



Parliamentary Debates

(HANSARD)

FORTY-FIRST PARLIAMENT
FIRST SESSION
2022

LEGISLATIVE COUNCIL

Thursday, 27 October 2022

Legislative Council

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

EMERGENCY EVACUATION ALARM SYSTEM TESTING

Statement by President

THE PRESIDENT (Hon Alanna Clohesy) [10.02 am]: Members, today at approximately 2.00 pm an alarm familiarisation exercise will be broadcast over the public address system. Members will not be required to take any action, but they should listen carefully to the PA broadcast so that in the event of a real emergency they are aware of the appropriate response. The exercise will take approximately five minutes.

AMBULANCE SERVICES

Petition

HON MARTIN ALDRIDGE (Agricultural) [10.02 am]: I present an e-petition containing 1 021 signatures couched in the following terms.

To the President and Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled. We the undersigned ...

express deep concern in relation to the cost to users of the ambulance service in Western Australia, as well as the inadequate funding provided to ambulance sub-centres in regional Western Australia.

We therefore ask the Legislative Council to support measures which will:

1. Ensure ambulance services are made free at the point of use for all Western Australian residents; and
2. Guarantee regional ambulance sub-centres are appropriately funded and resourced to meet the needs of their communities.

And your petitioners as in duty bound, will ever pray.

[See paper 1777.]

PAPERS TABLED

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

NATURAL DISASTERS — PREPAREDNESS

Motion

HON MARTIN ALDRIDGE (Agricultural) [10.04 am] — without notice: I move —

That this house —

- (a) notes the outlook by the Bureau of Meteorology for an above-average number of tropical cyclones in the 2022–23 cyclone season, and forecasts for hot and dry conditions for the southern bush fire season; and
- (b) notes the failure of the Labor government to complete and release numerous after-action reviews into major natural disasters as we approach the high threat period; and
- (c) expresses concern in relation to our preparedness to combat new emergencies as well as to manage the continuing recovery from previous impacts in recent years.

I hope this motion will be given due consideration.

Hon Matthew Swinbourn: I just notice that the time that has been allocated to this motion is incorrect. It should be 80 minutes.

The PRESIDENT: Thank you, parliamentary secretary. That was picked up swiftly. We will just wait for the resetting of the clock.

Hon MARTIN ALDRIDGE: I know the government would not want to have one extra minute of scrutiny on this motion. It would not want one extra minute of scrutiny on this important motion. However, the impetus for this motion —

Several members interjected.

The PRESIDENT: Order! Settle, please.

Hon MARTIN ALDRIDGE: The impetus for this motion is very important. As the motion outlines, on all accounts, on all predictions, we are likely looking at having a very challenging season with not only cyclones and storms, but also fire and other natural disasters. A lot of this is being driven by warmer ocean temperatures and the negative Indian Ocean dipole and an active La Niña, which has been well reported on over the last few weeks since it was declared by the Bureau of Meteorology. We are likely to see an increase of heatwave events. Members will recall only too well how hot and dry last summer was and the significant number of heatwave events that we experienced, particularly in the south of the state, and the impact that that had on not just natural disasters and emergency management, but also other factors such as our electricity network. Of course, I do not have to tell members that this is off the back of two fairly wet winters in which we had a very significant, if not record, crops received or forecast, and so we have quite significant fuel loads in parts of Western Australia.

The Bureau of Meteorology and the Australasian Fire and Emergency Service Authorities Council will shortly provide a seasonal outlook on fire, and on 10 October, the tropical cyclone seasonal outlook for north west Australia was released by the bureau. A summary at the bottom of this statement has the forecast of an approximate 70 per cent chance of an above-average number of tropical cyclones in the north west region—the average is five—a likelihood of around two coastal impacts and significant risk of at least one severe tropical cyclone coastal impact during the season. That was the bureau's warning on 10 October, and certainly some of the reporting and the comments from meteorologists from the bureau following the 10 October statement have expressed caution about what is likely to be a more southern trajectory of cyclones this season given the climatic conditions that have been forecast.

The state is well served by more than 27 000 emergency service staff and volunteers, and I would like to acknowledge from the outset that they do an incredible job in almost always challenging circumstances. This motion is no criticism of them. It does, however, ask the question as to how well the government has performed and will perform in supporting not only these people, but also the communities that they serve that will be and have been impacted by natural disasters.

The annual report of the Department of Fire and Emergency Services has some interesting data on a number of events that it has responded to. For example, in the last financial year, it received 10 718 calls to 000 and responded to 8 319 fires, of which 4 411 were bushfires, and 2 570 natural hazard events amongst a range of other responses. On page 15 of the report there is a breakdown across the services associated with the Department of Fire and Emergency Services, where there are 27 221 staff and volunteers. It is interesting to compare that with the previous financial year, because there is a decline of 1 579 staff or volunteers from 2020–21 to 2021–22. We have actually gone backwards by almost 1 600 staff and volunteers in the emergency services space, which could warrant a motion and debate in its own right, perhaps on another day.

In 2011–12 and 2012–13, the Community Development and Justice Standing Committee produced two reports, the latter of which was titled, *Higher risk, better prepared? WA's preparedness for the 2012–13 bushfire season*. Ahead of the two fire seasons in those financial years, the committee conducted a very succinct inquiry that effectively looked at the questions of: How prepared are we? What is our capability? What are we likely to expect and experience in the high threat period ahead? I think the state government and the Parliament is well served by these kinds of inquiries and examinations, and the committee should be encouraged on future occasions to perhaps provide an annual report to the Parliament on this very question as we head into what will be, on all forecasts and projections, a difficult time.

The Community Development and Justice Standing Committee's twelfth report of November 2012 made a number of recommendations, and I am going to come back to them later. The report was authored by five members of the committee. Three were members of the Labor Party and two were members of the Liberal Party. Recommendation 1 states —

The Minister for Emergency Services must ensure that future post-incident analyses are completed and made public within eight weeks of a natural disaster.

The first recommendation of this report was with regard to a period of reflection and review. I have previously raised arguments along a similar vein in this place—that in effect, all emergencies should be subject to some sort of review. By their very nature, they are challenging; they challenge us, they challenge our communities and they challenge our capabilities. They are often unannounced, and sometimes they are unprecedented. Of course, reviews can come in different forms. We can have informal reviews and we can have more formal reviews.

At this point I might pause and reflect on the fact that even small responses could be subjected to formal review. There might be only a handful of people involved, but for a moment in time they could pause and reflect on what happened and how they might do things differently in future. That would be of enormous benefit to the people involved, be they staff, volunteers or community members. I will come to the important role of community in a moment.

One of the very few reviews we have seen since the election of the current Western Australian Labor government was the review into the Wooroloo bushfire. I remind members that the Wooroloo bushfire destroyed 86 homes and burnt more than 10 000 hectares of bushland on the fringes of Perth. It took some six months for the government

to announce a review into the Wooroloo bushfire, and that followed significant pressure from the community, the Parliament, volunteer associations and many others. This review was undertaken by AFAC. It was estimated that the cost of the review was going to be in the order of \$30 000 to \$35 000. It ended up costing \$47 000. The money is not in itself of primary concern, but that gives us an indication of the extent of review that we are going to get. It is also important to note about the two primary subject matter expert reviewers from AFAC that, at the time, we had a closed border. The government appointed two people who could not actually enter Western Australia to conduct the review. That to me is a bizarre decision—to effectively conduct a review of an event as significant as the Wooroloo bushfire via videoconference.

I contrast that with the three special inquiries, akin to royal commissions, that were established by the previous Liberal–National government. The Waroona bushfire special inquiry cost \$354 000; the Margaret River bushfire inquiry cost \$215 000; and the Perth hills bushfire inquiry cost \$363 000. Really, the Wooroloo bushfire inquiry was a very cheap and quick review by reviewers who, as I said, were not even able to enter Western Australia. There are going to be constraints on the quality of the review that is ultimately produced.

As I have said before, I would really like to normalise these types of reviews and inquiry processes so that we do not have to have a big debate about learnings from these types of natural disaster. Since Wooroloo, we have had some other significant events occur, not least of which was cyclone Seroja, which was referred to in the 2020–21 annual report of the Department of Fire and Emergency Services in a section titled, “It has been almost 50 years since we have seen anything like it.” That is how DFES describes cyclone Seroja in its 2020–21 annual report. There was also the Calgardup bushfire near Margaret River and the severe weather event of February 2022. Members might recall that we had four concurrent level 3 bushfires—which is the highest level of incident management under the Australian incident management system—on Sunday, 6 February 2022. There is a section in the current DFES annual report titled “DFES’ capabilities stretched by four concurrent bushfires”.

What has been commissioned in the wake of those two events: cyclone Seroja and the 6 February severe weather events? The government has commissioned what it calls an after-action review. From my point of view, that is nothing more than an internal review. I cannot see how the community and the public will engage with an after-action review. It is led by an internal officer. Generally, from what I have seen of previous after-action reviews, they are led by a superintendent of a particular region—a mid-level officer of the department. That begs the question: what sort of a frank and fearless review and recommendations are we going to get if a subordinate officer within the organisation reviews, reports and makes recommendations for change? If one were an officer who wanted to stay with the organisation for a long time and was put in the position of contemplating a frank and fearless report, outlining the deficiencies in the response to cyclone Seroja, for example, one would think that it would be a fairly career-limiting move.

Cyclone Seroja impacted on 16 local governments across 133 000 square kilometres of Western Australia’s midwest and Gascoyne regions. That event occurred 564 days ago. We are now heading into another cyclone season and the Bureau of Meteorology, the Department of Fire and Emergency Services, the minister and the government are all telling people to get ready, be prepared and do better. However, 564 days on from an event that DFES said we had not experienced for almost 50 years, we are still waiting for that after-action review to be finalised; that was revealed in a question asked last week on my behalf by my colleague Hon Colin de Grussa. The response provided by the Minister for Emergency Services on Wednesday 19 October was —

I am advised by the Department of Fire and Emergency Services that all four reports are currently going through the approval process and are anticipated to be completed by the end of 2022.

I will reflect momentarily on recommendation 1 of the majority Labor Community Development and Justice Standing Committee, which states —

The Minister for Emergency Services must ensure that future post-incident analyses are completed and made public within eight weeks of a natural disaster.

In my view, it is very difficult to take a one-size-fits-all approach to these types of reviews. I think there would be some significant shortcomings when providing a review within eight weeks of any type of event, particularly a major event. Certainly, that was the view of the committee in 2012. If we use that benchmark and apply it to the 564 days since cyclone Seroja, we are not doing very well.

Hon Alannah MacTiernan: You were talking about a 2012 report. What was the government of the day’s response to that report?

Hon MARTIN ALDRIDGE: I am not sure that I have the government’s response here, but I will look it up in a moment.

Hon Alannah MacTiernan: I seem to remember that you were possibly in government for about four or five years after that.

Hon MARTIN ALDRIDGE: Yes, and special inquiries were established. This was in relation to an event when a special inquiry was established and reported on. I am coming to that, minister.

We also had the severe weather event that I talked about earlier that resulted in four fires in Narrogin–Wickepin, the Shackleton complex, Denmark and Bridgetown, in which 60 000 hectares were burnt and 40 dwellings lost. It has been 263 days since that event. We are now heading into a high-threat period and the minister has told the house that we will not even know what the after-action review will be until the end of 2022. Notwithstanding the shortcomings associated with after-action reviews and my preference for much more independent and public inquiries for these types of major events, even this internal review will not be known until we are midway through and well into the high-threat period this year, even though the government and government agencies are telling us that we need to do more to prepare and that we need to be better.

I turn now to the last section of my motion, which effectively goes to the issue of our preparedness. Our emergency management sector is facing a number of challenges at the moment. This part of the motion talks about not only our preparedness to respond to new emergencies, but also our ability to continue to recover from previous emergencies. As I said, it has been 564 days since cyclone Seroja. I encourage the Labor government to take its next regional cabinet to Kalbarri and embed itself in that community for a few days to understand what the recovery looks like, or does not look like.

We received an answer in this house this week on the update of the \$45 million recovery and resilience funding that was activated for cyclone Seroja, of which only \$519 000 has been disbursed to date. More than 560 days on from the devastation caused by Seroja, the government has been able to get \$520 000 out the door from a \$45 million fund. I would describe that as a disaster. In estimates recently, the Minister for Emergency Services expressed his frustration at the lack of progress on the recovery from cyclone Seroja. If members spend some time in Kalbarri or other Seroja-impacted communities, they will see more than frustration; they will see hopelessness. After spending two winters, for many, with no roof on their house, members will see the despair and hopelessness of members in that community. I have personally experienced that.

We are well behind in replacing our emergency services fleet in order to combat new emergencies. An answer to a parliamentary question asked in this place shows that more than 230 emergency service vehicles are still in service in Western Australia beyond their design life. We have a significant backlog in replacing our emergency services fleet and keeping it modern. On top of that, we have a problem maintaining them. I pursued the government fairly persistently over the issue of fleet mechanics in the Department of Fire and Emergency Services. We are well short of filling the positions needed to maintain our fleet and keep those vehicles on the road. Hon Dr Brad Pettitt and other members raised in estimates the issue of the availability of urban pumps. It is not only about constructing vehicles, but also maintaining them. Yesterday, we learnt that we have spent more than \$500 000 flying mechanics in from Sydney to help maintain our fire trucks. This is ahead of a season when concern is being expressed by the bureau, the government and the department. They are saying that we need to do better and prepare.

I think we have reached the point at which the government needs to start to normalise the process of reviews following major natural disasters and also be more frank about our capability and our limitations. I think that is why it is well overdue that we start to see greater scrutiny by the Parliament of Western Australia, perhaps on an annual basis, to assess our ability to manage natural disasters now and into the future.

HON COLIN de GRUSSA (Agricultural — Deputy Leader of the Opposition) [10.25 am]: I rise to contribute to the excellent motion moved by Hon Martin Aldridge. I will focus my remarks around the first and third points of the motion in particular. I say at the outset that I acknowledge the hard work of our first responders in emergency situations for the work they do. Whether they be volunteers or paid professionals, we are very grateful for their work. In times of most need, of course, we have the opportunity to reflect on the work they do, and I acknowledge that work.

Hon Martin Aldridge spoke at quite some length about this season's forecasts for tropical cyclones, temperatures and fuel loads. Interestingly, a point that sometimes gets missed in the Bureau of Meteorology's forecasts for tropical cyclones is that although not all tropical lows will form into a cyclone, a tropical low can still bring very strong and damaging winds and cause severe rainfall and flooding. In fact, the number of tropical lows that are likely to form during these La Niña years is typically greater than it would otherwise be. The propensity for strong winds and flooding could also potentially present quite a problem. We are seeing on the east coast the devastating floods that severe weather has caused and continues to cause. We certainly need to be aware of that and be planning and preparing for it here. Given the changing climate, it is likely that we will see more events like that, and our preparedness to respond to those types of events needs to be at its best.

I turn to the forecast for the coming summer period. If we look at the maps on the Bureau of Meteorology's website, we see that they are colourful but that the colour is mostly on the western side of the map. The colour red indicates a significant chance of exceeding the median maximum temperatures, particularly over the December to February period when it looks like much of Western Australia will have a 65 per cent to 80 per cent chance of exceeding the median maximum temperature. The wheatbelt region in particular has had a very good grain season, which, in turn, increases the fuel load due to the big crops. In 2015, I saw the devastation firsthand in Esperance when huge fuel loads, fanned by high temperatures and wind, created an unstoppable firestorm. That is the risk we face and that is why these forecasts need to be heeded and our preparedness needs to be at its best.

I said at the outset that I wanted to focus on the first and third aspects of this motion. The third aspect expresses concern about our preparedness to combat new emergencies and also our ability to manage the continuing recovery from the impact of natural disasters in recent years. I want to focus in particular on an issue that has been continually raised with me by people who suffered through the Corrigin fires earlier in the year. That is around that most insidious substance, asbestos, and the devastating impacts that people were perhaps not prepared for or aware of to any great length before that fire had gone through. As we know, many farmhouses and structures in those communities are old and contain a lot of asbestos, perhaps more than some people had thought, and what some people had thought was fencing not containing asbestos turned out to contain it. There are a great number of fact sheets on asbestos related to bushfires. I want to talk about some of the interesting issues there. The Department of Mines, Industry Regulation and Safety website has a note on the frequently asked questions page about what happens when asbestos is damaged by fire. It can become quite friable—in other words, it can fall apart quite easily—but also under the right conditions it will explode, meaning asbestos is spread everywhere. That makes it extremely challenging for someone who is trying to recover things from their home, as it is recommended that people do not return to that site. That of course not only places additional stress and pressure on people recovering from fires that have torn through, but also means inevitably there is a very high cost associated with the clean-up of asbestos, something that people may not be aware of.

It has become evident that some people's property insurance packages are covered for the clean-up of asbestos, but not all policies have the same level of cover or even any cover for the clean-up of asbestos material after an event like a bushfire. That has left many people significantly out of pocket, in addition to the cost to rebuild and the loss of their homes and their livelihoods. To some extent, they have also been left in a situation in which they cannot enter the property because they cannot get a class A clean-up as people who can do that just do not exist or there are not enough of them to do the job. Also, the cost of paying for that clean-up is significant. There is a real missing link in providing that awareness to people that once a fire has gone through and asbestos is involved, people need to be vigilant when returning to their property. We also need to provide enough resources to assess and clean up those properties very quickly after a bushfire. It has become abundantly clear that there are just not enough resources or expertise in those regional areas. What can happen with asbestos when a fire goes through is an important issue that we need to look at when it comes to recovery; there is an awareness campaign opportunity. There are some great resources online. The Department of Mines, Industry Regulation and Safety website points to a number of resources from other states that provide that information. It would be very timely as part of a bushfire awareness campaign for people to be made aware of the risks asbestos poses in a bushfire and what people should do in order to prepare for it, also making sure that people are aware that when they take out insurance policies, they need to ask about coverage in that situation and whether they would be protected.

The other aspect of the recovery of course is the time it takes for the resources needed to reach that community. Hon Martin Aldridge talked about Kalbarri. I also visited Kalbarri recently and saw firsthand people living in houses with tarpaulins for roofs and all their belongings stuck out on the verandah because that was the only part of the house with a roof. People are still living with buckets everywhere to collect water. A significant period has lapsed since that event occurred. It is tragic to see that people are still living in that situation as though the cyclone happened the day before, because of not only the structural issues with roofs but also issues such as the reconnection of power. People we saw there had their power reconnected only in the last couple of months. It is extraordinary that that issue has gone on for so long and that people have been without the basics that our modern society considers necessary for living. The issue around recovery is an important one. This is an important motion and I commend Hon Martin Aldridge for bringing this motion forward for debate. I look forward to the contribution of other members. I know many are keen to speak on this.

HON ALANNAH MacTIERNAN (South West — Minister for Regional Development) [10.35 am]: I thank the member for bringing this motion forward. It is very, very important that we have enhanced climate awareness and that we understand the risks that we face. I am thankful that we now have a properly funded Bureau of Meteorology that is able to help us do this. No doubt, right across the world we are facing more challenges and we are very conscious that we constantly have to ramp up our investment in this state. I just have to say, without wanting to be controversial—as members know I loathe to be—there is a certain irony that this has been brought to us courtesy of our National Party friends, when we know that the anti-climate change foghorn was Barnaby Joyce. Barnaby Joyce used his numbers and the National Party's role in federal Parliament in that federal coalition to set us back a decade in dealing with climate change. One might even argue it was longer than that because of the various blocks that the National Party put on legislation during the Rudd government. It goes back possibly 15 years. I think there needs to be a bit of truth telling here in all of the party. But of course all members, and I hope all members of this Parliament, understand that these big systemic changes in our weather system are courtesy of climate change: La Niña, the Indian Ocean Dipole and the southern oscillation. This stuff is very much about the warming of the waters. Although some of this occurs as part of normal variation, it is now well accepted by the science, and hopefully by the National Party, that we have to deal with this fundamental cause. In the meantime, we have to mitigate and adapt.

A big cyclone season is coming up and Hon Martin Aldridge set out the increase of those incidents. Hon Colin de Grussa focused on the bushfire risks. A number of weeks ago the Minister for Emergency Services went out to talk about

this to ensure that there was enhanced awareness across communities likely to be affected by cyclone activity so that, as well as career emergency service personnel getting their act together, community members are prepared and have in place what they need to do on their properties and in their homes to maximise the control of the damage if these cyclones come forward. None of us is unaware of that. More resources are going into the Department of Fire and Emergency Services, and I will list some of those.

I was a bit intrigued, as I said, by the amount of emphasis that Hon Martin Aldridge placed on a committee report that said future post-incident analysis must be completed and made public within eight weeks. That report was done in 2012, under the previous government. As far as I can see, the previous government, the one with which the National Party was in coalition, although it did not disagree with the overall intent and direction of the report, a member actually said —

... I do not think this report has come up with anything particularly new or even constructive for the upcoming fire season which was not already well known to us ...

It is quite clear that that is not really a document, or a report, that would be central. There is an idea that these incident reports will be completed in eight weeks. If we look at the extreme weather event incident in February this year, there were very complex issues, and it would not have been feasible to release an incident report within eight weeks of the event. That is just nonsense. Often, the effort is very much focused on clearing and doing the recovery, and the analysis comes later.

The member has, as is his want, obsessed about the fact that these reports are not in a form that can be released to him. The important thing is that this work goes on, and it goes on in an iterative way. Those learnings that are coming out of that analysis are constantly being incorporated into the work of Fire and Emergency Services. Minister Stephen Dawson has referred to that culture of continuous improvement that is found in Fire and Emergency Services. It is not like we have a report on an incident and then we start making changes; these personnel are constantly learning.

I do not have any information on the issue of asbestos that Hon Colin de Grussa raised. I think that is an important issue. Again, it is important that we recognise that the whole experience of asbestos mining was a disaster. I certainly will refer that issue to the Minister for Emergency Services, but I am sure the department is onto it and, as the member has acknowledged, some very good Department of Mines, Industry Regulation and Safety material is available to help. Certainly, it is an issue worth having a look at.

I do not think members opposite can suggest that the government has not been actively investing in this space. For the first time, Western Australia will have its own state-funded large fire tanker permanently based here and available. That is a fantastic development. Of course, we anticipate, given what has been happening in the eastern states with flooding and water-logging issues, we will have access to the national large fire tanker, which we have accessed from time to time.

Hon Martin Aldridge talked about the equipment that is available. I understand from the member's Facebook post that he had a fire at his place in Bindoon. The member remarked on the response. I understand that 31 appliances were onsite to deal with that fire. Indeed, I believe that the incident was managed through our new station at Gingin, which I think the minister is about to formally announce. But an emergency came up beforehand, and it did not stop us from using that station. We have built new stations at Northampton, Gingin, Trayning, Tom Price, Albany, Julimar and Nungarin. That is very positive. We also have 42 new appliances that were delivered to career and volunteer stations across the state from January 2022—that is just this year. We have 14 light tankers, 15 broadacre tankers, seven general rescue vehicles, a flood boat, two marine rescue vehicles and a series of new urban pumpers type 2.

As members can see, there has been investment in resourcing. We have also been recruiting heavily. The member referred to the capacity to maintain that equipment. We are constantly recruiting. I think that all industries have a problem with recruiting because of the level of mining activity and the tendency for the industry to poach workers, but we are always actively recruiting and there is no lack of preparedness to engage people. In 2022, we recruited and trained 60 new career firefighters; 30 graduated in July and another 30 are due to graduate in December. There is a very high proportion of female firefighters.

The government also made a commitment in the last budget to strengthen the state's defence against natural disasters, and an additional \$17.8 million was allocated for the placement of 36 additional career firefighters in Geraldton, Albany and Kalgoorlie–Boulder. That will increase the number of career personnel on shift, giving more intense support to volunteer brigades. It will bolster staffing ratios from one station officer and three firefighters to one station officer and five firefighters. We are also putting in an extra \$1.2 million to expand the facility at Kalgoorlie. We have seen 12 new firefighters already deployed to Albany, Geraldton and Kalgoorlie, and this will continue as the new recruits come through.

Interestingly, the government has been doing work on WaterSmart Farms to encourage greater reliance on on-farm desalination. We are developing trial sites in Katanning, Dumbleyung, Merredin and Wongutha Christian Aboriginal Parent-Directed School in Esperance. On-farm desalination will reduce reliance on carted water. The initiative is part of a bigger response to ensure that we are modernising dams and have on-farm desalination so that we have a strong response and capability as the south west land division becomes hotter and drier, and that work continues.

These are important issues, and it is important that we understand that there is a culture of continuously learning from every incident. I assure members that that is happening on an iterative basis. The state bushfire exercises are underway and they ensure a multi-agency response to statewide bushfire incidents in accordance with the plans. I believe even Hon Stephen Dawson was involved in that training. We are constantly learning from every incident and improving our response.

HON NEIL THOMSON (Mining and Pastoral) [10.50 am]: I am not filled with a lot of confidence after that contribution by the Minister for Regional Development. I hope that the government will take a bit of feedback from my presentation. It is a great time to be having this discussion about the preparedness to combat major natural disasters, because in my hometown it is the season in which we hear the reassuring hum of chainsaws and see people clearing their yards. People across the north west and down the west coast are very resilient. During this time, they take action and prepare for the cyclone season by stocking up their cupboards. There have been times when shops in towns like Broome had no supplies for several weeks. After tropical cyclone Kelvin in 2017–18, small vehicles could not drive into Broome for six weeks and there was talk about barging food into the area. People in the north are familiar with tropical cyclones and the challenges that they pose, and they have a level of awareness and resilience.

There is a lot that we can say in this space. The government does a good job on a range of fronts, but we need to look at what areas can be improved upon. A fairly informative report was put out by the State Emergency Management Committee, chaired by Dr Ron Edwards, who is, I believe, a very capable person and someone in whom I have confidence. It is worth taking note of some of the findings of that report. Agencies involved in the delivery of emergency responses do a self-assessment and the government should look at that. I would like to hear more from the Minister for Emergency Services on what the government is doing in those areas we are not doing well in.

The *Emergency preparedness report 2021*, released in August 2021, includes a foreword by Dr Ron Edwards and also contains the annual capability survey of agencies involved in the delivery of emergency responses. I think everyone would agree with some of the positive areas in the report where we do well, including “Alerts and Warnings Quality”. The Bureau of Meteorology, Department of Fire and Emergency Services and Western Australia Police Force always perform and present information well. I assure members that people in the north use a lot of sources of information. There is always competition among people to see how many weather apps they can have on their phones and there is, of course, always a lot of pinging on their phones from alerts and warnings. I encourage people to be connected in that way because we do that well.

I think that we also do well in the area of “Situational Assessment” and I agree with the self-assessment in the report. Another area in which organisations do well is “Public Information Quality”. But there are some areas that agencies assess themselves as not doing so well in, and this is a challenge. I would have liked the Minister for Regional Development to have presented something on this front and to have examined what could be done better.

An area in which we are not doing so well is emergency management personnel. One challenge facing the regions is in retaining staff. My colleague Hon Peter Collier has interrogated the government about the reduction in the number of police across the state. The number of resignations on a monthly basis—I am sure my colleague will present more on this in a moment—is staggering. This is a worry because police officers play a critical role during emergencies. When I was executive director of the Aboriginal Lands Trust, we would watch the weather map with concern during cyclone seasons. I would not sleep well because I would be worried about something hitting Kalumburu. We knew about the potential problems and challenges that that would pose. But I always knew the local police sergeant based in our town would be out doing his work, making sure that the town was clear and multitasking across the community to make sure that things were picked up and loose items were put away. Their phone calls were reassuring to some extent. I know that police officers do more than policing work and they play a critical role in those communities. If we cannot maintain police personnel in those towns, that poses a risk for people across all the community.

Another area that we are not doing well in is “Sector Information Sharing”. There are challenges in sharing information across the sector. We have seen those problems. I go on in this place about the failure of machinery-of-government reforms. They have not worked. There is no level of coordination across agencies. I know that senior officer groups that play a critical role in coordinating responses do not operate across the agencies in our community as well as they used to.

The last self-assessment, at the bottom of the page 16 of the report, is “Public Information Tools”. We are not doing well in that area at all. Fortunately, there are third party tools, such as weather apps and so forth, that can be used. There is a lot of chatter on great Facebook groups such as “Broome Weather Group” and other weather groups around the state that keep people advised. But I must say we are falling behind in the area of public information. I can give an example of this. The Department of Commerce’s webpage advises —

In accordance with Regulation 3.10 of the Occupational Safety and Health Regulations 1996, every employer must develop emergency procedures and plans in conjunction with advice from DFES and other regional emergency planning groups where their sites are located.

That is what the website says, but then when we click on the link, it does not work. I will give the government a bit of gratuitous advice: look at that.

Hon Martin Aldridge: Is this the WA government?

Hon NEIL THOMSON: Yes, the WA government. The link to the Department of Fire and Emergency Services on that page does not work. If Dr Ron Edwards is listening —

Several members interjected.

The PRESIDENT: Order!

Hon NEIL THOMSON: They trust their IT capabilities.

Hon Kyle McGinn: Do you know where the on button is?

Hon NEIL THOMSON: I just gave an example of how completely broken the IT capability of this government is. It just cannot keep it going.

I thank Dr Ron Edwards for his report. I think that the State Emergency Management Committee is great. There is a great level of transparency through this process and it provides informed advice. It is vital that we get this right because people's lives can be at risk during emergencies. I speak to the wider community: take note. Parliament is talking about this issue. I hope the media picks up on this debate because it is always good to raise awareness out there. Do not be complacent.

My last comment will be about the poor people of Kalbarri. Seriously, talk about dragging the chain in terms of getting a response and the rebuild going on there! I thank my colleague Hon Martin Aldridge for raising that issue. How slow can one be to get the project dealt with? I do not know what the cause of that is. Obviously some bureaucratic inertia is involved, but the minister needs to get in there and make sure that some of these things are actually delivered. We have seen the media on issues around evacuation centres and so forth. These are basic things that need to be dealt with. The minister opposite has talked about climate change and so forth. It is real and these issues are being faced by those southern towns that are maybe not so used to the tropical cyclones of the north.

HON STEVE MARTIN (Agricultural) [11.00 am]: I rise to make a contribution to this very fine motion moved by my colleague Hon Martin Aldridge. I will confine my remarks to parts (b) and (c) of the motion. I was interested in the work of Hon Martin Aldridge around the after-action reviews and the slowness of the government's response on that issue. The minister responded by suggesting that it was a nonsense to expect a public response in eight weeks and that work might be going on behind the scenes. News of that work is not reaching the ground. I will give members an example —

Hon Alannah MacTiernan interjected.

Hon STEVE MARTIN: If eight weeks is a nonsense, how about nine months? On 6 February we had the Wickepin–Corrigin–Denmark–Bridgetown bushfire. Nearly nine months later, the energy regulator ran an investigation into that fire. It is now nine months later. This morning I spoke to a person whose farm was burnt to the ground. He lost 600 sheep. His life and those of his family were threatened, and nine months later he has not heard a word on the cause of that fire according to the energy regulator—nine months! One of my roles in this place is to ask questions about that. We asked questions almost immediately on 15 February. I did not expect a response, clearly, but I wanted to know what was happening. On 15 February we asked what was happening and the answer provided on behalf of the Minister for Energy states —

In accordance with regulation 23 of the Electricity (Network Safety) Regulations 2015, the Electricity Networks Corporation—Western Power—has provided notification to the Director of Energy Safety.

The answer further states —

Evidence has been retained in accordance with the usual practices of the Electricity Networks Corporation.

Within a week, evidence had been retained, action was taking place and an investigation was launched. After several months I thought I had better check in on behalf of those people who nearly lost their lives, their income and everything else in that fire. On 31 August we asked another question in this place about the status of the investigation. The answer provided on behalf of the Minister for Commerce was —

No. The investigation is complex; however, I am advised it is well progressed.

It is nearly the end of October now. Yesterday I asked the question again and it appears to have become harder to provide an answer. I received a one-word answer yesterday: “No”. The investigation has not been completed; nothing has been done. That is no comfort to the people waiting for the outcome. At the end of August, it was nearly done, apparently. It is a couple of months later and we got just a blank no.

When I had the conversation this morning with a family from west of Wickepin, I just double-checked things because perhaps they had been contacted by the government, the department or other people about the cause of

that fire. No, they had not. They had not heard a word from those people. The next fire season is looming. Those people are still recovering from the first fire on 6 February and another fire season is looming. I thank the minister for reminding us that extra money had been tipped into the Bureau of Meteorology or BOM—as I will continue to refer to it despite its extraordinary effort to change its branding. It has come up with the prediction—fair enough—about the above-average number of cyclones; that is good to know. But the forecast is that it will be hot and dry during the southern bushfire season. That is a surprise! It would be more of a surprise if it were to be cold and wet. It is going to be hot and dry in the wheatbelt in summer. That will not be a great shock to the people who live there who will be preparing for the coming fire season. The people who had properties that were burnt to the ground in that Wickepin–Narrogin fire do not know what caused it as far as the government is concerned. They do not know what has been put in place to prevent it from happening again. They are completely unaware if any measures have been taken at all to prevent a repetition of that fire.

In the time that I have left, I will move on to discuss an issue raised by Hon Colin de Grussa about asbestos. Minister, I have spoken to the Minister for Emergency Services about this so he is aware of it. It is a significant issue that has fallen back on local governments and landholders. I will refer to some notes I have written. The CEO of the Shire of Corrigin, Natalie Manton, has worked tirelessly with her crew since early February to help the recovery in that town and that community. Asbestos has been their single biggest problematic issue for which no easy solution has been available. This is something that we can do better. The minister has acknowledged this with me in private conversations. How we deal with those largely abandoned farmhouses built out of asbestos in the 1940s, 1950s and 1960s is a thorny issue. They are not lived in and they are almost uninsurable. The cost to clean them up is not much when they are not damaged, but if they are damaged by a fire, the cost immediately blows out to hundreds of thousands of dollars, if anyone can be brought in to do the work. In the aftermath of the fire, some specialist licensed contractors were available. But time has moved on and those contractors have become unavailable or left town and moved back to the metropolitan area, and the clean-up tasks remain. Obviously, there is a cost to get those contractors back again that results in a significant cost to local communities. According to the conversations between Department of Fire and Emergency Services and the Shire of Corrigin, it is difficult to fund the clean-up of those asbestos-damaged houses unless it leaves someone homeless. If the clean-up involves an abandoned house on a farming property—they are almost all houses; sheds are not made out of asbestos—it is very difficult to access funds for those clean-ups, the responsibility for which has fallen back to the locals. The Shire of Corrigin and others have offered the uninsured or under-insured property owners discounted fees for access to its waste disposal facility, but it is still a significant cost. The other point about the Corrigin response to the fire is that the state government did respond. I was on the phone to Hon Darren West and the minister in the days after the fire and there was a state government response that was much appreciated. But the vast bulk of the workload for the long recovery, which is ongoing, has fallen back on those local communities and local authorities that are very small in terms of staff and resources. In future emergency situations, we need to do a better job of coordinating that response between the state government and those local authorities and local communities.

I will end on a positive note. The state government and our communities do a wonderful job in responding to these emergencies. We know that there will be more of them. One organisation that I would like to pay tribute to is BlazeAid. I am sure that all members have heard of BlazeAid. It was formed in 2009 in response to a fire over east I believe. It is now all over Australia and the second there is an emergency—like the Corrigin fire, the Denmark fire, the fire in Bridgetown or cyclone Seroja—BlazeAid is on the phone. Its people turn up out of nowhere in these communities in enormous numbers. They park in town and they fix and repair fences and, basically, communities. I will quote from someone who was affected by an emergency, and this was their response to BlazeAid. They said —

“We asked you to come help us rebuild our fences but you guys have done way more than that, you have helped us rebuild our broken community.

That is the great work that the BlazeAid workers do. They turned up in my hometown of Wickepin. They were expected to stay for six weeks; they stayed for months. They went away during seeding when the farmers were busy. I just spoke to them this morning and they expect to be back in the heat of summer to finish the task. They do a wonderful job for our small communities. Well done, BlazeAid people. I hope they keep up their work. I hope they are not called on this summer, but I am almost certain that they will be.

HON WILSON TUCKER (Mining and Pastoral) [11.10 am]: I thank Hon Martin Aldridge for raising this motion. Emergency event preparation is an important topic; certainly, that is very true for regional WA. I am glad to see that the honourable member is sparking a debate on the issue, leading into what is expected to be a particularly bad fire season here in WA.

Before I begin my comments in earnest, I would like to acknowledge BOM, which is on the notice paper, and its recent attempt to rename itself from BOM to the Bureau of Meteorology or the Bureau. I think that it is a very ambitious move to try to stop Australians from taking things too seriously or truncating the name of something, so I wish BOM well in its attempt to stop the public from calling it BOM!

This motion mentions an above-average number of tropical cyclones that could hit the coast. If we talk about anything above average or extraordinary in regard to weather events, we need to acknowledge that the largest contributor

to extraordinary weather events is climate change. With respect to climate change, I was glad to see the introduction of climate measurement targets in the federal budget, which was recently announced by the Treasurer. I think that is a good move. Those climate targets and the measurement of climate-associated events were scrapped from the federal budget under the Abbott government, but now that they have been reintroduced. I think that is a good move. Likewise, I believe there was an announcement that the federal government will look at including wellness metrics in future budgets, which I think is also a good move.

There was another recent announcement by federal Treasurer Jim Chalmers about the flooding events, over in the east coast, in Tasmania, New South Wales and Victoria. Those events are expected to have wiped off 0.25 per cent of Australia's GDP, which is obviously a significant amount. When we see those flooding events, the questions that are typically raised are: Can these events be associated with climate change? Are these events naturally occurring? Are the effects of climate change attributable to those events? A new body of science has emerged, quite recently, called extreme events attribution also known as attribution science. It is a study in meteorology and climate science, and it tries to measure how ongoing climate change directly affects extreme weather events. In respect of the floods that we saw in February on the east coast and the floods that we are seeing right now, commentary from climate scientists and the Intergovernmental Panel on Climate Change in its sixth assessment report, *Climate change 2022: Impacts, adaptation and vulnerability*, indicates that climate change was not directly attributed to those floods, but that a number of factors caused the floods, and, certainly, the impacts of climate change have made the floods more likely to occur. In regard to flooding events in Australia, the IPCC, in its latest report, mentions —

... we may see small increases in the number of extreme one-day rainfall events, which typically lead to flash flooding, in eastern Australia.

It continues —

... global warming of 2°C this century will bring twice as much flood damage compared to 1.5°C warming. This jumps to 3.9 times more flood damage at 3°C warming.

We know that we are experiencing flood events over on the east coast. We know that WA is not immune from flooding, and we experience extreme flooding events and certainly bushfires as well. We experience large bushfires across the state, and this summer is looking to be a particularly bad one.

As we continue along this path, and as the planet continues to warm up, the expectation is the climate-change-impacts value that is now being measured federally is likely to increase; likewise, the need for emergency preparation at the state level is becoming more important. Therefore, I thank the honourable member for raising this motion today. One suggestion that I will throw out there is that the state government look at measuring climate change-attributed events at the state level. I think that it would be good to give the public some visibility and create some awareness, and allocate some of those funds to the emergency preparation and response to these events, seeing as the likelihood of these events occurring will continue into the future.

HON SANDRA CARR (Agricultural) [11.15 am]: I am quite pleased to stand to speak on this motion today. If I were still teaching, what I might use to demonstrate my thoughts would be either irony or an own goal. As the minister pointed out, I find it immensely ironic that a Nationals WA member would talk about extreme weather events and tiptoe around the subject of climate change. I have not heard a single person across the floor refer to climate change, and I find it particularly ironic that they talk about preparedness for these extreme weather events yet do not have the capacity to acknowledge the cause of those extreme weather events.

I would also like to discuss one of the more recent extreme weather events that occurred in my area—that is, cyclone Seroja, which is another circumstance that the members across the floor missed. They are all gripe and no on-the-ground action, and that is not from me; that came from the people of that community who constantly said to me, as I turned up, “Thank you for showing up.”

A member interjected.

Hon SANDRA CARR: Thank you, honourable member. I will not be taking any interjections. There is no time for that nonsense. Some of us just like to get work done. Members opposite are all gripe and no on-the-ground action. God forbid should we get our boots dirty and do some work!

When I speak to the people in the Shire of Northampton, which is the shire responsible for Kalbarri, they tell me that they are profoundly disappointed at the lack of show from members across the floor. That is not coming from me; that is coming from the community. Go and ask them!

Will the members opposite please tell me what they did do following cyclone Seroja, because I can tell them what I did. I did pop-up offices in the community on a number of occasions. I dealt with people one-on-one to support them with their insurance claims. I dealt directly with the Australian Financial Complaints Authority. I also helped people individually. We ran an online forum where people could call in and learn to address some of the problems that they were having with insurance companies. Some of those people asked us to act on their behalf in dealing with insurance companies and the insurance complaints authority. We were directly helping people on the ground, and the comment that we got over and again was that members opposite were not there.

The whole community joined in addressing and supporting each other following the cyclone, and I feel that the motion is particularly insulting to all those people who were on the ground helping, such as the Department of Communities, the Department of Fire and Emergency Services and the State Emergency Service, which I feel was given a bit of a backhander when the member talked about the slowness of the clean-up following the cyclone. However, the State Emergency Service worked tirelessly. I met with some of those people at the control centre in Geraldton near the airport. They were working hard, they were tired, but they were there giving up their time for the community. I did not hear the member even once mention those people. The member did not mention the \$25 million or more in relief funding that had already been given out to communities. Members opposite did not mention the fact that DFES is still in the community today and has provided on-the-ground community recovery officers who are servicing Northampton, Chapman Valley, Mullewa, Geraldton, Mingenew, Perenjori, Morawa and Kalbarri. It would be remiss of me not to mention the names of the people who have done that amazing work: Samantha Edwards, working in Northampton and Chapman Valley; Anita Kirkbright, working in Geraldton and Mullewa; Deborah Maley, working in Mingenew, Pingelly and Morawa; and Andrea Teakle, working in Kalbarri. These people have done some amazing work, all overseen by the amazing efforts of the DFES's state recovery controller, Mel Pexton. This is all work being done by the government and it is an ongoing effort that has not stopped.

Hon Martin Aldridge interjected.

The ACTING PRESIDENT: Members, I note that the member said she would not be taking interjections.

Hon SANDRA CARR: Another person worthy of thanking, and with whom I have worked quite closely at the Shire of Northampton, is shire CEO at the time, Gary Keefe. Gary remains the CEO, but it is important to note that he is unwell at the moment, so I would like to take this opportunity to wish him well and all the best, and hope that he recovers well, and to acknowledge his incredible work and the selfless way in which he has supported his community. That has sometimes pushed us to work a bit harder as well, and I thank him for that. I think we all need to be pushed and encouraged to work harder to deliver for people in situations of natural disaster.

Again, I remind members that natural disasters are going to increase as a direct outcome of climate change. It would be really nice if members on the other side recognised that. I find it profoundly ironic that members opposite did not even address the impacts of climate change on agriculture, and all the work that the minister has done to address aspects of climate change, including work on carbon sequestration and efforts to improve agricultural practices and to encourage farmers to be prepared and resilient as we face a changing climate. The impacts of climate change that members opposite are talking about all affect areas that they are supposed to represent, yet they cannot even mention it.

Several members interjected.

The ACTING PRESIDENT: Members! Hon Sandra Carr has the call.

Hon SANDRA CARR: As the minister mentioned earlier, there has been a lot of delivery of ongoing reviews and improvements throughout the Department of Fire and Emergency Services. One example is the changing, nationally consistent bushfire alert system. I note that one of the honourable members opposite talked about protecting the bushfire plan app or online service. For members like you, Sir, there are also hard copies if you are struggling a little with the technology. You can fill them out with a pen and can even use an old feathered quill, if you like!

There has also been a multimillion-dollar investment into Northampton's emergency services: \$3.9 million for a new station in Northampton. I can tell members that the community of Northampton is very happy with that, as well. I spoke to them and looked at the building. We also used local builders to put it all together. It has a roof on it, member! We have also delivered for Northampton a new light tanker, which has improved technology to keep our firefighters safe. There are some big investments there. They are being delivered across the state also. The review of the process is ongoing and the work is being done on the ground. The boots are getting dirty. Members opposite should try it; they might like it!

HON SHELLEY PAYNE (Agricultural) [11.23 am]: In the couple of minutes left I will follow on from some of Hon Sandra Carr's words and talk about some of the great initiatives the government is undertaking. The third part of the motion refers to strategies and initiatives to support the state's resilience. We have not really talked a lot about that, apart from Hon Sandra Carr mentioning the app that is in place, which has been really great for engaging with all Western Australians to help them prepare their properties and houses for bushfires.

I want to briefly mention the emergency services levy, which was put in place by the Gallop government. That has been fantastic. I have seen so many improvements on the ground in our bushfire facilities in the regions, which makes things really great for our volunteers. DFES has put a lot of work into fire response vehicles; Hon Sandra Carr mentioned the delivery of the trucks. We have also delivered seven trucks to Esperance. I will be going there on Monday to deliver another truck. It has been fantastic to have those tailored vehicles as well.

We mentioned the My Bushfire Plan app as well as the Emergency WA website, which is fantastic for informing everyone and keeping them up to date with what is happening. There was funding in the recent budget for PPE, which has been great for all the volunteer firefighters, making sure that they are all equipped and ready to act when necessary. Hon Steve Martin mentioned BlazeAid, and I also would like to acknowledge it and the work it did

around the Narrogin fires. I would like to acknowledge Facey Group, which the government helped fund to help with fire recovery. I would also like to mention the bushfire mitigation officers on the ground, particularly the ones at Ravensthorpe, and the work that they are doing. They are getting information out on Facebook from the Shire of Ravensthorpe, showing all the prescribed burns that are upcoming or completed, which is fantastic. Bushfire mitigation officers are really helping communities to prepare their town sites for the bushfire season.

Motion lapsed, pursuant to standing orders.

The ACTING PRESIDENT (Hon Jackie Jarvis): Before we move on to the next item, I remind members—and it is disappointing to have to remind longstanding members—that when the President or, indeed, the Acting President is speaking, all other members should cease speaking.

ECONOMIC AND FINANCIAL MANAGEMENT

Motion

HON PIERRE YANG (North Metropolitan) [11.25 am] — without notice: I move —

That the Legislative Council notes —

- (a) the McGowan Labor government’s prudent and excellent economic and financial management, which is vastly different from the reckless and disastrous management of the previous Liberal–National state government; and
- (b) strongly encourages the McGowan Labor government to continue its assiduous and meticulous management of Western Australia’s economy and state finances.

I move this motion with pride in the fact that the Western Australian economy is the best in the nation. Unlike the opposition, which constantly talks Western Australia down, we on this side support Western Australia and Western Australians, and we do not talk Western Australia down. Any debate on the budget or the state finances is a serious debate. I want to make a departure from the normal Thursday morning hoo-ha and treat this debate very, very seriously. It is a very serious debate, so unfortunately for opposition members, I will not be taking any unruly interjections. The only interjections I will take are the “ruly” ones!

I want to outline what I am going to talk about. There are two limbs to my debate. The first is to look at the state of the state’s economy and the second is to look at the economic record of the former Liberal–National government in Western Australia. I will conclude by showing how the porky pies that the former Liberal–National government and members of the Liberal and National Parties told or have been trying to tell Western Australians have been fairly and squarely disproven. WA Labor is the undisputed and indisputable superior economic manager in this state.

Let us look at the facts; I have so much material, I do not know where to start! I may have to seek an extension. I turn to CommSec’s “State of the States: State and Territory Economic Performance Report” of July 2022. It states, on page 4 —

Western Australia continues to lead on relative economic growth. Economic activity in Western Australia in the year to March 2022 was 35.6 per cent above its ‘normal’ or decade-average level of output.

When it comes to employment, the same report notes —

Western Australia still in second spot

...

3.4 per cent jobless rate is 37.8 per cent below the decade average.

It is just under Queensland’s figures.

Let us look at what the Department of Treasury put up in *Highlights of WA economy as at 20 October 2022*. WA’s gross state product in the year 2020–21 was \$320.7 billion. That was a 2.6 per cent increase and we now represent 16 per cent of the national economy. When we took office, it was just around 15 per cent; we have actually increased that. When it comes to export, we exported \$241.3 billion of goods for the same period. That is 45.2 per cent of the national export. Let us talk about mining. We are the world’s largest producer of iron ore and have produced 844.4 million tonnes. We also produced 46 million tonnes of LNG, \$17.4 billion worth of gold and \$6.8 billion worth of lithium for the same period of time.

On 28 September, the government had the pleasure of announcing a new revised \$6 billion budget surplus, which was \$344 million more than expected at budget. What is more important is that the public sector debt was reduced by \$4.3 billion to \$29.2 billion. If the debt projection continued from the time we took office, it would have been \$43.7 billion but the state debt is now one-third of that projected number because of this government.

Standard and Poor’s Global rating agency upgraded WA’s economy to AAA; “outlook stable” in June 2022. In fact, the Western Australian economy is the envy of the world. It was announced by S&P back in March 2021 that the WA economy was the best performing economy in the world for the 12 months before that. I do not think anything will make the opposition happy; nothing will satisfy them!

On 12 May this year, Hon Dr Steve Thomas moved a motion on the budget day that contained the following line —
... the current massive revenues coming into the state’s coffers are due to high iron ore revenues ...

Hon Dr Steve Thomas interjected.

Hon PIERRE YANG: He even repeated that line yesterday.

Several members interjected.

Hon PIERRE YANG: The opposition thinks all this government’s economic achievements are fortuitous and everything is just rolling in.

Hon Dr Steve Thomas: What about the GST piece?

Hon PIERRE YANG: Let us not forget that the former Liberal government wasted a mining boom. Hon Dr Steve Thomas’s argument conveniently ignores the fact that this government had to make so many hard decisions when it came to power because that mob wrecked the economy! Just this year the opposition has moved a number of motions attacking my dear friend Hon Alannah MacTiernan, whose achievements in public service are something of which the opposite side could only dream. We are proud of our ministers and we are proud of our ministers’ achievements. The opposition’s motions are just a fastidious attempt to cover up its inability to come up with any policy that is relevant or that matters to the people or the state of Western Australia. Its constant nagging makes the Liberal Party partisan to the point of caricature.

I am of the view that the Liberal Party has been telling porky pies for so long that it has bought into them. It thinks it is the better one but the hard truth is that this government is the superior economic manager in Western Australia. This must be deeply neurologic for the Liberal Party. The constant and umpteen positive economic news coming out must be a source of throbbing pain for members of the opposition because, in their little minds, they think they are the better ones but they are not. I am sorry to break the bad news to those guys, but they are not. Who could forget what the Liberal Party did during its eight years in power? It wasted a mining boom; it lost WA’s AAA rating. It turned a good set of cards that it received back in 2008 and lost the game. It is egregious that it could do all those things. How incompetent must it be to have been in that situation?

Hon Tjorn Sibma: Unreliable historian!

Hon PIERRE YANG: This is something very reliable. When we lost office in 2008, the state debt was \$3.6 billion. What did the former government have? What did we have when we took over and when the former government lost? It was more than \$31 billion.

Hon Dr Steve Thomas: It was \$32 billion.

Hon PIERRE YANG: Yes, \$32 billion. It was projected to grow to \$43 billion!

Several members interjected.

Hon PIERRE YANG: Surely, because of this, the Liberal Party’s economic credentials are dead, buried and were cremated by the Liberal Party themselves. Surely, that has happened. That mob just cannot manage the economy; they just cannot do that. I urge members opposite to stop their quixotic crusade against this government on economic grounds because they do not stand a chance.

We have heard the reference to Scrooge McDuck time and again. I appreciate Hon Lorna Harper for giving us the background about how Scrooge McDuck became who he was. It was because of his hard work and entrepreneurial skills that he became wealthy. Good on him! The Labor Party believes in individual effort.

Hon Tjorn Sibma interjected.

The ACTING PRESIDENT (Hon Jackie Jarvis): Member, I note that we have not only interjections but also a number of side conversations. I also note that our Hansard reporter is having difficulty hearing. Perhaps we can allow Hon Pierre Yang to continue and be mindful that Hansard are trying to record this. Thank you.

Hon PIERRE YANG: Thank you, Acting President. It seems that the Liberal Party has some problems with hard work and achieving great results. I think they rather jealously and wistfully use the reference that somehow a state that has worked so hard to correct the wrongs of the previous government is up for ridicule. I just cannot understand it. I do not understand why the modern Liberal Party is in a state like this. I do not know whether “The Clan” had anything to do with it, but it is up to the public to debate that.

I would like to reciprocate the Liberal Party’s gesture and the reference. I was thinking about which cartoon character best explains and represents the modern Liberal Party. I did not have to think hard and I did not have to think long. I think it is Jerry Smith from *Rick and Morty*. For those who have not watched *Rick and Morty*, it is an animated TV series. These are not my words. According to Wikipedia —

Jerry is portrayed as a mediocre, jobless loser who finds content in his simple life. He uses pity as his “signature move”, which leads to people hiring him or giving him any sort of consolation.

I think it is rather fitting for the modern Liberal Party.

Hon Darren West: Is that the Liberals or the Nationals?

Hon PIERRE YANG: The jury is out! Think about this. Think about the Liberal Party's pathetic track record for managing the economy between 2008 and 2017 and its concession of defeat just before the last election. It is Jerry's signature move to use pity to beg for people's support and sympathy.

Hon Alannah MacTiernan: It does not seem to be working for David Honey, though, does it? At least not with 91 per cent of the population!

Hon PIERRE YANG: How did that go for them?

When one knows what one does not know, one has a chance to learn and improve. The problem with the Liberal Party is that it does not know what it does not know. It thought it was better, but it is not. If the Liberal Party continues down this track, I am sorry to inform it that it will become the slapstick of Western Australian politics.

Hon Alannah MacTiernan: They already are!

Hon PIERRE YANG: They already are! Eventually, as has been shown in the lower house, that mob will become the junior partner and the National Party will overtake the Liberal Party to be the senior partner in their marriage of convenience.

I make a lot of references to Standard and Poor's because I think it is a credible agency on economic assessments. On 30 October 2020, Standard and Poor's said —

... 'we believe Western Australia's financial management has improved in recent years. The current government has displayed a track record of robust cost control since its election. We expect this discipline to continue in the lead-up to, and beyond, the next election'.

It is widely predicted that the economic outlook for the world is rather bleak, but do not worry, because Western Australia and Western Australians can trust the McGowan Labor government to keep them safe and strong.

HON DR STEVE THOMAS (South West — Leader of the Opposition) [11.41 am]: It was lucky that an opposition member jumped up, otherwise another Labor Party motion would have fallen over. I will make a bit of a contribution.

Several members interjected.

Hon Dr STEVE THOMAS: There we go. It did not take long, Acting President (Hon Jackie Jarvis). It is not enough that the Premier acts like Scrooge McDuck; we have members over there behaving like Donald Duck with the old temper tantrum going on. Let us try to raise the standard. Let us not hear from Huey, Dewey and Louie in the corner. There are enough ducks in the room already. They do not need to add to them.

What an interesting contribution from Hon Pierre Yang, who, in his initial stages, obviously got confused between the state economy and the fiscal economy. For the education of the member, the state economy is all those things that occur in the state, and the fiscal economy is the economy that the government has control of. The state economy has done very well, and we have always said that it has done very well. The question is why it has done very well, and the answer is that it is very much based on the mining boom and the mining economy. As a result, not much of which is the responsibility of the state government, I might add, the mining boom has also resulted in a massive revenue boost to the state government, which is the fiscal economy. What has happened? Royalties have gone up. How much have they gone up, honourable members?

Several members interjected.

Hon Dr STEVE THOMAS: Here we go. Let us get the Donald Duck impersonations out there quickly. Come on. Let's go.

The general economy stimulated the fiscal economy and the royalties have doubled. They went from \$6 billion to \$12 billion in the financial year before last, and it was about \$11 billion and a bit in the last financial year. What were the surpluses —

Hon Alannah MacTiernan: You had the same circumstances.

Hon Dr STEVE THOMAS: They were never \$6 billion surpluses, minister. There was never \$12 billion worth of royalties coming in. There was never anything like that. The royalties did not double when the Labor government came to power in 2017. This is where Hon Pierre Yang frequently gets the message wrong. He says that the economy is doing really well as a result of the McGowan government. The McGowan government is very good at taking credit for all the things that happen in the economy and for which it did almost nothing. When did the price of iron ore explode? I might have to remind members of a question I asked in Parliament in February 2019 about the price of iron ore reaching \$US90 a tonne. That was nearly two full years after the McGowan government came to power. What happened in those early years? Yes, we left \$32 billion worth of debt. We accept that, but what happened to government debt in the first two years of the McGowan government? It rose. It went up, and it continued to go up until what happened?

Hon Alannah MacTiernan: We inherited a set of forward estimates and we were bringing it down.

Hon Dr STEVE THOMAS: The forward estimates changed. Do members know why the forward estimates changed? It was because there was another mining boom, and this one is bigger than all the mining booms that preceded it.

Hon Alannah MacTiernan: It's never your fault. During the whole Barnett era, it was never your fault.

Hon Dr STEVE THOMAS: And the credit does not go to this government. This government did not do it. If it was just the government's economic management —

Several members interjected.

The ACTING PRESIDENT (Hon Jackie Jarvis): Order, members! Again, I am having difficulty hearing the Leader of the Opposition, who has the call. Perhaps if the Leader of the Opposition directed his comments at me, we would not have such fun and games.

Hon Dr STEVE THOMAS: I will take your advice, Acting President, but I am not sure about its outcome. Let us see.

In 2019, there was not a change of government. The circumstances of the state did not change and nor did the economy. When did circumstances change? They changed in 2019 as the world started to buy more iron ore. What came along at the end of 2019? COVID came along, and guess what happened? The iron ore price boomed. It went to \$US230 a tonne. What then happened? The royalties flowed through to this government and went from \$6 billion to \$12 billion. The government got \$6 billion more in royalties and the government suddenly had a \$6 billion surplus. It also spent a bit more money, which is great. Another thing that happened is Scott Morrison corrected the GST by putting the floor price in place.

Several members interjected.

Hon Dr STEVE THOMAS: Sorry? What legislation changed in Western Australia? What legislation did the McGowan government change? Nothing. Do members know what changed? Federal legislation changed to underpin the floor price.

Hon Dan Caddy: Why did it change?

Hon Dr STEVE THOMAS: It probably changed because there was an election happening in 2019. The floor price was put in place, thanks to Scott Morrison, and that gave the government more money to spend during the crisis. That was fantastic. The government spent more money during the COVID pandemic. I have always said that the government's handling of COVID was pretty good. The government followed the health advice and did a reasonable job. It was not perfect. The government's business compensation packages fell apart, but a lot of it was really good, so well done you. I am happy to give the government credit as long as members start telling the truth about the economy when they come in here. It is no wonder the other members were a bit slow to jump up because they were in shock at Hon Pierre Yang's contribution, but the opposition has again saved the day so that the government's motion did not fall over. We are looking for the government to acknowledge that a mining boom came along that made the government's set of books look really good, and it did. The government cannot argue the simple truth of that. The government likes to claim credit for all the things that occurred in the economy that the government had no control over. Unless somehow the Premier, who is the Treasurer, snuck over to South America and drilled a few holes in a dam wall and unless he instigated COVID coming along—I do not think he did either of those things because he is not that terrible, surely; we can put that to a vote —

Hon Alannah MacTiernan: We accused Ben Wyatt of having done that!

Hon Dr STEVE THOMAS: I am a huge fan. I am glad that the minister mentioned Ben Wyatt. At least Ben Wyatt understood the need to manage this. Do members know what Ben Wyatt said? Let me remind them that in 2017, before the election —

Hon Dan Caddy: It's Hon Ben Wyatt.

Hon Dr STEVE THOMAS: Thank you very much. Hon Ben Wyatt said —

A McGowan Labor Government will protect future iron ore windfalls from being exploited by future governments, by bringing in laws to allocate 50 per cent of iron ore royalties into a new Debt Reduction Account.

The government had legislation for a new debt reduction account, but did that ever happen? No. Hon Ben Wyatt was trying not to be Scrooge McDuck. He was trying to be a sensible duck. The Premier is rolling in his money bin instead. It does not matter how much noise anybody trying to imitate Donald Duck or Huey, Dewey and Louie make, those are the simple facts of the case. The government had a massive boost in iron ore royalty income because of international stimulus. It is laughable for this government to say that this was its fiscal economic management. Unless they went out there and did those things, surely it is tempting to attribute it to people who got the benefit of it, but I do not think either Hon Ben Wyatt or the current Premier were capable of those things. Hopefully, they are both nicer people than that. They did not do it. The position the government finds itself in is not the result of its fiscal magnificent. We could have a four-hour debate about this, but in the very limited time that I have I say that instead

of rolling around like Scrooge McDuck in the massive amounts of money it has in its money bin, the government could have a proper economic plan for staged expenditure over high cost projects. It could stage them out so that the government does not have a negative impact on the construction economy that it currently does. Right now, the government is in competition with the private sector, be it commercial or residential, because it is in such a rush to get things such as Metronet done so that in the lead-up to the 2025 election it can cut the ribbon and other things. I am sure it is all stage managed.

Hon Alannah MacTiernan interjected.

Hon Dr STEVE THOMAS: Here we go, a former Minister for Transport, famous for delays and blowouts. The new one is going down the same path.

The government could have a proper staged economic plan, if it wanted to, that would take some of the heat out of the infrastructure and construction market. It could then start to assist the construction industry to support the rest of the economy. The government continually claims credit for all the work of the private sector, all the work of the mining industry, all the work of those people who are working hard, Hon Pierre Yang, who are bringing in the money and generating the income. It takes credit for that —

Hon Dan Caddy interjected.

Hon Dr STEVE THOMAS: Yes, it has created a few jobs. In a boom, it is pretty easy.

For all the stuff that is happening, the government could actually assist the people of Western Australia, instead of claiming credit where it is not due, and it could help them to get into homes. It could help them to manage the infrastructure that they need to make a better community. It should stop thinking about it as publicity and start doing its job.

HON DAN CADDY (North Metropolitan) [11.52 am]: The hypocrisy of it all! The opposition is talking about the GST when the former government had years to fix it.

Hon Dr Steve Thomas interjected.

Hon DAN CADDY: I listened to Hon Dr Steve Thomas's drivel.

The former government had years to fix it and did nothing about it. I want to go back even further because one of the limbs of this outstanding motion from my good friend Hon Pierre Yang talks about the record of a previous Liberal government. It does not say which Liberal government. Let us go back to the genesis of the GST and put it on the record. I made a few notes here. I was reading through them and had written at the top in handwriting, "GST—atomy of a mess!". That is pretty much what it was. In 1999, amid all of this, the federal coalition government guaranteed that no state would be worse off. However, the Labor opposition at the time, led by Hon Dr Geoff Gallop, highlighted during debates that the guarantee was based on the commonwealth's assumptions. It did not care what we thought. On 19 October 1999, the then shadow Treasurer told members in the other place —

... Western Australia is vulnerable because it is still dependent on commonwealth calculations of how it is fairing. If there is a disagreement between the State and the Commonwealth over the amount of revenue the State has missed out on, we may find that the Commonwealth will pay up on the basis of its calculations rather than Western Australia's calculations.

Hon Dr Steve Thomas: Was that Hon Eric Ripper?

Hon DAN CADDY: That was Hon Eric Ripper. That is what he said. The Liberal Party was warned. Hon Dr Steve Thomas's party, which was in government then, was warned. Premier Hon Richard Court dismissed the concerns and relied on the federal government's guarantee. The opposition leader Hon Dr Geoff Gallop said —

If those assumptions are wrong, the guarantees from the Commonwealth Government are not worth the paper they are written on.

That was prophetic. On 13 September 2001, the then Treasurer, Hon Eric Ripper, outlined a Gallop government's first budget —

... the steady deterioration in Western Australia's share of State allocations through the Commonwealth Grants Commission.

Today, we are receiving \$364 million less than if our share of eight years ago had been maintained.

At that time, when this deal was entered into, WA made a \$2.5 billion net contribution to the Federation, the biggest contributor per capita by a long, long way, with over \$1 350 per capita. New South Wales was next at less than one-third of that. When members want to come in here and talk about the GST and say, "Gee, it was a big problem but Scott Morrison fixed it", they are absolutely rewriting history and ignoring the fact that the Liberal Party allowed the state to get into this position in the first place. The biggest thing they are ignoring is that Scott Morrison was dragged kicking and screaming, like Hon Dr Steve Thomas said, leading into an election, because he was the ultimate marketing man and that was all he cared about. He thought he could save some of his political bacon. It was the

hard work of this Premier who dragged him in and it was the efforts of the McGowan government that resulted in the GST being fixed. The Liberal Party created it, it was warned about it, it went ahead anyway and the McGowan government fixed the issue.

Let us look at the state finances as a whole, because this government turned the state finances around. The Liberal–National government left us with a projection towards \$44 billion of debt. The state budget was then in surplus for the first time in five years once we came to government thanks to our responsible management. In the first two years of government, in 2016–17, we turned around a disastrous \$2.5 billion deficit of the previous Liberal–National government. I do not remember the exact figure, but at the time it was projected to be a half a billion-dollar surplus. My good friend Hon Dr Steve Thomas talks about record iron ore revenues. He seems to forget that when his party was in government, it also had record iron ore revenues. The Liberal Party in government never had a revenue problem, my friend; it had a spending problem. That was the heart of the issue. It does not matter whether the Liberal Party is managing a household budget or the budget of the state, if it has a spending problem that is poor financial management. That was the hallmark of the previous Liberal–National government. Under the eight years of the previous Liberal–National government, now the National–Liberal opposition, general government expenses grew—this is reckless—by an average 6.3 per cent over its time. When it took government, net debt was at \$5.6 billion, more or less. By the time it left —

Hon Dr Steve Thomas interjected.

Hon DAN CADDY: I might have that wrong. Anyway, it was pretty low. I will take the member’s interjection because he has just about halved it. It was \$3.6 billion and by the time it left, with projections towards \$44 billion.

Hon Dr Steve Thomas: It was \$32 billion.

Hon DAN CADDY: It was \$32 billion sitting there; the projections were towards \$44 billion. That is there in its own figures. They were its forward projections, not ours. We turned them around.

Hon Dr Steve Thomas: You know what?

Hon DAN CADDY: I do know what. We worked hard and turned them around. I tell members what: Hon Ben Wyatt and Hon Mark McGowan worked very hard along with all their cabinet colleagues to turn that around and they did an outstanding job. That is why we have a budget surplus at the moment.

Hon Dr Steve Thomas wanted to lecture Hon Pierre Yang on different things. In order to pay down debt, we cannot just run operating surpluses, we need to run cash surpluses. This is something that was never, ever understood by the previous government. I do not lay the blame on Hon Dr Steve Thomas because he was not the one in that cabinet room making decisions; it was the leadership at the time. But as Hon Pierre Yang pointed out, our fiscal discipline has been recognised by credit ratings. Standard and Poor’s has recognised the McGowan Labor government’s continued budgetary outperformance compared with domestic and global peers and its “exceptional fiscal metrics”.

It does not get any better than that. You guys lost it; we got it back. Members opposite seek to pontificate about good economic management to us when the former government left us such a disgraceful set of books. It is only our good management that turned it around. Members opposite should not talk to me about record iron ore revenues because they had exactly the same thing when they were in government. The former Liberal–National government had record revenue, but it blew the lot because it did not know how to budget and it did not have any sense of what is good, sound financial management. The former government did not have a revenue problem, member; it had a spending problem. It absolutely blew the lot.

I have been through this before; they are not doing much better in opposition. Government members have no idea who to listen to when the opposition is talking about different issues because they constantly contradict each other. The opposition does not have any sort of plan or even a common theme moving forward when it comes to looking at the management of the state’s finances, or even for small issues. I have brought up the electricity credit in this chamber before. That was a fantastic initiative of this government. What did Hon Dr Steve Thomas say? He said —

“It is the simplest most obvious way that the premier can put some money back into people’s pockets and I would support that. I think that’s a good outcome for everybody.”

What did the Leader of the Liberal Party—“Mr Nine Per Cent”—think about the \$600 credit? He called it “a disgraceful waste of a precious resource.”

Hon Alannah MacTiernan: Is that “Mr Nine Per Cent”?

Hon DAN CADDY: It is “Mr Nine Per Cent”. You guys are not even on the same page! Members opposite cannot agree amongst themselves what good financial management is, so how could anyone possibly trust them to manage the finances of this state in the future?

Hon Dr Steve Thomas: Did you agree with me?

Hon DAN CADDY: I did agree with the member. I would not trust your mob to run a chook raffle, to be honest. Where do we go with this? Freezing utility charges is another issue on which the member and good old “Mr Nine Per Cent” down there in the other place were on completely opposite pages. It is unbelievable.

HON TJORN SIBMA (North Metropolitan) [12.02 pm]: It has been a little bit difficult to keep track of the divergent thoughts and examples cited by government members in support of this motion. I concede that Hon Pierre Yang and Hon Dan Caddy have spoken with gusto, enthusiasm and pure ideological intent, but they have gone nowhere near proving the premise upon which this motion is founded.

I want to draw Hon Pierre Yang back to a fundamental issue raised by Hon Dr Steve Thomas; that is, the member is confusing the management of the state's finances with the broader economy, magnifying the role of the state government to principal economic actor in the state, which is completely and utterly disproven when one reads the state budget papers. The revenue page in, I think, budget paper No 3 gives the reader a sense of where the cash and operating surpluses are derived. It is principally iron ore royalties. Essentially, 85 or 90 per cent of revenue is given to the government by industry's activities. It is a consequence of private investment and private endeavour.

The government cannot claim what does not belong to it. I do not begrudge any government luck because we all need luck—both individuals and governments. But it is tempting the fates, in a classical sense, to grasp what is not yours and to lay claim to things that did not come to you purely by your earned endeavours. A range of macro-economic circumstances, geopolitical shifts and global economic moves have largely underwritten our mining boom. We were also benefited—it is sad to say this—through the collapse of Vale's tailings dam in Brazil. That was an unfortunate consequence for those concerned, but we were a beneficiary. That event seems to have gone unremarked upon, although I note the Minister for Regional Development reflected, perhaps a little whimsically, that Hon Ben Wyatt had a special operations squad inside Treasury that would go around the world undermining the economic endeavours of our trade competitors! That is obviously not the case.

The most appalling aspect of the government's inability to grasp the difference between the economy as a whole and the state government as a financial manager is this, and I offer this invitation to the honourable member who moved the motion: go and give the same speech to the queue at Foodbank and tell those people queuing up for assistance what a wonderful economic manager the McGowan government is. I make this analogy only because Hon Dan Caddy reflected on household budgets. It has not been acknowledged during the course of this debate that household budgets are under pressure for a variety of reasons. It behoves the government to act as a responsible financial manager. If it wants to lay claim to economic supremacy, it should make sure—I hate to use this phrase—it has all its ducks in a row when it comes to financial management.

Here is some advice: when the government is developing and delivering its infrastructure plans, particularly its public transport plans and signature project Metronet, it should ensure that the investment is up to the return. We do not begrudge the government investing in public transport infrastructure. We do not begrudge Metronet conceptually. Where the government has gone wrong is that it has expanded that project beyond all reasonable scope and scale and is attempting to deliver too much, too fast. That is just plain stupid and reckless. I cite as evidence of that stupidity and recklessness the benefit–cost ratios for two elements on the Armadale line. I have referred to this previously. The government is spending \$1 billion. It is wasting \$1 billion. The government will get no return from that investment in tangible economic terms. It is overheating the local construction market at a time when costs are already escalated, there are already supply-side shortages, and there is a complete and utter shortage of, and constraints on, available labour. That is economically reckless.

This is not an injunction; we are not saying do not build this; it is just some advice for the government to perhaps live the apparent virtue that the member is attempting to signal with this motion. Do that hard thinking and hard work that Hon Dan Caddy is happy to laud the government for. I see more an absence than evidence of that, but to be charitable to the member, I am sure that hard work is going on in government. But if hard work is going on, it is not being directed in the right way and I think certain ministers are now doing victory laps and building monuments to themselves. Although they might be talking about fiscal discipline and financial management, not all of them are walking the talk. I think about walking the talk because we are asked to rely upon the written word and the argument that goes with it. I recall the written words of the then opposition in 2013 that wanted to establish a new office to restore the public's faith in election costings. I quote a document dated 27 February 2013 —

a WA Labor Government will establish an independent Parliamentary Budget Office in its first term of Government to independently cost election amendments, WA Labor Leader Mark McGowan said today.

That was an excellent idea. It was also the brainchild of Hon Ben Wyatt, who I have to say was and probably remains the single most impressive figure the government has had. I wish him well in his new endeavours, but his departure from Parliament has exposed a complete and utter lack of talent around the Premier. There is no talent.

Several members interjected.

The ACTING PRESIDENT: Members!

Hon TJORN SIBMA: The problem in Western Australia is not so much that the Labor Party dominates both houses; that is just the outcome of the election. The problem with the government is that it is only a one-man government. Every government member here chirps the talking points from headquarters. Not one single member —

Several members interjected.

The ACTING PRESIDENT: Members! I can hardly hear the honourable member; I am certain that Hansard cannot. Please direct your remarks through the chair.

Hon TJORN SIBMA: Not a single member of the government has an original thought. Not a single member is prepared to take on the Premier. What will happen when he leaves? There will be a point of departure. Who will fill the void? Will it be filled by Hon Rita Saffioti, the person who is blowing a billion dollars that she does not need to blow on Metronet? Will it be filled by Hon Amber-Jade Sanderson who is doing her level best?

Several members interjected.

The ACTING PRESIDENT: Members! Stop! Same as I said before: I cannot hear what he is saying; I am certain Hansard cannot.

Hon TJORN SIBMA: There is absolutely —

Several members interjected.

The ACTING PRESIDENT: Members!

Hon Kyle McGinn interjected.

The ACTING PRESIDENT: Hon Kyle McGinn, through the chair, please, or not at all.

Hon TJORN SIBMA: The point of my contribution is this: government members are broad and large, but they are not very deep. They have no economic vision, none at all, and that is reflective of this: all they can do is bring in retrospective motions. They have no idea how to deal with the challenges of today and they have absolutely no vision for the future.

Hon Pierre Yang: What's your vision?

Hon TJORN SIBMA: I am waiting for your vision. I am waiting for your ideas, but I know that you will not have any until you are told what they are by the politburo itself. You are shameless, pointless, hopeless. You add nothing to this debate at all. Any sensible person must refute this nonsense in the absolutely strongest possible terms, which I do. Lift your game. Come on!

HON ALANNAH MacTIERNAN (South West — Minister for Regional Development) [12.12 pm]: I am pleased to rise to support this motion. I must say the contributions of members opposite reinforce the level of the problem. Hon Tjorn Sibma, like many before him, obviously has an obsession about Labor's investment in rail. This dates back to 1979 and is reiterated in every Liberal government. Over the years, they have got close to supporting rail projects but have never actually delivered one. It is really disappointing that Hon Tjorn Sibma, who obviously needs to learn so much, has absented himself from the chamber on urgent parliamentary business. He will not hear about some of the structural problems that have beset the way in which the Liberal Party has managed the economy. He spoke about capital investments and focused on projects that he believes are unnecessary for the development of the state. We reject that they are not necessary for the development of the state. He studiously avoided to address any of the structural problems that were a constant part of the budgets of the Barnett government—that is, the inability to manage wages and the inability to manage growth.

The Labor government has had to do some really hard work. The opposition likes to pretend that it was suddenly all about iron ore royalties going up, but that was not the case in the early years. The government had to rigorously manage expenses in the budget. It was difficult, but it managed to do that. Mr Barnett and his team on the other side had no preparedness to grasp the idea that they needed to manage structural costs in the budget. Capital projects can be moved out. Indeed, we have been criticised when we have made decisions to push out capital works projects to bring back and facilitate demand in the private sector. We have very deliberately smoothed out a number of projects. When the government does that, the opposition comes in with the opposite criticism that the government is not delivering those projects on time. The government is still committed to those projects and doing them, but it has very consciously pulled them back to stop overheating the system. That is the sophisticated thinking that this government is prepared to do.

This government has had a rigorous wages policy even when some people on this side of the chamber have challenged elements of it. But we determined that when we came into government there would be a massive problem in the budget. When we came into office, debt was projected to be more than \$40 billion. We knew we needed to bring that back and we were prepared to do that. But there is this pixie land idea that it has just all been about iron ore revenues. Iron ore revenues have been good and they have enabled the government to invest in large capital projects that will benefit the whole state. However, they can always be moved out slightly to satisfy private and public sector demand. This government has been prepared to make structural changes in the budget to manage that. Under the Barnett government there were eight years of cash deficits; and, it is my recollection, that five out of eight Court government budgets were deficit budgets. You guys have this notion that you have had all the bad luck. I do not think that that is right. I think at some point the opposition needs to take responsibility; otherwise, what is the point if it is not prepared to take responsibility? The opposition's argument every time is, "When we got into government, whether it was the Court government or the Barnett government, we just had bad luck. It has nothing to do with our management." We do not accept that and, self-evidently, the public does not accept that.

The motion is about the government's ability to manage the economy. It is not just about managing the budget. I thank Hon Pierre Yang for phrasing the motion in such a way that it enables us to bring in other important measures of economic management. A really interesting scenario playing out across Australia at the moment is this absolute crisis in the eastern states arising out of its gas and energy prices. We can contrast that with the Western Australian scenario and the very important decision made in 2006, in opposition to the federal coalition government of the time, to put in place a gas reservation policy. It is really only now that the true economic importance of making that decision that ensured that 15 per cent of the gas produced in Western Australia on all new projects would —

Hon Dr Steve Thomas: You missed my speech on Tuesday when I said that we at a state level opposed it too at the time and we got it wrong. It is in *Hansard* if you want to check.

Hon ALANNAH MacTIERNAN: Thank you. But again, it goes to this whole issue of economic management. These things do not happen randomly. They happen because we have people in the Labor team with Labor values who are prepared to do the hard things. The opposition, BHP, John Howard, Woodside and Chevron were all opposed to this decision made by Alan Carpenter, with a great deal of support right across the Labor Party and, indeed, the labour movement. We could see that if we wanted to develop as an economy, if we wanted to diversify, we needed to have access to affordable energy. Again, we are looking forward with many of the things that we do today. We are developing new industries such as hydrogen and critical minerals—industries that were ignored by the previous government but will, over the next 10 to 20 years, underpin our twenty-first century economy.

HON DARREN WEST (Agricultural — Parliamentary Secretary) [12.21 pm]: I would also like to support this motion put forward today. Enough has been said on its wording and how it is framed. Anyone who is a student of economics will see the vast contrast between WA Labor governments and coalition governments over many terms now. I would like to call my little talk today “The \$10 billion turnaround” because that is what we have seen happen. Do members remember the \$4 billion deficit, the tearing up of public funds, the wastage and the wanton spending of the very undisciplined Barnett Liberal–National government over eight years compared with the prudent and strong financial management of the McGowan government? We have had a \$10 billion turnaround and gone from a \$4 billion deficit to a \$6 billion surplus. The Leader of the Opposition in this house makes a point: there have been some favourable economic circumstances, but there were also favourable circumstances during the Barnett Liberal–National government. Hon Dan Caddy made a very good point that it was not a revenue problem with that government but a spending problem. For the governing Liberal Party to have friends at that time like the National Party, it did not need enemies. The government had a 13 per cent increase in debt year on year during its original term. Those of us involved in the regional development commissions had a term for the funds that were getting thrown around: “Nobody’s money”. The National Party was throwing this money around outside of Treasury processes and we were calling it—they were calling it—nobody’s money: “Get it out the door and spend it.” It was not spent in the interests of Western Australia, but in the interests of the National Party. It was disgraceful.

What I want to focus on today—there is not long to go—is the importance of good financial management. The old saying, “If you want to put a Liberal into a small business, give them a big one first” is very true. That is what happens when the finances are not managed well. One has to spend less than what they earn, and it is not easy. For those of us who come from a business background and have run a small business, we know it is not easy to be successful financially. There is a lot of risk. A lot of right decisions have to be made. One wrong decision can offset the four good ones that were made before that. It is not easy. There is no luck involved. It comes down to good financial management, and that has been recognised across the state. Let us remember where this money comes from. This money belongs to the people of Western Australia, the taxpayers of Western Australia. It is not Mark McGowan’s money or the government’s money; it is the people’s money, and we have to manage that money responsibly. We have an obligation to do that as a member of Parliament and a member of government, especially executive government. Let us boil it back down to that. If we manage the finances well, we make life easier for everyday Western Australians. That is what this government is about. Of course, we care about those Western Australians who have not had the luck and the opportunity that other Western Australians have had. During good financial times, that is more challenging. People get left behind. It is not an intentional thing; it is a reality. It gets more expensive to rent a house. In these times of international uncertainty, it gets more expensive to buy fuel. All those day-to-day costs that we incur become a heavier percentage of the household budget.

Good financial times also give us the opportunity to invest heavily in infrastructure. We are investing heavily in rail projects in the metropolitan area. That benefits regional people as well. It makes Perth more of a world-class city. Regional rail projects are benefiting. We are investing in regional roads, hospitals and schools. All those things are possible during good financial times when a government has managed its money well. Hon Pierre Yang is right to bring these types of motions forward. We need to keep talking about the importance of this because one day in the future, there will be a Liberal–National government again. I do not think I will be around, members, but there will be a day when the wheel will turn and I would hope that the next Liberal–National government learns from the financial calamities of past two Liberal–National governments. I hope it learns how to manage the books properly and act in the financial interest of all Western Australians. That is what our government has proudly done over the last two governments. We have put the financial interests of Western Australians first.

Motion lapsed, pursuant to standing orders.

DUTIES AMENDMENT (FARM-IN AGREEMENTS) BILL 2022*Committee*

Resumed from 26 October. The Deputy Chair of Committees (Hon Steve Martin) in the chair; Hon Stephen Dawson (Minister for Emergency Services) in charge of the bill.

Clause 8: Chapter 2 Part 5 Division 9 inserted —

Progress was reported after the clause had been partly considered.

Hon STEPHEN DAWSON: Yesterday, before we finished, Hon Dr Steve Thomas asked for a summary about prospecting licences and how they are costed under the farm-in legislation. The general duty position is that a transaction for prospecting licences alone does not attract duty. If a transaction relates to prospecting licences and other dutiable property, a duty applies. The definitions in proposed section 91U(1) are designed to make the distinction between prospecting licences and other tenement types and define farm-in agreements that relate only to prospecting licences for the purpose of applying proposed section 91U.

Proposed section 91U(2) is a drafting device to resolve potential conflict between the provisions about the general duty treatment of prospecting licences and the provisions for the farm-in concession. Proposed section 91U(3) aligns with a general duty position so that a farm-in agreement relating only to prospecting licences and no other mining tenement will not be a dutiable transaction or a concessional farm-in transaction. The farm-in concession will not apply because it is not needed. These farm-in agreements will not need to be lodged with RevenueWA. A later transfer of an interest in the prospecting licences after the exploration requirement is met will also not be a dutiable transaction. It will be able to be registered with the Department of Mines, Industry Regulation and Safety without a duty assessment. However, a situation may occur, for example, in which a farm-in agreement is made in relation to a prospecting licence, but before the exploration requirement is satisfied, a mining lease is granted over some or all the area of the prospecting licence.

Proposed sections 91U(4) to (6) will mean that if there is a transfer of an interest in a mining lease in this scenario, the original farm-in agreement will become a dutiable transaction, and the normal farm-in concession provisions will apply. Duty will not be payable on the exploration amount, but it will be payable on any other consideration. Without this provision, the scenario would result in the farmee paying full duty on the transfer of an interest in the mining lease even though it has resulted from a farm-in agreement.

Another scenario is that the original farm-in agreement relates only to prospecting licences, but after the agreement is made, a different kind of mining tenement—for example, an exploration licence—is added to the agreement. Proposed sections 91U(7) and (8) will mean that the agreement will become a dutiable transaction from the date the other tenement is added to the agreement, and the farm-in concession provisions will apply as normal to the entire agreement.

Finally, proposed sections 91U(9) and (10) will give the Commissioner of State Revenue the power to make reassessments to give effect to the provisions of proposed section 91U and will provide that the usual five-year time limit on reassessments does not apply. Hopefully, that has answered the member's question.

Hon Dr STEVE THOMAS: Thank you, minister. That was actually an excellent summary of that, so, thank you.

Hon Stephen Dawson: I have to thank the advisers for that who have obviously put some great effort into it.

Hon Dr STEVE THOMAS: Would the minister give whoever wrote that one a pay rise, but limit it to a certain percentage, after the debate we had this morning; otherwise, I will be hearing about it forever!

That is really good because I was going to raise a question on proposed section 91U(2) with the minister, but that was a particularly good explanation. I think that the non-prospecting dutiable transactions and how prospecting relates to exploration and what the difference is between the two is one of those complicated arguments, which again comes back to this issue about how complicated this piece of legislation is in trying to fix what on the surface seems to be a fairly simple issue, but the technicalities are fairly extreme. My apologies for dragging all the advisers back in for a third day, but I figure that that is more the minister's fault than mine.

The intent of the opposition is that if the answers continue to be that good, I think we will hopefully be finished by the lunch break and his advisers can go back to their normal occupations.

Hon Stephen Dawson: I am sure they will be happy with that.

Hon Dr STEVE THOMAS: I want to get to the end of clause 8, and we are just about there. I refer to proposed section 91V, on page 33, "Treatment of certain options under farm-in agreements". Subclause (1)(a) states —

- (a) separately from any concessional farm-in transaction contained in it, a farm-in agreement provides, whether conditionally or not, for the grant to the farmee, after the making of the farm-in agreement, of an option to acquire an interest in —
 - (i) a mining tenement that is a relevant mining tenement for a concessional farm-in transaction ...

Or a derivative of that mining tenement. This may well be my last question in the clause 8 debate. Where it says “a relevant mining tenement”, to what is that referring? Is it separate from the concessional farm-in transaction—that the farmee can acquire an interest in a relevant mining tenement? How related is that to the farm-in agreement, or is it a completely separate, isolated, fenced-off part?

Hon STEPHEN DAWSON: That is over one of the tenements in that agreement, honourable member.

Hon Dr Steve Thomas: So it has to be within the agreements?

Hon STEPHEN DAWSON: Yes.

Clause put and passed.

Clauses 9 to 13 put and passed.

Clause 14: Schedule 3 Division 11 inserted —

Hon Dr STEVE THOMAS: We are now on the last substantive clause, and if we are going into bat, let us try to get this done in 25 minutes if we can.

Proposed section 60 refers to the first pre-amendment period and the second pre-amendment period, the definitions of which are on page 38. The first pre-amendment period is from 1 July 2008 and the second pre-amendment period starts on 28 November. On page 45, proposed section 67(2) states —

... In subsection (2) of section 13 —

I think that is section 13 of the act, not the bill before the house —

Hon Stephen Dawson: Again, by way of interjection, you are correct.

Hon Dr STEVE THOMAS: Yes. I will just pull that up in a second. We are operating on various parts. Proposed section 67 states —

(2) In subsection (2) of section 13, in relation to an agreement made during the second pre-amendment period, the reference to exploration or development only includes development to the extent that it is carried out solely —

- (a) for the purpose of facilitating exploration; or
- (b) otherwise incidentally to exploration.

I have a couple of quick questions on that. I am not sure what “otherwise incidentally to exploration” means in terms of the development of that. I suspect that “otherwise incidentally to exploration” could include the construction of buildings et cetera that are useful for exploration, so I am interested in what that means. Why is it limited to the second pre-amendment period? Is there a difference? I must admit that I find the two periods in the legislation a little bit confusing as to what occurs when. If there is a way to simplify that for us, can the minister do that? Can the minister also give us an indication of what development that might be otherwise incidental to exploration looks like?

Hon STEPHEN DAWSON: We will get an answer to the first part of the member’s question. In relation to the two dates: 1 July 2008 and —

Hon Dr Steve Thomas: Because much of this clause relates around the two dates et cetera.

Hon STEPHEN DAWSON: The date 28 November 2018 and —

Hon Dr Steve Thomas: A simplified explanation would be useful.

Hon STEPHEN DAWSON: Yes; and the difference essentially. That 1 July 2008 date relates to amendments that are favourable to taxpayers. The 28 November 2018 date is not favourable to taxpayers. The amendments that apply from 28 November 2018 are to exclude the concession from applying to agreements wherein the exploration amount is capital expenditure on mining operations or the construction of mining infrastructure; to ensure that duty can be assessed on all consideration under a farm-in agreement, including consideration provided after the agreement is entered into but before the interest is transferred—any consideration for the transfer of the interest in the mining tenement or derivative mining right; and to ensure duty can be refunded on any contingent consideration that is not ultimately paid. Therefore, saying that it is less favourable is probably not the right words. But those are the amendments that will apply from that 28 November 2018 date.

In relation to the member’s other question, development for facilitating exploration will usually involve things like power, water, access or accommodation that are necessary to conduct exploration on the tenements.

Hon Dr STEVE THOMAS: I suspected that that might be precisely the case. Again, that makes sense. Is the only measure of development incidental to exploration and what could ostensibly be preparation for mining based around the 20 per cent figure that we debated yesterday, or is there a more formal set of rules about what is going to be allowed in terms of incidental development for exploration versus what is actually likely to be used? I would imagine the facilities we put in place for exploration will also be some of the facilities we have in place for mining, plus all the other bits we require in relation to mining. Exactly what gets to be in the definition of “exploration” might be interesting.

Hon STEPHEN DAWSON: Essentially, the guidance material will provide guidance on what is development to facilitate exploration, but the 20 per cent relates to administrative costs, not expenditure incidental to exploration.

Hon Dr STEVE THOMAS: Okay. I am actually going to jump over proposed section 71. I thought some of those things were particularly complicated. There are a couple of things I highlighted to myself that were, I thought, just hilarious. I might just read this one in for the fun of it. I do not require a reply. Proposed section 71(2) states —

In relation to section 13 farm-in agreements that are made during the second pre-amendment period or that are deemed section 13 farm-in agreements under clause 65(2)(b), this Act is taken to have applied during the second pre-amendment period, and applies on and after amendment day under clause 66, subject to subclauses (3) to (11).

My Latin is pretty rusty these days, but some of these clauses have taken a bit of getting through. I will take the minister at his word; with regard to these amendments, I say: *timeo Danaos et dona ferentes*—that is about the last phrase that I remember in substance.

Hon Stephen Dawson: You'd better write it down for Hansard!

Hon Dr STEVE THOMAS: Yes. It is just an indication of the complexity of this piece of legislation. If I were being facetious and we had all the time in the world, I would actually ask the minister to stand up and explain it, because I thought that that would maybe be a good one to pick out, a very complicated clause. I think we have to take it on some faith that the people who constructed this legislation managed to do so in a way that picked up all these technicalities. I think the simple truth is that if we get bogged down by me asking the minister to explain every complicated clause in this bill, we will potentially finish this bill by the rising of Parliament in 2024, and go straight to an election after that. I have gone through as many clauses as I can to try to make sure that they make sense. I have asked for explanations when I have not been certain, but there are some clauses like that, and under this clause, 14, there are a bunch of proposed provisions that seem to follow after each other and make life very difficult as a legislator.

I will cut back to a couple of quick things to finish off. Proposed section 72 on page 49 deals with no double duty on the exploration amount. It then divides into proposed section 73, which is attached specifically to mining tenements. Proposed section 74 makes provision for derivative mining rights, which also includes replacement derivative mining rights and, under proposed section 73, replacement mining tenements. I am going to assume for the sake of debate that the rest of the proposed sections in this clause, from proposed sections 73 and 74, are pretty much what we would consider uniform in their approach, but there seems to be a particular focus on ensuring that there is no double duty paid on any of these transactions. This might be my last question in Committee of the Whole. I will not ask the minister to explain entire clauses or else, again, we would not finish until the Christmas break. Obviously, the intention is that there should not be double duties applied. Is there a summary the minister can give us of the intention around those two proposed sections that is an easier outcome than trying to sit down and read them?

Hon STEPHEN DAWSON: Even though the member has moved past it, I will say about proposed section 71 that it is complex and complicated. Far be it from me to question the drafters and the Parliamentary Counsel's Office and others, but —

Hon Dr Steve Thomas: If you wanted to, we could do so for a long period of time.

Hon STEPHEN DAWSON: I know. I agree with the member, though. Essentially, proposed section 71 will apply the amendments to allow the commissioner to reassess duty, if there is a change in consideration for farm-in agreements entered into between 28 November 2018 and the commencement day of the bill. It will also allow the commissioner to refund duty on any contingent consideration that is not paid on a farm-in agreement entered into during this period.

With regard to proposed section 73, the commissioner's assessing practice has been to allow the concession when interest in a replacement mining tenement is transferred to the farmee instead of an interest in the mining tenement, the subject of the farm-in transaction. This usually occurs for tenement conversions, such as when an exploration licence, the subject of the farm-in agreement, is converted to a mining lease before the earned interest is transferred to the farmee. Proposed section 73 will provide legislative support for concessions applied to transfers of an interest in a replacement mining tenement from 1 July 2008, and allow concession for transactions on hand that were entered into before amendment day. For farm-in agreements entered into from 28 November 2018, this provision will also ensure that duty will apply to any consideration given for the transfer of the interest in the mining tenement or replacement mining tenement.

Proposed section 74 will ensure that duties will not apply to a grant or transfer of an interest in a derivative mining right, or a replacement derivative mining right, on or after 13 June 2019, if it is under a farm-in agreement that has been duly endorsed, and charges duty if further consideration is provided for the grant or transfer of an interest in a derivative mining right or a replacement derivative mining right under a farm-in agreement.

Hon Dr STEVE THOMAS: I thank the minister for that. That is largely as expected. Obviously, the later stages of this bill will grant a significant amount of power to the commissioner with regard to judgement. There will

obviously have to be a fair bit of work involved in putting that in place. Given the legislation we have been debating, it is very hard to see how the government could have written a prescriptive bill that restricted those decisions and judgements, so I think we have to accept that there is a little risk involved that there will occasionally be inconsistencies, despite the best efforts of the person in that position to make sure that there are not.

If I had a better solution to that, I would obviously provide it in the form of amendment, but I think the way it is written is probably the only way that we can progress with it. It is difficult and complicated, and interpretation will be, as it is in many of these things, critically important. I think we have no other option but to go down the path we have, so I think the clause can be accepted.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Emergency Services) [12.50 pm]: I move —

That the bill be now read a third time.

HON DR STEVE THOMAS (South West — Leader of the Opposition) [12.50 pm]: I thank the Minister for Emergency Services for his assistance on the Duties Amendment (Farm-in Agreements) Bill 2022. It is an important piece of legislation. I have to say that it is one of the most complicated bills I have dealt with. As I pointed out in my address on the second reading, the bill is managed by a two-page second reading speech from the government, a two-and-a-quarter page overall explanatory memorandum, and 80-odd pages of significantly complicated explanations on a clause-by-clause basis. It is unusual to see a two-page second reading speech for a bill with 56 pages to work our way through. All of that suggests this is a highly technical piece of legislation, and I think that is the case. I thank the advisers who provided briefings for the assistance they gave over the last three days of the debate on this. This has been a quite intense debate. I have to say that the answer given at the start of today was remarkably well written and I was pleased to receive it.

Exploration is critically important to maintain Western Australia's economy. I note that we had a fairly forthright debate this morning on the need for the mining sector to maintain the cash levels in the money bin. It is critical that exploration be allowed to occur largely unhindered. This bill is important so that the state does not provide a roadblock by making exploration more difficult than it needs to be. The exploration economy and marketplace is very difficult and complex. It is not like it was 100-odd years ago when people could push a wheelbarrow across the state and just go looking. It has developed into a much more complicated process. We fully accept that we need to make it as simple as possible to allow exploration to continue. It is particularly important, in my view, to encourage exploration in onshore gas when we can because, as I said in the second reading debate, that will play an absolutely critical role in driving Western Australia forward, including with energy generation. I know that the government is looking at alternatives and its transition plans are remarkably different from ours, but I think some of this work needs to drive that forward.

I want to highlight to the house that one of the issues with a complicated piece of legislation like this is that its application and regulations will also be quite complex. I appreciate that the minister provided a range of documents in draft form during the debate that will hopefully assist the exploration sector and, ultimately, the mining sector in understanding those regulations. I think there will be a continuing debate in the industry on whether a standardised form or template agreement should be developed. I know that is incredibly hard to do. Every farm-in agreement is different and is designed for a specific outcome. As we learnt during the debate, it is not just a financial agreement. More often than not, it is an agreement to provide services for exploration generally and also for components of exploration. It would be very difficult to develop a standardised form or template agreement. There remains some concern in the industry that not having a standardised form will make it difficult for smaller companies and explorers in particular, and I think that is a valid and legitimate concern. I am sure that the government is aware of that. The government's consultation on this bill has been very good, if for no reason other than we are on the third iteration of the bill and some changes were made to it as we went through this process. It is good to see that that level of consultation occurred, and I congratulate the government for that.

I think there are still a couple of concerns, particularly around the practicalities of what a standardised agreement would look like. Once we pass this legislation, I urge the government to try, as much as possible, to get as much information as it can to the business community that is engaged in exploration so that the industry will understand the best ways it can manage its current and future obligations. I suspect there was some confusion around the definition of "administrative costs". I think we examined that fairly well during the debate. Hopefully, that has been further refined. I suspect, on the advice of the minister during the debate, that some additional information will be provided. That is where we started today's debate. I appreciate that and hope that it is forthcoming.

Industry raised with me the issue of the use of the replacement mining tenement. We have probed that issue. Again, I urge the government to make sure that that is well defined in the documents that will assist this bill. We looked at proposed section 91N on exploration amounts and various other references. Hopefully, the commissioner's view of the definition of "global exploration amount" being split into various parts of the ownership of the farm-in laws if it is a multiple group will come in the form of either the forthcoming advice from the commissioner or in a commissioner's future ruling. They are the areas the industry has been most concerned about. I accept that the government has done its very best to address those concerns and I thank the minister for the goodwill in the debate today. We could spend a year on this, but we will not. With those few words, I also commend the bill to the house.

Question put and passed.

Bill read a third time and passed.

Sitting suspended from 12.58 to 2.00 pm

EMERGENCY EVACUATION ALARM SYSTEM TESTING

Statement by Acting President

THE ACTING PRESIDENT (Hon Peter Foster) [2.00 pm]: Welcome back from lunch, members. As per the President's statement earlier today, before we return to orders of the day, we shall await the alarm familiarisation test, whenever that occurs.

[Emergency evacuation alarm system tested.]

CHARITABLE TRUSTS BILL 2022

Committee

Resumed from 26 October. The Deputy Chair of Committees (Hon Peter Foster) in the chair; Hon Matthew Swinbourn (Parliamentary Secretary) in charge of the bill.

Clause 33: Powers under *Royal Commissions Act 1968* —

Progress was reported after the clause had been partly considered.

Hon MATTHEW SWINBOURN: When we concluded yesterday, an outstanding matter that Hon Nick Goiran asked us to take on notice was whether Mr Sefton, when he was the independent inquirer, had consulted the Auditor General prior to making recommendation 54. As the member is aware, the inquiry report has been completed, and Mr Sefton, in the performance of his role as the independent inquirer, has discharged his duties. It is important to emphasise that he performed his role independently in that context, notwithstanding that he is obviously within the State Solicitor's Office. His comprehensive report speaks for itself, and it is not appropriate to go beyond that report to look into what might have led to the findings or recommendations within it. We do not think it is appropriate for us to inquire. As I said, he sat as an independent inquirer, he conducted his inquiry and he has delivered his report. I think it is the substance of the report that we can rely on. As we reflected previously, that report informed the development of the bill.

Hon NICK GOIRAN: I thank the parliamentary secretary for taking that matter on notice and I note the response. With regard to the clause that is presently before us, where we left things yesterday —

Hon Matthew Swinbourn: Yes, member; I do have more to say. I just sat down prematurely.

Hon NICK GOIRAN: I thank the parliamentary secretary. Just to confirm, the question that we are up to at this point is the consideration of whether we are essentially empowering the Ombudsman with royal commission powers, at least for the role that he will have as the Western Australian Charitable Trusts Commission. The parliamentary secretary explained to us yesterday that there is nothing particularly peculiar about that, insofar as the Ombudsman already has this type of power with respect to his existing functions. Where we left things yesterday was that we wanted to clarify the extent to which the powers that we are going to be granting, if any, will be greater than those held by the Auditor General, keeping in mind the context of the original recommendation of Mr Sefton that the Auditor General should undertake this role.

Hon MATTHEW SWINBOURN: As I said, I sat down prematurely. We have an answer to the inquiry the honourable member made last night: to what extent are the powers greater than those available to the Auditor General? The powers available to the Auditor General correspond with those available to the commission under this bill, including clauses 32, 33, 34 and 35. There are the powers to obtain information documents and evidence on oath to override certain privileges, to carry out orders, and to enter premises. Although it is not exactly what the member asked, perhaps I can add that the consequence of noncompliance with those powers is somewhat different. Although the consequences of noncompliance and methods of enforcement of these powers differ, no greater powers are available to the commission. The Auditor General Act provides for an offence of noncompliance whereas the Royal Commissions Act provides that noncompliance is a contempt punishable as though it were a contempt of the Supreme Court. It is not quite the question the member asked but I have provided that additional context.

Clause put and passed.

Clauses 34 to 36 put and passed.**Clause 37: Confidentiality —**

Hon NICK GOIRAN: Clause 37 in what will be a new act, the Charitable Trusts Act 2022, once the bill is passed, deals with the principle of confidentiality. Did any of the stakeholders consulted by government in the lead-in to the development of the bill, or subsequent to the development of the bill, raise any concerns about this provision?

Hon MATTHEW SWINBOURN: We have the advantage of the member providing some notice of these matters behind the chair. We appreciate the courtesy he has extended to us. Two stakeholders suggested additions to the list of exceptions under clause 37(3); that is, they suggested that disclosure be permitted to certain additional entities. Some of these suggestions were taken up and others were not. Those that were not adopted could be dealt with by prescription under regulations pursuant to clause 37(3)(h) should it be considered necessary in the future. Additionally, one stakeholder expressed the concern that the exceptions to the duty of confidentiality in the equivalent of clause 37(3) in the consultation draft could apply to a potentially large number of persons, particularly relating to a particular paragraph. The specific amendment suggested by that stakeholder was not adopted since it would not have achieved the purposes of the provision. However, the aim of the amendment suggested was to constrain the purpose for which disclosure would be permitted and an amendment was made that was consistent with that intention. In summary, we effectively did not adopt the form that they were after but we did take up the substance and made a consequential amendment.

Hon NICK GOIRAN: The parliamentary secretary mentioned two stakeholders and, later in his response, mentioned one additional stakeholder. Was the additional stakeholder he referred to at that point intended to be one of the two stakeholders, or a third stakeholder?

Hon MATTHEW SWINBOURN: It is a third stakeholder. Two stakeholders raised one issue with clause 37(3) and an additional stakeholder raised an additional concern, if that makes sense.

Hon NICK GOIRAN: We established earlier, under clause 1 debate to the best of my recollection, that some 14 stakeholders were consulted by government. We now know that was after the bill had been prepared in that they were sent a consultation draft of the bill. We also know that the Auditor General was consulted prior to that. The Auditor General plus the 14 stakeholders were consulted. The 14 that were disclosed to the opposition during the briefing were: the Department of the Premier and Cabinet's Aboriginal policy and coordination unit; the Ombudsman; the Australian Charities and Not-for-profits Commission; the Office of the Registrar of Indigenous Corporations; the Law Society of Western Australia; the Western Australia Police Force; the Information Commissioner; the Chief Justice of the Supreme Court of Western Australia; the Public Trustee; the Department of Mines, Industry Regulation and Safety; the Western Australian Bar Association; the Charity Law Association of Australia and New Zealand; Senator Pat Dodson; and Alan Sefton, Senior Counsel. Are the three stakeholders that the parliamentary secretary referred to within that list of 14?

Hon MATTHEW SWINBOURN: I am advised yes, member.

Hon NICK GOIRAN: I am confident that one of the three stakeholders that the parliamentary secretary referred to is the Law Society of Western Australia. The reason I am confident about that is, as part of the opposition's work in readiness for this bill—this might be of interest to certain ministers of the Crown—the opposition took the opportunity to consult with one of the stakeholders, in this case the Law Society. It was quite some time ago, as far back as April this year. In part, a response was provided by the Law Society along the lines that it was invited to comment on the draft legislation. It had made some comments on it in June of last year. I quote —

The Law Society supports the purpose of the Bill to expand the powers of the Attorney-General in respect of Charitable Trusts so that these trusts can be held to account for any shortcomings of governance or performance that are discovered.

The Law Society in particular supports the whistle-blower protection in clause 37 and the ability to table investigator's reports found in clause 41.

However, it suggests that —

... exceptions to the duty of confidentiality in clause 36 as presently drafted apply to a potentially large number of persons, particularly in paragraph (e). The clause would be improved if disclosure to the categories of exception was qualified in relation to all categories by it being limited to disclosure for the purpose set out in paragraph (a).

Can the parliamentary secretary clarify whether the government is aware of those concerns raised by the Law Society, as I understand it, in June 2021? Can he confirm whether those concerns have been addressed completely in the bill that is presently before us or, if it has been addressed only in part, what part remains outstanding?

Hon MATTHEW SWINBOURN: There is a bit to go through here. It appears that the first thing the member did, I suspect, was to read from the same document I have in front of me, which is correspondence between the Law Society and the advisers, because the language the member used was identical.

Hon Nick Goiran: I can confirm for the record it is not the same document but actually a private email between the Law Society and me, but evidently they have used the same words.

Hon MATTHEW SWINBOURN: We disclosed that we consulted with the Law Society and the member put on the parliamentary record that he also consulted with the Law Society. To the extent that we are dealing with it now, we maintain our position on confidentiality on stakeholder engagement, but in this particular case, it is quite obviously the Law Society. What I am saying is that we maintain our principal position when engaging confidentially, but the Law Society quite clearly has put to the member the same concerns it raised with us about these provisions. The member read a paragraph that is identical, word for word, with what we have in front of us. The Law Society is entitled to do that because it is a private organisation that represents its members and it is entitled to disclose whatever it wishes through the course of its engagement with members of Parliament on these bills.

The Law Society was given a consultation draft but the bill now represents something different from the provisions in the consultation draft that it was provided. As I said, we did not address the Law Society's specific concerns about putting all matters in clause 36(3)(e) of the consultation bill into clause 37(3)(a) of this bill. We did not think that the Law Society's suggestion to narrow confidentiality to the extent that it related only to the purposes of a charitable trust was appropriate, because, for example, if criminal conduct were raised, we should be able to disclose those matters to the Commissioner of Police for investigation and prosecution if necessary, or to other regulatory and prosecutorial agencies that have a proper interest in upholding the law of the land. We did not want that narrowed down too far, but we did make amendments, as I indicated, consistent with the general suggestion to narrow down the confidentiality requirements. As I said, we did not adopt the form suggested by the Law Society, but we took the spirit of that matter to the extent that we thought was appropriate, and that is what is represented in the bill before us.

Hon NICK GOIRAN: The only element of complexity here is that, of course, as a member of the opposition, I do not have the benefit of the consultation draft that was provided to the Law Society. When it refers to a concern about clause 36(3)(e), which provision of clause 37 correlates with that, to the extent that it still exists?

Hon MATTHEW SWINBOURN: I ask the member to bear with me because I want to help to make this make sense. The Law Society's reference to paragraphs (a) and (e), as the member identified, do not correlate with this bill. For the member's benefit and the benefit of posterity, I will read in the provisions of the consultation draft that related to those provisions and identify what the Law Society refers to when it refers to paragraph (a). At that stage of the consultation draft, it was proposed section 36(3)(a), which states —

- (3) A person subject to a duty of confidentiality must not record, disclose, or make use of a document or information provided by a provider except —
 - (a) for a purpose related to the performance of a function under this Act or any other function of the Attorney General under the law relating to charitable trusts; or

Then it states —

- (e) to a person or class of persons, or to a person or body representing a person or class of persons, intended to benefit from the application of trust funds from the relevant charitable trust; or

Those are the paragraphs (a) and (e) in the consultation draft that were referred to. Paragraph (a) of the consultation draft now corresponds with clause 37(3)(b); and paragraph (e) in the consultation draft corresponds with clause 37(3)(b)(ii). I hope that assists the member.

Hon NICK GOIRAN: I thank the parliamentary secretary for clarifying that and reconciling clause 36 of the consultation draft bill and clause 37 in this bill. To close this out, is it fair to summarise that there have been some drafting, formatting and numerical changes between what was in clauses 36(3)(a) and (e) in the consultation draft and what is in clause 37(3)(b) of the bill before us and that notwithstanding those drafting, numerical and other changes, the substance of the two matters are essentially the same, even though the Law Society's concerns remain, and that the government has considered that and is satisfied that it does not need to be addressed along the lines of the suggestion of the Law Society? Is the government satisfied with the version that is presently before us?

Hon MATTHEW SWINBOURN: The member's characterisation is not quite right and the reason is—sorry, I need to understand my notes—the purposes that were originally limited in paragraph (e) did not have any limitations. There were no restrictions for the purposes of paragraph (e); however, the limitations are now restricted for the purposes that are identified in paragraph (b). To be fair, I think we went from a position where there were no restrictions, to one where a person is limited to those matters that are identified in paragraph (b) in the bill. Clause 37(3)(b) includes —

- for the purpose of enabling or assisting the Western Australian Charitable Trusts Commission or Attorney General to perform or exercise any functions or powers under this Act or another law relating to charitable trusts, including disclosing it —

It then goes on to list those matters. It went from being open to being specific. That is the indication I am getting. In our view, it addresses the concerns that were raised with us by the Law Society of Western Australia.

Hon NICK GOIRAN: Suffice to say, I really wanted to get to whether the society’s concerns have been addressed and I think that the parliamentary secretary has been helpful and has now clarified that they certainly have been, from the perspective of government. From what I can assess on the fly here, without the benefit of the consultation draft document, that seems to be correct.

Clause put and passed.

Clauses 38 to 42 put and passed.

Clause 43: Recovery of costs and expenses of investigation of charitable trust —

Hon NICK GOIRAN: I give notice that, at this point in time, the only other clause that I wish to examine is clause 48 of the bill presently before us.

Dealing now with clause 43, I have essentially the same question about whether any of the stakeholders raised concerns about this clause. It will not surprise the parliamentary secretary that I can indicate that I am aware that at least one stakeholder has raised a concern about this matter. Once again, I seek confirmation that the government has considered it. To what extent does the clause before us leave those concerns unaddressed or, alternatively, addressed either in part or in full?

Hon MATTHEW SWINBOURN: One stakeholder raised it with us. I think we both probably know who that stakeholder was. Let me just read my notes rather than going on the fly and then I will not get into trouble! One stakeholder raised a concern that the provision for cost recovery against the complainant could be used to dissuade complainants, and that it would be incongruous if another regulator subsequently found the charity was noncompliant; however, the provision applies only if the complaint is frivolous or vexatious, or not made in good faith. We would say this is a high standard. It is almost impossible to envisage a frivolous or vexatious complaint that could cause another regulator to find noncompliance. In the past, there have been court proceedings in which the Attorney General has sought and obtained costs orders against the plaintiff when the complainant lacked merit and caused unnecessary costs to the trust. We think it is appropriate that a similar power exist for investigations. Two stakeholders raised concerns about allowing the recovery of investigation costs from the trust property. The issue of cost recovery was raised with us. We obviously considered it but we did not agree with the position and we persisted with that.

This is another issue. I think the member asked whether one falls within the other. In any event, two stakeholders raised concerns about allowing for the recovery of investigation costs from the trust property; however, in the usual case, the primary responsibility for investigating issues with the trust lies with the trustee, with funds recoverable from the trust. The state should not have to bear these costs when the trustee fails to carry out such responsibilities. Any award of costs under this provision will be made at the court’s discretion and take all the circumstances into account, including the impact on the trust assets. Again, the two stakeholders have raised their concerns. We have considered them but we do not agree with them and we have persisted with the provisions in the way that they are now before the chamber.

Hon NICK GOIRAN: I know that one of the stakeholders who raised a concern with what was then clause 42 of the draft legislation but is now presumably the clause presently before us—clause 43—was not opposed to the notion of costs coming from the trust property itself. However, their view was that it should be discretionary and that the exercise of that discretion should be subject to an objective of preserving the trust assets for the beneficiaries of the trust. Is there anything in clause 43 or otherwise—not necessarily in the statute itself but as a matter of law—that would achieve that end? In other words, is there anything that would find the court seeking, whenever possible, to achieve this objective of preserving the trust assets for the beneficiaries of the trust?

Hon MATTHEW SWINBOURN: Under the provision, there is discretion for the court to determine that—the court will retain that discretion. I will deal with the issue raised by the stakeholder —

Hon Nick Goiran: That shalt not be named.

Hon MATTHEW SWINBOURN: Hon Nick Goiran can name them if he likes, but until he does, I will not. The stakeholder’s concern about clause 4 was whether it would allow the recovery of assets and include the objective of preserving the trust assets. I am trying to get the wording right. That was the concern. The costs should be specified to be exercised subject to an objective of preserving the trust assets for the beneficiary of the trust. Because we have created this capacity to take costs from the trust, we have not met the objective because the trust assets will be drawn down if there is a cost order.

Hon Nick Goiran: Yes, they are not opposed to that. We have not picked up —

Hon MATTHEW SWINBOURN: — the objective. We have not specifically picked up that objective, but what we say is that the court will retain the discretion to take into consideration the impact that any cost order would have on the trust asset. For example, if the investigation costs were so large that they would consume all the trust assets and destroy the capital that sits in the trust, the court may very well say, “Notwithstanding all the behaviour of the parties concerned, we will not make a cost order within the ambit of our discretion because it will fundamentally

destroy the cost.” We do not expect that this provision will be routinely used for every investigation. However, we say that it is appropriate that the Attorney General has the power to apply for such costs to be recovered and that the court has the discretion to make such a cost order. I will use this as an example. In the first instance, obviously the Attorney General and his agents who are engaging in this matter would have an understanding of what the trust property is—how big it is and how appropriate it might be to make an application for an order in the first place—so there is a discretion there. In terms of the Attorney General making the decision to proceed with that matter, the court would exercise its discretion and the other parties would be in a position to say, “No order should be made.” I confirm that nothing in this bill interferes with the court’s jurisprudence and how it should exercise its discretion in those particular matters. I think the member’s question was more pointed about whether I could point to any matters of law. We cannot say, for example, that a particular common law principle achieves the objectives that the stakeholder was trying to achieve. However, we can say that the provisions in this clause will not interfere with the court’s general jurisprudence—it is consistent with that jurisprudence—as it has developed over time.

Hon NICK GOIRAN: Clause 43(2) will give the Attorney General discretion to apply for costs, which will, in itself, be subject to a discretionary decision on the part of the courts. Was consideration given to giving the Western Australian Charitable Trusts Commission the discretion to make such an application?

Hon MATTHEW SWINBOURN: I am advised that consideration was given but, effectively, it was considered not appropriate to give it that power. The first context is that it will be the Attorney General, or the Attorney General’s agents, who will take court action, not the Western Australian Charitable Trusts Commission. It might also be inappropriate because the commission might be a witness in the proceedings and it might have recommended that the Attorney General take that action. The role of the commission does not sit at the point at which costs might be pursued and determined. Yes, it was considered, but it was considered to not be appropriate.

Clause put and passed.

Clauses 44 to 47 put and passed.

Clause 48: Terms used —

Hon NICK GOIRAN: This is the first of the clauses in part 6 of the bill. As I understand, this 68–2 bill was amended by the other place prior to its passage to us, in part, regarding the provisions in part 6. Was it the case that either the aforementioned 14 stakeholders or the Auditor General—most likely not—drew the government’s attention to concerns about part 6 that brought about those changes? If it was not one of the stakeholders, what was the genesis of those matters?

Hon MATTHEW SWINBOURN: In my second reading reply, and I do have before me the *Hansard* —

Hon Nick Goiran: You did touch on this issue.

Hon MATTHEW SWINBOURN: — in which the member admitted that he was not being helpful! He says, “I am not helping.” Obviously, the tone and context are sometimes lost in *Hansard*. Those are frivolous comments on my part.

I indicated that the feedback was from Professor Ian Murray and Herbert Smith Freehills on behalf of the Charity Law Association of Australia and New Zealand. Professor Ian Murray and the Charity Law Association of Australia and New Zealand were included within the 14 stakeholders. Herbert Smith Freehills’ involvement was in connection with that association, if I can describe it that way; it was not a separate stakeholder, but it obviously had some connection. The member asked for the genesis of the amendments. This issue was initially raised in an informal arrangement with the State Solicitor’s Office. Then, once it became apparent that amendments were needed, there was further engagement, as I previously indicated, with Herbert Smith Freehills and Professor Ian Murray.

Hon NICK GOIRAN: I have no further questions about clause 48, part 6 or any other provisions in the Charitable Trusts Bill 2022. I know that the parliamentary secretary is keen, as I am, to see this bill passed this afternoon. Rather than make any third reading remarks, I will simply close by indicating the opposition’s ongoing support for the Charitable Trusts Bill 2022. I thank the parliamentary secretary for the approach that he has taken in the carriage of this bill. In particular, I recognise the assistance that he has obviously been receiving from his advisers; it is very much appreciated by the opposition. With those remarks, we reiterate our support for the bill.

Clause put and passed.

Clauses 49 to 58 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 Matthew Swinbourn (Parliamentary Secretary)**, and passed.

MINING AMENDMENT BILL 2022*Second Reading*

Resumed from 21 September.

HON DR BRAD PETTITT (South Metropolitan) [2.54 pm]: I rise today to express some concern over a particular element of the Mining Amendment Bill 2022 before us today.

It was only a few months ago that I tabled a petition containing 605 signatures in this place. It called for a review of the Mining Act 1978 and Mining Regulations 1981. I do not want to debate the need for review and change to the Mining Act, but I want to raise a concern with one aspect of this bill: the reform that will enable fees to be prescribed for lodging an objection against a mining tenement application.

Consultation for this aspect of the bill, regarding the prescription of fees, was completed separately from the consultation for the other changes introduced in this bill. Interestingly, the consultation for the other changes in this bill ran for two months, involved six external consultation sessions and was attended by over 65 representatives from state government, local government, industry, industry representative bodies and native title groups. A total of nine written submissions were received. In comparison, the consultation regarding the change to enable fees to be set for objections ran for less than one month—26 days in total. External consultation sessions are not mentioned and, perhaps not surprisingly, only two submissions were received.

The report published by the Department of Mines, Industry Regulation and Safety in response to this limited consultation had two key themes. The first theme was —

1. Power to prescribe fees for making an objection application may deter vexatious objectors

I would be interested for the government to specify during this debate exactly who it means by the “vexatious objectors” it plans to deter. I am concerned, and I know other members of the public and community groups are concerned, that they are being targeted and will be adversely affected. During the briefing I received on this bill on Monday, 10 October, I was informed that the vast majority of objectors are, in fact, other mining companies. To substantiate this claim, my office submitted follow-up questions to the minister’s office, asking for a breakdown of the objections made in the past 12 months. We received this response on 20 October —

DMIRS systems do not currently categorise objections in this way and only record the name of the objector. Consequently, to undertake the analysis required to obtain the information requested an extract from the system with a manual review of the substance of each objection needed to be done. Given these constraints a 12 month analysis was not possible with the time and resources available. However, DMIRS has extracted the objections lodged between 1 April 2022 and 31 May 2022 and undertaken a manual analysis to give an indicative sample.

I want to thank the department for that, and I appreciate the work it has done. Although I appreciate that a manual analysis of a two-month period was undertaken to answer my questions, I am alarmed that this information is not easily accessible and clearly has not been reviewed as part of the government’s decision-making to introduce fees. Given that is part of the assumption and part of the reasoning, I would have thought that was pretty clear. The consultation for this element of the bill was nowhere near as extensive as the consultation for the remainder of the bill, and I now discover the decision was made without the data to back it up.

I worry that the two-month snapshot provided to me by the minister’s office does not tell the bigger picture. I think it is legitimate to ask why this particular two-month period was chosen. Across the months of April and May 2022, a total of 350 objections were lodged, and just over 55 per cent, or 195, of those objections were made by companies or persons known to be involved in the mining industry. That still leaves a significant number of objectors, almost 45 per cent, in the other categories, including “Persons not known to be connected with mining”. These objectors are private landholders, community members, water rights holders et cetera. They may be pastoral lessees, native title parties, individuals on the basis of native title rights and interests, non-government organisations or even local government organisations.

Further, I am aware of a community campaign that was run by the WA Forest Alliance earlier this year in opposition to 10 exploration licence applications from Rio Tinto. The objections for these applications were due in mid-March 2022, and it is my understanding that an average of 153 objections were lodged per application, which totals over 1 500 applications from concerned community members and groups. I note that the March objections were not included in the two-month review provided to my office, but it is a month for which I would be very interested to see a breakdown. My office has had discussions with some of these community objectors, who have said they were told staff were struggling with the volume of objections and warned that their complaints could be viewed as vexatious. This worries me deeply. I also want to know the purpose of this aspect of the bill that will enable fees to be charged for objections. Is it about cost recovery because the Warden’s Court has not been appropriately resourced?

During limited public consultation and the responses to submissions about the ability to prescribe fees, the Association of Mining and Exploration Companies gave its support in principle but noted —

However, if this is merely for the purpose of cost recovery, AMEC does not support the proposal as it is clearly a core service of Government.

That is an important point; the government should be resourcing its core services appropriately.

I will be honest: I am not particularly concerned about mining companies' ability to pay a prescribed fee to lodge an objection, but what I do know is that there were 605 signatures on petition 1344 requesting "reducing the complexity involved in the lodgement of objections". My concern with this bill and the introduction of the ability to charge fees for objections is that it may create a new barrier for individuals, community members and environmental groups and deter or prevent them from making objections in good faith on public interest grounds, particularly environmental grounds, due to potentially exorbitant fees. Community members have contacted me with their concerns regarding fees for objections and the consultation process that led to its introduction. I will give a few examples of these. Noel wrote to me with concerns that someone may come up with the "idea to charge a lodgement fee on the objections process to limit the responses". Pip contacted my office and said —

... anything over \$20 is likely to be a barrier for many people wanting to object ... It seems to me the increase in tenements being lodged has led to an increase in objections so they want to make it a mandatory fee that will be charged, it seems to me to discourage objections. Mining companies were the main stakeholders consulted regarding objection fees. I saw no input from the public in this proposed amendment.

In her email, Trudi said —

The desire for mining companies to have a fee imposed on objections is clearly to try and discourage people in communities from objecting ...

Donna wrote —

It is imperative that individuals and communities have the right to lodge their concerns and have them heard in the Warden's Court ... The impact of mining is felt by the environment, local government, community, and individuals ... I am already disgusted that this Bill has been put out to consultation without thinking that individuals, Shires and community groups may not be interested to respond.

I note that this bill does not propose any fee amount, and any fee setting will require an amendment to the Mining Regulations. In his second reading speech, Hon Matthew Swinbourn said that this change would establish consistency with comparable jurisdictions when there is a fee for lodging objections, such as with the State Administrative Tribunal. Given that statement, my office has examined the State Administrative Tribunal fees for comparison to get an idea of what could be enabled through this bill and introduced in regulations. Fees for lodging applications with SAT, which are set out in the State Administrative Tribunal Regulations 2004, vary considerably depending on the particular legislation the application is dealing with and the status of the applicant. Under SAT regulation 9, application fees can be as high as \$2 075 for individuals and corporate entities in some instances, and as low as \$139 for others. Eligible individuals, defined as people in receipt of various welfare benefits, are charged significantly lower fees—the highest is \$100 and they go as low as \$41. There is also provision for individuals or corporate entities to apply for recognition as an eligible individual for reasons of financial hardship or in the interests of justice.

I urge this government to take this speech and the community's request to reduce the complexity of objections into consideration. There is a real risk that without caution and careful consideration, the passing of the Mining Amendment Bill 2022 could lead to a new barrier for individuals, community members and environmental groups in lodging objections. It is incredibly important that the ability to prescribe fees and the introduction of fees does not prevent those with legitimate concerns from objecting to mining tenements. Any regulation to introduce fees should include provisions for substantially reduced fees for those making objections on environmental grounds or other grounds in the interests of justice.

I will end with a request from Jodie, who also contacted my office and said —

If this bill proceeds, then I suggest we seek to have a limit on fees for objectors with limited resources ...

I think this is deeply rational and I hope these kinds of amendments will be considered by government and that changes can be made.

HON MARTIN ALDRIDGE (Agricultural) [3.05 pm]: I rise as the lead speaker for the opposition on the Mining Amendment Bill 2022 and indicate from the outset that the opposition supports the bill. As I indicated to the parliamentary secretary behind the chair, my comments today will be relatively brief given the considerable scrutiny the bill was subjected to in the Legislative Assembly. The Mining Amendment Bill 2022 will amend the Mining Act 1978 to improve regulation by streamlining administrative processes, safeguarding the security of title and licence and providing greater certainty for the resources sector. The bill contemplates three key reforms, and perhaps a fourth minor one. It will modernise the Geocentric Datum of Australia; allow lease conversion applications to be submitted without marking the land if land cannot be accessed due to a significant event such as a COVID-19 restriction or a natural disaster, which is one of the reforms I want to spend some time on in my second reading contribution today; and provide the ability to prescribe fees for objections against applications for mining tenure.

I will deal now with the first matter, the geodetic datum. This reform provides for the adoption of the Geocentric Datum of Australia 2020, or the GDA2020. This is the latest, most accurate and modern geodetic datum. Australia sits on

top of one of the fastest moving tectonic plates in the world, moving approximately seven centimetres north-east a year, and adjustments to datum are necessary to maintain accuracy. Since the last update to global positioning satellite coordinates in 1994, Australia has moved almost 1.5 metres. This move will ensure that coordinates are aligned with global navigation satellite systems that are critical to applications that rely on accurate satellite positioning, such as in-vehicle navigation, surveying and automated mining operations. To enable the transition to GDA2020, amendments to the Mining Act are needed to ensure that the exploration licence grid remains constant, as it is now at GDA94, while its location on the surface of the land will be described using GDA2020. This will remove practical and administrative issues relating to the overlay of different grids. Importantly, these changes are flexible enough that any future datum can be automatically applied without the need for further legislative changes. As I understand it, that will be through a regulation-making power. This will enable the continued accuracy of location and security of the title system into the future.

As I said in my opening comments, the second reform goes to the so-called marking out provisions. A holder of a prospecting exploration or retention licence may apply for a mining licence or general purpose lease over all or part of the licence area. The area of the lease must be marked out before lodging an application.

This amendment will allow applications for mining leases or general purpose leases to be made without first marking out the land under specific circumstances. The explanatory memorandum states —

- Subsection 105(2) allows a licence holder to submit an application for a mining lease or general purpose lease over all or part of the existing licence area without first marking out the land. The application must be supported by a statement setting out the grounds why the land cannot be accessed, with evidence to support the statement.

A number of examples set out in the explanatory memorandum illustrate quite well the types of circumstances that are envisaged. The explanatory memorandum continues —

- Subsection 105(3) sets out circumstances under which an application for a lease may be made without first marking out the land. Circumstances include significant and exceptional events, such as a natural disaster or emergency, industrial dispute or civil disturbance.

In essence, any event that would prevent legal access to land under the law of Western Australia could be contemplated under this section—or could it? I might come back to that in a moment.

The explanatory memorandum provides a number of scenarios, such as being unable to access a lease due to intrastate border restrictions under a state of emergency, a serious fire or weather event resulting in road closures, or the Department of Fire and Emergency Services perhaps directing that people undertake only essential travel in a certain area. As I said, the explanatory memorandum outlines various scenarios in which the mining registrar would not accept an application without prior marking out, such as missing a flight or being unable to enter WA due to border closures when a local contractor could have been hired to mark out the site in their absence.

At this point, I might pause to reflect that last week we considered more temporary changes relating specifically to the COVID-19 pandemic. Here we have a minister of the Crown, the Minister for Mines and Petroleum, actually doing his job, unlike the Minister for Emergency Services and the Minister for Health, by futureproofing the statute book to deal with future events such as pandemics, rather than making consistent temporary changes to legislation.

I come back to the issue of marking out. When I first started to look at this brief, I found it interesting that “marking out” is literally what it means. From watching American cowboy movies as a child, I had visions of returned soldiers all lined up on their horses, the gun being fired and them racing off with their survey pegs to peg their land.

Hon Darren West: Didn't they hold up a train, as well?

Hon MARTIN ALDRIDGE: That could have been a different movie, Hon Darren West! But, really, it is not that far removed from what we are contemplating here. I draw members' attention to a publication by the Department of Mines, Industry Regulation and Safety, which is titled, helpfully, *Marking out and applying for mining tenements*. The opening section of this publication, on page 2, under the heading “Marking out a mining tenement”, states —

All tenements apart from Exploration Licences, Retention Licences, Miscellaneous Licences and prescribed land Prospecting Licences and prescribed Mining Leases must be marked out on the ground. The marking out requirements are as follows:

Standard marking out procedure is:

- a. by fixing firmly in the ground or as close as practicable to each corner or angle of the land concerned a post projecting at least one metre above the ground;
- b. by cutting two clearly identifiable trenches or placing two rows of stones at least one metre long from each post in the general direction of the boundary lines; and
- c. then by fixing firmly to one of the posts as the datum post the notice of marking out in the Form No. 20 in the First Schedule.

Where the land adjoins other land in respect of which the same person is seeking or holds a mining tenement, common posts and trenches or rows of stones, may be used for the marking out of each parcel of land ...

Where, due to the nature of the ground it is not possible to firmly fix posts, stones may be used to support the posts ...

This marking out process is almost medieval in nature. Maybe the parliamentary secretary can give me some greater understanding of the modern context of assembling stones and notices under the central requirement to mark out a mining tenement, particularly as an aspect of this bill deals with updating geodetic datum and global positioning systems and understanding where the land actually is.

Hon Darren West: It moves. The land moves, as you told us before, and so do the stones.

Hon MARTIN ALDRIDGE: I know. I am sure that some sort of technological advancement might flow from that, rather than putting rocks on top of each other in a mining tenement area. Perhaps that is still the best approach.

I paused when I made some comments before about something in my speech notes. I said, “In essence, any event that would prevent legal access to land under the law of Western Australia could be contemplated under this section”. I questioned this when I read it because we are contemplating the types of circumstances that might restrict movement—effectively, what might prevent somebody from marking out a tenement. Things that are contemplated in the explanatory memorandum include natural disasters, bushfires, COVID-19 restrictions—intrastate COVID-19 restrictions, not interstate ones—and the like. The reason this captured my attention was that people might recall that during the COVID-19 response, restrictions on movement to quite a significant part of remote Western Australia were actually made under the commonwealth Biosecurity Act 2015. Following the agreement of national cabinet, it was agreed that restrictions should be applied to protect remote Aboriginal communities across Australia. There was a mix of state and commonwealth legislation in play. Certainly, the state legislation applied more broadly, but for the more remote areas of our state, where there may well be mining interests or mining tenements, it might have been the commonwealth Biosecurity Act 2015 that applied.

I examined this matter further. I turn to clause 15 of the bill, which will amend section 105 of the act. Proposed section 105(3) states —

The statement must specify that, in the opinion of the holder of the licence, it is not possible for the land in relation to which the lease is sought to be accessed by or on behalf of the holder for the purpose of marking out as a result of 1 or more of the following —

There is quite a long list, from (a) through to (i), but I am interested in the first one, which is “any law”. To my knowledge, “law” is not defined. I assume that it has perhaps an Interpretation Act meaning, or perhaps it is the plain English meaning of the word. I assume it could then relate to any law—a local, state or federal government law. Therefore, the concern that I presented in my earlier remarks about the commonwealth Biosecurity Act 2015 would be captured by “any law”. I seek some certainty on that from the parliamentary secretary in his reply. The reason for my concern here is the explanatory memorandum. As members will be aware, explanatory memorandums are there to assist not only legislators to interpret the clauses within a bill, but also courts, magistrates and judges to interpret the intent of Parliament in situations in which there is contention and a need for clarity.

If members turn to the fourth page of the explanatory memorandum—unhelpfully, it is not numbered—they will see it includes a dot point that reads in part, before the first examples —

In essence, any event that prevents legal access to land (under the law of Western Australia) by an applicant, or anyone acting for the applicant, is contemplated here.

This is where we need to be quite clear what we are dealing with. Is it any law or is it, as the explanatory memorandum suggests, “in essence any event that prevents legal access to land under the law of Western Australia”? If it is as the explanatory memorandum suggests, I would like to know what the remedy will be when a circumstance arises in which a commonwealth law might prevent access to the marking out of a tenement. If the explanatory memorandum is wrong, what are we going to do about the explanatory memorandum?

The third of the three key reforms relates to fees for objections. There are currently no provisions that prescribe fees for objections against mining tenure applications. This does not align with other applications made under the Mining Act. The amendment will insert the ability to prescribe fees for lodgement of objections against applications for mining tenure, applications for restoration of tenement and applications for exemption from expenditure conditions. This will align the objection procedures more closely with other legislative provisions relating to applications and other actions under the Mining Act 1978.

In concluding my remarks, I want to acknowledge the significant value of the Western Australian resources sector to our state and our national economy. I heard parts of a debate earlier today in which members talked about the contribution of the resources sector to our state in particular, as well as the national economy. This sector has helped us deal with the uncertain economic circumstances of the last couple of years. The Western Australian resources sector supports some 149 000 jobs. In the past financial year alone, mineral and petroleum sales reached a record \$210 billion, including \$155 billion in iron ore. Western Australia also has some \$127 billion worth of resource

projects in the development pipeline. It is truly a critical sector for the economy of Western Australia and the nation. These amendments will continue to support and hopefully foster mining and exploration activity into the future. As I said in the introduction to my remarks, the opposition supports the bill.

HON KYLE MCGINN (Mining and Pastoral — Parliamentary Secretary) [3.22 pm]: It has been a mining sort of week, hasn't it? It is an honour to talk today on the Mining Amendment Bill 2022. There are quite a few things to go through. Hon Martin Aldridge touched on a few issues. I am probably going to talk about the reality on the ground that the legislation will fix. I am sure members of this chamber will be aware of the old Pinjin station issue from the last Parliament.

Hon Martin Aldridge interjected.

Hon KYLE MCGINN: Can the honourable member not recall the 12 months of pain? It was quite an epic 12 months, Hon Neil Thomson. If members look at the report on Pinjin station, they will see that tenements were being marked right over the top of a main tenement. It was quite interesting. The company is called Hawthorn Resources. The person who did the pegging happened to be with the Aboriginal corporation that was having the argument.

Hon Martin Aldridge: Did they use stones or posts?

Hon KYLE MCGINN: They used posts, but it was —

Hon Martin Aldridge: Were the posts supported by the stones?

Hon KYLE MCGINN: I cannot be 100 per cent sure! Smack-bang in the centre of the whole tenement was this little tenement that stopped the company from doing its job. It was really bizarre. I cannot get that 12 months back, unfortunately. Hon Robin Chapple was on that committee as well as Hon Robin Scott. They both drove out to Pinjin; when they came back, one car was clean and the other was completely filthy. Hon Robin Chapple was not so good at four-wheel driving, I have to say, but he was really good on the committee.

Hon Wilson Tucker: Low blow!

Hon KYLE MCGINN: I know I should not say that about Hon Robin Chapple but, at the end of the day, one car was completely covered in mud, and that was his car, and Hon Robin Scott's was still completely white. The committee has some photos that might be exposed one day. It was quite funny.

The bill and the explanatory memorandum contain some interesting things. I will touch on the automation side, although I am accused quite a bit of being a Luddite. I have said in this chamber a few times that we invent some of the best automation in the world in the mining industry. It comes from here but we do not build it, and that to me is a problem. This bill will streamline things more for automation, but we need to acknowledge that we need to get back into manufacturing and ensure that we are at the very least building the automation that is replacing our jobs.

Hon Neil Thomson: Do you support automation in the mining industry?

Hon KYLE MCGINN: Were you listening to what I just said? I just said that although I agree with automation —

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

Hon KYLE MCGINN: I am just getting started, Acting President! I find it really interesting that some people can literally have their ears pointed towards me and not hear what I say. It is like he is trying to go for a gotcha moment but he does not have the capability to do it.

Hon Martin Aldridge: We will give you an extension if you need it!

Hon KYLE MCGINN: I will probably need more than 41 minutes to explain the mining industry to Hon Neil Thomson.

Getting back to my point before I was rudely interjected on, yes, automation is coming in the mining industry particularly. There are some mines that cannot automate, such as Kalgoorlie Consolidated Gold Mines in the Super Pit. I do not think we will see automated dump trucks going down the Super Pit. I am sure members would have seen the rockslide that took place there a couple of years ago on the side of the Super Pit. It was massive, with tonnes and tonnes of rock falling down the side of the Super Pit. My view about automation is very clear. We are leading the world in mining. We have the Western Australian School of Mines out in the goldfields and Rio Tinto, BHP and everyone up in the north west and we invent all this automation, but it is sent overseas with the patent to build it and then we bring it back in. That is not the future. The future is for us to build it ourselves.

As I have said before in this chamber, at the moment, particularly dealing with Rio Tinto over the last term, it brought in automated dump trucks for a specific site and then dispersed the truck drivers amongst its other sites. The guys who were close to retirement got an early retirement and the guys who wanted to go to another workplace got to go to another workplace. When I asked Rio Tinto how many people lost jobs, the answer was zero. We are talking about 100 dump trucks disappearing but zero jobs were lost. We can only get away with saying that figure for so long until we start to realise that 100 jobs have been taken out of the pool. That is 100 jobs that have disappeared and been turned into a PlayStation controller down at the airport, most likely. Although I am not saying they should stop doing that, the reality is that we should be building the automation that replaces those jobs so that those 100 jobs can turn into the machines or the warehouse where it is produced, so we are refilling our workplaces. The problem is

that by reducing the workforce, eventually there will be fewer and fewer jobs and automation will play a role in that. I will proudly stand here, Hon Neil Thomson, and say that we should be building the automation in Australia. Do not take it the wrong way; that is absolutely what we should be doing because we are reducing the workforce by automating dump trucks particularly. Some roles, such as those involving drilling, are very dangerous in places. I have done a fair bit of work with the Westerman family, who lost their son in a drilling incident, and there has been some really good progress in drilling automation, which can only serve us better because those jobs are very dangerous. But we also have to think about diesel fumes and everything else in underground mines as well; that is another aspect.

Hon Alannah MacTiernan: Once we get hydrogen and electric vehicles, that will all be solved.

Hon KYLE McGINN: Yes, minister. I will be one of the first to welcome them. I look forward to seeing electric vehicles and hydrogen across my electorate rather than power stations and generators at every single mine site. There should have been more planning in the Pilbara back in the day. I am sure members would agree that collaboration and mining companies do not go well together.

Hon Dr Steve Thomas: Look at the reliability of the power in Kalgoorlie. Goodness me! You'd not want that.

Hon KYLE McGINN: Once again, we are dragged into the gutter. The honourable member cannot have a decent conversation. I am talking about the power grid in the Pilbara and mining companies building multiple power stations when they needed to build only one.

Hon Neil Thomson interjected.

Hon KYLE McGINN: Hang on! Just hold your horses! Dribble, dribble, dribble! Seriously, I might educate the member if he only would listen. I really want to help Hon Neil Thomson, because I think he really needs help. I am talking about the Pilbara, which, if the member realises, is in his electorate.

In the Pilbara, it is pretty obvious that every mining company just dumped their own power station down and there was no collaboration. Mining companies could have, particularly in Port Hedland, shared resources. In that case, there would be a lot fewer power stations, which would be good for the environment and less expensive as well. Instead, particularly before this government, there was a huge lack of collaboration and communication between mining companies. They did not even talk about lining up their shutdowns. For members like Hon Neil Thomson who do not have a high IQ, a shutdown is when a mine is shut down for maintenance and reset. It requires a lot of people and uses a casualised workforce that goes from mine site to mine site. If shutdowns are lined up properly, casual workers can do almost half a year's work at different mining sites. But what happened in the past is that companies did not consider other companies and would smack shutdown work on their sites at the exact same time as occurred at other sites. There could be a 1 400-man shutdown at Woodside at the same time that there was a 1 600-man shutdown at Cape Preston.

Now we can go to Kalgoorlie and talk about the beautiful goldfields. In the gold industry, funnily enough, companies began working in this space and started lining up their shutdowns because they understood the importance of streamlining and making sure that they had a skilled workforce. There are challenges that come with attracting a workforce to the goldfields, which I know Hon Peter Collier, who is from the goldfields, would understand. There has been a constant battle of up and down in the goldfields. People rush to move out there and then exit. There can be a heap of houses available and then there will be none. The industry goes up and down and up and down. Right now, it is really difficult to get a house in the goldfields.

Hon Neil Thomson: Talk to the Minister for Lands.

Hon KYLE McGINN: I would like to think that we could have a serious conversation without playing cheap politics, but I should not expect much more from Hon Neil Thomson.

As I was saying about lining up shutdowns, the best thing about the gold industry in 2016–17 was that they started to line up shutdown work. KCGM and Gold Fields started to talk to each other and made sure that shutdown crews could come in, do their operation, maybe have a week off and then go to the next shutdown and then to the next shutdown. That process was injected with steroids when we had the COVID-19 pandemic. It became a real issue, as everyone would know, because the mining industry has a tendency to rely on east coast fly-in fly-out workers, not just FIFO workers within Western Australia. It created a major issue for the mining industry pretty much overnight, and companies scrambled to work out how they could keep their workforce operational. That benefited mining companies that were already operating with local content first. In turn, they came out on top and did not really have to change anything at all. I do not know whether other members were alerted to this, but when COVID first came in, Northern Star Resources, for example, restricted itself to just one shutdown crew and got rid of everybody else. The shutdown crew would fly from camp site to camp site. Very quickly, the mayor and I called a meeting with mining companies in the goldfields and said, "That's not on. You need to ensure that the workload is spread." Companies cannot work people 24/7 and get rid of all workers' rights because there is a pandemic. Very quickly, that was fixed up and shutdowns were returned to local workforces, which was really good.

Hon Neil Thomson interjected.

The ACTING PRESIDENT: Members, please address your remarks through the chair.

Hon KYLE McGINN: Sorry, Acting President, I was not sure that was a remark; I thought it was more of a blah, blah, blah.

Hon Martin Pritchard interjected.

Hon KYLE McGINN: I will take an interjection from someone with some intellect.

Hon Martin Pritchard: With regard to the mining industry, do they do more local now than they did before the pandemic?

Hon KYLE McGINN: Absolutely. I think that local workforce was swallowed up quickly after that. Now, we are seeing them almost at their peak. We also saw east coast people being offered packages to move to the west coast, particularly Rio Tinto offered packages to bring people over here to live. Some people chose to come over just to work for a year, leaving their families in the east, but there was definitely a transition to a local workforce, yes. That has now exposed skill shortages and the need to increase skills and training.

I am sure we will educate Hon Neil Thomson a bit more if he keeps listening. I can see that he is getting a bit away with the fairies!

I would like to touch on the fast-tracking of approvals. I know Hon Martin Aldridge touched on pegging and the laying out of rocks et cetera. Two years ago, I was at a Diggers and Dealers event that was set up over the lookout. The two new owners of the mine at the time were Saracen Mineral Holdings and Northern Star. One section of the mine had been cut off because of a rockslide. The rockslide was massive and had shut off one side of the Super Pit. I think they were looking to blow up lookout 4 and they needed approvals to delve into another section. There was an opportunity to work with the government to ensure that resources kept moving. The approvals were fast-tracked and approved. That went really well for Kalgoorlie Consolidated Gold Mines because it continued to operate and to keep its workforce at peak capacity rather than reduce it while waiting for approvals. I know that KCGM was very happy with the government and worked with it to ensure the approvals were passed. That goes to show that this government understands the importance of the resources sector. I know it has been said many times that the opposition did not understand that during the pandemic. I have only to talk about the opposition wanting to open the borders early and not really fighting for the resources sector. But it was really good to have that collaboration and people working side by side to ensure things were operating. Mining companies went above and beyond to ensure that they had testing at the airports and on the mine sites—testing everywhere—to keep COVID out, which was great.

There have been interesting changes in the mining industry, and I think we will probably see more changes. How can I say it? There is a weird balance between local and FIFO workforces. If we go back and look at what the previous Liberal–National government did, we can see that there was absolutely no restraint on approvals for fly-in fly-out camps and no thinking about the effect they would have on local communities. The National Party fought against a fair few FIFO camps, particularly up in the Pilbara. A former member of this place Hon Jacqui Boydell and I had a few screaming matches over the Coolgardie one. The difference pre-2017 and post-2017 is that the Liberals did not care where those camps were put. Mining companies could put them 50 or 100 kays away from a town and were allowed to build aerodromes, which took business away from local airports. They could whack up camps and make sure that when FIFO workers came from Perth, they would not spend even a dollar on coffee, because they would get coffee on the bus on the way to the camp. The difference in the attitude of this government is that it has worked with the communities that want to accept camps into their communities, like Coolgardie. I strongly urge any Liberals in the Mining and Pastoral Region to go and chat to the Shire of Coolgardie, because it did that very, very well. I would love for any Liberal in the Mining and Pastoral electorate to challenge me on that. The situation in Coolgardie was that sales at the local shop, the IGA, were not going so well. The local gym was not going so well.

Hon Neil Thomson: It's a good model.

Hon KYLE McGINN: It is a brilliant model. Coolgardie gave approval for a 150-man camp to be set up at the back of town, but it did not allow the mining company to put any luxuries into that space. Normally, when someone goes to a camp and wants to buy chocolates, smokes et cetera, they would be there in the camp. In Coolgardie, they are forced to go to the local shop for a packet of darts. I just want to say that I have not had a dart for 10 months—I have been smoke-free for 10 months. I do not think about it every day, though!

I talked to the shire probably 12 months after the camp was put up and there had been a 45 per cent increase in sales at the IGA. The owner of the IGA had brought in more stock and more options, and had opened an extra section. Membership of the gym went through the roof. The best thing about it was that the mining camp then turned around and said, “You know what? We’re going to use our mess room for Meals on Wheels in the community.” Meals on Wheels is now provided out of this camp for everybody in Coolgardie who requires it. That is amazing. That is proper integration. The minister at the time, Rita Saffioti, copped some flack, particularly from the National Party. Nationals WA members said that the Labor Party was all about FIFO camps. Do members know that more FIFO camps were opened under the last government?

Hon Peter Foster: By Terry Redman.

Hon KYLE McGINN: By Terry Redman, of all people.

Hon Peter Foster: And Brendon Grylls.

Hon KYLE McGINN: Oh, yes; how the mighty have fallen. Brendon Grylls went around opening up camps and aerodromes and caused an absolute nightmare for local communities.

Hon Peter Foster interjected.

Hon KYLE McGINN: We could talk about the underground power project as well. I remember Hon Brendon Grylls crying on stage at one point when a horde of hundreds was yelling and screaming.

Hon Wilson Tucker interjected.

Hon KYLE McGINN: Was that a low blow? I do not know. I did picket his office a couple of times before I got in here.

Hon Tjorn Sibma: Is that a promotion, then?

Hon KYLE McGINN: I do not know; picketing offices was pretty fun. Where is the honourable member's office?

Hon Tjorn Sibma: In Stirling.

Hon KYLE McGINN: Excellent; although I will have to work out where Stirling is!

Basically, Coolgardie got this right. Kambalda is another town that is looking at having a FIFO camp, but that has not been without problems. I have seen the chief executive officer smeared across the front page of the *Kalgoorlie Miner* following protests and everything else from some community members, but the shire has held an open consultation process. Not everyone is going to be happy in the end, but it seems to me that the model the shires are working on is trying to reinvigorate and resource the lifestyle needs of small communities by utilising mining camps.

Another one who has done a really good job, and I have to say I have clashed heads with him many times, is the CEO of the Shire of Dundas, Peter Fitchat.

Hon Neil Thomson: I'm surprised you've been out there! This government just ignores Norseman.

Hon KYLE McGINN: I go to Norseman a lot, member, because it is in my electorate. If the member knew what the Mining and Pastoral electorate was like, he might be able to inject something into this debate, but, once again, I am left disappointed by Hon Neil Thomson.

Many years ago, the CEO, Peter Fitchat, and I were clashing heads. Everyone would be aware of what happened in Norseman. There were thousands of people in the town. There was an abundance. It was a pretty booming little town. Then all of a sudden the mining company left and the town just disintegrated. It was sad. People just abandoned their houses and gave up on paying rates to the shire, and the shire was left with vacant lots. To the credit of the shire president, Laurene Bonza, and the CEO, Peter Fitchat, they put their shoulder to the wheel and came up with some alternative ideas. There is now a 300-man camp right in the middle of town. The pub has never been better. I have to say that that pub was on its bare bones at that point as well. The pub and the local cafe are now moving in a good direction. That is because of camps that are well thought out and not just whacked 50 kilometres away from the town with aerodromes, as happened under the former government, which forced people out of regional communities. That was terrible. I would like to see Hon Neil Thomson acknowledge that the Liberal Party was hopeless at that policy, because I think that would be only right.

I have spoken about the camp side of things. We have the Mining Act on the one hand. Another big area to look at is native title. I have spoken about that a bit in the last couple of weeks in some of the great debates that have been brought into this place. We will have a big issue with native title down the track, particularly in the goldfields, where there is no native title determination at the moment.

I will now move on to the bill and focus on a couple of things. Hon Martin Aldridge summarised —

Hon Tjorn Sibma: Are you presenting the bill?

Hon KYLE McGINN: I just wanted to provide some education around the mining industry, because there are some people in this chamber who do not know about that.

Hon Tjorn Sibma interjected.

Hon KYLE McGINN: I explained that, but the member was away on urgent parliamentary business and I was not able —

Hon Tjorn Sibma interjected.

Hon KYLE McGINN: The member should have listened to it in his office, because it was quite a riveting start to my speech. I enjoyed it. There are people in this chamber who do not appreciate the vastness and —

Hon Tjorn Sibma: More talk!

Hon KYLE McGINN: Is that not our job right now, honourable member, to talk? What does the member want me to do—a dance or a shuffle? Honestly!

Several members interjected.

The ACTING PRESIDENT: Order!

Hon Tjorn Sibma interjected.

The ACTING PRESIDENT (Hon Jackie Jarvis): Order! Hon Tjorn Sibma, I did mention earlier today that when the President or, indeed, the Acting President, speaks, all other members should be quiet. I did express earlier how disappointing it was that experienced members would continue to speak over the Acting President.

Hon KYLE McGINN: Thank you very much, Acting President. I felt as though I was watching 20 minutes of absolute class!

Hon Tjorn Sibma interjected.

Hon KYLE McGINN: Was that the dance class? Unruly interjections, Acting President! I cannot focus.

I am touching back down. I will take my time. I will dissect this nice and slowly for members. Hon Martin Aldridge did offer me an extension. I thought that was very generous of the member. As Hon Martin Aldridge touched on, one of the three pillars of this bill—maybe four—is a streamlined administration process. That is what I like the most about this amendment bill. The ability to streamline administration is good for exploration. It is good for the resource sector. The need for exploration in the resource sector will be massive moving forward to ensure that our economy will come out strong after the cliff that everyone says we could be falling off next year. The exploration incentive scheme, which we topped up with extra money, is one of those schemes that will be a huge player in ensuring that our resources sector continues to drill, dig and produce.

I looked through the explanatory memorandum. Hon Martin Aldridge touched on changes to the marking out of tenements. I found clause 15, “Section 105 amended”, which is quite an interesting read. I will go through that with members because it offers a bit of an insight into how the changes will help and alleviate some of the issues that may pop up, as they did during the COVID pandemic.

So that members are aware, clause 15(1) will amend section 105(1) to accommodate the change made by clause 15(2), which will insert subsections to enable a licence holder to submit an application for mining tenure without first marking out the land. The new subsections will apply to applications made under sections 49, 67, 70L and 75(7), whereby a holder of a prospecting licence, exploration licence or retention licence may apply for a mining lease or general purpose lease over the land subject to the existing licence. I have told this chamber that I am not a lawyer. I appreciate the minister laying out some examples in the explanatory memorandum to simplify things for me. I think he did that especially for me! Example A in the explanatory memorandum delves into an issue that would have come up during the COVID era. It reads —

A is the holder of an exploration licence located near Laverton. The licence is due to expire in two weeks. A plans to apply for a mining lease pursuant to section 67 by submitting an application prior to the expiry of the underlying exploration licence.

Two days before A is due to travel to Laverton to mark out the land, intra-state travel restrictions are declared across Western Australia as part of a state of emergency. The restrictions will prevent movement between regions and limit movement of residents within the regions to essential activities.

Obviously, this was done in hindsight, because this has happened, as everyone in Western Australia would know. Example A continues —

The restrictions will remain in place for the next six weeks.

A lives in Perth and is unable to travel outside of the Perth and Peel regions for the next six weeks, during which time, A’s exploration licence will expire.

A submits the mining lease application to the Mining Registrar without first marking out the land. The application is accompanied by a statement that travel restrictions are preventing access to the land to mark out. The statement is supported by evidence in the form of directions released by the Government on the closure of regional boundaries, as well as evidence that A was unable to engage anyone in the Goldfields region to mark out the land.

I assure members that it would absolutely be an issue trying to find someone to mark out a tenement without them also doing it for themselves, not that prospectors do that to each other. Example A continues —

The Mining Registrar is satisfied that it is not possible for the land to be accessed for marking out and accepts A’s application.

That is, with foresight, seeing the potential of intrastate issues coming into play.

Example B is slightly different, but it also allows for the ability for this to take place. It reads —

B lives in Marble Bar, —

Marble Bar is another beautiful place in my electorate —

and holds an exploration licence 100 kilometres east of the town.

Hon Darren West: It's too hot.

Hon KYLE McGINN: It is the hottest place in my electorate. The Marble Bar Races are pretty good, but I urge members to not stay for the last race, because that is when a bunch of city people strip down and run down the racetrack.

Hon Martin Pritchard interjected.

Hon KYLE McGINN: I was not leading them, Hon Martin Pritchard.

Hon Darren West: I recognised you.

Hon KYLE McGINN: Wow; if my dancing did not scare members, the idea of me running in the last race at Marble Bar probably will!

Hon Sue Ellery: Move along, move along.

Hon KYLE McGINN: Apologies. The interjections have been unruly!

Example B continues —

B plans to submit an application for a mining lease over ground covered by the existing exploration licence. The exploration licence is due to expire in two weeks.

The day before B is set to travel out to the exploration licence area to mark out the land, intra-state travel restrictions are declared across Western Australia as part of a state of emergency.

...

B is able to travel within the region, and is able to leave Marble Bar and travel to the area to mark out the land as planned.

As the travel restrictions do not prevent B from travelling to the exploration licence area, marking out must be done before submitting an application for the mining lease.

There needs to be evidence and there needs to be a reason. I am sure that attempts will be made to exploit that situation of not being able to peg out the tenement. I hope that the department is ready for that. Again, from reading this explanatory memorandum, it seems that the Mining Amendment Bill is designed to ensure that those people are captured and will not get away with that behaviour. If a person has the ability to mark out their tenement, that is exactly what they need to do. They cannot just rely on trying to get through the loopholes.

I like the fact that, once again, this next example is based in my electorate. Example C is slightly different again but it informs us really well on how this bill will operate —

C lives in Wiluna—

A beautiful part of the world —

C plans to apply for a mining lease over ground covered by the existing exploration licence. The exploration licence is due to expire in three weeks.

C's exploration licence is located to the south east of Wiluna, extending across the Mid-West and Goldfields regional boundaries. The intended mining lease will extend across the boundaries of the two regions.

Shortly before C is due to mark out the land, intra-state travel restrictions are declared across Western Australia as part of a state of emergency. The restrictions will remain in place for the next six weeks.

C is able to travel within the Mid-West region, but travel restrictions prevent access to the Goldfields region. C is unable to mark out of the area prior to the expiry of the exploration licence.

C may submit the mining lease application to the Mining Registrar without first marking out the land, accompanied with a statement that travel restrictions prevent access to part of the subject land for the purposes of marking out. C provides evidence to support the statement, in the form of directions released by the Government on the closure of regional boundaries and a map showing the location of the licence area in relation to regional boundaries. C also provides evidence that it is not possible for C to engage anyone in the Goldfields region to mark out the land.

The Mining Registrar is satisfied that C's statement demonstrates that it is not possible for the land to be accessed for marking out and accepts C's application.

These examples are a good way to ensure that people understand the intent of this bill and what it wants to achieve. The foresight to put this in place, despite some people thinking that we have just been through a once-in-a-lifetime pandemic, and to make sure that the mining industry is prepared for the future is a really good thing for the

Western Australian economy. The Minister for Mines and Petroleum, Bill Johnston, has done an amazing job not only with the legislation that is moving through this chamber, but also in supporting mining companies through what has been a turbulent journey. Members can see that he has taken on board their concerns and put them into legislation to ensure that in the future, through pandemics, natural disasters and everything else that the world can throw at us, mining companies will be able to continue to operate and be a part of our strong resource industry.

I urge members to read the other examples in the explanatory memorandum. Again, those examples show the foresight given to potential issues that may arise so that we do not find ourselves rushing legislation through this chamber to enable the mines to continue to operate. Hon Martin Aldridge briefly touched on geocentric datum, which is well explained in the second reading speech. That gave me a pretty good understanding on where it is heading. That is part of the bill's first reform. The second reform will allow leases and applications to be made without the marking of land, which we have gone through. The third reform enables fees to be prescribed for lodging an objection against a mining tenement application. Unlike other application types under the Mining Act, there is currently no legislative provision that allows fees to be imposed on the lodgement of objections. Finally, the bill also contains a minor amendment to designate tenement contact provisions. This amendment increases the scope to give information, documents and notifications electronically, supporting the government's digital transformation and streamlining of services.

All in all, I think this is a good piece of legislation. I know that Hon Bill Johnston has been in and out of the goldfields, particularly since becoming a minister. Actually, I know his parliamentary secretary has been out on a few mine sites himself, and thoroughly enjoyed the goldfields I believe!

Hon Martin Aldridge: Who is it?

Hon KYLE McGINN: It is the very hardworking Hon Matthew Swinbourn.

Hon Tjorn Sibma: Our future Attorney General.

Hon KYLE McGINN: Yes! Did we not take any notice of question time? No? Hon Bill Johnston not only goes out and meets big mining companies, but he also sends his parliamentary secretary out there to get a taste of the mining industry out in the goldfields. Every time Hon Bill Johnston goes out into the goldfields, to his credit, we always end up at the local prospectors' shack down in Boulder talking to small prospectors.

Hon Darren West: You have to be worried!

Several members interjected.

Hon KYLE McGINN: The goldfields has changed since 1901. We have not ended up at the Exchange Hotel having a pony; that has not happened. There are a lot of interesting places in the goldfields. The prospecting shack in Boulder is a very safe and professional outfit.

Hon Tjorn Sibma: Is that where the dancing happens—where the moves are home?

Hon KYLE McGINN: That is at the Gold Bar at about 1.00 am!

I want to thank the minister. Not every minister has sat down with the prospectors and gone through their issues from a smaller operation perspective. They acknowledge that every time the minister gives them that opportunity. We have done it at the WA School of Mines, we have done it at a sundowner and down at their association. We give them plenty of notice and they come in with bucketloads of complaints, issues and pie in the sky requests. The minister works through them and gets back to them every time.

Hon Tjorn Sibma: Which companies?

Hon KYLE McGINN: I will invite the member to come out and hear some of the amazing ideas that come out of some prospectors. All I am saying is that it can get quite hot out there. There is a shortage of water sometimes.

Several members interjected.

Hon KYLE McGINN: I cannot understand how this has gone into dancing.

Several members interjected.

Hon KYLE McGINN: The sad part is that this is going to be in *Hansard* forever now. I thank the deputy chair for the opportunity. I would like to put on the record that I am not a dancer. I am very pleased with this bill and I look forward to seeing it pass through this house without too much of an issue.

HON WILSON TUCKER (Mining and Pastoral) [4.02 pm]: I was not planning on giving a contribution today, but I felt compelled after the previous member's contribution waxing very lyrically about the Mining and Pastoral Region. As a fellow member for the Mining and Pastoral Region, I thought I would also wax lyrically and share my two cents—certainly about automation and collaboration. I think the member mentioned that the mining sector and mining companies do not collaborate very well. I would like to remind him of the few classic examples in which the mining industry did collaborate very well. Brendon Grylls with the royalty tax increase was a classic example of the mining industry collaborating very well, and it put an end to his political career quite quickly.

Several members interjected.

The DEPUTY CHAIR (Hon Jackie Jarvis): Members! Hon Wilson Tucker, I will remind you to address your comments through the chair.

Hon WILSON TUCKER: The honourable member also made reference in his contribution on Wednesday this week to the motion we discussed regarding the windfalls that these companies are enjoying. Hon Kyle McGinn spoke about the gold tax increase.

Hon Kyle McGinn: The failed one in 2017.

Hon WILSON TUCKER: That is right. The member gave the example of the mining industry coming together very well, collaborating to stir the masses and hand out —

Hon Kyle McGinn: I didn't say that. I said I had protesters at my office.

Hon WILSON TUCKER: That is right; that is an example of collaboration, member.

Hon Kyle McGinn: They got paid to do that.

Hon WILSON TUCKER: That is another classic example of the mining industry coming together quite well when it feels the need is there.

Another example of collaboration is the gas agreement that the Carpenter government put in place. The mining industry put together a very effective scare campaign, saying that the domestic gas policy of reserving 15 per cent of gas for domestic use would result in job losses. History shows that that is not the case. The mining industry claimed that the policy would spread to other jurisdictions and cost jobs on the ground. But if we look back now, we see that it was actually a very well thought out policy. Reserving 15 per cent of the gas for domestic use has kept inflationary pressures in check, and the soaring energy prices that we are seeing around the world and over east are not affecting us in Western Australia. That is an example of the government standing up to the mining industry and coming out the other end with a policy in place that has futureproofed the energy sector and helped futureproof the WA economy.

Hon Kyle McGinn also spoke about automation. He said that automation is not a bad thing, we should not be afraid of it, and that it would not necessarily result in job losses if we can secure the manufacturing side as well.

Hon Kyle McGinn: No. I was afraid it was resulting in job losses without manufacturing replacing it.

Hon WILSON TUCKER: I think the member will find that, typically, when we automate, we upskill our workforce as well. Automation gets rid of those lower-level jobs and puts people in positions in which they can generate more intellectual property. They actually become higher paying, upskilled positions, typically. But I do agree with the honourable member's comments regarding local manufacturing. I think that is absolutely important—certainly after the pandemic. We should be building sovereignty around our supply chains, and that includes manufacturing that feeds into industries like the resources sector. The member is spot on there.

I want to make a point about Hon Kyle McGinn's comments on fly-in fly-out camps in the Pilbara. During the Barnett government years, there seemed to be a free licence to build FIFO camps wherever the mining companies saw fit. That has since been reversed, and I think Labor is doing a better job of engaging with those companies to ensure that the workforce is integrated into local towns. Previously, FIFO workers were segregated. They would fly in and where they worked, slept and how they spent their money—everything—was contained in those camps, and they did not give back to those local communities. We are now seeing more memorandums of understanding put in place between local governments and mining companies to allow for a more integrated workforce that can give back to those local communities.

The ACTING PRESIDENT (Hon Jackie Jarvis): Member, I would remind you that we are discussing the Mining Amendment Bill 2022. I note that Hon Kyle McGinn took significant licence in reference to the bill, but I remind you that we are talking about the Mining Amendment Bill, not responding to the comments of a previous member. Thank you.

Hon WILSON TUCKER: Thank you, Acting President.

In summary, automation is good. This bill will go some way to automating some of these approval processes, and I certainly do not have a problem with that. I think automation is certainly good, and I support the bill.

HON PETER FOSTER (Mining and Pastoral) [4.09 pm]: Today I rise to speak in support of the Mining Amendment Bill 2022. As one of the members representing the Mining and Pastoral Region, I take a keen interest in the mining industry. That is one of the reasons I thought it was important to contribute to the second reading debate on this bill today. It is a relatively short bill, as some members have already canvassed; it has 16 clauses. It seeks to amend the Mining Act 1978 to improve both the regulations and regulatory practices in Western Australia. These changes seek to streamline the processes, safeguard the security of titles and licences, and generate certainty for the resources sector. It is this last point that I will mostly highlight in my contribution, because I think it is very important that our resources sector has certainty when it is making major investment decisions.

Key components of the bill include modernising the geodetic data, which has been already discussed; allowing lease conversion applications to be made without first marking out the land when the land cannot be accessed—we have discussed a few reasons why the land might not be able to be marked out; and enabling fees to be prescribed

for the lodgement of an objection application against a mining tenure application. I think it is important to note that this bill supports the McGowan government's vision for our state—to continue to be recognised as a world leader in responsible resources development that is underpinned by a robust and adaptable legislative framework, hence the bill before us today.

I refer to a media statement that came out earlier this month. I remind members that it is important that we have a safe and secure investment environment within which our mining companies can make big decisions. The media statement refers to \$231 billion of mineral and petroleum sales for the state in 2021–22, and that includes \$6.8 billion for lithium and nickel as well, which has had record sales for the last 10 years. It is also important that our mining industry has security, because a lot of Western Australians actually work in the mining industry. The latest figures show that 157 700 Western Australians are working in the mining industry. I think it is really important to point that out. Those workers rely on good decisions being made by this house, as is contained in this bill. Sales of iron ore have been very high, generating \$137 billion in sales; gold, \$17 billion in sales; and nickel, \$4.9 billion in sales. The media statement also refers to LNG production generating \$38 billion in sales. It is really important to highlight that, because we need a strong resources industry, and that is going to be supported by this bill.

This morning we talked about strong economic management in debate on a motion moved by Hon Pierre Yang. I note that, yes, it is being powered in part by the resources sector, and, again, that is why we need to get the legislative framework right and not squander our profits from the resources sector. That was highlighted in the debate this morning. It is important that our resources industries are supported, because without that support, we would not have as many people employed and we would not have that income generated for our state.

It is pleasing to see that the mining industry continues to invest. A couple of other media statements came out recently, including one from 18 October titled “Joint Rhodes Ridge iron ore project gets green light”. That is actually just down the road from where I am in Tom Price. It states, in part —

McGowan Government welcomes joint venture Rhodes Ridge development

That is a joint project between Rio Tinto and Wright Prospecting to develop the Rhodes Ridge deposits in the Pilbara region. It is estimated that there is about 6.7 billion tonnes of iron ore. The project is expected to generate thousands of jobs, and has the potential to underpin production of Rio Tinto's iron ore for many years to come. This will provide a much-needed boost to both our state economy and the local economy in the Pilbara. It is pleasing to see that Rio Tinto and Wright Prospecting are working closely with the traditional owners, who in that part of the world are the Nyiyaparli and the Ngarlawangga people, to ensure that sites of cultural significance and environmental and biodiversity value are protected as part of the new development. As I said, the mining and resource industry needs certainty to be able to make big investment decisions and the Mining Amendment Bill 2022 supports this.

As members may recall, I live in Tom Price. Tom Price is home to many in the mining industry. I have a personal interest because my partner works for Rio Tinto in Tom Price as a production planner. I texted him today because I was not sure what his role was. I said, “What do you do? What you do?” He said that he develops scopes of work, creates executable plans for shutdowns and is required to arrange labour or machinery hires for the shutdowns. When part of the mine needs to be replaced, my partner will design the plan and work out who is required. It might be a labour hire network or machinery to be hired, and he will make sure that happens. That highlights how many parts there are to the mining industry. We have talked here today about the fly-in fly-out industry. A lot of those shutdown crews are FIFO workers who travel from Perth. They have their mortgages and families in Perth and then travel north to carry out this important shutdown work. Shutdowns do not happen every week. Sometimes shutdown projects can be three to four weeks in length, or sometimes they can be for only a matter of days. It is important to highlight that a lot of people in Western Australia rely on those mining jobs, not just up in the regions, although it is very important there. Tom Price, where I live, is a town of about 3 500 people and easily 1 000 people are directly employed through Rio Tinto. Those jobs are very important.

I did not really want to talk about the next issue, but I will. A motion was moved in the house yesterday on mining royalties and there was a bit of commentary about whether the royalties should go up or the royalties should go down. A few people raised what happened just before the 2017 election. When the former member for Pilbara was in government, he proposed a mining tax. I lived in Tom Price and I felt very directly the fear in my local community when that mining tax was suggested. As I have just explained, potentially 1 000 people in town are employed directly through the mine. I say directly because there are also indirect jobs such as people in the transport industry, retail and so on. We were really frightened when Brendon Grylls made that suggestion. Many local people did not vote for the National Party on that basis. They were scared that they would lose their jobs. They were scared that the mining company would not continue to invest in our town and people would have to leave.

I do not know how many members in this house have been to Tom Price. It is a beautiful place. I have been there for 14 years. The main demographic is young families and they like living in Tom Price. We have three great schools and a number of sporting ovals. They call it home and they were really frightened that they would have to leave and move somewhere else. I want to touch on the town because the mining industry invests a lot of money into our regional towns and that is why it is so important that the resource industry has a good legislative framework and the confidence to continue to invest. For example, through partnerships with the Shire of Ashburton, Tom Price

has had its skate parks upgraded and a new pump track, which cost over \$1 million, is about to be formally opened. A shade structure is being built over the basketball courts, which is about a \$3 million project. A new childcare centre will open in a matter of weeks, which I think was about a \$4.5 million project. A co-located emergency services precinct that is being developed in partnership with the shire and the state government is about a \$1.8 million project. The mining industry is supporting a lot of projects. This is all with the Shire of Ashburton. Of course, over on the coast in Onslow, Chevron has contributed about \$36 million to the new shire building, swimming pool, basketball courts and skate park. Our mining industry has contributed to a lot of infrastructure.

As we discussed, there are a few clauses of note in the bill: clauses 4 and 8, which deal with that geodetic data; clause 15, which deals with the pegging and marking out of the land; and clauses 6 to 14, which refer to the fees. I know Hon Dr Brad Pettitt talked about prescribed fees in his contribution. It is important to note—if I can find it—that these amendments do not propose any fee amount but only for a fee to be set, with any setting of fee to require amendments to the Mining Regulations 1981 in consultation with stakeholders.

I will leave my contribution there; thank you for the opportunity to speak. I commend the bill to the house.

HON MATTHEW SWINBOURN (East Metropolitan — Parliamentary Secretary) [4.20 pm] — in reply: I will give a reply to this matter. The 16-clause Mining Amendment Bill 2022 has generated far more debate than I anticipated, but I thank all members for their passionate contributions. I will address the matters that I can. I appreciate that Hon Martin Aldridge indicated that the opposition alliance will not require that the bill be dealt with in committee. Hon Dr Brad Pettitt has also indicated behind the chair that he does not require the bill to be dealt with in committee.

Hon Martin Aldridge interjected.

Hon MATTHEW SWINBOURN: The reply will not be anywhere near as colourful as some of the contributions. I do not wish to disappoint some of the members with my lack of enthusiasm for their interjections.

Hon Dr Brad Pettitt raised the concerns of his community about the part of the bill that deals with the power to prescribe a fee. As Hon Peter Foster said in his address, this bill will only create a power; it will not prescribe the fee. It will not prescribe any fee structure. Apart from the fact that the bill will provide this power, I can confirm on behalf of the government that if a fee is prescribed for objections at a time upon the passage of the bill, it will be subject to extensive consultation with industry and the community. I hope that provides reassurance to the people who raised this matter with the member and that it will give people the opportunity to make submissions of this kind; for example, the fees for a person should be low but a fee for a corporation might be higher, and things of that kind.

The member raised concerns about the idea of vexatious objectors and what that makes reference to. It is fair to say that the kind of people he was speaking on behalf of were not contemplated. I think over 3 000 objections to mining tenements are lodged every year. There are a lot of objections. After Hon Dr Brad Pettitt's briefing, we provided a breakdown that we could use from the time period from 1 April 2022 to 31 May 2022—only two months. There were 350 rejections, which the Department of Mines, Industry Regulation and Safety reviewed, and placed in a number of categories. The first category is companies or persons known to be involved in the mining industry. Of the 350 objections, 195 were lodged by people in that category, which represents 56 per cent. A clear majority of them were lodged by people who were connected with mining companies or the mining industry. A further category is persons not known to be connected with mining, such as private landholders, community members and water rights holders. They made up 75 of the 350 objections, which is 21 per cent. Pastoral lessees made up 42 of the 350, which is 12 per cent. Native title parties or individuals, on the basis of native title rights and interests, made up 28 of the 350, or eight per cent. Non-government organisations and local government authorities made up three per cent. That is the broad range taken from that sample in the time that we had to do that analysis. As members can see, there is an element to them.

The department is aware that some industry people make vexatious objections to interfere with a competitor's mining operations or to potentially extract money from the mining company to make the objection go away, effectively. We do not have any figures on what that relates to, but this is for vexatious objectors rather than genuine members of the community who have a concern and who lodge that concern. The member contemplated individuals who lodge their own individual objections. Sometimes we get a lot of objections, but it is possible for a group of individuals to come together and make a single objection so that in the event that a fee is prescribed, the impact on those individuals can be potentially ameliorated by sharing the cost amongst a large group of them and the objection can be dealt with on its merits through that process. As I say, the Mining Act establishes a power to prescribe a fee for objection only; it does not provide for a structure, type or amount of any fee, and any fee structure and individual amounts of the fees will be set by regulation and will need to be gazetted. Those regulations, of course, will be subject to review by the Joint Standing Committee on Delegated Legislation and subject to disallowance by Parliament.

I hope I have provided the member with some reassurance about the government's intention. This is not a Trojan Horse to bring in a mechanism to stifle genuine community concerns and objections. We also provided the member with a table of what happens in other jurisdictions. I hope that helps to allay the member's primary concerns that he raised about the bill.

Hon Martin Aldridge made a particular comment—I will not be able to finish before question time—about marking out. He gave an interesting analogy that perhaps revealed some of his television watching habits when he was younger! In any event, marking out is still required under section 105 of the Mining Act. This requirement must be met before an application for a mining lease, a prospecting lease, a retention licence or a general purpose lease is made. Marking out is done under the rules set out in division 1 of part 5 of the regulations. That is where the requirement for cutting two trenches or placing rows of stones arises. In response to the member’s comment about it being archaic, that practice is well embedded and established amongst the industry. That is what the industry understands, and if a proposal was ever made to change those things, it would require considerable consultation with industry because it would be a change to its custom and practice. Apparently that arose in the late nineteenth century, so it is well and truly established. At this stage, the government does not have any plans to make changes to that area. As a non-mining person, it is a curiosity that also somewhat piqued my curiosity as well.

The member also brought to our attention the reference to “any law” at proposed section 105(3)(a). The member asked whether it was restricted only to Western Australian law. No. The proposed section was drafted broadly and beneficially. It means any law, either written or not written. Although the explanatory memorandum mentions the Western Australian law, as a matter of statutory construction, the judges will go first and foremost to the plain and ordinary meaning. The term “any law” is not novel. If it said “any act”, it would be restricted by the Interpretation Act because that applies only to Western Australian laws. If it referred to “written laws”, that is also defined in the Interpretation Act. Anyone interpreting this provision can use the ordinary plain language, so it is any state law, commonwealth law, local law, the common law and those sorts of things. As I say, this provision is drafted beneficially rather than narrowly so that anyone reviewing *Hansard* can take guidance on this matter. I am not saying that the explanatory memorandum is wrong; I am saying that it gives only a small example and that the meaning should be interpreted broadly. I hope that covers that issue for the member. I do not have a lot more to say about the bill, so I commend it to the house.

Question put and passed.

Bill read a second time.

[Leave granted to proceed forthwith to third reading.]

[Continued on page 5158.]

LIZ KERR

Statement by President

THE PRESIDENT (Hon Alanna Clohesy) [4.29 pm]: I take a moment to acknowledge that today is the last sitting day that we will have the services of Liz Kerr as acting Deputy Clerk in this chamber. Liz, thank you for all you have done for us in the Legislative Council. We hope you found our customs and practices charming. Know that you return to the other place with our deep thanks and gratitude.

Members: Hear, hear!

QUESTIONS WITHOUT NOTICE

CONSUMER PRICE INDEX — ELECTRICITY SUBINDEX

1063. Hon Dr STEVE THOMAS to the minister representing the Treasurer:

I refer to the Treasurer’s answer to question without notice 1032, asked yesterday, in which he indicated that without the \$400 household electricity credit, the quarterly consumer price index would have risen by 1.7 per cent from the previous quarter instead of declining by 0.5 per cent.

- (1) What would the September quarter 2021 to September quarter 2022 rise in CPI have been without the \$400 household electricity credit?
- (2) Will the \$400 household electricity credit have any impact on the current October to December quarter; and, if so, to what extent?
- (3) Will there be a rise in CPI in Perth as the \$400 household electricity credit exhausts?
- (4) If yes to (3), what is the expected rise as modelled by Treasury?

Hon STEPHEN DAWSON replied:

Gotta love a Thursday! I thank the Leader of the Opposition for some notice of the question.

- (1)–(2) If the McGowan government did not provide all Western Australian households with the \$400 household electricity credit, CPI would have been 2.4 per cent higher in the 12 months to September 2022. This demonstrates that the household electricity credit places downward pressure on inflation and provides real cost-of-living relief for Western Australian households. Unlike the former Liberal–National government, which delivered above-inflation increases to household fees and charges in every year of office, the McGowan government has delivered real cost-of-living relief to Western Australian households, including through decreases to household fees and charges.
- (3)–(4) Perth CPI is available in the budget papers and midyear reviews.

INTERNATIONAL EDUCATION — FINANCIAL SUPPORT

1064. Hon Dr STEVE THOMAS to the parliamentary secretary representing the Minister for International Education:

I refer to the support provided to the international education sector with the full opening of the state's borders in March 2022.

- (1) How many international students have been paid the one-off \$2 000 payment to return to study in Western Australia?
- (2) How many eligible students were paid the \$1 500 accommodation assistance payment?
- (3) How many eligible international students were paid \$1 500 toward their course fees from the English language intensive courses for overseas students bursary?
- (4) How many small to medium-sized provider grants were paid to international providers impacted by the delayed reopening date for WA?

Hon SAMANTHA ROWE replied:

I thank the honourable member for some notice of the question and provide the following answer on behalf of the Minister for International Education.

- (1) There were 2 071.
- (2) There were 1 816.
- (3) There were 124.
- (4) There were 34.

RECOGNISED BIOSECURITY GROUPS — 1080 BAITS

1065. Hon COLIN de GRUSSA to the Minister for Agriculture and Food:

I refer to the minister's response to question without notice 881 relating to recognised biosecurity groups, or RBGs.

- (1) Has the Department for Primary Industries and Regional Development undertaken any investigations on whether RBGs are deemed as "persons conducting businesses or undertakings" within the meaning of the Work Health and Safety Act 2020, given that they engage licensed pest management technicians to undertake pest management activities?
- (2) If no to (1), why not?
- (3) If yes to (1), please outline the results of that investigation and any assistance provided by DPIRD to RBGs to meet their obligations under the act.

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question.

- (1)–(3) It is the Department of Primary Industries and Regional Development's view that recognised biosecurity groups are likely to be deemed as persons conducting businesses or undertakings. I have asked that legal advice be obtained to confirm this. DPIRD has provided support to RBGs to understand and manage their responsibilities under the new Work Health and Safety Act 2020. In September 2021, DPIRD organised for the Department of Mines, Industry Regulation and Safety to present to RBGs on the adoption of the new work health and safety laws. In consultation with the RBGs, DPIRD has developed a work health and safety management system template appropriate to RBG operations. Training has been provided to RBGs on how to implement and maintain the system.

CYBERSECURITY POLICY

1066. Hon TJORN SIBMA to the Minister for Innovation and ICT:

I refer to the Western Australian government's cybersecurity policy.

- (1) How many WA public sector entities thoroughly comply with the policy?
- (2) How many WA public sector entities partially comply with the policy?
- (3) How many WA public sector entities do not even partially comply with the policy?

Hon STEPHEN DAWSON replied:

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

- (1)–(3) The WA cybersecurity policy became effective in December 2021. Public sector entities will be required to report on compliance with the policy for the first time in December 2022.

CHILDREN IN CARE — WHEREABOUTS UNKNOWN

1067. Hon NICK GOIRAN to the Leader of the House representing the Minister for Child Protection:

I refer to the answer to question without notice 905, answered on 13 October 2022.

- (1) Has the child recorded as a missing person been found?
- (2) If yes to (1), for how many days was the child recorded as missing?
- (3) If no to (1), for how many days has the child been recorded as missing?
- (4) How many children who are in the care of the CEO have their whereabouts currently recorded as —
 - (a) a missing person; or
 - (b) “unknown—in contact”?
- (5) Further to (4), how many have been reported to the Western Australia Police Force as a missing person?

Hon SUE ELLERY replied:

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

Children and young people may move between living arrangements, which are recorded by case management in the child’s or young person’s placement type. A child is recorded in a placement type “unknown—in contact” if the young person is unwilling to disclose their location but is still in contact with their caseworker or other safety networks who keep in contact with them. If the child cannot be located or contacted, they are recorded in placement type “missing child”, and a missing person’s report is submitted to the Western Australia Police Force. Every child still has access to the same supports that would be made available to them if they were residing in their approved placement.

- (1)–(3) This child is now recorded as “unknown—in contact”. They had been recorded as a “missing child” for 16 days.
- (4)
 - (a) There is one.
 - (b) There are three.
- (5) There is one.

SCHOOLS — TEACHER FLYING SQUAD

1068. Hon DONNA FARAGHER to the Minister for Education and Training:

I refer to the answer to question without notice 1006 asked on 25 October 2022 about the Department of Education’s teacher flying squad. Have any requests for teacher flying squad support not been fulfilled in the 2022 school year to date; and, if yes, how many?

Hon SUE ELLERY replied:

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

All requests for additional teachers have been met through central support. This can include regional solutions, the casual staff seeker app, local solutions or the flying squad.

POLICE — OFFICERS

1069. Hon PETER COLLIER to the minister representing the Minister for Police:

I refer the minister to his response to question without notice 1048 asked on Wednesday, 26 October 2022. For the figures relating to 2020, 2021 and 2022, as at 30 September 2022 —

- (1) what was the total number of officers on leave without pay; and
- (2) what was the total number of part-time officers?

Hon STEPHEN DAWSON replied:

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

The following information has been provided to me by the Minister for Police.

- (1)–(2) The Western Australia Police Force advises that a response to this question cannot be provided within the required time frame. The honourable member may wish to place the question on notice.

PLANNING — INFILL TARGETS

1070. Hon WILSON TUCKER to the Leader of the House representing the Minister for Planning:

I refer to the urban infill target of 47 per cent contained within the *Perth and Peel@3.5 million* framework. Can the minister please provide the urban infill dwelling targets for each local government area within the Perth and Peel regions?

Hon SUE ELLERY replied:

This information is publicly available and is contained within the *Perth and Peel@3.5 million* subregional frameworks. I table the relevant sections of these documents.

[See paper [1778](#).]

PUBLIC HOUSING — WAITLIST

1071. Hon Dr BRAD PETTITT to the Leader of the House representing the Minister for Housing:

I refer to the public housing waitlist.

- (1) Is it correct that applicants will be removed from the housing waitlist if they do not renew their application after a specific period; and, if yes, what is this period?
- (2) If yes to (1), how many applicants on the waitlist were removed for this reason in the past 12 months?
- (3) How many applicants on the waitlist were housed in social housing in the past 12 months?

Hon SUE ELLERY replied:

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

- (1) The Department of Communities proactively undertakes an annual review of public housing applications to ensure that the waitlist remains up to date and able to meet the needs of applicants who still require social housing, and that the housing is allocated in a way that best meets applicants' needs. The Department of Communities makes multiple attempts to establish contact with individuals who have not responded, including through nominated family members or their next of kin. There are options available to applicants in instances where their applications have been withdrawn due to no contact. Applicants may be reinstated and retain their original listing date, so they are not disadvantaged.
- (2) The data requested would require a manual review of individual files. Given the level of agency resourcing required to provide this detailed information, it is not considered to be a reasonable use of government resources.
- (3) As at 30 September 2022, the Department of Communities had housed 2 136 applicants from the public housing waiting list in the past 12 months, including 1 470 priority applicants. Information for applicants housed in community housing is unavailable, as these properties are managed by external organisations.

LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS 1996 — ELECTRONIC MEETINGS

1072. Hon Dr BRIAN WALKER to the Leader of the House representing the Minister for Local Government:

I refer the minister to the Emergency Management Amendment (Temporary COVID-19 Provisions) Act 2022, which received assent on 21 October 2022.

- (1) Upon gazettal, will current access to the provisions contained in clause 14C of the Local Government (Administration) Regulations 1996, which allow greater flexibility to hold meetings electronically during a state of emergency, cease to be immediately available to local governments?
- (2) If no to (1), for how long will these provisions remain available?
- (3) Given that we are still working through COVID and new strains are being reported around the globe, does the minister propose to introduce any other mechanism, outside of a state of emergency, to update the electronic meeting provisions in the act?

Hon SUE ELLERY replied:

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

- (1)–(3) The government is working to transition the current provisions of the Local Government (Administration) Regulations 1996 related to electronic meetings to exist under the Emergency Management Amendment (Temporary COVID-19 Provisions) Act 2022. As part of the McGowan government's local government reforms, permanent amendments for electronic meetings are being progressed, as well as new requirements for the live-streaming and recording of council meetings.

FIRE AND EMERGENCY SERVICES — URBAN PUMPS

1073. Hon MARTIN ALDRIDGE to the Minister for Emergency Services:

I refer to Legislative Council question on notice 812 answered on 20 September 2022 regarding the servicing of urban pumps.

- (1) How many urban pumps are allocated to career fire and rescue stations?
- (2) Of those identified in (1), in how many instances has a pump not been able to be deployed in 2022; and why not?

- (3) How many urban pumps are currently unavailable to be deployed?

Hon STEPHEN DAWSON replied:

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

- (1) There are 34 urban pumps allocated to CFRS.
 (2)–(3) Given the level of detail required, it is not possible to provide an answer in the time frame available. The honourable member may wish to place this question on notice.

LANDGATE OFFICES — SALE

1074. Hon NEIL THOMSON to the minister representing the Minister for Finance:

I refer to the Midland Landgate building sale.

- (1) Did the state government receive any independent valuation on the building prior to the sale to Georgiou?
 (2) If no to (1), why not?
 (3) If yes to (1) —
 (a) when was that valuation received; and
 (b) what was that valuation?

Hon STEPHEN DAWSON replied:

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

The department advises the following.

- (1) Yes.
 (2) Not applicable.
 (3) (a) It was on 30 March 2021.
 (b) This information is commercial-in-confidence.

PUBLIC HOUSING — WAITLIST

1075. Hon STEVE MARTIN to the Leader of the House representing the Minister for Housing:

I refer to the minister's answer to question 1054 asked on 26 October regarding the housing options assessment form.

- (1) Does the government have any intention of reviewing the assessment process?
 (2) If yes to (1), when will this be taking place; and, if no to (1), why not?
 (3) If the data is not being captured in the reporting systems, as confirmed in the answer, how can the effectiveness of the process be measured?

Hon SUE ELLERY replied:

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

- (1)–(3) The housing options assessment has not changed the eligibility criteria for inclusion onto the waitlist. It was introduced to improve the information gathered to better match people to the type of housing and support services required. The housing options assessment was implemented only in September 2021, following a review of the process.

FOREIGN BUYERS SURCHARGE — REVENUE

1076. Hon Dr STEVE THOMAS to the minister representing the Treasurer:

I refer to the McGowan government's foreign buyers surcharge, which was applied in the 2017 state budget as four per cent and increased to seven per cent in May 2018.

- (1) What income has the foreign buyers surcharge raised for each of the financial years 2018–19 to 2021–22 inclusive?
 (2) How many transfers of residential properties did the surcharge apply to in each financial year?

Hon STEPHEN DAWSON replied:

I thank the Leader of the Opposition for some notice of the question.

- (1)–(2) Revenue from the foreign buyers surcharge and all other revenue items is published in the state budget, midyear review and *Annual report on state finances* each year, while the Department of Treasury publishes some historical data in its annual overview of state taxes and royalties. The revenue and number of residential property transactions for each year is provided in tabular format. I seek leave to have this information incorporated into *Hansard*.

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

	2018–19	2019–20	2020–21	2021–22
Revenue (\$m)	5.5	19.0	17.3	21.7
Residential Property Transactions	208	570	550	597

POPPY DAY APPEAL

1077. Hon COLIN de GRUSSA to the minister representing the Minister for Veterans Issues:

I refer to the Western Australian Aged Sailors, Soldiers and Airmen’s Relief Fund Act 1932.

- (1) How many ex-service organisations currently have the authority to conduct the annual Poppy Day appeal?
- (2) Has the minister considered amending this; and, if yes —
 - (a) what amendments have been considered; and
 - (b) who has been consulted on the proposed amendments to date?

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 Veterans Issues. The Department of Jobs, Tourism, Science and Innovation advises the following.

- (1) One, the Returned and Services League, Western Australian Branch—RSLWA.
- (2) The Western Australian Aged Sailors, Soldiers and Airmen’s Relief Fund Act 1932 is currently the subject of a review of veteran specific Western Australian legislation.
 - (a) The review is considering a wide range of options. No specific amendments have been proposed.
 - (b) RSLWA, Legacy WA, the Royal Australian Air Force Association, the respective chairs of the Western Australian Aged Sailors, Soldiers and Airmen’s Relief Fund and the Anzac Day Trust.

WATER AND ENVIRONMENTAL REGULATION — ENVIRONMENTAL PROTECTION PART IV ASSESSMENTS — INVOICING

1078. Hon TJORN SIBMA to the minister representing the Minister for Environment:

I refer to the “operational decision” to temporarily halt issuing invoices to proponents in order to conduct part IV Environmental Protection Act environmental assessments.

- (1) On what specific date within “quarter 4 of the 2021–22 financial year” was the decision made?
- (2) Did the director general approve this decision; and, if not, which senior executive within the department is responsible?
- (3) Is there any internal correspondence to substantiate the above?
- (4) If yes to (3), please table.

Hon STEPHEN DAWSON replied:

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

- (1)–(4) Please refer to the answer to question without notice 1046 answered on 26 October 2022.

The PRESIDENT: Hon Peter Collier.

Hon PETER COLLIER: Thank you, President!

The PRESIDENT: No, I am sorry. That is a Thursday, week 3 mistake on my part. Hon Nick Goiran.

CASE LOAD MANAGEMENT REPORTS

1079. Hon NICK GOIRAN to the Leader of the House representing the Minister for Child Protection:

I refer to the point-in-time case load management reporting that is run on the first Friday of every month.

- (1) What was the “technical issue” with the report to be run on 7 October?
- (2) Will the minister table the report run on 7 October?
- (3) Will the minister table the report re-run on 10 October?
- (4) Will the minister table the report that was expected to be “finalised” on 21 October?
- (5) If no to either (2), (3) or (4), will the minister undertake to comply with section 82 of the Financial Management Act 2006?

Hon SUE ELLERY replied:

I thank the honourable member for some notice of the question. I am advised that additional time is required to respond to the question and the minister therefore undertakes to provide a response on the next sitting day.

BUS ROUTE 299 — REMOVAL

1080. Hon DONNA FARAGHER to the Leader of the House representing the Minister for Transport:

I refer to the removal of the 299 bus route previously used by students attending Kalamunda Senior High School, Darling Range Sports College, St Brigid's College and Mazenod College.

- (1) Can the minister detail the consultation undertaken with affected families and schools prior to the removal of the service?
- (2) Given the concerns raised by families with regard to its removal, will the minister consider reinstating the service?

Hon SUE ELLERY replied:

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

- (1) Extensive community consultation was undertaken on the airport line bus network in October and November 2021. This was advertised through bus and train posters; posters at local IGA stores; emails to Transperth and Forrestfield–Airport Link subscribers; social media; and digital signage at bus and train stations. Information was also published on the Transperth, Forrestfield–Airport Link and Metronet websites. In addition, various organisations, including the City of Swan, local schools, retailers, aged-care facilities and other large employers in the area, were invited to participate.
- (2) All journeys to and from school remain possible. Although a small minority have experienced an increase in their journey time and now need to transfer services, overall, the vast majority of passengers have benefited from the changes. The airport line supporting bus network will continue to be monitored to ensure that the new services are meeting broader community need and that published connections are maintained.

ST JOHN AMBULANCE — SERVICE DELIVERY — POLICE

1081. Hon PETER COLLIER to the minister representing the Minister for Police:

Since the creation of the job description “St John Ambulance Medical Task” on 23 May 2022, how many police force dispatches have been recorded?

Hon STEPHEN DAWSON replied:

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

The Western Australia Police Force advises that a response to this question cannot be provided within the required time frame. The honourable member may wish to place the question on notice.

NORTH EAST RAPID TRANSIT FEASIBILITY STUDY

1082. Hon Dr BRAD PETTITT to the Leader of the House representing the Minister for Transport:

I refer to the 2021–22 budget allocation of \$6 million across the forward estimates to undertake a north east rapid transit feasibility study to look at future links between the east Wanneroo corridor and the Perth CBD. What is the status of this study and when is it expected to be completed and made public?

Hon SUE ELLERY replied:

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

Metronet is on track to meet the delivery of the feasibility study in 2023–24 and subsequent to consideration by government, its outcomes will be shared publicly, similar to other Metronet projects.

SWAN RIVER CROSSINGS PROJECT

1083. Hon Dr BRIAN WALKER to the Leader of the House representing the Minister for Transport:

I thank the minister for her response to my question 1021 on the Swan River Crossings project, asked and answered on 25 October 2022. In the hope of further clarification around this issue, will the minister please table the minutes from the community engagement sessions and other meetings that discussed the plan to realign Canning Highway along the Swan River foreshore and under the new bridge from January 2021 to date?

Hon SUE ELLERY replied:

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

I note the member appears to be taking significant inspiration from questions on notice previously asked by Hon Dr Brad Pettitt. Formal minutes were not recorded for these sessions.

FIRE AND EMERGENCY SERVICES — MEDIA AND CORPORATE COMMUNICATIONS

1084. Hon MARTIN ALDRIDGE to the Minister for Emergency Services:

I refer to Legislative Council question on notice 924 answered on 20 October 2022 regarding the \$8.8 million budget for the Department of Fire and Emergency Services media and corporate communications function.

- (1) Is any proportion of this funding provided through the emergency services levy; and, if so, what amount?
- (2) Does the DFES media and corporate communications function provide any assistance to members of Parliament unrelated to fire and emergency services matters?
- (3) Please provide a breakdown of the \$92 461 spent in 2022–23 to date for social media and digital advertising campaigns.

Hon STEPHEN DAWSON replied:

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

- (1) Yes. Approximately \$6.8 million is funded from the emergency services levy.
- (2) No.
- (3) There is a table with the data and I seek leave to have it incorporated into *Hansard*.

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

Financial year	Social media (Facebook and Instagram)	Google (Search/Discovery)	Digital (Catchup TV and display ads)	Total
2022/23	\$14,297.52	\$20,072	\$58,091.79	\$92,461.31

PERTH CITY DEAL

1085. Hon NEIL THOMSON to the Leader of the House representing the Premier:

This question was originally for the Minister for Lands but it was redirected.

I refer to the Perth City Deal schedule of commitments signed by the Premier on 21 December 2020, with specific reference to the Edith Cowan University's cultural and creative industry education CBD campus.

- (1) Has the transfer of land from the state occurred and on what date did that occur?
- (2) Was the transfer of land contingent on Edith Cowan University meeting development performance requirements?
- (3) Did early commencement of works meet performance requirements of 30 September 2021?
- (4) Did commencement of main construction works—defined as building superstructure—occur by 30 October 2022?
- (5) Is ECU on track to complete main construction by 30 October 2023?

Hon SUE ELLERY replied:

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

- (1) Yes; on 8 June 2021.
- (2) No. It was contingent on the execution of key agreements between the commonwealth, state and ECU.
- (3) These requirements were met in May 2022.
- (4) No.
- (5) As has been publicly announced, the Edith Cowan University inner city campus is expected to open in 2025.

NATIVE FOREST — LOGGING — SUPPLY

1086. Hon STEVE MARTIN to the minister representing the Minister for Forestry:

I refer to mine-clearing operations in WA state forests.

For 2021 and 2022 to date, how many tonnes of timber made available from mine site clearing and other activities were allocated for the following users —

- (a) sawmill operations;
- (b) furniture manufacturers;
- (c) firewood supplies; and
- (d) other?

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question. The Minister for Forestry has provided an answer, which is in tabular form. I seek leave to have the information incorporated into *Hansard*.

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

	2021	2022
(a)	3,388 tonnes	9,810 tonnes
(b)	Not Applicable	Not Applicable
(c)	8,949 tonnes	13,785 tonnes
(d)	74,681 tonnes	92,299 tonnes

ENVIRONMENTAL PROTECTION ACT — PART V APPLICATIONS — IRON ORE

1087. Hon Dr STEVE THOMAS to the minister representing the Minister for Environment:

I refer to part V of the Environmental Protection Act.

- (1) How many applications have been sought under part V of the EP act for licences and amendments to licences to export iron ore from ports in WA since 1 July 2021?
- (2) Can the minister list those applications and the tonnages involved?
- (3) How many works approvals have been sought under part V of the EP act for works approvals for the export of iron ore from ports in WA since 1 July 2021?
- (4) Can the minister list those applications and tonnages involved?

Hon STEPHEN DAWSON replied:

I thank the Leader of the Opposition for some notice of the question.

- (1) The Department of Water and Environmental Regulation has received no new applications under part V of the Environmental Protection Act 1986 for the export of iron ore from Western Australian ports, and two applications for amendment of existing licences.
- (2) The two amendment applications are as follows: Fortescue Metals Group, Anderson Point, Port Hedland, seeking an increase from 188 to 210 million tonnes per annum; and Pilbara Port Authority, Utah Point, Port Hedland, seeking an increase from 24.1 to 28 Mtpa.
- (3) Three.
- (4) The three works approval applications and tonnages are as follows: Paulsens East iron ore, Port of Ashburton, comprising two applications, seeking an increase to two Mtpa; and Ashburton Infrastructure Project, seeking an increase to 30 Mtpa.

SOUTH COAST MARINE PARK — TRADITIONAL OWNERS

1088. Hon COLIN de GRUSSA to the minister representing the Minister for Environment:

I refer to the proposed south coast marine park.

- (1) Can the minister please confirm what status is held by the four traditional owner groups involved with the establishment of the south coast marine park?
- (2) Can the minister please list the legal entities through which the four traditional owner groups provide representation as specified under (1), and which entities the Department of Biodiversity, Conservation and Attractions proposes to enter into co-management arrangements under the Conservation and Land Management Act 1984?

Hon STEPHEN DAWSON replied:

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

- (1) The Esperance Tjaltjraak Native Title Aboriginal Corporation, the Ngadju Native Title Aboriginal Corporation and the Mirning Traditional Lands Aboriginal Corporation are prescribed bodies corporate under the commonwealth Native Title Act 1993 and incorporated under the commonwealth Corporations (Aboriginal and Torres Strait Islander) Act 2006.

The Wagyl Kaip Regional Corporation is the corporate entity established to represent the Wagyl Kaip Agreement Group under the terms of the south west native title settlement and Indigenous land use agreements, and incorporated under the commonwealth Corporations (Aboriginal and Torres Strait Islander) Act 2006.

- (2) The legal entities through which the four traditional owner groups are represented, and with which the Department of Biodiversity, Conservation and Attractions proposes to enter into joint management of

the proposed south coast marine park are: the Wagyl Kaip Regional Corporation, the Esperance Tjaltjraak Native Title Aboriginal Corporation, the Ngadju Native Title Aboriginal Corporation and the Mirning Traditional Lands Aboriginal Corporation.

BIODIVERSITY, CONSERVATION AND ATTRACTIONS — PROCUREMENT CONTROLS

1089. Hon TJORN SIBMA to the minister representing the Minister for Environment:

I refer to weaknesses identified in the Department of Biodiversity, Conservation and Attractions procurement systems.

- (1) What work is currently underway to strengthen these systems at DBCA?
- (2) When will this work be complete?
- (3) What will this work cost?

Hon STEPHEN DAWSON replied:

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

- (1) A review of internal procurement controls has commenced.
- (2) Work will be ready for review by the Office of the Auditor General at interim audit.
- (3) Nil cost was estimated at the time of questioning.

OMBUDSMAN'S REPORT — LEGAL SERVICES COMPLAINTS COMMITTEE

1090. Hon NICK GOIRAN to the parliamentary secretary representing the Attorney General:

I refer to the Ombudsman's report on giving effect to the recommendations arising from the investigation into the handling of complaints by the Legal Services and Complaints Committee.

- (1) Will the parliamentary secretary table the Attorney General's request to the Ombudsman that he consider the handling of complaints by the Legal Profession Complaints Committee?
- (2) Does the Attorney General or the department possess a copy of the preliminary report provided to the LPCC?
- (3) If yes to (2), will the parliamentary secretary table it?

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) There is no such document. The Attorney General and the Ombudsman discussed the then Legal Profession Complaints Committee, now the Legal Services and Complaints Committee, verbally.
- (2) Yes.
- (3) The preliminary report was provided to the Attorney General by the Ombudsman in accordance with section 19(5) of the Parliamentary Commissioner Act 1971, with the following instruction —

The preliminary report is strictly confidential. The information in the preliminary report is subject to the secrecy provisions of the Act and shall not be disclosed: s 23 of the Act. In accordance with section 23(1a) of the Act, I direct that any information contained in the preliminary report not be disclosed to any person other than the Attorney General and staff of the office of the Attorney General. Furthermore, the preliminary report is exempt matter for the purposes of the *Freedom of Information Act 1992*.

DEPARTMENT OF COMMUNITIES — SOCIAL HOUSING

1091. Hon Dr BRAD PETTITT to the Leader of the House representing the Minister for Housing:

I refer to the Office of the Auditor General's report *Roll-out of state COVID-19 stimulus initiatives: July 2020–March 2021*, which found on page 7 —

As of 31 March 2021, only \$6.42 million (2%) of the \$319 million budget was spent.

That funding had been allocated to the Department of Communities' social housing initiatives. It is now a year on from that report's publication. As at 30 June 2022, how much of the \$319 million for social housing initiatives referred to in the OAG's report had been spent?

Hon SUE ELLERY replied:

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

As at 30 June 2022, a total of \$246.6 million from the social housing economic recovery package had been spent or committed. This included a range of public housing new builds, public housing refurbishments, public housing regional maintenance, community housing new builds grants, community housing refurbishment grants and remote Aboriginal communities maintenance grants. The \$319 million social housing economic recovery package is one of a number of investment programs the McGowan government is delivering to boost social housing as fast as possible. The SHERP program is currently budgeted to be completed by 30 June 2024.

VAPE STORES — DEPARTMENT OF HEALTH ADVICE

1092. Hon Dr BRIAN WALKER to the Leader of the House representing the Minister for Health:

I refer the minister to numerous examples of verbal advice offered by officers of the Department of Health to vape store owners between 2018 and 2021 that confirmed that it was legal to sell composite parts of a vape under WA law.

- (1) Are there any written guidelines with which officers of the Department of Health are expected to comply when offering verbal advice, either in person or over the telephone, to WA businesses on the legality and permissibility of their business practices; and, if there are, will she table those guidelines?
- (2) Are any records of such verbal advice maintained; and, if not, why not?

Hon SUE ELLERY replied:

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

I do not accept the premise of the question. The member purports to have examples of verbal advice provided by the Department of Health, but has been unable to produce evidence of formal advice to date. However, to allow for a fulsome and accurate answer, I request that the honourable member place his question on notice.

WESTERN RINGTAIL POSSUMS*Question without Notice 969 — Correction of Answer*

HON ALANNAH MacTIERNAN (South West — Minister for Agriculture and Food) [5.03 pm]: I rise to provide a clarification to the answer to question without notice 969 asked by Hon Dr Brad Pettitt on 19 October. In that answer, I advised that five collared western ringtail possums had died. I have since been advised that there have been only four confirmed deaths. An additional collar was found damaged on the road, but no carcass has been found and there was no evidence of predator DNA. Those providing advice to me included the fifth collar as evidence of death, erring on the side of caution. I apologise to the house for any confusion.

YOUTH DETENTION — BANKSIA HILL DETENTION CENTRE AND CASUARINA PRISON*Question without Notice 1008 — Answer*

HON MATTHEW SWINBOURN (East Metropolitan — Parliamentary Secretary) [5.04 pm]: I would like to provide an answer to Hon Dr Brad Pettitt's question without notice 1008 asked on 25 October, which I seek leave to have incorporated into *Hansard*.

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

Answer

- (1) Average time out of cell for young persons held at Unit 18 in September 2022

Young Person	Average out of cell hours
Young Person 1	4.2
Young Person 2	3.7
Young Person 3	4.2
Young Person 4	4.2
Young Person 5	2.9
Young Person 6	2.6
Young Person 7	2.6
Young Person 8	3.9
Young Person 9	5.7
Young Person 10	3.5
Young Person 11	5.1
Young Person 12	3.3
Young Person 13	5.3
Young Person 14	8.5
Young Person 15	6.2
Young Person 16	3.4
Young Person 17	3.4
Young Person 18	3.6
Young Person 19	3.7
TOTAL AVERAGE	4.2

- (2) The least amount of time per day a young person spent out of cell in Unit 18 in September 2022 was less than an hour, following a critical incident where a fire was lit by a young person during the night lockdown period. The cell and unit suffered significant damage to security and restriction on the out of cell hours was to ensure safety for all young people and staff.

Supplementary Information:

The primary reasons for lockdowns at unit 18 have been detainee behaviour. As the unit has settled and the facilities have been ‘hardened’ to resist persistent attack, detainees have had greater time out of cell and increased access to support services. The latter are provided as much as possible during each day, even during lockdowns, whenever it is safe to do so.

MINING AMENDMENT BILL 2022

Third Reading

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

ENVIRONMENTAL PROTECTION (COST RECOVERY) REGULATIONS 2021 — FEES

Statement

HON TJORN SIBMA (North Metropolitan) [5.04 pm]: It is not ordinarily my custom to take the opportunity to make a member’s statement, but I thought I would put something on the record in a timely way. This contribution might not be interesting to most members present—it is a bit of a niche interest for me, unfortunately—but it casts light on two areas of government under-performance. The first is the sheer lack of accountability. The second is getting through the backlog in the approvals system.

I want to reflect on a particular measure. When this chamber passed the Environmental Protection Amendment Bill 2020 some two years ago, it made a range of consequential regulatory changes. That was a very sensible and well-crafted bill. We debated that bill sensibly, adopted sensible amendments moved by the opposition—not all of them—and we ended up with a bill that was pretty good and struck the right balance between environmental stewardship and the facilitation of economic endeavour. One of the regulations that emerged from the passage of that bill was the introduction of the so-called cost recovery pricing model for assessments made under part IV of the Environmental Protection Act. I will quote from a government document produced by the Department of Water and Environmental Regulation. It is a discussion paper that was issued late last year. It encapsulates the purpose of charging cost recovery fees. I will quote from paragraph 1.3 of the document —

The primary objective of introducing the pricing model for Part IV of the EP Act is to improve the capacity and agility of the department to manage an increasing environmental assessment workload without compromising the environmental values of the state. All funds received are to be held by the department and must be applied towards assessment and overseeing the implementation of proposals assessed under Part IV (this includes compliance activities). To build baseline capacity for delivering EIA, funds generated will secure positions for assessment officers. In periods of high demand, funding can be used to engage additional staff. There is also the potential for the department to use qualified consultants to assist in delivering key elements of the environmental assessment.

There was an acceptance by industry that these regulations would come into effect. There was obviously a great degree of interest from a number of industry stakeholders to ensure that the pricing model that was attached to effectively operationalise these regulations was fair, reasonable and transparent. I think it is reasonable to say that the industry was prepared to wear it. However, industry was disgruntled about the way in which the pricing model has been developed and had asked at the point of putting in their submissions that the pricing model be reviewed by an independent arbiter some 12 or 18 months after its implementation. There was also concern that the government, or the department, more to the point, was in a rush to establish these regulations and to start charging these fees at the soonest possible moment, before a number of the companies were prepared for it and before they believed the department was able to make the regulations operational. Nevertheless, the regulations came into effect in January this year.

From time to time, I have asked regular questions about the number and volume of invoices, and the value obtained and the like. On 12 October, I asked for an update on the total value of fees invoiced by the department and the total value of receipts received by the department. That is a pretty basic question. I was surprised by the answer I got; in fact, I got more information than I anticipated. I was told that for the financial year until 30 September, the total value of fees invoiced and received was nil. The explanation was as follows —

There has been no invoicing under part IV cost recovery in recent months because in response to the unprecedented number of environmental assessments needed to facilitate the state’s booming economic growth and the staffing challenges faced across the public and private sectors, the Department of Water and Environmental Regulation has prioritised delivery of environmental assessments over invoicing for cost recovery. No revenue will be forgone by the government as a result of these delays. As a result of a recent recruitment process, the department expects to resume its cost recovery invoicing soon.

So much was embedded in that answer that it begged follow-ups, just for clarification because I did not have a particular view on this. The key point must be understood that the department was in a rush to develop a pricing model for a regulation that most industry stakeholders thought they were not prepared to implement or accept;

nevertheless, they proceeded with it, but after—I did not know at this time—three or four months of it being implemented, it was rescinded. It was put on temporary halt because of the unprecedented volume of assessments—the demand had gone up—which was the very thing that the cost-recovery method was supposed to deal with. Effectively, the tool that the government was in a rush to give itself to solve the problem was withdrawn because there was a problem with demand. It is a very quizzical and curious response.

That being said, I asked a range of follow-up questions and I think from that point on, the department clammed up. But as we well know, it is not the department that takes responsibility for answers, it is the minister. I have here about six or seven follow-up questions that came from the original, of which some have been answered and some have not. I will fast-forward a bit without going into minute detail over every question and answer; I will reflect on the two in recent days. On 25 October, I asked who made the decision. I had been told previously that it was an operational decision. According to the uncorrected *Hansard*, my question was this —

- (1) When was this operational decision made in the Department of Water and Environmental Regulation and by whom?
- (2) When was the minister advised?

Opposition members know that they are about to be snowed over when the government runs all these serial questions together and gives them a blanket statement. The answer was —

- (1)–(2) The department is responsible for making operational decisions —

I add as commentary that no-one doubts that. The answer continues —

The department temporarily suspended invoicing in quarter 4 of the 2021–22 financial year. As per responses to earlier questions, normal invoicing processes will resume shortly ...

There is no question about that. All I asked is when the decision was made, by whom and was the minister advised. I do not know whether he was advised because he does not confirm that in the answers on which he signs off. I thought I would try again unsuccessfully. According to the uncorrected *Hansard*, today I asked —

I refer to the “operational decision” to temporarily halt issuing invoices to proponents in order to conduct part IV Environmental Protection Act environmental assessments.

- (1) On what specific date within “quarter 4 of the 2020–21 financial year” was the decision made?
- (2) Did the director general approve this decision; and, if not, which senior executive within the department is responsible?
- (3) Is there any internal correspondence to substantiate the above?

I did not even ask whether the minister had been informed because I have formed the impression that the minister takes no interest. This is the pivotal bit in implementing regulation, which came from government policy and legislation, and the minister does not appear to have any real interest in how it is going. But more to the point, I was referred to yesterday’s answer so it refused to say on what date the decision was made. I put this up not so much as idle speculation, but a reasonable guess. I know of proponents that have withdrawn applications from the process because they have had their breath taken away by the size of the proposed bill. Was it potentially the fact that the department determined that it did not want to encounter any more instances of this so it decided to temporarily halt the scheme? I do not know; that is a working hypothesis, but it is the best hypothesis I can possibly form. If this was actually the best decision to make, and it may well have been—I am open-minded—no-one seems willing to put their name to it. No-one seems willing to say, “Yes, that was me. I made that decision. I stand by it and I advised the minister on that particular date.” The government is refusing to answer basic questions—this is not even a politically loaded question. We actually want the government to succeed in the basic administration of government processes. We do not want it to fall over, because that hurts everybody. When basic questions are asked about how this is going and why decisions are made, there is absolutely no answer. This is completely unacceptable. From this chamber to the next, Minister Whitby needs to lift his game and hold his department to a higher standard.

CYCLONE SEROJA — DISASTER RECOVERY FUNDING ARRANGEMENTS

Statement

HON MARTIN ALDRIDGE (Agricultural) [5.15 pm]: I rise to raise a matter related to a parliamentary question that I asked this week. Before I get to the substance of the question that I asked on Tuesday, I want to refer the house to rulings made on answers that have been provided. A couple of rulings come to mind that were made during the last Parliament by President Doust, now mother of the house and the Commonwealth Parliamentary Association’s Commonwealth Parliamentarian of the Year.

Hon Sue Ellery: There are two mothers of the house, mate.

Hon MARTIN ALDRIDGE: I think that under Erskine May’s convention, the mother of the house can only be a member who is not a member of the executive government.

Hon Sue Ellery: No, you are wrong.

Hon MARTIN ALDRIDGE: I will send the member the link.

Hon Sue Ellery: Do that.

Hon MARTIN ALDRIDGE: Effectively, those rulings said that before a member contemplates raising a matter of privilege under standing order 93, certain other steps in the process first need to be exhausted. Tonight, I rise in members' statements to raise the issue associated with a question that was asked on Tuesday, but ultimately answered yesterday. Question without notice 1022 was asked of the Minister for Emergency Services. The answer was not available during question time on Tuesday, but it was ultimately provided to this house yesterday by parliamentary secretary Hon Matthew Swinbourn on behalf of the Minister for Emergency Services. The question related to cyclone Seroja disaster recovery funding. It was fairly simple and straightforward. The question started with —

I refer to the \$104.5 million disaster recovery package for communities impacted by cyclone Seroja.

I pause there. The question is clearly prefaced in that the parts that then followed related to the \$104.5 million disaster recovery package. The first part of the question asked —

What is the total amount of the \$104.5 million disaster recovery arrangements that has been spent to date?

The third part of the question—this will make sense in a moment, President—asked —

What is the total amount that has been directly dispersed to families, businesses and communities from grant applications?

The first part of the answer provided yesterday, addressed the first and third parts of the question —

The Department of Fire and Emergency Services ... and our recovery partners have done an outstanding job in supporting the recovery from Tropical Cyclone Seroja. With over \$25.42 million dispersed to date.

I pause there because that is effectively the essence of the answer that I sought, which is how much of the \$104.5 million disaster recovery package for cyclone Seroja has been spent. The answer was \$25.42 million. The second part of my question asked —

... please provide a breakdown of how this funding has been spent?

In answer to this part of the question, a table was provided. Members should remember that this was an answer that the house gave leave to have incorporated into *Hansard*, and this is one of the risks, President, of allowing this practice to take place. Nevertheless, a table was incorporated into *Hansard* and the items in that table total \$25.43 million. Keep in mind that the first part of the answer said that the amount disbursed had been \$25.42 million, and there was a list of programs. The first five programs are the recovery and resilience grants program, the primary producer recovery grant, the small business recovery grant, the cultural and heritage asset clean-up and repair grant program and the community recreational and heritage assets restoration program. As I understand it, they are all elements of the Seroja recovery funding package. We run into trouble with the next three line items that have been included in the answer to the question. The first is the Lord Mayor's Distress Relief Fund of some \$8 million. I am pretty certain that the \$8 million that has been disbursed from the Lord Mayor's Distress Relief Fund came from ordinary Australians—they may be individuals, they may be businesses, or they may be governments. The Lord Mayor's Distress Relief Fund was not funded by the \$104.5 million disaster recovery package. We then go on to the Premier's grant of \$3.86 million, the Western Power relief grant of \$2.99 million and the Water Corporation relief grant of \$2.75 million. All three of those lines, which account for a considerable amount of the total, I am pretty certain were not funded by the \$104.5 million disaster recovery package. The last line item in this table is the disaster recovery funding arrangements category A and B of \$4.48 million—that is, I am pretty certain, directly related to the \$104.5 million package.

I go back to where I started. I asked a very specific question, which was —

- (1) What is the total amount of the \$104.5 million disaster recovery arrangements that has been spent to date?

In the answer delivered by the parliamentary secretary on behalf of the Minister for Emergency Services, I was told that the answer was \$25.42 million. The answer goes on to provide a breakdown of that \$25.42 million.

I believe this answer is inaccurate, and I want to give an opportunity to the minister to reflect on this answer. I really do hope that if it is inaccurate, it was not done knowingly.

OVARIAN CANCER — FROCKTOBER

Statement

HON JACKIE JARVIS (South West) [5.22 pm]: I rise today on this last sitting day of October to remind members that an important fundraising event happens in October—that is, Frocktober. Frocktober is the fundraiser for the Ovarian Cancer Research Foundation. Earlier today I had a mammogram in the BreastScreen WA bus outside, and I keep telling people because I want to normalise these discussions. For those members who have not had one,

a mammogram is physically uncomfortable and a little embarrassing. It is certainly not as invasive as a Pap smear, nor, I suspect, as invasive as a physical prostate exam. We are also well aware in this country that anyone over 50 years will get sent a bowel cancer screening kit. For someone like me who has a family history of bowel cancer, I have had colonoscopies every five years since I was 40 years. At least in that circumstance, the medical profession has the decency to put me to sleep!

In contrast, there is no effective test for population-based early detection of ovarian cancer. It is one of the most lethal and least understood cancers. Sorry; I will explain shortly why I am quite upset. Over the next 10 years, an estimated 14 000 women will die from it. One woman dies of ovarian cancer every eight hours. Only 29 per cent of women with late stage ovarian cancer will survive past five years. An early detection test has the potential to save 8 000 women over the next decade. It will allow the cancer to be caught in the early stages when it is more treatable and less likely to return. Currently, the majority of diagnoses are made at an advanced stage of the disease.

President, this is what happened to my friend Sonia Franklin who, four years ago, presented to the emergency department of a hospital at age 49 with severe abdominal bloating and severe pain. Within hours she was told that she was terminally ill. Ovarian cancer has very few symptoms. It has symptoms that can be anything. It has symptoms such as indigestion, bloating or irregular periods, but I remind members that ovarian cancer most likely hits women in their late 40s and 50s, so guess what? Irregular periods are not something that women in that age group would necessarily see as a medical condition. It is quite often diagnosed very, very late. Sonia died three years ago, a few weeks after her fiftieth birthday. I remind people about frocktober.org.au; please get online and make a donation. I also want to shout out to Ellie Whitaker, the WA Labor state secretary. Ellie has done a fundraiser for Frocktober for as long as I can remember; she was actually doing fundraisers for Frocktober long before my friend Sonia passed away. I used to donate without too much thought. Every day of October, Ellie posts a photo of herself in a different dress, or frock, gives a little fact about ovarian cancer and encourages people to donate. I have just checked her Facebook page, and I think she has raised close to \$6 000. She does that every year.

I urge members to go to frocktober.org.au. As I said, there is no early detection for this insidious disease. The funds raised go to the Ovarian Cancer Research Foundation, with the hope that it can continue its work on developing an early detection test. Thank you.

AGRICULTURAL REGION — SPORTS TEAMS

Statement

HON DARREN WEST (Agricultural — Parliamentary Secretary) [5.25 pm]: I concur with Hon Jackie Jarvis's remarks. Cancer touches us all, and we can all play a role in early detection and donate to these worthy causes.

As I have done in the past, I want to reflect on the winter sport season across the Agricultural Region. We rely on community sport, country footy, hockey and netball, right across our regions. It is the glue of our communities and a lot of work goes into organising the leagues and running the clubs, especially over the last few years, when a lot of our leagues had seasons where there was no football due to COVID. We have had to put in a lot of extra measures, which has meant a lot of extra work for our volunteers. I want to acknowledge all the volunteers who have played a role in any sports across the Agricultural Region and the state. We really do appreciate your efforts. It is great to continue with our sport, because we missed it when it was gone.

I have asked my new electorate officer, "Rowdy" Dan Hopley—sportsman extraordinaire, who does shows on radio stations regarding sport at very short notice—to come up with a quick précis of all the successful clubs this year across the Agricultural Region. I apologise in advance if there are some that we have not included. It is not that we deliberately left you out; it is just that I asked Dan at fairly short notice, and he has come up with this list. I can add to it later.

In the Central Wheatbelt Football League, Kalannie Bulldogs were this year's premiers, and Mukinbudin won the netball. In the Eastern Districts Football League, Hyden Karlgarin won the league in the centenary year of their community, so that was a good achievement for them. Narembeen won the reserves and the A-grade and B-grade netball and hockey, so no doubt there would have been celebrations in Hyden, Karlgarin and Narembeen.

In the Central Midlands Football League, Cervantes won yet again; they are becoming perennial winners, but they are a highly successful club. They do particularly well. They also won the reserves this year, so no doubt there were some sore heads around Cervantes for a few days after that. Jurien Bay won the A-grade netball and Cervantes won the B-grade netball. In the North Midlands Football League, the Coorow–Latham Magpies got up this year and won the flag, so that was good for them. The Morawa Netball Club won both grades of netball.

In the Great Northern Football League, Rovers were premiers this year and Northampton won the reserves, so a great result for Northampton—a community that just keeps churning out Brownlow medallists and significant numbers of footballers that make significant contributions to the AFL. Chapman Valley won the women's competition. They have very strong women's AFL teams up in the Great Northern Football League, and it was great to see Chapman Valley win. It has been a while between flags for the Chapman Valley Royals, my old club where I played my junior footy; it is great to see the women have a win there.

In the Geraldton Hockey Association, Rovers won the A-grade men's, Cardinals won the A-grade women's, Yacht Club won the men's B grade and Saints won the women's B grade. In the Mortlock Football League, Goomalling were premiers. I wanted to throw that in; we have had a few tough years. We have been runners-up a couple of times but this year we finally got up and won a flag. Gingin won the reserves. Goomalling also won the hockey and the netball, and Gingin won the reserves netball.

In the Avon Football Association, the Cunderdin Magpies were premiers and Keller-Tammin won the reserves. I bumped into the Railways boys on Mad Monday, and it was pretty mad! They did not even win the flag, so I hope they do a bit better next year. In the Northam Netball Association, Yirra Djinda Netball Club won the A grade and Beverley won the B grade. In the juniors, Renegades won the A grade and Bakers Hill won the B grade. Well done to all of them.

In the Upper Great Southern Football Association, Boddington got up. Hon Steve Martin would know that Wicky were a bit unlucky again this year; they got to the big dance, but maybe next year they will pull it off. Boddington defeated Wickopin and Brookton—Pingelly won the reserves. I will talk more about the Brookton—Pingelly Football Club in coming weeks, but they are having their share of challenges at the moment. That is yet to play out.

In the upper great southern, we supported the Upper Great Southern Hockey Association by providing new lights at the amazing facility in Narrogin. The A-grade men's hockey was won by Wickopin. Hon Steve Martin will be pleased with that. The Wagin women's team won the A-grade women's event. The B-grade men's hockey was won by Dumbleyung and the B-grade women's hockey was won by Williams, so that was shared around. Gnowangerup are the premiers of the Ongerup Football Association this year. In the reserves, Lake Grace—Pingrup had a win. It is great to see that community doing well. We have Liam Baker and Nathan Fyfe running around. There are some fantastic players from that part of the world. Lake Grace—Pingrup won the A-grade netball as well. The women are holding up and having success. Gnowangerup Netball Club won the B-grade netball and Jerramungup won the juniors title, so its netball team has a good future.

Turning to the Esperance District Football Association, in the league football, Newtown—Condingup had a win this year, and it also won the reserves. Again, no doubt there was a festive celebration in Esperance. That is a great league. I had the pleasure of watching Esperance play Ports under the new lights that we helped fund. It is a magnificent football league and a great community. The women's Esperance Football Club won the grand final, which is another strong women's league in Esperance. The Mallee Netball Club won the A grade, and Newtown won the B grade and the C grade. In the Ravensthorpe and District Football Association, the Hopetoun Southerners got up. That is a very small league but fills in a large chunk of the state between the Ongerup and Esperance leagues. Well done to Hopetoun. In the Great Southern Football League, the Railways won this year. Railways also won in the women's league, which was a great result. In the reserves and the colts, the Royals got up. The North Albany Sixteens won the grand final. In the Lower South West Football League, the Boyup Brook Roos got up this year, which was a great result for that club. It has been a while between drinks—at least 10 years between premierships. I would like to acknowledge Ben Thompson, who is a good friend of our family who was there. My son watched him play. The Roos were able to get up and win that. The Southerners won the reserves. I should say that Boyup Brook got up over their arch rivals, Deanmill, so that was a good result. Deanmill is another community that has produced many fine footballers who have gone onto bigger and better things. The Southerners won the reserves and the Manjimup Tigers won the colts.

Again, a big thank you to all the volunteers right across the footy club. One day at the footy we worked out that about 70 people contributed in some way to the day, whether they worked behind the bar or in the kitchen and the team managers and timekeepers. All those people who run the clubs are really vital to our rural communities and we appreciate all the great work they do. The WA Country Football League has been a great support. It is really good to see communities come together in the name of sport. I have met some people through sport and become lifelong friends. It is great that our kids have that same opportunity. Well done to everyone involved in the winter sports.

MINING — AGRICULTURAL REGION

Statement

HON SHELLEY PAYNE (Agricultural) [5.32 p.m.]: Tonight I rise to talk briefly about mining. Hon Kyle McGinn has declared this week a bit of a mining week. I want to say a few words because a lot of the Mining and Pastoral members have stood up today, but as a member for the Agricultural Region, I know about the importance of mining to the region. I am sure that Hon Jackie Jarvis could talk about the mining interests in the South West Region too. We have had quite a big influx of exploration licences and applications across the great southern recently. Over the last 100 years, a lot of communities in my region have been agricultural communities. Some of these new developments bring a lot of great things but also a little concern from some of the communities that are not used to having such a variety of mining operations. It has been really great today to pass the third piece of legislation in just over a month to streamline the Mining Act and make things better for our mining companies. That legislation is helping to provide clarity, particularly the Mining Amendment Bill 2021 that we passed last month. That legislation really helped mining companies have all their approvals in one place and they can clearly see what they are required to do in their communities.

I refer quickly to areas like Ravensthorpe, which has been declared one of the global biodiversity hotspots—actually, the only one in Australia. There is a lot of mining interest there and some concern from the community. At the same time, I remember when Ravensthorpe Nickel Mine first started out and then shut down and the significant impact of that on the community. Now there is a whole heap of other mining interests in there—the lithium mine, as well as the new Medallion Metals project. That will start up next month. This is really great for the Ravensthorpe community.

Interestingly, I recently met with the Shire of Ravensthorpe. It has prepared a new draft mining policy because of some of the concerns that the community has with the huge influx of mining exploration into this area. It was a good opportunity for me to meet with the Association of Mining and Exploration Companies, and I talked to Neil van Drunen about some of the concerns. It is great for him to be reaching out to the president of the Shire of Ravensthorpe, talking about people’s concerns and how it can help link with those companies like Bulletin Resources that have exploration licences. I am looking forward to meeting with it, as well.

I also refer to Katanning and Wickepin. Hon Steve Martin would know about the WA Kaolin project in Wickepin, which is looking to ramp up. The concerns of the Shire of Narrogin are about trucking and whether we can look towards moving some of this stuff onto rail. Our government commitment to move onto rail has just been fantastic. The Ausgold mine is about to start up outside Katanning; that has been great. Honestly, some of these new mining companies are just great. They are getting there. The exploration team is getting there. Meals are being prepared daily by the Nyabing pub. Representatives of the mining companies have been at the Katanning Show for the last two years. That was a great opportunity for me to talk to them about how they really want to work with the communities. They want their workers to be in the communities. Hon Kyle McGinn talked about what has happened in Coolgardie; the same thing has happened in Ravensthorpe, which is really great. The lithium mine has its workers in the community, and this is what Ausgold is looking to do, as well—to operate and have its workers within the communities. If we live and work in the great southern, I think it is great to look at how we can work with our local communities to get people living and working in those communities with local jobs. I spoke with Julie from the Badgebup Aboriginal Corporation. We were talking about how great it is that there will be mining activity locally so that people can work closer to home and be looking at jobs for Aboriginal people in the great southern.

I note that the Mining and Pastoral Region and the north are not the only places in which mining is making an impact on our state. We are doing really great work to really help streamline this with our legislation.

CASUARINA PRISON — UNIT 18 DETAINEES

Statement

HON DR BRAD PETTITT (South Metropolitan) [5.37 pm]: I rise to speak quickly, in the remaining five minutes, to reflect on an issue that has certainly been of concern to me and, I think, many in the community that has evolved further this week. I refer to the detention of juvenile detainees in maximum security at Casuarina Prison, otherwise known as unit 18.

On Friday, the President of the Children’s Court, Judge Quail, described the situation there as “barbaric”, “cruel”, and “a form of child abuse”, actually warning that the government could be found in contempt of court. Judge Quail made these comments when sentencing two teenagers to non-custodial sentences. On the back of that, the Premier criticised the courts and the judge for those sentences, arguing that the community might be justifiably aggrieved, and that these sentences should have been custodial and more proportionate to the crimes that had been committed. We are now finding ourselves in a situation whereby we have a system that is entirely broken, and the courts are, quite rationally, responding by not putting children into situations that are barbaric, cruel and inhumane.

I got an answer yesterday to a question without notice that shows that many of these young people are spending more than 20 hours a day locked alone in a cell, with nothing to do, no education and no rehabilitation. Some are spending more than 23 hours in a cell. This is a broken system. No wonder judges are very reluctant to lock these kids away.

There is a solution to this, which is why I am standing up; it is part of my frustration. It is about investment in the right things. There are two things, and I will be quick in the time I have left. Firstly, we simply need a whole bunch of stuff around rehabilitation to keep these kids out. That is about shifting government resources to focus on that problem. This is a Labor government. I know it is something that Labor governments do and are passionate about. I think that, unfortunately, the prison sector as a whole is in trouble and we need to get in front of that as a state that disproportionately locks people away. The second point is more tangible. It is about Banksia Hill Detention Centre. Hon Dr Brian Walker, Hon Wilson Tucker and I did a tour there. The facility needs big investment now so that it can hold kids, some of whom clearly need special and proper treatment. They are not able to get proper treatment there. It is not fit for service. There is no funding planned for Banksia Hill until 2024–25. We have a problem now. My appeal here is to get on and prioritise it—make it urgent. Otherwise, judges will keep doing what they have done this week. They will not put kids in Banksia Hill because they know they will end up in unit 18 or be locked down for 20 hours a day. That is not something that should go on. In fact, we need a solution. That requires a change of course and a change of priorities, not kicking the can down the road for some kind of funding in 2024–25. That is my plea in my short member’s statement today.

FRIENDSHIP GROUP FOR THE DEAF AND HARD OF HEARING

Statement

HON MARTIN PRITCHARD (North Metropolitan) [5.42 pm]: Last night, Hon Sophia Moermond; Hannah Beazley, the member for Victoria Park; and I held the inaugural event for the Friendship Group for the Deaf and Hard of Hearing. I want to thank a couple of people, if I could. It was a very successful event, mainly because a number of politicians—yourselves—turned up but also because many people within that community turned up. I want to briefly focus on the deafblind, who also have intrinsic requirements within that community.

I want to thank the Minister for Disability Services because he not only came and opened the event, but also stayed throughout the whole event and spoke with people from the community. I thank Hon Kyle McGinn, the parliamentary secretary, for doing the same. I want to thank Hansard particularly for providing communication access realtime translation services because a number of people there from the community could only read text. I thank the Auslan interpreters who were there.

All in all, it was a very successful event. I want to reinforce that it is the start of the conversation for that community. I want them to be able to take the opportunities that the friendship group can provide, particularly educating ourselves on the community's needs. For the deaf and hard of hearing, including the deafblind, it is not a visible challenge. If we see somebody walking down the street, we do not know that they are deaf. That creates a lot of problems for them. It is not something obvious. I think when we see something that is obvious that needs to be fixed, we get along and fix it. When it is not so obvious and we do not know the challenges of that community, it is much harder and a bigger challenge for us. I hope this friendship group will provide the community an opportunity to educate us on their needs. I want to thank everyone who made time to attend the event.

TEACHER REGISTRATION AMENDMENT BILL 2022

Receipt and First Reading

Bill received from the Assembly; and, on motion by **Hon Matthew Swinbourn (Parliamentary Secretary)** on behalf of Hon Sue Ellery (Minister for Education and Training), read a first time.

Second Reading

HON MATTHEW SWINBOURN (East Metropolitan — Parliamentary Secretary) [5.44 pm]: On behalf of the Minister for Education and Training, I move —

That the bill be now read a second time.

The significance of the teaching profession to the lives of every Western Australian can never be underestimated. Teachers serve a vital role and the importance of the profession is reflected in many ways. It is reflected in the demands of the work that they do. This has never been better demonstrated than in the response of the profession to COVID-19 over the past few years. It is reflected in the standards that they must uphold, centred on professional knowledge, practice and engagement. It is also reflected in research that shows that teachers are the single most important factor in a child's learning achievement in the classroom.

A scheme to regulate the teaching profession in Western Australia, which was originally introduced through the Western Australian College of Teaching Act 2004, has been in place for nearly 20 years. The purpose of such a scheme is to ensure that WA children are taught by qualified people who practise teaching professionally, competently and safely. The public interest is served by providing a scheme that provides for quality and contemporary regulation of the teaching profession. The paramount consideration is the best interests of children.

This bill, the Teacher Registration Amendment Bill 2022, amends the Teacher Registration Act 2012. The bill is based on the findings of the statutory review, tabled in 2018, of the Teacher Registration Act 2012. The review considered the operation and effectiveness of the act and the effectiveness of the Teacher Registration Board, including the need for the continuation of its functions. The review also examined the need for amendments to ensure that the act operates as intended, the purposes of the act are achieved, and that appropriate consistency with national developments is promoted. The review found that a statutory scheme has been adopted in all Australian states and territories, and that the public interest is generally served in maintaining the scheme of teacher registration in this state through a board with the core functions of registering teachers, administering disciplinary and impairment review processes, and accrediting initial teacher education programs. Further, the act has delivered a fair and efficient registration system for most applicants and employers. It was also found, however, that adjustments are necessary in some key areas that this bill is designed to address.

The bill is intended to strengthen the power of the board to respond to matters of child safety involving teachers, consistent with the intent of the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse. The bill provides that interim orders can now be made if the board believes, on reasonable grounds, that a registered teacher poses a risk of harm to a student and a suspension is necessary to protect the student. This essentially removes the very narrow current requirement that there be an imminent risk, which has unreasonably curtailed the board's capacity to impose such an order in certain circumstances. It will mean that it is possible for

the board to suspend a teacher's registration, notwithstanding that they are not currently working as a teacher, to remove the possibility of the risk to children they may pose by later acquiring employment as a teacher. Such orders will continue to be very carefully applied, and the board will have regard to the evidentiary status of the matter and the best interests of children before imposing the order. The making of these orders will allow the board to suspend teachers from teaching for up to 30 days and will continue to be the subject of referral to the State Administrative Tribunal for review.

Significantly, the obligations placed on employers, the Western Australia Police Force and the Director of Public Prosecutions to notify the board in certain circumstances have been reviewed and clarified. Employer obligations to notify the board have been simplified and the current requirement, which turns on there being an investigation that results in the teacher's dismissal, has been removed. The time that employers have to notify the board when a teacher ceases teaching in cases of serious incompetence or serious misconduct has been reduced from 28 days to seven days.

The responsibilities of WA police and the DPP to give notice have been appropriately distinguished. The basic purpose is that the board is able to consider and address any risks associated with the prosecution of registered teachers. For example, WA police are to provide notice to the board as soon as practicable after they become aware that a registered teacher has been charged by a police officer with certain offences under the act. This will assist the board in taking appropriate steps to address any risk to children associated with the teacher's duties as a registered teacher as soon as possible. WA police are also to provide notice to the board as soon as practicable after charges against a registered teacher are discontinued or there is an acquittal or mistrial. Subject to the circumstances of the case, this will assist the board to assess whether any further regulatory action ought to be taken in the interests of child safety. A proposed new section has been included to provide for the board to request child victim and witness information from WA police, in the rare circumstances in which the board may be unable to take effective action in the best interests of children without it. The Commissioner of Police may give notice to the board only when they consider that it will not prejudice an investigation or prosecution, and that it is in the best interests of the victim or witness.

Some key terms have been defined in the bill, including "serious misconduct" and "serious incompetence". Inclusion of these definitions will assist teachers and employers to better meet their obligations under the act. The term "actionable offence" replaces "sexual offence involving a child", to better reflect that not all serious offences that have a bearing on child safety are sexual offences.

The board's powers of investigation have been enhanced. These powers will enable the board to get a fuller picture as early as possible when a matter comes to light. In particular, a penalty provision has been included for any person failing to comply with a direction notice given under the section without a reasonable excuse. The board will, of course, cooperate with any person, and the imposition of such a penalty would only be a last resort. There are, of course, circumstances in which a teacher may have a serious medical condition or impairment that may adversely affect their ability to work as a teacher. The bill defines impairment in line with the relevant provisions of the Equal Opportunity Act 1984. Further, it makes it clear that whether a person is unable to carry out the inherent requirements of the work of a registered teacher because of an impairment is a relevant consideration in determining whether they are fit to teach. What constitutes an impairment matter during the course of someone's registration has, along similar lines, been made clearer too. Provision has also been made to enhance the capacity of the board's impairment review committee to assess and undertake inquiries regarding complaints referred to it. Reform has been undertaken, in the interests of natural justice, to provide rights for a teacher to appear in person or to be represented, similar to someone appearing before a disciplinary committee. In this light, the membership of the committee will, in addition to a doctor, include a lawyer.

The limitation period for prosecutions under the act will be extended from the current 12 months to six years. This limitation period will be extended to account for the practical realities involved in bringing a prosecution to court within 12 months of the commission of an offence.

The bill is also directed at improving the effectiveness of the registration system and improving fairness, particularly for those teachers who may have returned to the profession after an absence. In this regard, the scheme of teacher registration has been somewhat impeded by the current act, which places certain teachers in the category of non-practising registration and then provides that they have permission to teach while non-practising. This has led to considerable confusion both on the part of teachers and employers. The changes flowing from the bill will mean that it will become an offence for anyone with non-practising registration to teach.

There will be two new subcategories of provisional registration: provisional registration, graduate teacher and provisional registration, returning teacher. This differentiation will generally distinguish those who are recent graduates and those who are more experienced teachers. Provisional registration for returning teachers will allow experienced teachers from Australia and from overseas or those who are returning to the profession time to demonstrate that they meet the requirements of full registration. The bill will also allow the board to more fairly deal with teachers in both Australia and from overseas who may have very substantial and successful teaching experience but may not currently quite meet the requirements for registration because their qualifications do not meet

contemporary requirements, particularly with regard to the duration of their teaching degree. The changes will allow the board to consider both their qualifications and teaching experience in combination when determining whether a teacher may hold provisional or full registration.

The changes will also enable Western Australia to fully participate in the Australian Teacher Workforce Data strategy. This followed a December 2016 decision of the Council of Australian Governments Education Council, as it was known then, to fund the Australian Institute for Teaching and School Leadership—AITSL—to work with relevant organisations, including teacher regulatory authorities across Australia to implement an Australian Teacher Workforce Data strategy. The aim is to compile data on who is being prepared to teach and how effectively, and who is teaching and where they are teaching, and to identify any gaps in the availability of teachers for Australian student population needs. A key component of the strategy is the inclusion of registration data, and the bill provides a mechanism to provide for the lawful provision of that data, noting that Western Australia is currently the only jurisdiction not fully participating in the initiative.

The bill will also increase the membership of the board from seven to nine members. The general rationale is that the current membership of seven may be considered too small to cover the range and expertise needed to take account of the board's statutory functions. This includes teaching at all types of educational institutions, as defined in the act, and in different parts of the state; making judgements about a teacher's proficiency, competence, misconduct and impairment; assessing the fitness and propriety of members of the teaching profession; and sound and ethical regulatory decision-making. Members will continue to be appointed by the minister responsible for administering the act and will continue to include at least three registered teachers and an Australian lawyer as part of the membership. I would like to emphasise that the paramount consideration, which is the best interests of children, will, of course, remain in the act.

I am confident that the bill and the changes it makes to the established regulatory framework will work to ensure the highest teaching standards and promote the professional, competent and safe practice of teaching, in the interests of education and student safety.

Pursuant to standing order 126(1), I advise that this bill is a uniform legislation bill. It is a bill that ratifies or gives effect to an intergovernmental or multilateral agreement to which the government of the state is a party.

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

[See paper [1779](#).]

Debate adjourned and bill referred to the Standing Committee on Uniform Legislation and Statutes Review, pursuant to standing orders.

HUMAN TISSUE AND TRANSPLANT AMENDMENT BILL 2022

Receipt and First Reading

Bill received from the Assembly; and, on motion by **Hon Alannah MacTiernan (Minister for Regional Development)** on behalf of Hon Sue Ellery (Leader of the House), read a first time.

Second Reading

HON ALANNAH MacTIERNAN (South West — Minister for Regional Development) [5.56 pm]: On behalf of the Leader of the House, I move —

That the bill be now read a second time.

The Human Tissue and Transplant Act 1982, the act, provides for the removal of human tissue for transplantation, for other therapeutic purposes, for medical and scientific purposes and for post-mortem examinations. Since the introduction of this act, there have been revolutionary changes in biological technologies and substantial growth in the range of medical products derived from human tissue. These therapeutic goods supplied through local, national and international trade arrangements have been essential in the practice of modern medicine. The act's current general prohibition for trading of human tissue products is based on proposals that were adopted from the 1977 Australian Law Reform Commission's seventh report, *Human tissue transplants*, and is no longer fit for purpose.

The bill I present today will provide a refreshed regulatory framework for a broad range of existing tissue supply contracts and arrangements, and will support access to future advancements in biological medicines and technologies. The bill will align with the existing national and state processes for tissue supply to reduce the regulatory burden on industry and government.

I now turn to the key elements of the bill. The bill is broken up into three parts. Part 1 provides for the short title and commencement of the bill. As some of the bill's provisions will require regulations to be brought into effect, part 2, divisions 1 and 2, and part 3 of the bill will come into effect on the day after royal assent. The rest of the bill will come into effect on a date set by proclamation, and different days may be fixed for different provisions. It is anticipated that work on these regulations will commence following the bill's passage through Parliament.

Part 2 provides for the amendments to the Human Tissue and Transplant Act 1982. This is the substantive part of the bill. Part 3 provides for minor consequential amendments to the Anatomy Act 1930 and the Health Legislation Administration Act 1984.

Firstly, the bill will expand on the types of tissues that may be removed by non-medical practitioners. The bill will allow, in addition to medical practitioners, other authorised and appropriately trained technicians to remove skin and musculoskeletal tissue in addition to ocular tissue from deceased donors for transplantation or other specified purposes. Removal of these tissues from deceased donors can be performed safely by appropriately trained technicians in the absence of a medical practitioner, and is usual practice in a number of other jurisdictions. This change supports the safe, timely and efficient removal of tissue and reduces the loss of potential donor tissue, which may occur when a medical practitioner is not available.

Secondly, the bill will allow certain authorised suppliers to recover the costs involved in supplying a human tissue product for specified purposes when the human tissue has been first provided or supplied through altruistic donation—that is, not for valuable consideration—and has been subject to processing and treatment. The term “authorised supplier” is defined in the bill to mean a person who supplies therapeutic goods that comprise, contain or are derived from tissue and are included in the register or are registered goods under the commonwealth Therapeutic Goods Act 1989, the TGA; or a person who owns or controls a tissue bank prescribed in the regulations. For example, as donor human milk is considered a human tissue under the act, this will allow costs to be recovered by prescribed tissue banks supplying pasteurised donor human milk for vulnerable preterm infants in Western Australia.

Thirdly, the bill will allow for other important supply arrangements for human tissue products that may not necessarily meet the requirements set out for authorised suppliers, but are essential human tissue supply arrangements for modern medical practice. For example, some international human tissue products may not be processed from altruistically donated tissue or limited to a cost-recovery amount. These types of sale and supply arrangements include contracts or arrangements for the supply of blood products, including fresh blood products and plasma-derived products, and including a number of products sourced from overseas, on the National Product Price List; contracts or arrangements for the sale or supply of tissue by an exempt entity, when the sale or supply is carried out by or with an exempt entity or the commonwealth government for the benefit of an exempt entity, and the tissue is the subject of an agreement between the exempt entity and the commonwealth or state—an “exempt entity” is defined in the bill as an entity prescribed by the regulations that is a party to an agreement with the commonwealth or the state for the sale or supply of tissue; and contracts or arrangements for the sale or supply of therapeutic goods that comprise, contain or are derived from tissue—biologicals, biological medicines and combination products—that has been authorised or approved under the Therapeutic Goods Administration, the special access scheme and the clinical trials scheme.

Fourthly, the bill will allow authorised schools of anatomy, as defined in the Anatomy Act 1930, to recover costs involved with the supply of donated cadaveric material within WA and in relation to interjurisdictional transfers within Australia that are authorised under the Anatomy Act 1930. This is essential for anatomical teaching, specialist surgical training and medical research in WA.

Fifthly, the bill provides new powers for the Minister for Health to ensure proper oversight of these new trading arrangements. These include, firstly, when special circumstances exist, the ability for the minister to approve certain contracts or arrangements that would otherwise be void under the new regulatory framework. The minister’s approval in this regard will be contingent upon the recommendations of a new advisory body, known as the Human Tissue Advisory Body. This approval power will not, however, extend to contracts or arrangements for the retrieval or use of fresh, viable organs for donor-to-host organ transplantation. It will remain an offence to trade fresh, viable organs for monetary payment or reward.

The new Human Tissue Advisory Body will also provide recommendations to the minister regarding the prescribing of tissue banks as authorised suppliers in the regulations. Secondly, the bill will also provide a new power for the Minister for Health to make an order declaring that a specified contract or arrangement, or class of contract or arrangement, that may otherwise fall within one of the permissible sale and supply arrangements under the new regulatory framework to be void.

This power to veto an otherwise authorised contract or arrangement recognises that, although national regulatory processes such as those provided through the TGA are robust, these processes are generally focused on product safety and quality; national assessment of supply arrangements may not extend to the provenance of tissue. Breaches of international legislation, and ethical concerns relating to live and deceased human tissue donation practices outside Australia have arisen from time to time, and this new power will offer an additional safeguard.

Other components of the bill include updates to the terms used in sections 3 and 6 of the act to ensure consistency with the Human Reproductive Technology Act 1991; updates to include gender-neutral terminology throughout the act; amendments to clarify that tissue may be removed and used for education, training and quality assurance relating to a therapeutic, medical or scientific purpose; provision for the Minister for Health to approve certain advertisements or classes of advertisements relating to the buying in Australia of human tissue or of the right to

take tissue from the bodies of persons; provision for delegation of the minister's powers or duties under the act; provision for regulations to adopt, in whole or with modification, other regulatory instructions such as codes or other subsidiary regulation; increases to the penalties for trading and advertising relating to trading in human tissue; and amendments to clarify that part 3 of the act does not apply to the removal of tissue for the purposes of the practice of anatomy under the Anatomy Act 1930.

The sale and supply of human tissue is a sensitive and complex issue. It is important to stress that the need to uphold ethical principles ensuring donors are not exploited, that respect is shown for both living and deceased individuals, and that the human body is not treated as a commodity to be sold for profit, has underpinned the development of the bill. The bill therefore aims to support access to lifesaving and life-enhancing human tissue and tissue products for patients in need, whilst ensuring the sale and supply of human tissue is ethical and appropriately regulated.

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

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

[See paper [1780](#).]

Debate adjourned, pursuant to standing orders.

House adjourned at 6.07 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

MINISTER FOR POLICE — REGISTER OF LOBBYISTS — CONTACT

944. Hon Wilson Tucker to the minister representing the Minister for Police; Road Safety; Defence Industry; Veterans Issues:

Has the Minister or their ministerial staff had any contact with any individual or company on the Register of Lobbyists during the 2022 calendar year and, if so:

- (a) what are the dates for each meeting or contact;
- (b) who was the lobbyist;
- (c) what was the nature of the contact;
- (d) where was each meeting held;
- (e) who was present at each meeting;
- (f) what was discussed at each meeting; and
- (g) what company or individual was being represented by the lobbyist?

Hon Stephen Dawson replied:

Please refer to LC QON 938.
