remove funding for a Merredin-based nurse practitioner?

(2) Given that the WA Country Health Service committed to the development of a sustainable service model in March 2021, why is the organisation yet to take over the delivery of this critical service?

(3) If a sustainable service model will not be available by 31 December 2021, what alternative funding model will be in place to ensure basic health services in the eastern wheatbelt?

(4) Can the minister provide an assurance that when the current nurse practitioner's contract concludes at the end of December 2021, there will be no gap in service provision for the many regional communities that will be impacted?

Hon STEPHEN DAWSON replied:

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

It is not possible to provide the requested information in the time required. I therefore ask the honourable member to place this question on notice.

WATER RESOURCES MANAGEMENT — LEGISLATION

1192. Hon TJORN SIBMA to the minister representing the Minister for Water:

This is a question from yesterday, 14 December. I note that the government's November 2020 *Western Australian climate policy* refers to the introduction of "an improved legislative framework to address the challenge of climate change and provide certainty for water users."

(1) Will the government introduce a bill to change the present Rights in Water and Irrigation Act 1914 within this parliamentary term?

(2) What is the scope of the bill and what certainty does the government wish to provide?

(3) Does the government intend to consult with all water users prior to introducing the bill?

(4) If yes to (3), how and when will this consultation occur?

Hon ALANNAH MacTIERNAN replied:

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

(1)–(4) Work is underway to draft a bill to modernise Western Australia's water resource management legislation. The bill will replace six outdated acts, including the Rights in Water and Irrigation Act 1914. Consultation on water legislation reform has occurred for over 15 years and the Department of Water and Environmental Regulation will continue to liaise with the water resources reform reference group that includes representation from key industries, community and agricultural stakeholders.

PERTH DRUG COURT

1193. Hon NICK GOIRAN to the parliamentary secretary representing the Attorney General:

I refer the Attorney General to recommendations 7 and 8 of the Final Report of the Select Committee into Alternate Approaches to Reducing Illicit Drug Use and its Effects on the Community tabled on 28 November 2019.

(1) What has the Department of Justice done to collect information on Drug Court completion rates, recidivism rates and cost?

(2) What has the department done to review the processes, procedures and eligibility criteria in the Perth Drug Court guidelines with a view to expanding the criteria to enable a greater range of individuals to access the Drug Court?

Hon MATTHEW SWINBOURN replied:

I thank the member for some notice of the question. I provide the following response on behalf of the Attorney General.

(1)–(2) The Western Australian Office of Crime Statistics and Research is developing a monitoring framework to support a comprehensive evaluation of the Perth Drug Court. Once developed, it is anticipated that the framework will include participant demographics, completion rates and recidivism rates among key input, output and outcome data. The scope of the comprehensive evaluation will include processes, procedures and eligibility criteria, as well as associated costs.

EDUCATION AND TRAINING — INTERNAL REVIEW

1194. Hon DONNA FARAGHER to the Minister for Education and Training:

I refer to the answer given to question on notice 331 provided on 16 November 2021, which states that the training course for student services staff employed by the Department of Education is currently in the implementation phase.

When is this training course anticipated to be finalised and delivered to student services staff working in government schools?

Hon SUE ELLERY replied:

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

The training course will be completed and available to student services staff working in public schools in term 1, 2022.

HOMELESSNESS — LOCAL GOVERNMENT PARTNERSHIP FUND

1195. Hon Dr BRAD PETTITT to the parliamentary secretary representing the Minister for Community Services:

I refer to the local government partnership fund for homelessness grant applications that closed on 15 October 2021.

(1) How many applications were received?

(2) Will the minister table a list of successful applicants, including project details and amounts received?

(3) If no to (2), why not?

(4) If yes to (2), when will successful applicants be announced?

The PRESIDENT: Who was that question to, honourable member?

Hon Dr BRAD PETTITT: Whoever represents the Minister for Community Services.

Several members interjected.

The PRESIDENT: Order!

Hon KYLE McGINN replied:

I thank the member for some notice of the question. I will answer on behalf of the parliamentary secretary. The Minister for Community Services has provided the following answer.

(1) Eleven.

(2)–(4) Successful applicants will be announced once the assessment process is complete.

WA COUNTRY HEALTH SERVICE — NURSES

1196. Hon WILSON TUCKER to the minister representing the Minister for Health:

Can the minister please advise the current number of FTE nursing staff at each of the following WA Country Health Service facilities —

(a) Broome Hospital;

(b) Derby Hospital;

(c) Fitzroy Crossing Hospital;

(d) Kununurra Hospital; and

(e) Wyndham Hospital?

Hon STEPHEN DAWSON replied:

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

The current total number of FTE nursing staff at each of the following WA Country Health Service facilities are as follows.

(a) Broome Health Campus, 152.2;

(b) Derby Hospital, 56;

(c) Fitzroy Crossing Hospital, 22.8;

(d) Kununurra Hospital, 68.3; and

(e) Wyndham Hospital, 6.3.

CORONAVIRUS — INTERSTATE BORDER RESTRICTIONS — TESTING

1197. Hon MARTIN ALDRIDGE to the minister representing the Minister for Police:

I refer to an article in the *Countryman* of 2 December titled "Truck driver turmoil at COVID test 'chaos'".

(1) Which Western Australian border checkpoints can provide PCR testing?

(2) Which WA border checkpoints can provide rapid antigen testing?

(3) Is the state government considering additional measures or support to ensure truck drivers can enter Western Australia safely and without unnecessary delays; and, if so, please provide detail?

(4) How many commercial truck drivers have been denied entry into WA since 1 October 2021?

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 Australian Police Force advises.

(1) None.

(2) Eucla and Kununurra.

(3) The Western Australia Police Force is in regular communication with transport, freight and logistics industry stakeholders to minimise the impacts on their operations while ensuring compliance with the Transport, Freight and Logistics Directions (No. 7). The requirements for entry are also listed on the Western Australian government website.

(4) A response to this question cannot be provided within the required time frame. The honourable member may wish to place the question on notice.

PORT HEDLAND — MAYOR — ALLEGATIONS

1198. Hon NEIL THOMSON to the Leader of the House representing the Minister for Local Government:

I refer to recent media reports about the business activities of the Mayor of Port Hedland and the minister's comments in the media, "I do encourage anyone who wishes to come forward to make a formal complaint."

(1) Is the minister aware of the details outlined in the media reports published in *The Australian* of 13 December regarding the Port Hedland mayor and subsequent media stories?

(2) Is the minister aware of the formal complaints concerning the matter raised by former mayor Mr Camilo Blanco with the appropriate authorities in November this year?

(3) What action is the minister taking to investigate the matters raised in those complaints?

Several members interjected.

The PRESIDENT: Order!

Hon SUE ELLERY replied:

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

(1) The Minister for Local Government is aware of recent media reports containing allegations made against the mayor.

(2) The Minister for Local Government does not personally investigate or manage the handling of complaints. Specific processes for the making and handling of complaints are set out in the Local Government Act 1995 and in other legislation that applies to all local government elected members. Further, the Department of Local Government, Sport and Cultural Industries advises that due to applicable confidentiality provisions of the Local Government Act 1995 it cannot disclose specific information about individual complaints or complaints about specific elected councillors.

(3) When a person is concerned about a potential breach of the Local Government Act 1995, they should contact the DLGSC to lodge a complaint in accordance with the act.

CORONAVIRUS — MANDATORY VACCINATIONS —
FIRE AND EMERGENCY SERVICES VOLUNTEERS

1199. Hon STEVE MARTIN to the Leader of the House representing the Minister for Emergency Services:

I refer to my previous questions without notice 981 and 1021 asked on 16 and 18 November.

(1) Will the minister please confirm whether the frequently asked questions and support information referred to in the answer to question without notice 1021 have been finalised and published?

(2) If no to (1), why has this not been completed?

(3) Will the minister please confirm that the answers to questions without notice 981 and 1021 were correct and that as of 1 January volunteer firefighters who have not received at least one dose of COVID-19 vaccination will not be permitted to enter a Department of Fire and Emergency Services site to fight fires, including those that threaten loss of property, livestock and human life?

Hon SUE ELLERY replied:

I thank the member for the question. Unfortunately, the answer does not appear to be in my file. If it arrives before the end of question time, I will provide it to the member. If not, I will see what I can do for tomorrow.

CORONAVIRUS — VACCINATIONS — TRANSITION PLAN

1200. Hon Dr STEVE THOMAS to the Leader of the House representing the Premier:

I refer to the government's plan to reopen the state once the target of 90 per cent of eligible people being double vaccinated is met and the fact that Western Australia has the lowest vaccination rate in the country.

(1) By what date will the inability to reach the 90 per cent target, if that happens, be considered a failure of the government's vaccination program?

(2) What is the expected impact on the state's economy if the target is not met by that date?

Hon SUE ELLERY replied:

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

(1) Achieving 90 per cent double-dose vaccination coverage means fewer people will become very sick, need hospital care or die from COVID-19. Around 88 per cent of eligible Western Australians have received

at least one dose of a COVID-19 vaccination and nearly 80 per cent have received two doses. This was as at 7 December. I note the Auditor General's recent report into WA's COVID-19 vaccination rollout, which states —

> In an environment of uncertain supply and demand, the COVID-19 vaccination program in WA has been largely effective in delivering injections for the vast majority of people.

Instead of constantly undermining the vaccination rollout, all political parties should join the state government in encouraging all eligible Western Australians to get vaccinated.

Several members interjected.

The PRESIDENT: Order! Please allow Hansard the opportunity to record the contribution.

Hon SUE ELLERY: This is important, President, and it is important that people hear this next bit.

(2) The Western Australian economy is easily the strongest in Australia and one of the most successful in the world.

PREMIER — CORRESPONDENCE — FEDERAL GOVERNMENT

1201. Hon COLIN de GRUSSA to the Leader of the House representing the Premier:

I refer to the Premier's refusal to answer question on notice 384 regarding correspondence to federal ministers for the six-month period between 18 March and 29 October 2021, and the use of digital technology in the Premier's office.

(1) Has the Premier's office not sent any official correspondence to any federal government minister since 18 March 2021?

(2) Does the Premier's office use digital technology and a content management system to track correspondence?

(3) Will the Premier now provide an answer to question on notice 384?

(4) If no to (3), when will the Premier abide by section 82 of the Financial Management Act 2006?

(5) Will the Premier also request that the ministers who appear to have colluded in answering questions on notice 375 to 399 abide by section 82 of the Financial Management Act 2006?

Hon SUE ELLERY replied:

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

(1) No.

(2) Yes.

(3) The Premier has already provided a response, which the member even referred to in the question. As stated in the Premier's response, if the honourable member were to ask a more specific question, the Premier would endeavour to answer it.

(4)–(5) Not applicable.

SCHOOLS — PROTECTIVE BEHAVIOURS PROGRAM

1202. Hon NICK GOIRAN to the Minister for Education and Training:

I refer to the importance of the protective behaviours program being delivered in our schools.

(1) In the current calendar year, how many schools have delivered the protective behaviours program?

(2) What are the names of the current programs, endorsed by the department, that are delivering a protective behaviours preventive curriculum to schoolchildren?

Hon SUE ELLERY replied:

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

(1) All public schools are required to implement protective behaviours education.

(2) The Department of Education provides its own protective behaviours education program for schools.

CYCLONE SEROJA — COMMUNITY WELFARE AND OUTREACH PROGRAM

1203. Hon MARTIN ALDRIDGE to the parliamentary secretary representing the Minister for Community Services:

I refer to the $9 million severe tropical cyclone Seroja community welfare and outreach program.

(1) How many additional mental health staff, by FTE, have been provided to support communities impacted by cyclone Seroja through this funding allocation?

(2) Please identify which local government areas are currently receiving additional mental health staff through this program.

(3) How much of the $9 million has been disbursed to date?

(4) Please provide a breakdown of how the $9 million program is being spent, including specific programs or projects that are being funded.

Hon KYLE McGINN replied:

On behalf of the parliamentary secretary representing the Minister for Community Services, I thank the member for some notice of the question. The following answer has been provided by the Minister for Community Services.

(1) To support mental health needs, six additional FTE have been provided to support communities impacted by cyclone Seroja.

(2) The following local government areas are currently receiving additional mental health staff through this program: Shire of Northampton, including Kalbarri; Shire of Chapman Valley; Shire of Morawa; Shire of Perenjori; Shire of Three Springs; Shire of Mingenew; Shire of Carnamah; City of Greater Geraldton, including Mullewa; Shire of Koorda; and Shire of Shark Bay.

(3) As at 8 December 2021, Communities has approved 100 applications and provided $481 508 for category 3 financial assistance to replace or repair essential household items and category 4 financial assistance to repair homes to be habitable, safe and secure. It has funded 14 recovery FTE positions at a cost of approximately $1.27 million.

(4) The community welfare and outreach program is a two-year program funded under the joint commonwealth and state disaster recovery funding arrangements. The program is designed to support the social wellbeing of people who have been severely impacted by tropical cyclone Seroja. The program funds positions, service provision and other activities that enable welfare, outreach, and recovery and resilience-building support to impacted communities. To focus efforts over the next 12 to 24 months, Communities has developed recovery priorities structured around the following areas: financial hardship; emergency accommodation and support; personal support, such as social, emotional and psychological support services; and community resilience, training and development.

The program is coordinated by the Department of Communities; however, aspects of the program are being delivered by other agencies and service providers, such as the Australian Red Cross, Centacare, Desert Blue Connect and the Salvation Army. The staffing and services provided within this program are being delivered across four operational recovery hubs: Geraldton, Northampton, Morawa and Kalbarri. These locations service all 16 affected local governments.

CORONAVIRUS — MANDATORY VACCINATIONS — FIRE AND EMERGENCY SERVICE VOLUNTEERS

Question without Notice 1199 — Answer Advice

HON SUE ELLERY (South Metropolitan — Leader of the House) [5.04 pm]: I have an answer to the question asked by Hon Steve Martin earlier in question time today.

(1) Yes, support information has been finalised and published.

(2) Not applicable.

(3) Yes. From 12.01 am on 1 January 2022, a person who is a fire and emergency services worker must not enter, or remain at, a fire and emergency services site if the fire and emergency services worker has not been partially vaccinated against COVID-19. From 12.01 am on 1 February 2022, a person who is a fire and emergency services worker must not enter, or remain at, a fire and emergency services site if the fire and emergency services worker has not been fully vaccinated.

QUESTION WITHOUT NOTICE 1171

Ruling by President

THE PRESIDENT (Hon Alanna Clohesy) [5.05 pm]: During questions without notice yesterday, I advised the house that I would rule on whether a question without notice asked by Hon Colin de Grussa to the Minister for Agriculture and Food was in order. The question was —

> Is the minister aware of reports that her parliamentary secretary has been dumping grain in an unused CBH Group open bulkhead without permission, causing major headaches for other growers and CBH; and will the minister commit to looking into this?

Pursuant to standing order 104(a), questions to ministers and parliamentary secretaries must relate to public affairs with which the minister or parliamentary secretary is connected, to proceedings in the Council or to any matter of administration for which the minister or the parliamentary secretary is responsible. Having regard to the phrasing of the question, it is not apparent to me that the question falls within any of those matters. Therefore, in my view, the question was not in order.

CHAMBER ETIQUETTE — ELECTRONIC DEVICES

Statement by President

THE PRESIDENT (Hon Alanna Clohesy) [5.06 pm]: I am giving serious consideration to putting into practice that which former President Barry House put into practice for a breach of etiquette of the house; that is, when mobile phones make noise in the house, those phones or other devices will be confiscated for the length of the sitting day. Fair warning.

PARLIAMENTARY SECRETARY TO THE MINISTER FOR AGRICULTURE AND FOOD

Question without Notice 1171 — Personal Explanation

HON DARREN WEST (Agricultural — Parliamentary Secretary) [5.07 pm] — by leave: President, in the question without notice that you just referred to, asked yesterday by Hon Colin de Grussa, it was implied that I had dumped grain at a CBH facility without permission. I wish to address this claim. A social media post on this topic by Northam farmer Scott McPherson appeared yesterday and it was picked up by the media and the opposition. It is completely incorrect. Recently, our family farming business entered an agreement with grower-owned grain handler Co-operative Bulk Handling Ltd, as our truck broke down early in the harvest and required an engine rebuild. There were no oats receivable sites within 100 kilometres of our farm and the oats were beginning to shed and needed to be harvested with some urgency. I thank CBH for granting permission to use its site. I find it refreshing that a large organisation is willing to help out growers in a time of need. I will have more to say on this matter later.

MINISTER FOR AGRICULTURE AND FOOD

Question without Notice 1171 — Personal Explanation

HON ALANNAH MacTIERNAN (South West — Minister for Agriculture and Food) [5.08 pm] — by leave: President, notwithstanding the fact that yesterday you determined that you would consider this matter, I have been the subject of a strong attack by Hon Colin de Grussa in a media statement for failing to answer that question. It was manifestly obvious to me that this was not a matter that came within my portfolio responsibilities.

Hon Martin Aldridge interjected.

The PRESIDENT: Order!

Hon ALANNAH MacTIERNAN: That is the reason I did not answer that question. Of course, as the question was asked without notice, and the parliamentary secretary was not here on the day, it was not possible for me, even if it did come within my administrative duties, to have answered that question. I hope the member will take some action to address what he has done and what he has been saying.

INDUSTRIAL RELATIONS LEGISLATION AMENDMENT BILL 2021

Second Reading

Resumed from an earlier stage of the sitting.

HON NICK GOIRAN (South Metropolitan) [5.09 pm]: We are considering the Industrial Relations Legislation Amendment Bill 2021. I am the lead speaker on behalf of the opposition in my capacity as the shadow Minister for Industrial Relations. Most of my remarks on this second reading debate were made prior to the interruption for the taking of questions without notice, but I indicated prior to that time to the Minister for Industrial Relations that I would shortly be moving to have the bill discharged and referred to the Standing Committee on Legislation. Before I do that, I want to reiterate some of the concerns that remain for the opposition, some of which are already on the record from the fortieth Parliament.

The government and this minister know that the opposition does not oppose the core policy objective of this bill; that is, to amend Western Australia's industrial relations law to assist the federal government in eradicating forced labour through the ratification of the International Labour Organization's Protocol of 2014 to the Forced Labour Convention, 1930. Our concerns and the amendments that sit on the supplementary notice paper, issue 2, which is available to members, do not in any way undermine our federal Liberal government's repeated requests to the McGowan government to bring our industrial relations laws into line in order to remove the barrier our laws create at present to Australia's ratification of this important international protocol. Nevertheless, concerns remain and they warrant inquiry. As I indicated earlier, they go to the extent of the consultation that has occurred since the fortieth Parliament and the Industrial Relations Legislation Amendment Bill 2020. Secondly, they go to the government's broken undertaking pertaining to clause 65. Thirdly, there is the point of the unique, for the first time in Western Australian law, ability for unionists to enter a person's home. Fourthly, there are concerns from the Western Australian Local Government Association about the government forcing local governments to fall under the state industrial relations system. Fifthly, the legislation will allow the commission to intervene in private sector awards. Prior to the taking of questions without notice, I did not have the opportunity to unpack that and I will do it momentarily. It goes to the issue of varying private sector awards and their scope. The first part of these changes have their genesis in the Ritter review, which was commissioned by the government in the last Parliament. It

recommended that there be an attempt to avoid awards not keeping pace with new industries and where named employers to the award changed structure or ceased to exist. The proposed amendments in the bill attempt to mirror the provisions of section 143 of the commonwealth Fair Work Act. However, the bill also includes a provision to allow the commission to vary the scope of a private sector award of its own motion. This peculiar new clause overturns the accepted concept of collective and good faith bargaining as the basis for Australia's industrial relations system. It allows the commission some extraordinary interventionist powers that are not mirrored at the federal level. This was not recommended by the Ritter review. It is quite telling, in fact, that this power that will be enshrined or implemented by the bill will apply to only private sector awards and not public sector or enterprise awards. The opposition is concerned about that and would like it to be inquired into and recommendations made, particularly given that it was not the subject of a recommendation from the review that this government relies on as a foundation stone for the bill before us.

Speaking of intervention, what has also transpired since the last bill was before us in the fortieth Parliament and the bill that is currently before us, has been a moment of intervention by the Attorney General. I will not say that it was an extraordinary intervention, but it was certainly intervention nonetheless and I do not think that is disputed by the Attorney General or anyone within government. Recently, the Attorney General sought to intervene, and he intervened successfully, in an unfair dismissal case being considered. The basis for the intervention was said to be to uphold the rule of law and the correct interpretation of the law—specifically, concerns were raised that the Public Service Appeal Board had initiated or sent out summonses with regard to witnesses. The view of some individuals was that the board, or specifically the registrar, did not have the power to do that. That was certainly the view of the State Solicitor's Office that then prevailed upon the Attorney General to intervene in the case. He did intervene and successfully obtained a ruling confirming that there was no such power with the board or the registrar. I take no issue—as I did not at the time when there were reports of this occurring—with the Attorney General rightly intervening when there is an apparent lack of following of the rule of law. However, given that the Attorney General successfully identified this problem or loophole that would see some workers in Western Australia treated differently from other workers—some workers would be able to have a witness summons issued but others would not—and given that the government would no doubt want consistency for all workers and it would not want some workers to be first-class citizens and others to be second-class citizens, I cannot imagine the McGowan Labor government wanting to see some workers stranded in an unfair dismissal case without the ability to issue a witness summons.

There is an amendment on the supplementary notice paper standing in my name that would fix the problem and the loophole that the Attorney General has successfully identified. It is ironic that the only disadvantage that I can see at this point in this bill being discharged and referred to the Standing Committee on Legislation is that it would have the effect of the member for Kwinana not having to face the music before the Public Service Appeals Board until 15 February, when Parliament resumes. If the government were to support the opposition's request that this matter be considered by the Standing Committee on Legislation, all these matters and concerns could be inquired into and the Standing Committee on Legislation, which I understand is currently not overburdened with work, would have the opportunity to make some findings and recommendations on this. However, regrettably it would mean that the member for Kwinana would not be able to be summonsed in that unfair dismissal case until 15 February. I think that would be a shame, but it would be one of the disadvantages of this bill being referred to the Standing Committee on Legislation. We have to make a judgement call there, but at the end of the day the Legislative Council needs to fulfil its scrutiny role first and foremost, so that will need to take precedence. That said, if the government is of the view that all workers should be treated as first-class citizens—that there not be any first and second-class citizens—and that the member for Kwinana needs to face the music on the unfair dismissal case and it wants to support the opposition's amendment standing in my name on the supplementary notice paper, there is also the opportunity to do that. However, it would be outrageous if the McGowan government were to force this bill to pass through Parliament in the next 24 hours without it either going to the Standing Committee on Legislation or any of the amendments on the supplementary notice paper being supported, particularly when one is going to fix the very issue the Attorney General has so helpfully drawn to everybody's attention, which sees the member for Kwinana currently being shielded from having to provide any evidence in an unfair dismissal case. Either way, the opposition seeks the support of the government.

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

HON NICK GOIRAN (South Metropolitan) [5.21 pm] — without notice: I move —

> That the Industrial Relations Legislation Amendment Bill 2021 be discharged and referred to the Standing Committee on Legislation for consideration and report by no later than 15 February 2022.

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Industrial Relations) [5.22 pm]: The government will not support this amendment. It is outrageous for the honourable member to suggest that there has been no consultation in the lead-up to this bill because, as everybody knows, hours and hours of consultation has occurred in two reviews. The ministerial review received a total of 122 submissions and held 44 face-to-face meetings with stakeholders, and the wage theft inquiry received 119 submissions in addition to face-to-face meetings. Following the completion of those reviews, the government announced its intended responses and drafted the bill accordingly. The government has subsequently consulted on the provisions of the bill with key stakeholders, and this included

the Western Australian Local Government Association. The government wants to progress the important findings of the ministerial review and the inquiry into wage theft. Those who are suffering wage theft need reforms now; those domestic workers with no employment rights whatsoever need reforms now.

I juxtapose this with the Barnett government that paid in excess of $800 000 for the Amendola review in 2009. That report was never acted upon. That government then introduced a green bill in 2012, and again nothing happened. We want to get on with modernising our state industrial relations system and protecting the most vulnerable workers in this state.

In relation to modern slavery, the process for ratifying the protocol to the Forced Labour Convention began for the Western Australian government in 2016. We brought forward the last bill to get rid of the exemptions in the act, as is needed. We could not get that bill passed through the last Parliament. We should not delay this any longer. We need to make sure it is completed. We have advised the federal IR minister, who has indicated her support for the passage of these critical changes.

Another reason we should not prolong this and send the bill off to the Standing Committee on Legislation is that we have made an election commitment to recognise the significance of Easter Sunday under industrial relations entitlements. This cannot wait; we are committed to introducing the Easter Sunday provision in 2022. Holding up the passage of this legislation and sending this bill, which has in a very large part been around since 2020, to the Standing Committee on Legislation is simply unnecessary and we will not support this referral.

Division

Question put and a division taken, the Acting President (Hon Steve Martin) casting his vote with the ayes, with the following result —

Ayes (6)

Hon Martin Aldridge	Hon Nick Goiran	Hon Neil Thomson
Hon Donna Faragher	Hon Steve Martin	Hon Colin de Grussa *(Teller)*

Noes (20)

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

Pairs

Hon Peter Collier	Hon Samantha Rowe
Hon Tjorn Sibma	Hon Rosie Sahanna
Hon Dr Steve Thomas	Hon Kate Doust

Question thus negatived.

Second Reading Resumed

HON NEIL THOMSON (Mining and Pastoral) [5.26 pm]: I rise to speak to this Industrial Relations Legislation Amendment Bill 2021. In speaking to this bill, I reiterate the opposition's support for its core objective, which is to assist the federal government to ratify the Protocol of 2014 to the Forced Labour Convention, 1930. It is outlined as one of the objectives of the bill. It is a noble objective, and I think across the world right now there is a huge surge of interest in the issue of forced labour. Not a person in this room would in any way want to be a facilitator of forced labour by any means, including through neglecting to make changes that might be required in the legislative framework or the laws governing industrial relations in Western Australia for those workers who fall within the ambit of the Industrial Relations Act. I hope that every person in this state would be very seriously concerned if there were any chance of forced labour occurring in Western Australia. That goes to the ethical issue at the core of this objective, and I congratulate the government for taking action on that. The core objective is very clear. However, we have an unusual circumstance in Western Australia in that we might be passing a bill containing changes that would ratify the International Labour Organization's Protocol of 2014 to the Forced Labour Convention, 1930, but, at the same time, an arm of our government—namely, the Minister for Transport—is engaging in actions with contractors about whom allegations have been made by our closest ally, the United States, about their links to forced labour. This is a very serious concern. It is a moral issue. It is morally unacceptable for our Western Australian workforce to be exposed to forced labour, as it is morally unacceptable for the Western Australian government to turn a blind eye to the issue of forced labour beyond our shores. This issue requires much more scrutiny. I have spoken about this in this place before and I will continue to speak about this issue because action must be taken. It may require further action on our procurement policies, which is not a matter that concerns this bill, but it is related because it is the same objective that is in this bill.

A lot of good work is going on at the national level to combat the issue of forced labour. Recently, the Australian Human Rights Commission published information supporting businesses to combat modern slavery. This is something that could be considered in regulations or possibly in relation to this bill. Certainly, I hope that by speaking today it will be considered in and around the state government's procurement policies. The guides are available for a range of sectors, including the construction sector; indeed, I have a list of the sectors here somewhere. One is related to the sector about which I have raised concerns—that is, the construction of our Metronet railcars. The guides highlight the modern slavery risk prevalence in different sectors, provide tips for each sector on leading practice and a rights-based approach to managing modern slavery risk, and foster transparent modern slavery reporting for the benefit of business, government and people at risk of harm. I know that the Minister for Industrial Relations has the right intent here, but perhaps he can have a conversation with his colleagues in cabinet on this matter. As was mentioned by my colleague Hon Nick Goiran, rather outrageous accusations were made by the former Minister for Industrial Relations, Hon Bill Johnston. Making outrageous comments does not help, particularly when a company involved in a $1.3 billion contract has links to an organisation that is banned by our closest ally.

Some assurances were given by the minister after some questioning, but those assurances are only as deep as the assurances that were given by the head contractor—in this case, Alstom. There is an ability to provide statements; in fact, there is a requirement for companies making more than $100 million a year to provide statements on slave labour. This is managed by the Australian Border Force, which has an online register for modern slavery statements. I again strongly counsel the Minister for Industrial Relations, in the consideration of his remit, to familiarise himself, if he has not already, with the register of modern slavery statements and their content. There is mandatory reporting for these businesses. In fact, as I speak, 2 660 businesses are on that register. Maybe there was an opportunity within the scope of this bill to better align our industrial relations regime to some of the matters that would be expected in such a statement. I am not in a position to say whether that is the case, but I believe it is a very important point to make. We are seeing a situation in which, as far as I can tell, KTK Group is certainly not on that register. I will make further representations on this matter in the future; I am not going to resile from it, because I think it is a vital issue for consideration.

We may ask: what relevance does it have to the employment conditions of people in Western Australia? I would say there is moral relevance; that is the first issue, which is the basis of this bill. The second matter I want to raise is that this group is going to establish a manufacturing plant in Western Australia, and that was identified only through a freedom of information request. I will quote from a selection of documents that was provided to me and dated 23 December 2020. I have previously spoken at length on this issue, both in an adjournment statement and outside this place. KTK Group will actually be an employer and will no doubt be subject to the provisions of this bill, if it becomes law. I referred in my adjournment statement to the ability to direct Alstom to utilise Australian suppliers, which was ignored by the minister. I refer to the second point from the same email —

> 2. Likely Increase In WA Content if KTK Not Used —

Again, another name is blanked out in the email as being out of ambit, so I cannot read that —

> … indicated that because KTK are going to open a Perth facility their WA content was going to be high anyway and so it will be a struggle to get their WA content contract requirement with alternative suppliers. They have identified a number of WA companies that can be involved in some way in assisting them to get their contractual WA content but —

There is another blanked out bit there —

> … was reluctant to commit to more WA content given the difficulty in achieving their contractual content without KTK.

This is a very intriguing aspect. It relates to this bill because this company is likely to set up and operate a facility in Western Australia; a company that is banned in the United States. I cannot say with certainty that it should operate here, but I have yet to hear the minister express with any degree of certainty why he is sure that the assurances given by Alstom are sufficient. There has been no inquiry. I have called for an inquiry because there needs to be an inquiry and a thorough assessment on this in line with the principles outlined by the Equal Opportunity Commission. There needs to be an inquiry and an assurance given that when this group is established in Western Australia, it will operate within the terms of this bill. That is putting aside the issue of morality. I say that this issue is relevant to this bill because morality is at the core of this bill. I have raised this question previously and I will continue to raise it. The government needs to take a stand on its principles, deal with this issue and review and provide proper evidence for why it has chosen this supplier over Western Australian suppliers. How can it morally justify this matter?

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Industrial Relations) [5.40 pm] — in reply: I was not sure whether other members wanted to make a contribution to the Industrial Relations Legislation Amendment Bill 2021. I thank Hon Nick Goiran for his contribution and acknowledge the contribution of Hon Neil Thomson.

I will try to address some of the issues that were raised, knowing that Hon Nick Goiran will have the opportunity to quiz me further in Committee of the Whole should I not give him what he believes to be fulsome enough answers. I spoke about the consultation earlier in response to the amendment to send this bill to a committee. As I said, the

genesis of this bill has been a long time coming. There was a ministerial review into the state industrial relations system and an inquiry into wage theft. As I said, and as I have indicated previously, hours and hours of consultation occurred on those two reviews. For the ministerial review, 122 submissions were provided and 44 face-to-face meetings were held with stakeholders. For the wage theft inquiry, 119 submissions were provided in addition to the face-to-face meetings. Following the completion of the reviews, the government announced its intended response and it drafted the bill accordingly. The government subsequently consulted on the provisions of the bill with key stakeholders. The honourable member was quite right to point out that the vast majority of the detail of the bill was included in a previous bill. When I took over the role earlier this year, it was my job to include the election commitments that were made at the last election. We had conversations with key stakeholders about those. Although not everyone has been happy about the inclusion of the provisions, the conversations were had and the consultation occurred.

It is perplexing that the opposition does not support Western Australian local governments being regulated by Western Australian laws rather than commonwealth laws. We believe that local governments are part of the body politic of the state. They are entrusted with carrying out public functions; therefore, it is entirely appropriate that they be regulated by the state industrial relations system rather than the national system. I encourage opposition members to read the comprehensive analysis in the 2018 *Ministerial review of the state industrial relations system: Final report* regarding the constitutional status of local governments. There is significant legal doubt whether local governments can be regulated by the commonwealth using the corporations power of the Constitution. That is the power that underpins the Fair Work Act. If local governments can be regulated by the corporations power, the commonwealth could legislate to regulate a wide range of affairs of local governments, including the services they provide, the rates and fees they levy and the electoral system they use to elect members. This, in my book, would be an undesirable outcome, and I am not sure whether most Western Australians would support it.

The bill proposes a managed transition of local governments from the national industrial relations system to the state system. Upon moving to the state system, a modern award enterprise agreement that applied to local government under the Fair Work Act will continue to apply in the state system for a maximum nominal period of two years. This will give local government employers sufficient time to adapt to the state system.

Members should also be reminded of section 7A of the Salaries and Allowances Act 1975, which provides for the determination of the remuneration of chief executive officers of local governments by the Salaries and Allowances Tribunal. This was inserted into the act in 2012 by the former Barnett Liberal government with the full support of the Western Australian Local Government Association. If the Parliament of Western Australia is the appropriate place to pass laws to regulate the employment conditions of chief executive officers of local governments, I think logic demands that other local government employees be similarly regulated by state laws.

In the previous Parliament, the opposition claimed that providing the Western Australian Industrial Relations Commission with the power to vary the scope of private sector awards would corrupt its very independence. I disagree. I think that the claim certainly demonstrates an ignorance of the powers the commission currently has, and has had since 1925, under the Industrial Relations Act to vary awards and issue orders of its own motion.

Section 50A is the head of power under which the commission issues the state wage general order of its own motion every year. The commission and its precursor, the Court of Arbitration, has had the power since 1925 to issue an order setting a minimum wage each year. Assuming the Court of Arbitration and the commission have issued an order every year, this would equate to 96 minimum wage orders.

Section 50 is the head of power under which the commission issues general orders of its own motion relating to any industrial matter. Under section 50, the commission issues the location allowance general order each year and it also used section 50 last year to issue the COVID-19 JobKeeper general order.

Section 40B is the head of power under which the commission issues orders of its own motion to vary awards for specific reasons. It has had this power since 2002. The commission advises that it has issued 65 orders of its own motion pursuant to section 40B since 2004. Clearly, the commission has used its powers to issue orders of its own motion and the sky has not fallen in, so I think it would be ridiculous to claim that providing the commission with this additional, and indeed very necessary, power will corrupt its independence. It has not in the past and I do not believe it will in the future.

In relation to the proposed power for unions to electronically record as part of right of entry, unions have a legitimate role to play in investigating suspected breaches of industrial laws and work health and safety laws and taking enforcement action when appropriate. The proposed power for unions to electronically record when investigating a suspected breach simply recognises twenty-first century technology. It will enable the best possible evidence to be contemporaneously captured and preserved. The proposed power will be subject to other relevant laws and protections such as the Surveillance Devices Act 1998, which prohibits the intentional recording of private conversations or activities; work health and safety laws that place obligations on visitors to a workplace; and intellectual property rights. The commission will be able to deal with disputes regarding the power to electronically record under section 44 of the IR act. That is a compulsory conference.

Much has been said, not necessarily today, but in the other place and indeed the last time the bill was before the house, on the issue of entry into a workplace that is also a private residence by union officials or industrial inspectors. I think a lot of what has been said is merely scaremongering. A workplace can be found in a private residence. The increasing incidence of home-based work cannot be denied. The bill seeks to place parameters around entry into these workplaces by union officials or industrial inspectors. There will be no automatic right of entry by a union official into an employer's private residence. The union official will have to apply to the commission for an order granting entry and the commission could make an order only if satisfied that exceptional circumstances exist to warrant the making of the order. In deciding whether to make the order, the commission would hear from both the union official and the employer.

Industrial inspectors will have entry rights without notice if there is an industry being carried on at the premise. This is the current law. The bill will not change this. There is no evidence of inspectors ever having exercised this power, let alone misusing it. Inspectors will also have entry rights without notice if they obtain an order from the commission. The commission must be satisfied that giving notice would defeat the purpose for which the power is intended to be exercised. Evidence will have to be led to justify the making of the order. The commission will not make these orders arbitrarily or in a vacuum.

One of the most significant amendments delivered by this bill will be the removal of exclusions from the definition of "employee" in the Industrial Relations Act and the Minimum Conditions of Employment Act. By removing these exclusions, statutory employment protections will be extended to all employees in WA and we can play our part in tackling the scourge of modern slavery.

Importantly, as has been pointed out, it will enable the commonwealth government to ratify the International Labour Organization's Protocol of 2014 to the Forced Labour Convention, 1930. There have been complaints from some quarters, including the Chamber of Commerce and Industry of Western Australia that a consequence of this proposed amendment will be to require household employers to keep employment records. On this, I am advised that household employers must currently keep employment-related records for their employees. They must keep income tax and superannuation records, comply with the Australian Taxation Office single touch payroll requirements, facilitate the payment of paid parental leave to an employee entitled to leave under the commonwealth parental leave pay scheme and keep workers' compensation insurance records.

Household employers must also keep records relating to long service leave. This is because the Long Service Leave Act has always applied to employees who are engaged in domestic service in a private residence. I will set out these record-keeping requirements so that members will understand that the record-keeping requirements for household employers are not new. For the purposes of the LSL act, a household employer must currently keep a record of the employee's name, date of birth, the employee's start and finish dates, gross and net amounts paid to the employee, all deductions from the employee's pay, all leave taken by the employee and all other details that are necessary to calculate an employee's entitlement to long service leave. This includes the hours of work performed by the employee. A requirement for employers to keep employment records has existed since enactment of the LSL act in 1958. At the time of debate on that bill, the then opposition unsuccessfully argued for the exclusion of domestic workers from the definition of "employee". Mr George Roberts, MLA, stated —

> I say that it is literally impossible for the records required by this Bill to be kept by the average housewife …

This cannot be the attitude of the Parliament in 2021. Many software packages are readily available for household employers to use for record-keeping purposes. My department also publishes free employment record templates, which all employers can download and use to keep the required records. It should also be borne in mind that if union officials or industrial inspectors do have entry rights into a workplace that is also a private residence, they do not have powers of forcible entry. The bill balances privacy concerns with the need to ensure adequate protections for employees, regardless of their place of work.

I will leave my contribution there. I know that when we get to committee, there will be comprehensive questioning of me.

I commend the bill to the house.

Question put and passed.

Bill read a second time.

Committee

The Deputy Chair of Committees (Hon Steve Martin) in the chair; Hon Stephen Dawson (Minister for Industrial Relations) in charge of the bill.

Clause 1: Short title —

The DEPUTY CHAIR: I bring to members' attention supplementary notice paper 53, issue 2, which contains a number of amendments.

Hon NICK GOIRAN: I will just start with the issue of consultation and the response the minister provided to our proposal that the bill be discharged and referred to the Standing Committee on Legislation and also his remarks in the second reading reply. On both those occasions the minister touched on the process of consultation that had been embarked on by the government. I do not want to conflate the consultation process on the bill with the review process. The opposition absolutely accepts that the genesis of this bill was the two reviews, which were extensive processes. The minister reiterated the number of submissions that had been provided to those reviews. The contention is not that the reviews lacked consultation; the contention is that the bill before us will implement some of the review recommendations but not all, and that it deviates from other recommendations. As a result of that qualified implementation of, and deviation from, the review recommendations, the opposition thinks it would have been appropriate to have some form of consultation about the bill. What consultation has occurred on the bill? That is not to be confused with the review process.

Hon STEPHEN DAWSON: I do confuse the two, honourable member, because the genesis of the legislation before us was those reviews. The former minister obviously undertook a great number of meetings on the legislation, but in terms of the bill before us, my office and I have had meetings with the Western Australian Local Government Association, which included the WALGA president, CEO, executive manager of governance and organisational services, and employee relations services manager. We also had meetings with the Chamber of Commerce and Industry of Western Australia, which included CEO Chris Rodwell and chief economist Aaron Morey. There were meetings with the Master Builders Association's executive director John Gelavis and Cathryn Greville, the head of legal, advocacy and professional services. There have also been meetings with UnionsWA and, indeed, unions over the past few months at which this issue was raised and we consulted on it.

Hon NICK GOIRAN: I thank the minister; that is useful. Just to confirm: was the consultation process with the four groups the minister identified—WALGA, the Chamber of Commerce and Industry of Western Australia, the Master Builders Association and UnionsWA—undertaken with the benefit of a drafted bill?

Hon STEPHEN DAWSON: They had the old bill; they did not have the new bill because the consultation happened before a bill went to cabinet. The issues that were raised were those that the member identified today in his contribution as being of concern and ones that they were unhappy with.

Hon NICK GOIRAN: The consultation process with the four groups occurred on the old bill—that is, the 2020 bill. They did not have the benefit of the bill that is currently before us. That said, the bill before us is somewhat different from the earlier bill. Does the bill before us address any of the concerns of the four groups; and, if so, which ones?

Hon STEPHEN DAWSON: Where there were concerns raised by the union movement or, indeed, the employer groups, no changes were made.

Hon NICK GOIRAN: In other words, all the concerns that were raised in the four consultation meetings were rejected by the government and there has been no change.

Hon STEPHEN DAWSON: Essentially, in the main, the concerns raised were raised with government about the previous bill. Government made a decision not to change the bill at that stage, and government made a commitment at the election that we would bring forward a bill again. There was consultation about Easter Sunday, in particular, with the Chamber of Commerce and Industry of Western Australia, and the CCI expressed some concern about Easter Sunday becoming a public holiday, but, again, government had made a policy decision and a commitment at the election that we would create an Easter Sunday public holiday. Although we heard from the CCI on its concerns around that issue, government had already made a decision to proceed with it.

Hon NICK GOIRAN: Can we therefore describe it this way then, minister: the only new concern that was raised was about the proposed Easter Sunday holiday. Were no new concerns or otherwise raised that had not already been raised about the 2020 bill?

Hon STEPHEN DAWSON: No. I am reminded by the advisers that the other issue the CCI raised was a concern about the course of conduct in the context of the penalties.

Hon NICK GOIRAN: Regarding the course of conduct and penalties, what exactly is the concern that has been articulated to government by the CCI on that?

Hon STEPHEN DAWSON: The CCIWA raised a concern and contended that the bill should contain course of conduct provisions like the Fair Work Act so that multiple contraventions that arise out of a course of conduct by a person are taken to be a single contravention.

Hon NICK GOIRAN: Presumably, the government does not agree with that, otherwise there would be an amendment in the bill. What is the government's concern about the concern from the CCI?

Hon STEPHEN DAWSON: The member is correct; government has not included amendments to the bill on this issue. Although the bill does not contain course of conduct provisions, the Industrial Magistrates Court applies common law course of conduct principles in the setting of penalties, as set out in the recent appeal decision of Janine Callan v Garth Smith, 2021 101 WAIG 1155. The common law provides the court flexibility in setting penalties rather than being constrained by statutory provisions, which do not allow for any discretion.

Hon NICK GOIRAN: Minister, the Ritter review's second recommendation, found on page 8 of the final report, dated June 2018, states that the amended Industrial Relations Act is to be reviewed after three years of operation. Which clause in the bill gives effect to this recommendation?

Hon STEPHEN DAWSON: We did not pick up that recommendation; we picked up 41 recommendations from the Ritter review, so not all of the recommendations were acted upon.

Hon NICK GOIRAN: Minister, this would be a pretty non-contentious one, though. The Ritter review recommended that the act be reviewed after three years of operation, but it is one of the recommendations that the government did not pick up on. What is the objection to it?

Hon STEPHEN DAWSON: We are now amending the current act. A range of other Ritter review recommendations are under consideration by the government. We may come forward in the future with further changes to the act, but a final decision on that has not been made as yet.

Hon NICK GOIRAN: Sure, but this particular recommendation would probably be the least complex of all the Ritter recommendations. He says that government should review the act three years after the amendment act becomes operational. I understand that the government has not accepted this, but why will the government not accept such a basic recommendation?

Hon STEPHEN DAWSON: It is a recommendation that the government had not decided to accept at this stage. It could in the future, but we did not accept it at this stage.

Hon NICK GOIRAN: I understand that, minister. Again, there is no contention. I agree that the government has not accepted the recommendation and I agree that it is not found in the bill, but the government should provide an explanation as to why, not just that it decided not to. Why did it decide not to?

Hon Stephen Dawson: The government decided it was not necessary, honourable member, so it was not proceeded with.

Hon NICK GOIRAN: Okay. It is pretty unusual. Of all of the things to take issue with, it surprises me that the one thing the government wants to dig in on is not having a review in three years' time. It is not even a proposal that has come from the opposition.

Hon Stephen Dawson: There was never an opposition expressed to it; we just did not move on that recommendation.

Hon NICK GOIRAN: Is it an oversight?

Hon Stephen Dawson: No, it is not, because I am told by advisers here that it was not necessary.

Hon NICK GOIRAN: It is a deliberate, purposeful decision by the McGowan Labor government to say, "We won't be implementing recommendation 2 of Mr Ritter to review the act after three years of operation."

Hon Stephen Dawson: At this stage.

Hon NICK GOIRAN: That is the very review that is the genesis of the bill that is before us. It is very strange stuff, minister. I suspect what has happened here is that the minister has inherited this from his predecessor, and had he had carriage from day one, we would see recommendation 2 of the Ritter review being implemented right now. But we now have to deal with the legacy of the ham-fisted effort from the previous Parliament, and we find that something as basic as that has not been implemented. Nevertheless, I thank the minister for the honest feedback on Mr Ritter's second recommendation that it simply has not been accepted at this stage by the government. One wonders whether it will ever be accepted and implemented, least of all in circumstances whereby there is no explanation about why it is not being implemented at this time.

We are indeed amending the Industrial Relations Act by virtue of this bill. Can the Western Australian Industrial Relations Commission currently issue summonses for witnesses to appear before it?

Hon STEPHEN DAWSON: For the general jurisdiction, yes, it can.

Hon NICK GOIRAN: What gives the commission the power to do that?

Hon STEPHEN DAWSON: Section 33 of the act.

Hon NICK GOIRAN: That is the general jurisdiction. Are there other jurisdictions in the commission?

Hon STEPHEN DAWSON: Yes, there are. There is the Public Service Appeal Board and the Public Service Arbitrator.

Hon NICK GOIRAN: The minister has said that the Public Service Appeal Board and the Public Service Arbitrator are the two other jurisdictions that exist in the commission other than the general jurisdiction. Can witness summonses be issued in those jurisdictions?

Hon STEPHEN DAWSON: The arbitrator can, but the Public Service Appeal Board is under a cloud.

Hon NICK GOIRAN: I do not know that it is under a cloud, though, minister.

Hon Stephen Dawson: My words not the adviser's words.

Hon NICK GOIRAN: I think the Attorney General has been most helpful to make sure that there are no cloudy conditions and that we have a very sunny forecast. It is very, very clear, I think, that pursuant to his intervention, there is no power to do so.

Were any such summonses issued by the Public Service Appeal Board in the last financial year?

Hon STEPHEN DAWSON: No, not in the last financial year, honourable member.

Hon NICK GOIRAN: Is the minister very sure, that in the 2020–21 financial year—the last financial year—no summonses were issued?

Hon STEPHEN DAWSON: My advisers tell me that that was the advice from the registrar.

Hon NICK GOIRAN: I have information here that PSAB 4 of 2020 indicates that two witness summonses were served in December 2020 and January 2021.

Hon STEPHEN DAWSON: I am told we will have to raise that with the registrar. It may well be that I might need to give an apology to the house. To the best of my knowledge, I have answered a parliamentary question over the past few months on this issue based on the information that was provided by the registrar. I will not get it now, but at a later stage, if I need to apologise to the house and retract that, I certainly shall do that.

Hon NICK GOIRAN: I would appreciate that, and certainly if it could be done overnight, because I note that we will be due to adjourn proceedings —

Hon Stephen Dawson: Don't you think we'll finish before 6.20 pm?

Hon NICK GOIRAN: There will be no chance, unfortunately, because—for the benefit of *Hansard*—we are on clause 1 of a massive bill of 129 clauses. I do not think we will get through the other 128 clauses in the next 10 minutes.

Hon Stephen Dawson: We live in hope, honourable member!

Hon NICK GOIRAN: That is least of all unlikely when on 18 November, in response to a question I asked of the minister, the minister said, in part —

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

Yet I have information available that indicates in PSAB 4 of 2020, two witness summonses were served, one in December 2020 and one in January 2021. The minister has kindly agreed to take that on notice.

Hon Stephen Dawson: Are you in a position to table that document?

Hon NICK GOIRAN: No; this is a confidential document, but suffice to say, I am sure that if the minister speaks to people in his office, they will be well aware of this information.

Hon Stephen Dawson: My ministerial office is not aware of it. You've given us PSAB 4.

Hon NICK GOIRAN: Maybe the minister needs to ask his ministerial office staff again whether they know anything about PSAB 2 of 2015, when one witness summons was issued; PSAB 9 of 2017, when seven summonses were issued; PSAB 3 of 2019, when one witness summons was issued; PSAB 16 of 2019, when two witness summonses were issued; the one I have just referred to, PSAB 4 of 2020, when two witness summonses were issued; and then, of course, PSAB 22 of 2016, when four witnesses were summonsed and served. There will be plenty of time for the minister to interrogate his staff and anyone else who might be well aware of this information, including those who might have been participating in the drafting of the response to question without notice 1013, which I asked in this place on 18 November 2021. If the minister could take that on notice overnight and let us know tomorrow, that will be tremendous.

I note that recommendation 81(i) to (n) on page 31 of the *Ministerial review of the state industrial relations system: Final report* deals with local governments moving into the state industrial relations systems. The minister kindly touched on that briefly in his second reading reply speech. Recommendation 81 says —

> (i) WALGA and large local governments favour remaining in the Federal system and point to disruptions if they were moved to the State system.
>
> (j) Unions support the move into the State system because, in part, of the Federal *Local Government Industry Award 2010* being inferior to interim State awards, a desire to use the State agreement making system and a preference for the State system generally.
>
> (k) The most legally certain process to move local governments to the State system is to use the process outlined in s 14(2) of the FW Act; to pass legislation that declares each local government not to be a national system employer. To be legally effective under s 14 of the FW Act however, the responsible Commonwealth Minister must endorse the declaration.
>
> (l) The process described in (k) is inherently political, may take some time and is not guaranteed to be successful.

(m) Whilst as part of the State body politic, it could be argued, that local governments should be part of the State industrial relations system, there may be pragmatic reasons why the Government may not wish, now, to attempt to proceed with the process that would, if successful create legal certainty and enshrine local government within the State system.

(n) Whether, in all these circumstances the Government wishes to attempt, at this time, to proceed to move local governments to the State system is ultimately a political question, having regard to all of the above.

Given recommendation 81(i) to (n) set out in the Ritter review's final report and noting the lack of support from the Western Australian Local Government Association for this move, why does the government intend to proceed with this move?

Hon STEPHEN DAWSON: As I partly indicated in my second reading reply speech, local governments are part of the body politic of the state. They are established under Western Australian law and carry out functions of a governmental nature, so the government thinks it is therefore appropriate that they be regulated by WA laws, rather than laws that emanate from Canberra. As identified in the ministerial review, there is significant legal doubt on whether local governments can be characterised as trading or financial corporations, and until the High Court has ruled on this point, there will be ongoing uncertainty. Local governments in Queensland, New South Wales and South Australia operate under their state's industrial relations system with the commonwealth's support, and we think the same should occur in Western Australia.

In my contribution earlier, I also commented on the Barnett government decision in 2012 to include remuneration of chief executive officers of local governments in the state system so that the Salaries and Allowances Tribunal could make determinations on that remuneration. We believe if it is good enough for the bosses, the CEOs of councils, it is good enough for the workers, and we certainly support this decision wholeheartedly.

Hon NICK GOIRAN: We will come back to that issue tomorrow. On union right of entry to people's homes, the minister touched on a restriction in the Surveillance Devices Act and seemed to indicate that that would be some form of protection. I am very much paraphrasing the minister; these are some comments he made in his second reading reply speech. But, effectively, on that topic, the minister was encouraging us not to be too concerned about this provision because any use of those types of devices would still be subject to the regulation of the Surveillance Devices Act. Are there any exceptions or exemptions under that act that would militate against that issue?

Hon STEPHEN DAWSON: I am told that the intentional recording and publication of private conversations or activities is captured by the Surveillance Devices Act 1998. If it is unintentional, it will not be captured.

Hon NICK GOIRAN: In other words, if a unionist says that they unintentionally recorded a private conversation, they are not bound by the act?

Hon STEPHEN DAWSON: No; it just might not be an offence under the act.

Hon NICK GOIRAN: They might be able to do it, but they are not committing an offence against the act. There would be no protection for those—employer or employee—who are the subject of the private conversation, though. The unionist can just come along and say, "I unintentionally recorded that private conversation and you can't charge me, so up your jumper." Is that basically the attitude of the government with regard to this matter?

Hon STEPHEN DAWSON: The government would certainly never say to anybody, "Up your jumper", honourable member.

Progress reported and leave granted to sit again, on motion by Hon Stephen Dawson (Minister for Industrial Relations).

QUESTION WITHOUT NOTICE 1171 — PERSONAL EXPLANATION — FURTHER REMARKS

Statement

HON DARREN WEST (Agricultural — Parliamentary Secretary) [6.22 pm]: I wish to expand on some remarks I made to the house earlier in the form of a personal explanation. Yesterday, in a question without notice, the Deputy Leader of the Opposition implied that I had dumped grain at a Co-operative Bulk Handling Ltd facility without permission. Recently, our family farming business entered an agreement with grower-owned cooperative grain handler Co-operative Bulk Handling, as during harvest our truck had broken down and required an engine rebuild. There were no oats receivable sites within 100 kilometres of our farm and the oats were beginning to shed and needed to be harvested with some urgency. I thank CBH for granting permission to use their site. I find it refreshing that a large organisation is willing to help out growers in need.

A social media post appeared yesterday by Northam farmer Scott McPherson, which alleged I had dumped grain without permission. This post has been picked up by media and the opposition and is grossly incorrect. Scott McPherson is known to our family. In 1999, McPherson pleaded guilty to assault occasioning bodily harm after a coward punch assault outside a wheatbelt tavern. McPherson crept up behind his victim, grabbed them by the hair and punched

his victim in the face, knocking them to the ground. As his victim got up to face their attacker, McPherson kicked his victim in the head with such force that the victim was spun around 180 degrees, rendering them dazed, disorientated and defenceless. McPherson continued to kick his victim, stomping on their head, neck and arms until a brave bystander pulled McPherson away from his victim.

Members, I know the fine detail of this assault because I was McPherson's victim. For this cowardly and unprovoked attack on a local farmer who was going home to his young family, McPherson was fined $1 500.

McPherson has held an unhealthy obsession with me and my family ever since. Since his conviction, I have again been assaulted by McPherson, he has attempted to ram my vehicle, and he has showered me with a spray of abuse from the grandstand of the Northam racecourse in front of hundreds of patrons. His behaviour continues to be totally unacceptable. I never speak to or make eye contact with him and immediately leave when he enters any location that I am present. McPherson threatened my son yesterday at the Avon CBH site, and it is for this reason that I flagged his behaviour with WA police yesterday. It is a most unpleasant experience to have a stalker who is obsessed with you and your family.

In question time yesterday, the Deputy Leader of the Opposition used this social media post, and only this social media post, as the basis for his parliamentary question without notice.

Several members interjected.

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

Hon DARREN WEST: In my view, this was a political coward punch made without warning, under the cloak of parliamentary privilege and, most significantly, in my absence. I find it appalling that the member would not have done any basic research before formulating this question. It is my view that the member showed reckless disregard for the truth in an attempt to sully my professional reputation. I find this shameful. Yesterday I saw the worst of politics. As a result, I have made the decision to call out the cowards for what they are. I expect a full and unequivocal apology.

SCHOOLS AND EDUCATION STAFF

Statement

HON STEVE MARTIN (Agricultural) [6.26 pm]: On a very different note, every member in this place is in the fortunate situation in which they can make themselves available to present awards at school concerts and presentation nights. I have enjoyed doing that as a new member. Sadly, I have not been able to attend any in the last couple of sitting weeks, but, as I am sure other members have done, I have made those presentations available. I received my first reply from young Lucas Dickson from Wyalkatchem primary school, thanking me for the award. It is an outstanding bit of work from young Lucas, with lovely margins and a picture of himself in the book telling me about the dinosaurs he has learnt about and other good things. I raise that matter to thank Lucas for the letter and I will pass on my thanks to him.

More importantly, it is getting towards the end of the school year, so I thank the teachers, education assistants, bus drivers, gardeners and cleaners in our outstanding school system. I know that in my household, the end of the school year is always a very big time. I have a wife and a sister who are involved in the school system and they are exhausted at this time of the year, so they are looking forward very much to the end of the school year. On behalf of this house, I would like to thank them for the wonderful work they do to get young Lucas and others like him to the stage of their education that they do.

House adjourned at 6.28 pm