Parliamentary Debates
(HANSARD)

FORTY-FIRST PARLIAMENT
FIRST SESSION
2023

LEGISLATIVE ASSEMBLY

Thursday, 30 March 2023

Legislative Assembly

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

LIVE EXPORT — FEDERAL GOVERNMENT POLICY

Petition

MR P.J. RUNDLE (Roe — Deputy Leader of the Opposition) [9.01 am]: I have a petition that has been certified as conforming with the standing orders of the Legislative Assembly. It has 541 signatures and reads as follows —

> To the Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We, the undersigned, express our support for the live export sector and our farmers who deal with livestock across Western Australia. Live sheep export alone was worth $136 million in 2019 with key trade markets being Kuwait, Qatar and Jordan.
>
> Live export is a vital part of the national economy and a pillar of many regional communities across Western Australia, which accounts for 97% of national livestock exports.
>
> **We therefore ask the Minister for Agriculture & Food and the Minister for Federal–State Relations, the Premier, to demand the Prime Minister and Commonwealth Minister for Agriculture reverse Federal Labor's reckless plan to phase out the live sheep export industry.**
>
> **And your petitioners as duty bound, will ever pray.**

[See petition 40.]

Nonconforming Petition

Mr P.J. RUNDLE: I also have a nonconforming petition with 1 717 signatures.

PAPERS TABLED

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

INVEST AND TRADE WA AMERICAS HUB AND WA INVESTMENTS WEBSITE

Statement by Minister for State Development, Jobs and Trade

MR R.H. COOK (Kwinana — Minister for State Development, Jobs and Trade) [9.03 am]: I stand today to inform the house of the launch of the WA Investments online platform and announce the new Invest and Trade Western Australia office, which will be established in Austin, Texas.

On 24 March 2023, I had the pleasure of officially launching the WA Investments website, a collaborative partnership between Invest and Trade Western Australia and the Chamber of Commerce and Industry of Western Australia. The website is dedicated to showcasing live investment opportunities across our state. The website features curated investment-ready commercial projects in Western Australia above $10 million that are aligned to the priority sectors in the state's economic development framework, Diversify WA. Through this platform, potential investors from around the world will be guided to the types of investment opportunities they are interested in and will be supported to contact investment proponents. Invest and Trade Western Australia will play an important role in servicing requests from investors seeking information and support and will help curate the opportunities that make it onto the platform. WA Investments complements the comprehensive investment attraction and trade promotion activities currently undertaken by Invest and Trade Western Australia.

At the same time, I also announced that Western Australia's investment and trade relationship with the Americas region will be strengthened by the establishment of a new office in Austin, Texas. The government has committed $10.1 million as part of the 2023–24 state budget to establish an Americas hub, which will be operational from early 2024. An investment and trade commissioner recruited from Western Australia will lead the hub, with support from five locally engaged staff. The United States is Australia's largest source of foreign direct investment, with $185 billion in 2021, while Canada is the fourth largest source, contributing $58 billion in 2021. The Americas hub will enable Invest and Trade Western Australia to better service investment and trade leads, facilitate more targeted engagement with industry and government, and respond to new and emerging market and industry opportunities in the region. Austin presents significant opportunities for Western Australia across a range of industry areas, including advanced manufacturing, renewable energy, health and medical life sciences, space industries, and creative and digital media technology.

The launch of WA Investments and the establishment of the new office in Austin further supports the government's extensive efforts to diversify the state's economy, attract new industries and create high-quality local jobs.

AUSTRALIAN REMOTE OPERATIONS FOR SPACE AND EARTH CONSORTIUM

Statement by Minister for Science

MR R.H. COOK (Kwinana — Minister for Science) [9.06 am]: It is with great pleasure that I stand today to congratulate the Australian Remote Operations for Space and Earth industry consortium for being selected as one of two successful teams chosen for stage 1 of the Australian Space Agency's flagship Moon to Mars Trailblazer mission. Launched in February 2020 with the support of the state government, AROSE is a not-for-profit industry consortium that aims to position Australia as a trusted international leader in remote operations science, technology and services, both on earth and in space.

Thanks to the long nights and hard work put in to prepare the submission by AROSE, Fugro, First Mode, Nova Systems and other partners, Western Australia is in pole position to develop and operate a rover on the moon. Under stage 1, the AROSE consortium will receive $4 million from the Australian government to develop a pilot concept for a remotely operated service rover to collect lunar soil and deliver it to a moon-based NASA processing facility to extract oxygen as part of NASA's Artemis program. If AROSE's stage 1 lunar rover concept is selected for stage 2, the Western Australian–led AROSE consortium will receive a $42 million grant to build, launch and operate its lunar rover on the moon. Through this mission, Western Australia has a unique opportunity to showcase to the world the state's innovation, ingenuity and world-leading remote operations, automation and robotics expertise. More broadly, the mission will accelerate the development of new technology that will support decarbonisation and improvements to sustainability, safety and productivity across a range of industries. A Western Australian–led lunar rover mission will also inspire a generation of young Western Australians to engage in STEM studies and prepare them for the jobs of the future, as well as attract talented people and organisations to our state.

The world, particularly the space sector, is taking notice of our state's expertise. During a recent visit to Perth, Colonel Pamela Melroy, deputy administrator of NASA, remarked that Western Australia's technologies and capabilities were going to be critical to the future of space exploration. The Western Australian space sector is taking off, and I hope that in 2026 we are all celebrating a Western Australian lunar rover successfully collecting and transporting lunar soil on the moon for NASA.

MINISTER FOR MINES AND PETROLEUM — OVERSEAS VISIT — BATTERY, CRITICAL MINERALS AND ENERGY SECTORS

Statement by Minister for Mines and Petroleum

MR W.J. JOHNSTON (Cannington — Minister for Mines and Petroleum) [9.09 am]: I rise today to inform the house of the recent mission to Canada, the United States, South Korea and Japan to promote Western Australia's world-leading battery, critical minerals and energy sectors. Since the launch of the McGowan government's *Future battery and industry strategy* in 2019, Western Australia now hosts a multibillion-dollar battery and critical minerals processing industry that includes global-scale investments in battery-grade lithium hydroxide and nickel sulphate and rare earths processing projects. Such success in the industry is driving further investment to increase mineral processing and start local manufacture of precursor and cathode active materials in collaboration with international joint venture partners.

Although the state is in a strong position to build upon existing relationships and capitalise on the many mutually beneficial opportunities emerging in the battery and critical minerals sector, the key message I delivered to all I met was that Western Australia is open for business and welcomes the opportunity to forge ahead with new partnerships. Of course, the development and execution of projects relies on a robust regulatory framework that provides investors with the certainty they need to build globally significant projects. I was pleased there was acknowledgement of Western Australia's regulatory framework and the efficient pathway through the permitting and approvals process.

Western Australia's model for permitting, approvals and engagement with First Nations people was discussed at length with Canada's Minister of Natural Resources, Hon Jonathan Wilkinson, and counterparts from Quebec and Ontario such was their appetite to learn about how a strong and consistent regulatory environment underpins successful project developments. Permitting and approvals were also key themes of discussions with the staff of Senator Joe Manchin, chair of the Senate Energy and Natural Resources Committee; Bruce Westerman, chairman of the House Committee on Natural Resources; Eric Swalwell and Guy Reschenthaler, co-chairs of the Congressional Critical Minerals Caucus.

While meeting with US Government staff on Capitol Hill, the US Inflation Reduction Act was a point of discussion, as it was in both South Korea and Japan. In South Korea and Japan, I had fruitful meetings with key decision-makers and business leaders across major global trading houses, steel mills, future energy off-takers, battery producers and government bodies. South Korea is the second largest producer of electric vehicle batteries in the world, and I was encouraged by the genuine consideration by some of these companies to pursue downstream processing activities in this state. Another highlight was the signing of a memorandum of understanding between the Korean Institute of Geoscience and Mineral Resources and the Western Australian government through the

Minerals Research Institute of Western Australia to collaborate on R&D across the minerals value chain. Companies in Japan were also looking to expedite development of similar activities in WA, while capitalising on carbon capture storage opportunities was high on the radar. I table the itinerary.

[See paper 1894.]

BUSH RANGERS WA — TWENTY-FIFTH ANNIVERSARY

Statement by Minister for Youth

MS S.F. McGURK (Fremantle — Minister for Youth) [9.12 am]: I rise to inform the house of the twenty-fifth anniversary of Bush Rangers WA. Last Friday, on 24 March, I had the pleasure of travelling out to Penguin Island with my cabinet colleague Minister Whitby in his capacity as Minister for Environment to celebrate the twenty-fifth anniversary of the WA Bush Rangers. As Minister for Youth, I am committed to ensuring that young Western Australians have access to rewarding activities to keep them active, healthy and connected with their community as well as the environment. That is exactly what WA Bush Rangers offers.

WA Bush Rangers has the largest enrolment out of any stream offered under the Cadets WA program, and it is particularly wonderful to see a diverse range of participants from different backgrounds and with different abilities. Of course, the success of the WA Bush Rangers would not be possible without the help of a dedicated team of employees and volunteers. Without the continued support from volunteers, the program and partnering agencies would not be able to offer young people development and leadership opportunities.

It was fantastic to take time last Friday to recognise the hard work of some long-serving employees and volunteers. I had the pleasure of meeting Carleen Edwards, who is the Cadets WA program's longest-serving volunteer. During these 25 years of service to young people, Carleen was unit leader of three different unit types, including the first Cadets WA unit that was for emergency services. Carleen stepped back from unit leadership at the end of 2021. However, she still provides valuable input and support, both as an instructor and as a regional coordinator for Bush Rangers. I also note that she also had her husband and some of her children involved as cadet leaders as well. I think everyone here will agree that that is a pretty amazing legacy. Thank you once again to all those who have contributed to the success of the Bush Rangers WA and for giving young Western Australians the opportunity to thrive.

HOUSING FIRST HOMELESSNESS ADVISORY GROUP

Statement by Minister for Housing

MR J.N. CAREY (Perth — Minister for Housing) [9.14 am]: I rise to inform the house on the commencement of the Housing First Homelessness Advisory Group. This advisory group will comprise 17 respected community and government leaders, experts and an individual with lived experience who will guide and support the implementation of *All paths lead to a home: Western Australia's 10-year strategy on homelessness 2020–2030*. The group's expertise spans a range of areas, including tenancy law, frontline support services, local government, community housing organisations, and tenancy law and supports. The group will provide advice to me as the minister about reforms that align with a Housing First Homelessness Initiative and No Wrong Door approach across the homelessness sector, including addressing identified barriers in the system. It will also provide expert advice to guide the implementation of the strategy agreed between the sector and government and to ensure that the reforms outlined in the strategy are fully implemented.

The government is focused on delivering a Housing First approach that is evidence based and provides tangible long-term outcomes. We are investing $2.4 billion in housing and homelessness programs and services in Western Australia over the next four years, including the delivery of around 3 300 social dwellings as well as refurbishments and maintenance work to thousands more. The new advisory body complements many recent homelessness reforms introduced by the McGowan government, including delivering 100 homes through our Djuripiny Mia supportive landlord program, the acquisition of a Murray Street hotel for transitional accommodation in the Perth CBD, and ongoing work to consolidate multiple outreach services in the city into one. We are committed to tackling the key issue of homelessness in Western Australia, and this advisory group is a critical step in that direction.

SOCIAL HOUSING — BEACONSFIELD TAFE SITE — REDEVELOPMENT

Statement by Minister for Lands

MR J.N. CAREY (Perth — Minister for Lands) [9.17 am]: I rise to inform the house of the plans for the redevelopment of the former Beaconsfield TAFE site near Fremantle. This exciting urban regeneration project will deliver up to 150 new homes, including social and affordable housing, and incorporate landscaped public open space. The redevelopment will feature a medium-density, climate-responsive residential development, with a mix of low and medium–rise apartments and townhouses.

The community consultation process undertaken by DevelopmentWA resulted in more than 100 submissions that were carefully considered to ensure that community aspirations for sustainability, retention of mature trees and

improved security and safety in the area were included. The draft concept plan has been developed and informed by feedback from the community consultation, which will form the basis for the local structure plan to be lodged with the City of Fremantle in May this year. The public open spaces will focus on mature tree retention, a playground, and a network of pathways featuring Waterwise landscaping. This project is an important part of this government's commitment to delivering mixed social and affordable housing in Western Australia. Incorporating social and affordable housing will contribute to the state government's target to deliver 3 300 social dwellings over a four-year period as part of our $2.4 billion investment in social housing and homelessness measures and programs.

The redevelopment of the former Beaconsfield TAFE site will transform and breathe new life into the local community, while bolstering the supply of housing in the area. The state government, through DevelopmentWA, will continue to update all stakeholders on the progress of the redevelopment, including the timing of construction commencement and sales releases. We have listened to the community and taken on board their feedback. I look forward to seeing the final vision of this significant urban regeneration project come to fruition.

SOCIAL HOUSING — GRAHAM FLATS — WEST PERTH

Statement by Minister for Housing

MR J.N. CAREY (Perth — Minister for Housing) [9.19 am]: I rise to inform the house about the plans for the redevelopment of the Graham Flats housing complex in West Perth. This historic complex is being refurbished as part of the McGowan government's $27.8 million investment to refurbish and upgrade several public housing complexes in Western Australia. Graham Flats, which was built in 1958 primarily for seniors, is a heritage-listed building in the postwar international style. The three-storey Hay Street complex comprises 70 one-bedroom apartments and is currently managed by the Department of Communities. The remedial refurbishment works will address identified concrete and building compliance issues and include new plumbing and upgrades to laundry facilities. The refurbishments will also involve the relocation of tenants in stages before the work commences. I note for the house that these refurbishments will extend the life of the state's public housing stock and ensure that housing remains available to the most vulnerable members of our community.

In December last year, we established a statewide housing construction and refurbishment builders panel to accelerate the state government's social housing delivery and refurbishments. This program allows us to contract smaller, local builders who are pre-approved to build and refurbish social housing. As I have said in my last two statements, this investment is part of our $2.4 billion commitment to housing and homelessness services in Western Australia, which includes the delivery of around 3 300 social housing dwellings and maintenance work to many thousands more. Graham Flats is a significant and integrated part of the West Perth landscape and I look forward to seeing another upgrade to this important public housing asset.

MANDURAH CRAB FEST

Statement by Minister for Regional Development

MR D.T. PUNCH (Bunbury — Minister for Regional Development) [9.21 am]: The Mandurah Crab Fest has returned after three years! Mandurah's signature event and favourite on the community and tourism calendar, the Channel 7 Mandurah Crab Fest, returned on the weekend of 18 and 19 March 2023. The event had not been held since 2019 due to the COVID-19 pandemic, leaving a gap in Western Australia's event scene that was sorely missed—it was not missed by the crabs! Crab Fest is delivered by the City of Mandurah and Channel Seven, and is supported by the state government through the royalties for regions–funded Tourism WA regional events program.

Crab Fest, set on Mandurah's waterfront, is one of the largest free regional events in Western Australia, attracting over 100 000 locals and visitors. The iconic festival celebrates the blue swimmer crab and its significance to the Peel region. Crab Fest showcases the vibrant lifestyle and local produce of the Peel region and encourages visitors to extend their stay and partake in other tourism activities on offer, such as the popular *Giants of Mandurah*. Visitors enjoyed the local delicacy and cooking demonstrations from celebrity television chef "Fast Ed" Halmagyi, with *Home and Away* stars Juliet Godwin and Kirsty Marillier, market stalls, roving entertainment, free workshops, on-water sports, art displays, children's activities and Saturday night fireworks. Visitors this year were able to experience the newly redeveloped foreshore, including the estuary pool, the play space and the international-grade skate park, towards which the McGowan government contributed $10 million. A major highlight of the 2023 Crab Fest included headline acts, from Gretta Ray and Electric Fields to the iconic Australian entertainer Vanessa Amorosi, on the main stage. The state's Buy West Eat Best campaign was actively promoted at the event with our central message of bringing local produce into the hearts, minds and mouths of Western Australian food lovers being well received by attendees.

The festival, which began in 1999, has received increasing patronage year on year, with 2008 marking a significant increase assisted by the opening of the Perth–Mandurah rail line. The state government, through my department and the Peel Development Commission, has supported this event since 2004, promoting Crab Fest as the region's premier culinary event. We are proud in WA to own a uniquely prestigious event that has won gold in the WA Tourism Awards and bronze at the Australian Tourism Awards between 2016 and 2019.

LIVE EXPORT — FEDERAL GOVERNMENT POLICY

Grievance

MR P.J. RUNDLE (Roe — Deputy Leader of the Opposition) [9.24 am]: My grievance today is addressed to the Premier; Minister for Federal–State Relations, but I thank the Minister for Regional Development for taking my grievance. I ask that the Premier act immediately to support the live export sheep industry in Western Australia by openly rejecting federal Labor's policy to phase out live sheep exports. The federal Minister for Agriculture, Fisheries and Forestry has announced that his government is committed to ending the industry, but that it will take place in the next term of Parliament to give farmers and exporters time to prepare for the transition away from live sheep exports by sea. An independent transition panel headed by Phillip Glyde, but stacked with a former animal rights campaigner and a retired Labor member of Parliament and with only one Western Australian member, has since been appointed to advise the federal government on how to shut down the export of live sheep from Australia.

I acknowledge that the Premier has recognised industry improvements. The Premier has been clear that the current measures, including the northern summer live export ban, are sufficient, and other measures, including additional veterinarian checks and onboard monitoring, have worked well and are effective and appropriate at this time. We have consistently asked the Premier to prove his support for the industry in this place several times, and in the other place, but the answer that comes back is the same almost every time: he acknowledges the changes that have been made. We now need to see an actual demonstration of his support by rejecting the proposed ban publicly and vocally. According to the ABC online news on 7 March —

> The federal government is pushing ahead with its plan to ban live sheep exports, despite fierce resistance from industry and the WA Labor government.

We are yet to see this fierce resistance from the WA Labor government, but there is a collective hope that we will see it soon. There was hope that the member for South West Region as the newly appointed Minister for Agriculture and Food would support the live sheep export industry instead of pushing a hidden animal activist agenda like the former minister did. The current minister in fact came out in support of the industry in the other house when she said on 14 February in *Hansard* —

> The McGowan government supports the continuation of the live sheep export industry.

But by March she was quickly fading in her resolve and backing down under pressure from the Albanese government, and perhaps even the Premier. Now the minister's stance, as reported by the ABC on 3 March 2023, is sadly that "farmers need to face a future without live sheep exports". To say the industry is disappointed is an understatement. Australia's live sheep export industry employs more than 3 000 people in Western Australia and is worth $136 million. The Premier and his ministers cannot ignore the value of this industry to the WA economy and its importance to thousands of Western Australian families comprising not only farmers, but also feed suppliers and manufacturers, shearers, truck drivers, veterinarians, livestock agents, wool agents, exporting companies and more.

The Livestock Collective says that in the absence of live sheep exports, there is insufficient sheep processing abattoir capacity in WA to support the production capacity of the WA sheep flock. As the major state supplying the live export trade, stopping exports would result in a price reduction for WA farmers, a downturn in wool production and a rapid decline in sheep numbers. A letter that was sent to the Premier on 27 March, representing 28 peak state farming bodies, shearers, transporters, woolgrowers and exporters, called for the Premier to not waver in the face of pressure from Canberra. The letter clearly states that this Labor policy is not about only banning live sheep exports; it is not only a livestock export issue, but also a whole-of-sector issue. The letter called on the Premier to stand together with industry and reject this ban now.

Australian Livestock Exporters' Council chief executive officer Mark Harvey-Sutton said the fight to keep the live sheep trade was not over and that the federal government's actions and policy to end the trade set an alarming precedent for all agricultural industries. If the Premier truly supported the industry, he would be sending himself and delegations to fight for WA in the face of the Prime Minister in Canberra. He should not be bullied by the Albanese government, bowing to the powers of an under-informed minister and the federal Labor agenda. The Liberals and the Nationals WA, both state and federal, are standing up and backing this industry. It is time for the Premier to step up to the plate and join the fight for this industry. A petition that I lodged this morning received well over 2 000 signatures and reflects the number of worried supporters and producers across the supply chain. At the Wagin Woolorama our tent was overwhelmed by people signing the petition in support but also inundated by people raising concerns about their livelihood if the industry is banned.

The federal Minister for Agriculture, Fisheries and Forestry came out and said the federal government wants to support the live cattle industry grow and prosper but shut down the live sheep export industry. After cattle exports were shut down overnight in 2011, the industry was given the opportunity to reform, and reform it did—well above what was expected and well above international standards. The cattle industry was given an opportunity to reform and return to live exports, but devastated sheep producers and exporters in WA have not been provided with the same opportunity.

The proposed ban will, effectively, decrease animal welfare standards internationally as our export partners in the Middle East replace our sheep with those from other countries like Somalia, Sudan and Jordan. These countries care only about the number of sheep they can fit on a ship or in a truck. They do not monitor ventilation or stocking densities. The sheep have limited access to veterinary care. They do not measure wool length or the weight or the condition of sheep.

Banning the live export of sheep will also jeopardise the trade in grain and feed supplies across the sector. The shipping companies have lost confidence in WA, not because of falling sheep numbers but because of the lack of confidence in the industry thanks to Murray Watt and federal Labor.

Without the definitive backing of this industry by the Premier against his federal counterparts, the number of sheep leaving on ships will continue to fall. The sheep price will fall and farmers will be faced with no other choice but to get out of sheep farming altogether. Now is the time for the Premier to join the whole livestock export sector Australia-wide and reject federal Labor's plan to ban live sheep export.

MR D.T. PUNCH (Bunbury — Minister for Regional Development) [9.31 am]: I thank the member for his grievance this morning. The Premier, along with the wider state government, has been consistent in his position on the live export trade. We have publicly stated on countless occasions that the current rules are appropriate. When high-profile issues arose in 2017 and 2018, and they were high profile, the state government called for better standards that would allow live sheep export to continue. Our position on live export is clear: we support the continuation of the live sheep trade outside the northern summer period by reputable operators, on modern ships with a credible and transparent regulatory regime. This includes additional vet checks and monitoring. All reports that we receive suggest that these measures have worked well. We have always worked closely with the WA sheep industry to build more resilience for farmers and the entire supply chain and to ensure that this important industry thrives into the future. That support has been unwavering.

In May last year, a policy was taken to the federal election and the new government now has a mandate to implement that policy. It is a federal government policy. It is important to note that the Prime Minister has advised that the phase-out will not take effect until the next term of government, so after 2025. It is also important to note that this government continued to make its position clear after that election commitment was made and has been unequivocal since the new federal government was elected. This fact has been recognised across the industry. Industry stakeholders including WAFarmers and the Pastoralists and Graziers Association have commended the McGowan government's advocacy on this issue.

Tony Seabrook, president of the Pastoralists and Graziers Association of WA said —

> "Both the Premier and our WA ag minister have come out of this smelling of roses, they have not in any way sold us down the drain …

John Hassell, president of WAFarmers, said of Minister Jarvis —

> "She … can only do so much. I still hold Jackie in high regard … it's a Federal Government decision."

John Cunnington, chair of the Western Australian Livestock Exporters' Association said —

> "For the Premier and the new Agriculture Minister to actually come out supporting the live sheep trade has been fantastic …

Those comments are out there. Yesterday, in the other place, Hon Steve Martin said —

> I support the policy position of Hon Jackie Jarvis, Minister for Agriculture and Food, on this very important industry.

Hon Colin de Grussa said —

> I endorse the minister's support for this industry, and I also endorse the Premier's support for this industry. I look forward to continued advocacy for the Western Australian live sheep industry and the continuation of this important sector.

Several members interjected.

The DEPUTY SPEAKER: Members!

Mr D.T. PUNCH: It is quite clear that the National Party members in the other place are listening and supporting the WA government's position. I am not so sure about this place. Maybe there needs to be a few conversations between members of the National Party in this place and members of the National Party in the other place.

Mark Harvey-Sutton, CEO of the Australian Livestock Exporters' Council said —

> "I think the message that industry collectively needs to send to Minister Jarvis is that we have your back in taking this to Canberra …
>
> "She's already indicated she's taken the fight to Canberra. Minister, we are very happy for you to continue to do so, and we will be supporting you every step of the way.

The state government's position is unequivocal. But in the meantime the federal Department of Agriculture, Fisheries and Forestry consultation process is underway, and local opposition to the policy should not be a reason to exclude ourselves from the discussion. In the previous government, I know that National Party members used to frequently walk out of cabinet when they disagreed, and cut themselves off from the debate. That is not something that we do. We try to build relationships even when we might disagree. The consultation will consider how the phase-out should occur, how impacts can be managed, and support for those effected as well as new opportunities. Submissions for that consultation process are open until May 31. After that, an independent panel will compile a report and provide it to the federal Minister for Agriculture, Fisheries and Forestry by 30 September 2023. The independent panel will then undertake face-to-face consultation across Australia, deliver virtual forums, and seek and consider written submissions.

The WA government will fight for the best possible outcome for our sheep industry in Western Australia, and I encourage all Western Australian sheep producers and agricultural industry bodies to have their say during the consultation process. As we know, the federal government has made it clear that this policy is a matter of when, not if. It is therefore vital for the local sheep industry to have its say in the current consultation process. Strong Western Australian input in the consultation phase will ensure our concerns and views are factored into the shaping of the final policy. In respect to the final policy, we are keen to see that the sheep industry is given certainty about the way forward as soon as possible.

The federal Department of Agriculture, Fisheries and Forestry said that the independent panel report will be publicly released in late 2023 or early 2024. From 2024, the implementation plan for the phase-out of live sheep exports by sea will be developed. I will repeat what I have consistently said. The Western Australian government believes that the current measures, including the northern summer live export ban and the additional vet checks and monitoring, have worked well and are effective and appropriate. That is our position. However, it is the federal government, not state government, that holds the levers for live exports, and this government will continue to fight for the best possible outcome for our sheep industry here in Western Australia.

SILICA DUST

Grievance

MS C.M. ROWE (Belmont) [9.38 am]: I thank the Minister for Industrial Relations for taking my grievance. I would also like to thank the minister for all the incredible work that he has done in this portfolio, in particular the landmark Work Health and Safety Act, which passed in this place back in 2020.

My grievance today is about silica dust. Silica dust is having a devastating impact on a generation of workers. The prevalence and severity of health complications caused by the inhalation of silica dust is a cause of grave concern amongst experts, unions and workers. Silica is silicon dioxide, a naturally occurring and widely abundant mineral that forms the major component of most rocks and soils. Silica dust is produced in a wide range of workplaces during routine processes. It occurs as a result of crushing, cutting, drilling, grinding, sawing or polishing products that contain silica. Some of the particles of silica dust are so small that they are not even visible. These are commonly referred to as respirable particles. Respirable silica dust particles are dangerous. They are small enough to penetrate deep into the lungs and can cause irreversible lung damage. Exposure to silica dust can cause myriad diseases and health issues, including silicosis, lung cancer, kidney damage, emphysema and chronic bronchitis. These diseases cause serious health issues and can be fatal in some instances.

Industries that use engineered stone products are facing the most urgent workplace risks, and that has been the subject of a devastating *60 Minutes* exposé. These products are often composed of over 90 per cent silicon. The lack of controls used by many employers in the cutting and utilisation of these products has led to a shocking rise in the number of cases of silicosis affecting people in this industry. Although the bulk of recently identified cases have been in the engineered stone industry, it is not alone in its workers being affected by the impact of silicosis due to workplace exposure. Earlier this year, many members present may have seen the *60 Minutes* exposé of the dangers facing workers in the stone benchtop industry, which was done in conjunction with *The Sydney Morning Herald* and *The Age*. One of the cases referred to was that of Ken Parker, who was diagnosed with silicosis in November 2019 and given a life expectancy of five to 10 years. He had spent 18 years working in a factory in Sydney's west, in hot and dusty conditions, cutting, grinding and polishing artificial stone. Mr Parker had his lung capacity measured after contracting silicosis. His lung capacity is now at 40 per cent. He finds it hard to walk and talk at the same time. He said —

> "Loss of job, loss of house, loss of lifestyle … you wake up in the morning, and you dunno what you're supposed to do."

In the same article, Professor Deborah Yates, a respiratory physician of 30 years, described silicosis as an "insidious disease". She said —

> "It's like being strangled … like having your lungs contracting from inside," …

In 2019, there were an estimated 350 cases of silicosis in Australia. Of these cases, 100 were identified between September and December of that year. It is estimated that approximately 600 000 workers in Australia may be

exposed to silica dust across a wide range of industries. If the appropriate safeguards are not in place, this could be a disaster of epic proportions. Indeed, even the previous federal government recognised the problem enough to set up the National Dust Disease Taskforce. In the foreword to its report, the task force noted —

> The key driver for the establishment of the Taskforce was concern about the emerging trend of new cases of accelerated silicosis in Australia. The re-emergence of silicosis not only raised questions about the adequacy of the systems in place for the prevention, early identification, control and management of this disease, but also in relation to broader occupational dust diseases.

The task force recommendations were seen by many as falling short. I acknowledge the advocacy of UnionsWA in our state and the wider union movement on this issue. I am particularly aware of the work done by the Australian Workers' Union for quarry workers and miners. The AWU has been advocating for national regulations to protect workers in all affected industries, with harsh penalties for noncompliance. I am proud to be a member of the AWU and I thank everyone who has worked on this campaign. This work will save lives.

I note the recent meeting of work health and safety ministers and congratulate all concerned with the decision to take further action to regulate the processing of silica. I was particularly pleased that the commonwealth is looking at the question of a ban on manufactured silica benchtops. We must act now to protect future generations of workers from contracting this deadly disease.

I ask the minister to outline the steps taken by the WA government to provide robust protections for WA workers against silica dust and whether there are further actions that can be taken.

MR W.J. JOHNSTON (Cannington — Minister for Industrial Relations) [9.43 am]: I thank the member for Belmont for bringing this important issue to the chamber and I acknowledge her ongoing commitment to seeing improvements in this issue, and her genuine interest in seeing better outcomes for working people in this state.

When we came to government, it is true that actions were required. The government of Western Australia has supported action on silicosis. The first thing we did was we supported research to identify the extent of the health challenges related to silicosis disease load in the state, because we actually had almost no workers compensation claims for silicosis, but it was being reported to us by the relevant college of surgeons that it was an increasing problem, so we funded a research project to identify the extent of the disease load and the source of the disease. That showed that there is a challenge in that a large number of workers have undiagnosed silicosis arising from workplace exposure to silica dust.

We have been working together with federal, state and territory ministers on action to reduce exposure to respirable crystalline silica, or RCS. Firstly, in 2020, we reduced the exposure standard for crystalline silica from 0.1 milligrams per cubic metre to 0.05 milligrams per cubic metre; that is to say, we reduced the exposure to one-twentieth of what it had previously been. Some people said that we should have gone further. The problem is that it is not practical to measure silica dust below that level, so even if we had had a lower limit, workplaces would not be able to measure the level using ordinarily available measuring equipment. They would have to have specialist measuring equipment. That means that a lower limit would not have any perceived improvement in outcomes. We also introduced other procedures to ban the dry cutting of manufactured silica products.

In 2021, we changed the way we monitor for RCS by introducing the use of low-dose computed tomography scans instead of chest X-rays. The problem with chest X-rays was that they did not actually discover silicosis. People were getting negative chest X-ray results because the chest X-ray did not identify silicosis. Again, I acknowledge the work of the college. As a result of part of the research piece that the college undertook, we now use computed tomography scans instead of chest X-rays. I am not a medical technologist, but I understand that it is a completely different method that uses CAT scans instead of X-rays to examine people's chests and find the disease.

WorkSafe Western Australia has developed the *Dust strategy 2023–24*, which covers silica, asbestos and other dust, to increase awareness of the health risk of these issues under the state's work health and safety legislation. The strategy supports the outcome of the National Dust Disease Taskforce and aims to reduce excessive exposure through targeted education and awareness actions; enforcement and compliance with the laws; regular engagement with stakeholders, including medical practitioners; and further inspector training. WorkSafe has published the outcomes of its silica compliance project, which included 150 inspections of workplaces that use engineered stone and resulted in the issuing of over 1 000 enforcement notices. We know that that is just the start, and I know that the WorkSafe Western Australia Commissioner intends to continue that work to improve outcomes for workers in workplaces. One of the challenges here is that many of the businesses using engineered stone are small businesses that may not have a depth of understanding about the challenges of silica and silicosis. That is not an excuse, but it is an explanation. Therefore, we want to work with that sector to improve its understanding of the need to manage RCS. I highlight that a person conducting a business or undertaking under the state's WHS legislation needs to take all practicable controls to protect workers' health. That obliges people working in the engineered stone industry to do what is known possible to reduce exposure.

I also highlight that there are alternatives to engineered stone. Twenty years ago, nobody used engineered stone; they used quarried stone or timber. Those alternatives are still available to people. Natural stone does not have high

levels of RCS in it and therefore working with natural stone, although still requiring careful management, does not have the same level of risk that engineered stone has. WorkSafe has extensive guidance available for workers and persons conducting a business or undertaking to improve the management of RCS.

I want to thank my parliamentary secretary, Hon Matthew Swinbourn, for attending the work health and safety ministers' meeting recently. It was on at the same time as the energy ministers' meeting so I was at that meeting and was unable to go to the health and safety meeting, but the parliamentary secretary attended and supported the action of the commonwealth to look at banning the import of this material. It is important to note that there are no manufacturers of engineered stone in Australia; it is all imported. If we can fix it at the border, we can eliminate it from workplaces, as we have done with asbestos. I look forward to that process leading to a great outcome. I thank the member for Belmont for her continued advocacy on this issue, because it is critical.

WEST BUSSELTON PRIMARY SCHOOL — PEDESTRIAN SAFETY

Grievance

MS L. METTAM (Vasse — Leader of the Liberal Party) [9.50 am]: My grievance is to the Minister for Transport. I thank the minister for taking my grievance on the serious and growing concerns from parents and school administrators about the daily safety of schoolchildren attending West Busselton Primary School. The community's anxiety is focused on the dangers to schoolchildren crossing Bussell Highway between Fairway Drive and Bower Road. It is a busy intersection where students, staff and parents, some pushing prams, need to cross the highway at the beginning and end of school each day. The problem of student and pedestrian safety is wider than the primary school. The current A-type warden crossing currently manages the high volume of students from four local schools crossing this busy four-lane road with traffic travelling at 60 kilometres an hour. Students travel to and from the primary school, Busselton Senior High School, St Mary MacKillop College and Cornerstone Christian College, the latter two of which have both primary and senior school campuses.

The danger to children became a reality last year when a 10-year-old grade 5 student from West Busselton Primary School was seriously injured when hit by a car crossing Bussell Highway as she was on her way to school. Her injuries were so significant that she was flown by the Royal Flying Doctor Service to Perth Children's Hospital for extensive emergency treatment. Soon after, in term 4 last year, a high school student and former West Busselton Primary School student was also run down by a car that failed to stop at a warden-controlled crosswalk. Only one warden was present at the time trying to control four lanes of traffic within a 60-kilometre-an-hour zone. These serious accidents are so concerning to the school community that it believes if something is not done to improve safety, there may be another serious accident.

The school communities are calling for a speed reduction that can accommodate a flashing 40-kilometre-an-hour school zone. There is currently a 40-kilometre-an-hour speed zone on Bower Road, but that road is rarely used as a crossing point. Students and staff travel on either Geographe Bay Road on the dual-use path or Bussell Highway, which requires crossing before they reach Bower Road. At that point, they are on the same side as the school. I have been advised that the wardens are totally supportive of reducing the speed limit and have safety concerns themselves. They also support incorporating the 40-kilometre-an-hour flashing zone. It is important that we consider the safety of our wardens as well. This call is also in response to the ongoing difficulty local schools in West Busselton and throughout the state are having recruiting wardens for long-term and short-term positions and filling vacancies due to illness and short-term absences. WA police, through the children's crossing unit, has supported the requirement for two school wardens to safely operate the four-lane highway. As the minister would be aware, WA police was at one time responsible for filling the gaps when warden crossings were unmanned. However, because of other operational priorities, police are no longer able to provide this support. I have been advised by West Busselton Primary School that it now receives notification from WA police when the warden crossing will be unmanned so that the school can advise the school community.

The primary school's call for a drop in the speed limit is also supported by the City of Busselton, which has taken up the issue with Main Roads but which, disappointingly, has been rejected. The local community believes that that decision lacks common sense and is not based on the merits of the issue or the lived experience at a local level. Main Roads rejected the request on the basis that the location did not meet the primary school requirements fronting a school. I understand that Main Roads reviewed the section of Bussell Highway near the primary school to determine its eligibility for a general 40-kilometre-an-hour speed zone. However, given that it is a primary school distributor road with a carriageway that is more than 10 metres wide, it was not deemed a suitable option. Additionally, I understand that Main Roads argued that it was not viable to have a 40-kilometre-an-hour electronic speed zone located so close to a signalised intersection—Bussell Highway and Fairway Drive—and that motorists travelling south would have to negotiate the 70-kilometre-an-hour signalised intersection before being expected to reduce the speed limit to 40 kilometres an hour almost immediately, which would lead to reduced compliance and safety at the crossing. The reasoning was that Bussell Highway is a primary distributor road that is more than 10 metres wide and therefore is unsuitable and is inconsistent with a 40-kilometre-an-hour school zone further west along Bussell Highway, which is adjacent to Busselton Senior High School. Main Roads' proposition that having a 40-kilometre-an-hour zone so close to the lights at the intersection fails to acknowledge there is

a 40-kilometre-an-hour zone outside Busselton Senior High School. Also, disappointingly, Main Roads' assessment that because the approach to the intersection along Bussell Highway is 70 kilometres an hour, it would lead to reduced compliance and safety as motorists would have to slow to 40 kilometres an hour fails to recognise that the current speed limit in both directions along Bussell Highway is 60 kilometres an hour, not 70 kilometres an hour.

The City of Busselton and the school community do not believe their concerns for the safety of the schoolchildren and pedestrians are being taken seriously, and they want to be heard. Given that two school-age children have been hit by cars at this site, one being airlifted to Perth for emergency treatment, I would hope that would give the minister reason to reconsider this decision. I know that the minister acknowledges that children are some of our most vulnerable road users and I hope she will take on board the concerns of both the city and the local community in ensuring the safety of the students, pedestrians and the wardens manning those difficult and dangerous crossings.

The request for the 40-kilometre-an-hour school zone might not seem to meet the black-letter interpretation of the current policy, but there are other examples of this being the case and I believe that this is a very compelling argument and deserves to be re-examined. I therefore appeal to the minister to review this decision and commit to further consultation with the school community and the City of Busselton that will result in the immediate outcome being the safety of our schoolchildren and pedestrians. I thank her for taking the grievance.

MS R. SAFFIOTI (West Swan — Minister for Transport) [9.57 am]: I thank the member for Vasse for the grievance. I have been reviewing this issue. As the member outlined, the policy would suggest that it should not be a 40-kilometre-an-hour zone because of the nature of Bussell Highway and the fact that the school is not facing Bussell Highway. We get a lot of calls from a lot of members of the community to put a 40-kilometre-an-hour speed limit in place. Main Roads has a set of guidelines and rules that it puts in place to try to make sure there is fairness across the entire state, but not a week goes by when I am not approached about this issue because people are very concerned about the speed and the nature of people's driving near schools. I think that this circumstance is compounded because there are not two traffic wardens at the site. As I understand it, that is still the case.

Ms L. Mettam: Yes. It varies, but that is an ongoing issue.

Ms R. SAFFIOTI: I was speaking to my team this morning. These roads have four lanes of traffic, so there is significant activity, and having looked at the site, I did not see a strong refuge in the middle, which is another factor. The ability to stop in the middle of the way through is a big safety factor on all roads; a safe place in the middle of the road contributes to safety.

The member for Vasse outlined that there is a shortage of traffic wardens. I was just talking to the member for Fremantle. Traffic wardens are not in my portfolio; they are in that of the Minister for Police. There is now a massive campaign to try to get traffic wardens. Schools in my electorate do not have any traffic wardens and their lack is an issue for many people in this chamber. This situation and some of the incidents that occurred last year are compounded by the fact that there are not two traffic wardens; it is very hard for one person to manage four lanes of traffic.

The member has raised the concern with me. While we have a shortage of traffic wardens in areas like this, I have asked my team to look at whether it would be possible to get some electronic variable message signs out there to slow down people. I have asked my team, and Main Roads directly, to reconsider that. They will liaise with the school and will see what else can be done to try to improve safety in that area. As I said, there are rules about where the speed limit is dropped, but currently the shortage of traffic wardens on a road of this nature exacerbates some of the concerns or potential issues, so I am happy to ask my agency to look at putting some electronic variable message signs in this area while there is no guarantee of having two sets of traffic wardens.

UNDERGROUND POWER — CITY OF NEDLANDS

Grievance

DR K. STRATTON (Nedlands) [10.01 am]: My grievance is to the Minister for Energy. I thank the minister for taking my grievance on an issue that is important to residents in a particular part of my electorate, and one that has been raised with me virtually since the day I was elected—namely, the uneven rollout of underground power in the City of Nedlands, and whether it will finally come to the wards south of Stirling Highway. Stirling Highway divides my electorate into Dalkeith and parts of Nedlands on the south side and to the north, areas including the Hollywood Nedlands ward where I live where we are neighbours to three statewide hospitals and a primary school. The entirety of Dalkeith and Swanbourne has had underground power for some 23 years, while areas north of the highway, including the Hollywood ward, Mt Claremont and Floreat, under the city's boundaries are still waiting. There are 1 700 households that have been waiting for 23 years to be treated equitably with their north-side neighbours when it comes to the climate and amenity benefits provided by underground power.

Having been resident in the city for many local council elections, underground power for the remainder of the City of Nedlands has been an election discussion and commitment ever since Dalkeith's underground power was completed. Indeed, the 2022 by-elections for the Hollywood ward and the last two mayoral elections focused heavily on this issue, with electoral success for those who campaigned on progressing underground power.

There was even the formation of a local community group, the Hollywood Underground Power Action Group, which was active within the community seeking support for the undergrounding of power to the remaining lots in the City of Nedlands. In 2014, the city undertook a community consultation process on underground power that showed then that it was important to the community as it would improve amenity and safety, and, further, residents indicated a willingness to pay, albeit with a variety of payment schemes proposed. The city's own strategic plan for 2018 to 2028 identified underground power as one of its eight strategic priority areas. Again, this week the council approved yet another community consultation process on underground power.

As I said, underground power is an issue that was raised with me before and immediately after the 2021 election. Recently, in response to community concerns about the retention of tree canopy, I completed a survey with residents in Nedlands asking them how we could best protect tree canopy in the electorate. We contacted over 2 500 residents, and the completion of underground power was a key finding from across the area, from those with and without underground power. They noted it would stop the unnecessary pruning of trees—that is, pruning completed for the appropriate protection of powerlines rather than for the health of the tree as such. The nature of this pruning can have an impact on the shape and aesthetic of the tree, as it is not pruned for those purposes. Tree canopy, of course, also provides climate and amenity benefits, and residents are very committed to ensuring its protection.

I note that the responsibility for underground power is one shared by the state government, residents and local government. Our state government knows underground power benefits residents with safer electricity, improved reliability, reduced maintenance costs and enhanced streetscapes and visual amenity. My understanding is that the state government is ready to meet its responsibility in this regard as the design phase for the City of Nedlands is now complete and the works are part of the scheduled undergrounding of power across the metropolitan area by Western Power. The rest would come from council and affected households, which, as I noted, in the earlier community consultation indicated a strong willingness to pay. Indeed, when underground power for Hollywood west was completed in 2019, nearly two-thirds of affected ratepayers paid their 50 per cent share up-front. There is more than just a stated willingness to pay; residents have put their money where their mouth is.

According to a cost–benefit study commissioned by the city and conducted by ACIL Allen, residents who received underground power would receive a significant benefit of $7.53 for every dollar spent, although the city as a whole would get back just 43¢ for every dollar. I note, however, that 78 per cent of residents have already enjoyed the benefits of underground power for 23 years. The cost–benefit analysis does not capture some of the intangible benefits of underground power for the entirety of the City of Nedlands, in particular the amenity and positive climate impact.

Despite this very clearly established community investment in and wish for underground power, according to a *Post* article earlier this month —

> **A long-awaited project to bury the last overhead powerlines in Nedlands could be a "bad idea", mayor Fiona Argyle said** …
>
> … delivering a blow to residents who have waited decades for underground power.

This blow was delivered based on the council's lack of willingness to pay for underground power as it would apparently require it to ignore other maintenance works and projects. However, I note that the city has chosen to freeze rates for the last three years, and the mayor recently published in an advertisement in the *Post* that the city is currently operating under budget by $1.6 million for this financial year, with staff costs alone currently $730 000 under budget. It is unclear then how the council is aligning community wishes for underground power with claims it cannot afford it. Councillors have suggested, and I quote —

> … Nedlands had been left out of State Government funding for underground power due to its affluence.

Rather, there have been 23 years for the council to participate in numerous government schemes, and the most affluent area of the city was granted underground power by the council decades ago. It could be suggested that the bias towards affluence is not that of the state government.

In a letter to the *Post* last week, another councillor stated —

> There are 1701 dwellings in the City of Nedlands that are unlikely to receive underground power in the foreseeable future without the City itself taking a role, given the state government's lack of interest in the project.

It is rare that I agree with this councillor, but the city does indeed need to take a leading role. I refute that the state government is uninterested in the project, given that we have already completed our responsibilities towards it.

Given the wait residents in key parts of the City of Nedlands have had for the completion of underground power, which commenced over 20 years ago in Dalkeith, today I am seeking reassurance from the Minister for Energy that the state government is committed to the completion of underground power in the City of Nedlands and that it remains on the government's rollout agenda. I also seek confirmation that the design phase, which is the responsibility of the state government, is complete; confirmation of where the responsibility for the completion of

underground power in the City of Nedlands lies; and confirmation that the state government's responsible authorities for underground power will work with the City of Nedlands to ensure that underground power is delivered to the remainder of Nedlands.

MR W.J. JOHNSTON (Cannington — Minister for Energy) [10.08 am]: I thank the member for Nedlands for the grievance. I know that this issue is regularly raised by constituents, and I congratulate her on bringing such a clear issue to me on behalf of the community. I will go through some detail, but I just want to make it clear that Western Power is ready to go on the undergrounding in Nedlands. Indeed, its plan is to commence the works in September 2023, so in just a few months' time. The only thing we are waiting for is the City of Nedlands to take its responsibility and allow us to proceed.

I will just give some background about underground power. Western Australia is the only place in Australia that does programmed underground power for existing suburbs. Obviously, new suburbs take underground power, but, generally speaking, for existing sites around Australia, it is a like-for-like replacement; overhead power is replaced by overhead power. Here in Western Australia, we have had this program since 1996. One hundred projects are seeing over 100 000 homes converted to underground power. Western Power works with local governments to implement these projects. At the moment, we are working with the City of South Perth and the City of Canning on retrospective underground power projects and, of course, we have worked with Nedlands in the past. I note that the member's neighbours at the City of Subiaco all have underground power. Some of that was done as part of the state government's underground power program, while others were funded entirely by the city but executed by Western Power. Perhaps that is a model that the City of Nedlands could look at, because it is literally just across the street.

There are four current programs for underground power. The state underground power program started in 1996 and it is now coming to an end, with the last projects to be completed next year. We have had a trial called the network renewal undergrounding program pilot that was run by Western Power to test the costs to make sure that it could be done in conjunction with local governments to overcome historic issues. That program has been a success and is leading on to the targeted underground power program. That program will replace the SUPP, the original project. The sites are not selected on the basis of tenders by the local government, which is what ended up happening there. If local governments wanted to pay more, they would get advanced. Instead, it is driven by the needs of the network; therefore, the investment that Western Power can make is maximised, which reduces the expectation of local governments. There is also the retrospective undergrounding project, whereby the local government chooses to fund the entire project, like the City of Subiaco did, and then it can come back to work together.

The City of Nedlands underground power project is a retrospective underground project in a partnership between the city and Western Power. I can confirm that Western Power and the state government are committed to this project and Western Power has completed all the detailed design phase. Indeed, Western Power's plan is to commence the construction of the project in September this year. However, the City of Nedlands has advised Western Power of a delay in its business case. It says that it will now present information to the council in May this year. I make it clear that we have directed Western Power to proceed with projects only when there is a vote of the elected members so that there can be no argument about whether the council has given approval, given that that was a challenge in previous years. If the council delays its decision until May, it may delay the project for a number of reasons, but principally because the engineering resources that would be applied to the project would necessarily be applied to another project and therefore, because of planning issues inside Western Power, it would not have the resources available to do the project. It is very important that the council gives a clear indication to Western Power as quickly as possible that we have to get this project underway this year. Even if it makes a decision in June or July, it will be too late for the project to proceed this year. Western Power wants to continue to work closely with the City of Nedlands. I make it clear that the only reason there has been so much advanced work is that we have been engaged with the City of Nedlands and the City of Nedlands has been urging Western Power to do these works. I would be disappointed if the City of Nedlands changed its mind on wanting this benefit for residents in the member's constituency.

I want to address the next issue, which is the argument that some have raised about the government's commitment to areas with higher land values. We are committed to areas with higher land values, and Western Power continues to put resources into those projects. Everybody should understand that in a new suburb, regardless of the value of the land, the resident pays 100 per cent of the cost of undergrounding because it is done by the developer and included in the block price when the person purchases it. There is no subsidy at all for new fringe areas of the metropolitan area; we do not subsidise those at all. There is a subsidy here because we can take the future value of the overhead network renewal costs and apply it to the undergrounding project. The community is expected to meet only the gap, and that is why there is a charge to residents. Most local governments work with residents to make sure that those who are perhaps land rich but income poor can delay the payment of those charges, and other councils work with all residents to stretch the payments over time. Councils have effectively unlimited borrowing capacity, and many of them have millions and millions of dollars in reserves, so this should be no challenge for managing the costs of these projects. The fact that the City of Canning, out my way in Cannington, can manage these issues effectively without any challenges raises a question about why these challenges exist for the City of Nedlands.

JOINT STANDING COMMITTEE ON THE CORRUPTION AND CRIME COMMISSION

Eighth Report — Unlawful detention in public hospitals: Parliamentary inspector's report — Tabling

MR M. HUGHES (Kalamunda) [10.15 am]: I present for tabling the eighth report of the Joint Standing Committee on the Corruption and Crime Commission, *Unlawful detention in public hospitals: Parliamentary inspector's report*.

[See paper 1895.]

Mr M. HUGHES: This report tables a report by Matthew Zilko, SC, the Parliamentary Inspector of the Corruption and Crime Commission, on unlawful detention in public hospitals. The report provides an update to a previous report of the parliamentary inspector titled *Report on the operation of the Corruption, Crime and Misconduct Act 2003: The definition of 'public officer'*. That report was attached to the committee's fourth report, *The definition of 'public officer' in the Corruption, Crime and Misconduct Act 2003*, tabled in both houses on 24 March 2022. The parliamentary inspector alerts the Parliament to a case of unlawful detention in a public hospital and a recent District Court of Western Australia ruling on this issue. Members may recall that the committee's fourth report highlighted flaws in the statutory definition of "public officer" and the complexities of determining whether a contractor engaged by the public sector is a public officer. It is extremely important that the statutory definition of "public officer" is clear, as the remit of the Corruption and Crime Commission and the parliamentary inspector depends on it; that is, the CCC may consider allegations of serious misconduct committed by a public officer only as that term is defined in legislation.

This issue rose from the parliamentary inspector's investigation of a complaint by an 84-year-old man who alleged that he was assaulted by two security guards at Albany Health Campus, where he was a voluntary patient. The security officers employed by a company contracted by the WA Country Health Service detained the man in the corridor of the hospital and in his room. In that case, the CCC concluded that the security guards were not public officers and therefore the complaint of serious misconduct was not within its jurisdiction. The parliamentary inspector concluded that it seemed more likely that the security guards were not WA Country Health Service employees. The parliamentary inspector was concerned that people working with vulnerable people exercising the coercive power of the state were excluded from the jurisdiction of the CCC and his office due only to the nature of their contractual arrangement. Both the CCC and the parliamentary inspector supported amending the definition. This will ensure that the jurisdiction of the CCC evolves to recognise the increasing use of varying employment arrangements in the public sector.

In the fourth report, the committee recommended that the Attorney General instruct the Department of Justice to examine the definition of "public officer" and matters raised in the report of the parliamentary inspector as part of its project to modernise the Corruption, Crime and Misconduct Act 2003. The committee is pleased that the government has accepted its recommendation. Although I accept that the Parliamentary Counsel's Office is the expert in drafting legislation, I note that in Victoria, the meaning of public officer expressly refers to contractors when it defines "public officer" to include —

> a person that is performing a public function on behalf of the State or a public officer or public body (whether under contract or otherwise);

This definition seems clear. We look forward to a modernised CCC bill being tabled in this house.

As to unlawful detention in public hospitals, there are some circumstances in which people may be detained in hospital against their will—for example, a voluntary patient under the Mental Health Act 2014 or the subject of a hospital order under the Criminal Law (Mentally Impaired Accused) Act 1996. In other circumstances, a person is under no obligation to stay in hospital. The parliamentary inspector considered the detention of an 84-year-old voluntary patient at Albany Hospital unlawful. Through this report he alerts Parliament to a District Court of Western Australia ruling that found —

> … hospital staff did not have the right to detain another voluntary patient. In this case, after the patient advised hospital staff that he intended to walk outside and smoke a cigarette, hospital staff called a 'Code black' to prevent him from leaving. Five security guards forcibly brought the patient back inside the hospital. In the struggle, a guard fractured his right ankle.
>
> The patient was charged with assault causing grievous bodily harm in circumstances of aggravation, the circumstances of aggravation being that the injured person was hospital staff. A District Court jury ultimately returned a verdict of not guilty.
>
> Her Honour Judge Linda Black ruled that none of the hospital staff, including doctors, nurses and security personnel, had any legal right to prevent the patient from leaving the hospital or detain him within the hospital.

As Her Honour stated —

> [The patient was] as a matter of law entitled to leave for a smoke, entitled to leave to go home, entitled to leave to go and sit on a park bench … as a matter of law, he was entitled to leave …

> [Hospital staff] had no lawful power to detain him … had no lawful right to use any force upon him. …
>
> the two security guards who held either arm and the security guard who had his hand behind him were all acting, as a matter of law, unlawfully.

The report states —

> The Parliamentary Inspector accepts that in the above 2 cases hospital staff appear to have sincerely believed that they had the right to detain a patient where they considered that the patient was not ready to leave. However, he adds that it seems 'tolerably clear' that the law was not well understood by hospital staff.
>
> The Parliamentary Inspector respectfully suggests that these cases demonstrate a need to ensure that all hospital staff are made aware of the state of the law to avoid future incidents of this kind.

The committee considers this suggestion reasonable. Appropriate education and training minimise the risk of future serious misconduct events. Indeed, a purpose of the Corruption and Crime Commission is to reduce the incidence of misconduct in the public sector. The suggested course of action is entirely consistent with this purpose.

The committee recommends —

> That the Minister for Health consider the attached report by the Parliamentary Inspector and report to Parliament as to the action, if any, proposed to be taken by the government with respect to the matters raised by the Parliamentary Inspector.

I look forward to reading the government's response, and I thank the parliamentary inspector for bringing this issue to the attention of Parliament.

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

MR M. HUGHES (Kalamunda) [10.24 am]: I present for tabling the ninth report of the Joint Standing Committee on the Corruption and Crime Commission, *A need for clarity: Parliamentary inspector's report: Can the Corruption and Crime Commission decline to form an opinion that serious misconduct has occurred despite the definition being met?*

[See paper 1896.]

Mr M. HUGHES: The committee's ninth report attaches another report by Matthew Zilko, SC, the Parliamentary Inspector of the Corruption and Crime Commission, titled *Can the Corruption and Crime Commission decline to form an opinion that serious misconduct has occurred despite the definition being met?* The parliamentary inspector informs Parliament of the legal disagreement between his office and the Corruption and Crime Commission on whether the CCC can decline to form an opinion that serious misconduct has occurred despite the definition in the Corruption, Crime and Misconduct Act 2003 being met. In summary, the parliamentary inspector advises of a disagreement on how to interpret an important provision of the Corruption, Crime and Misconduct Act 2003. This difference of opinion arose from the inspector's consideration of a complaint. In that case, a magistrate found that a police officer had unlawfully assaulted the complainant. As an aside, it is of interest to me that a woman riding a bicycle at 9.30 at night was stopped and detained by a police officer and the circumstance of how that was handled by the police officer and what then followed could become a matter of dispute between the CCC commissioner and the inspector, but it goes to an important point of the interpretation of the CCC act.

As I said, the difference of opinion arose from the inspector's consideration of a complaint. In that case, the magistrate found that the police officer had unlawfully assaulted the complainant. After that court finding, the complainant made a formal complaint to the Western Australia Police Force and the CCC alleging that the police officer acted contrary to law, and therefore engaged in serious misconduct. Members may be aware that the CCC has a broader scope to scrutinise the conduct of police compared with the rest of the public sector. All police misconduct is, by definition, serious misconduct. The parliamentary inspector states that the CCC and he agree that all unlawful actions by a police officer will be police misconduct and, therefore, serious misconduct. However, they hold different views on whether an opinion of serious misconduct follows. The parliamentary inspector considers that when the public officer has engaged in conduct that meets the definition of "serious misconduct", it is not open to the CCC to decline to form an opinion that serious misconduct has occurred. The CCC considers that in the above circumstances, it has a discretion about whether to form an opinion of serious misconduct; that is, it is not bound to make an opinion of serious misconduct.

It is undesirable for the office of the parliamentary inspector and the CCC to have opposing views on something as important as the CCC making an opinion of serious misconduct against a public officer. The law should be clear. The committee agrees with the parliamentary inspector's suggestion that consideration be given to amending the Corruption, Crime and Misconduct Act to clarify its intent in respect of matters raised in his report. There is an opportunity to do this as part of the Department of Justice reform of the CCC act. Therefore, the committee recommends that the Attorney General direct the Department of Justice to examine matters raised in the report by the parliamentary inspector as part of its project to modernise the Corruption, Crime and Misconduct Act and to report to Parliament the action, if any, proposed to be taken by the government in respect of these matters.

On behalf of the committee, I thank the parliamentary inspector for bringing this issue to the attention of Parliament. With today's tabling of the eighth and ninth reports of the committee, the committee has tabled four reports by the parliamentary inspector in this Parliament. These reports demonstrate the importance of having an independent body such as the parliamentary inspector, whose responsibilities include reporting and making recommendations to either house of Parliament or the committee, on the operation of the Corruption, Crime and Misconduct Act. I also thank the parliamentary inspector, Matthew Zilko, SC, and his principal adviser, Sarah Burnside, for the support they provide to the committee.

JOINT STANDING COMMITTEE ON THE COMMISSIONER FOR CHILDREN AND YOUNG PEOPLE

Fifth Report — Report review 2022: Examination of selected reports by the Commissioner for Children and Young People — Tabling

MRS R.M.J. CLARKE (Murray–Wellington) [10.30 am]: I present for tabling the fifth report of the Joint Standing Committee on the Commissioner for Children and Young People entitled *Report review 2022: Examination of selected reports by the Commissioner for Children and Young People*.

[See paper 1897.]

Mrs R.M.J. CLARKE: The committee reviewed the Commissioner for Children and Young People's *Annual report 2021–22* and considered several other reports published by her office in the past year. Most were published in the period since January 2022, when Jacqueline McGowan-Jones took over the commissioner role from Colin Pettit.

Some of the work referenced in the report had its origins in work begun by Mr Pettit. For example, the second Speaking Out Survey, which collected the views of around 16 500 students in years 4 to 12, was conducted in early 2021. A summary of the results was published at the end of 2021. In 2022, the commissioner's office continued to explore the data, revealing some startling findings around kids' views of their own safety. Further exploration of the data related to mental health revealed findings that mirrored the first survey in 2019, showing teenage girls were more likely than teenage boys to feel depressed and unhappy with themselves. The commissioner has tackled this worrying trend by establishing a girls' wellbeing project to explore the reasons for the gap and gather views on how to improve girls' experiences.

The commissioner also received Lotterywest funding to extend the Speaking Out Survey to several groups that the mainstream survey could not cater for. These include students who are homeschooled, students with special educational needs and students in remote communities. It is important to capture the views of these minority populations to provide the best possible understanding of what children and young people in this state are experiencing. Hopefully, funding will be available to do this in future years.

The commissioner told the committee that she has enjoyed her first months in what is her dream job. We have every confidence she will continue to perform the role as well as she has in her first year.

MS R.S. STEPHENS (Albany) [10.31 am]: I rise as a committee member to speak in support of the tabling of fifth report of the Joint Standing Committee on the Commissioner for Children and Young People entitled *Report review 2022: Examination of selected reports by the Commissioner for Children and Young People*. As noted by the chair, I would like to highlight the important work that the Commissioner for Children and Young People, the passionate Jacqueline McGowan-Jones, has achieved since starting in the role.

I would like to focus on the Speaking Out Survey and the girls' wellbeing project. As the mother of a 10-year-old girl, the key findings in the report are concerning. In 2021, the commissioner undertook the second Speaking Out Survey, collecting the views of 16 532 children and young people from across Western Australia. One of the key findings of this survey was that female young people consistently rated their wellbeing below that of their male peers, with higher rates of stress and lower life satisfaction. According to the survey, female young people are twice as likely as their male peers to report not feeling happy with themselves, feeling unable to achieve their goals or to deal with things in their lives. The transition from primary school to high school is more difficult for female students, with many reporting negative mental health experiences and low self-esteem. As they get older, they also begin to feel disconnected from their parents and that no-one is listening to them or providing them with the support they need. Female young people are also more likely to feel unsafe, which is another contributing factor to poor mental health. Our female young people are being left behind and we need to address this.

The committee takes this opportunity to further draw attention to this important research by echoing the statement by the commissioner —

> Both government and non-government sectors have a responsibility to work together to ensure policies, programs and services are focused on improving wellbeing outcomes for girls. Every young person must be given the opportunity to succeed, regardless of their gender.

I conclude by drawing attention the to the commissioner's latest work, *Here I am: Stories from young and everyday leaders in Western Australia*. It showcases the incredible stories of children and young people who are making

a difference in their communities. As the member for Albany, I proudly read about Ajia, a young leader from Albany who is planning to publish a book in 2023 to promote body diversity and positivity, with hopes to study psychology when they finish school.

I would like to thank the commissioner and her team for their ongoing advocacy for all children and young people in Western Australia. I commend the report to the house.

WORKERS COMPENSATION AND INJURY MANAGEMENT BILL 2023
WORKERS COMPENSATION AND INJURY MANAGEMENT AMENDMENT BILL 2023

Second Reading — Cognate Debate

Resumed from 29 March.

MR W.J. JOHNSTON (Cannington — Minister for Industrial Relations) [10.34 am] — in reply: Thank you very much, Acting Speaker. I think you were in the chair yesterday when I was interrupted and we moved on to other matters. Welcome back.

The ACTING SPEAKER (Mr D.A.E. Scaife): The same to you, minister.

Mr W.J. JOHNSTON: I was going through the issues that were raised by the member for Cottesloe. The next one is about pre-employment screening. New employers can of course require people to take pre-employment medicals and have knowledge of their capacity to perform the work that they are engaging them to do, but whether they have had a prior workers compensation claim is not a relevant issue, and that is why we will prohibit it from being included in a pre-employment screening. If a person has a disability and, therefore, cannot perform the duties of the job, clearly employers take that into account in their hiring practices, subject to the laws of Australia that restrict discrimination, but the fact that there has been a workers comp claim is neither here nor there. If a person has an injury that was caused by a non-work-related challenge, they would be in exactly the same position as a person with a work-based challenge. Therefore, it is not relevant that a compensation claim had been made, or even that the claim had been agreed to; it is a question of the person's capacity to perform the duties. As I say, employers are entitled to take whatever action they deem appropriate, subject to Australian and Western Australian law, to screen a person for their suitability for a particular job, but the way that the disability or injury or whatever was incurred is not relevant to them. We are fixing that up.

We heard from a number of members about their personal experiences, or those of people they know, of being discriminated against not because of their capacity to perform the duties of a job they applied for but because they had had a workers comp claim, leading them to take a different approach.

As I outlined, quite a number of government members spoke on the bill. I highlighted the member for Mirrabooka's contribution. I should also acknowledge the member for Bassendean, who was the secretary of a very large trade union before coming into Parliament. He is a strong advocate for the interests of working people. The member for Hillarys talked about silicosis and the engineered stone industry. The changes included in this legislation will provide additional protections to silicosis victims because the once-and-for-all common-law challenges will be amended, as will the Limitation Act. The duration before a person can make a claim will be dealt with, as was previously done for people suffering from asbestosis who then get mesothelioma.

The members for Bassendean and Bateman talked about the increase in the cap on medical insurance. I talked about this briefly yesterday. That is not a particularly expensive part of the changes because people already have access to a higher cap. At the moment, they have to go through a process that includes demonstrating their capacity to pay, which is not really a relevant issue. That is an important reform for the dignity of working people that will make sure they have access to the medical support they need to deal with any injury they suffer through their work. Whether that is a physical injury or a psychological injury, the medical assistance will still be there.

The member for Victoria Park talked about the challenges with labour hire arrangements. Of course, this legislation will simplify the challenges of labour hire because of the improved definition of "worker". It is important to remember that workers compensation has always been about workers not employees. Therefore, we will continue that with this legislation. There are many workers who are not employees. That does not mean they are not covered by workers compensation. This bill will improve the definition of a "worker" and has a provision to allow us to further define it, if we need to, over time. The member for Riverton, a former general practitioner himself and the owner of medical practices, and a very successful businessman before coming into Parliament, emphasised the questions around privacy in medical treatment and drew on his personal experience as a doctor. He highlighted the reasons for and the benefits of the improvements included in the legislation.

Without reflecting on anything in the chair, Mr Acting Speaker, I note that the member for Cockburn talked about how this legislation sets out a clearer pathway for workers compensation. He talked about other entitlements that are clarified in the bill, including making sure that industrial entitlements are clearly understood under the legislation so there is no misunderstanding. The member for Cockburn highlighted some cases that provided inspiration for his hard work and effort on behalf of his community. I note those contributions.

The member for Willagee brutally cut short his speech when he was on a roll. He should have kept going! I even drew attention to standing order 102, which could have been used quite easily to allow him to continue with his speech, but he cruelly reduced the length of his speech; that was very disappointing when he was talking about what a good job the minister is doing! He talked about a number of experiences of his constituents and leave issues. He talked about the benefit of the simplification of the act and about how important the legislation will be.

The member for Mirrabooka again drew on her own experiences as a union official and leader of the union movement. She acknowledged that the government has a deep commitment to improving circumstances for working people. That is something I hope people notice. One of the things I was quite proud of in 2017 was improving the benefits payable to families of deceased workers and clarifying and improving entitlements for children of deceased workers. We did that very quickly, even before proceeding with this greater rewrite of the legislation. That is another demonstration of the government's commitment to assisting working people.

The member for Landsdale talked about the fact the legislation includes provisions for deemed diseases being included by regulation and therefore improving the operation of the act so that we can respond to changing circumstances in the community. That is exactly why we have done that. We made some amendments during the COVID period that then allowed us to include new occupations in the deemed diseases area. This will give us more flexibility in the future. It will not have to return to Parliament; it is still a disallowable instrument so the Parliament still has primacy, but it can be done in a much faster time line.

The member for South Perth referred to his experience as a union delegate in high school. The member for Nedlands again talked about experiences of people she knew and her experience. The member for Collie–Preston gave an important contribution on behalf of people in the mining industry and set out some stories she found out about from the end of the nineteenth century. The members for Joondalup and Churchlands also made contributions of note again drawing on their experience. One thing we can see from all that is the wide variety of experiences that Labor members have. We come from a whole range of different backgrounds. One of the strengths of the Labor caucus is that we represent many different histories. There are many different pathways to get members into the Labor caucus. There is room for fat, old bald blokes —

The ACTING SPEAKER: And lawyers!

Mr W.J. JOHNSTON: There is also room for lawyers, but there is plenty of room for other people in the Labor Party's caucus, which is a real tribute to the many different backgrounds people bring here.

I want to address some controversy happening outside the chamber regarding this legislation. A plaintiff lawyer's firm has criticised the legislation, and I want to make some comments about that. That criticism is entirely misdirected. The legislation does only what we say it does; that is, it takes the existing regime and translates it into a simpler process with a better written and more thorough process, and it is not intended to change the underlying entitlements. We are improving entitlements in a number of specific areas based on the Labor Party's 2021 election commitments. We are fully implementing those. We are translating the existing arrangements to new arrangements. It is simply not correct to say that this is the worst level of compensation available to workers. The Productivity Commission, I think, undertakes a review—I think I have the wrong commission but a federal government agency reviews all workers compensation systems and makes comparisons. I had a briefing note from the agency the other day; I was reading it only last week. It makes clear that Western Australia's entitlements are well within the standard deviation of entitlements across the country. In some areas, we are superior; in some areas, we are average. But it is simply not correct to say that we are the worst scheme in the country.

It may be that plaintiff lawyers want greater access to common law. Quite frankly, back in the old days when I was a union official when there was complete access to common law without any gate, lawyers had a much larger role to play. As a union official, we effectively referred all our cases to law firms. In fact, if you were lucky enough to win the work of a trade union as a plaintiff law firm, it was a major source of income because, effectively, 100 per cent of cases went to plaintiff law firms. That is not the scheme in Western Australia. To be frank, I do not know whether that was the best pathway for workers. A scheme that is not based 100 per cent on plaintiff lawyers does not make it a bad scheme. I know it means there will be fewer opportunities to be part of the scheme—I understand that—but that does not reduce the effectiveness of the scheme.

The judgement of the scheme will be how many workers are compensated for the injuries they receive and to an adequate level. That is the whole thing here. We will improve the step-down from 13 weeks to 26 weeks, which means increasingly workers will receive their continued average pay into the future. We are significantly improving the opportunity for workers to receive more compensation for their injuries. Of course, the reason that it will not be particularly expensive is that it will involve the minority of workers. Most workers will not have more than 13 weeks off for their workers compensation injuries.

It is in the interests of a worker to have a scheme that concentrates on return to work. As a former union official handling workers comp cases, I can tell members that sometimes, unfortunately, for workers on long-duration claims, the claim itself becomes their life rather than life being their life. To get a worker reconnected with their workplace, doing something valuable in the workplace, is an important aim of the legislation. The reason it is an aim

of the legislation is that it is in the interests of working people. The idea that a scheme is judged only by its access to common law, and therefore the relevance of a plaintiff lawyer, is not a proper basis. Given that the Acting Speaker used to be my solicitor, I am not going to criticise plaintiff lawyers! One of my great disappointments when Fran Logan came to cabinet and told us he was retiring was that he said he would be supporting David Scaife to come into Parliament. I told cabinet it was disappointing because I would have to find a new solicitor!

The ACTING SPEAKER (Mr D.A.E. Scaife): I was never a plaintiff personal injuries lawyer, though.

Mr W.J. JOHNSTON: Yes, as you said in your speech during the second reading debate.

The point I make is that John Fiocco has been a good friend of mine for many years. I met him through the union because he was our lawyer prior to the changes made to the act back in the 1990s. Tim Hammond was Bernie Banton's lawyer. These are all people whom I consider friends. I am not criticising plaintiff lawyers; they play an essential role in society. The fact that the Attorney General has opened up the class action scheme in Western Australia to make it more accessible and available to people, and the fact that the new federal government has discontinued the attack on litigation funding, are all important changes. As I have said, plaintiff lawyers play an important part in society. However, they are not the measure of the workers compensation system. The measure of the workers compensation system is how it treats workers. Under this scheme, workers will be treated well. There is always room for improvement, and that is what we are doing in this legislation.

This legislation is principally about translating the existing rules to make them more simple. This morning, I ran into a prominent advocate for working people who was in the foyer of this building. I will let that person speak for themself. That person could not believe the attack that had been made on this legislation by plaintiff lawyers. During the process of this bill, I met with plaintiff lawyers on a number of occasions. They also made many submissions at each stage of the review of the legislation. We took account of the issues they raised. There were 81 issues that we needed to resolve between the final draft of the bill and the draft that was presented to Parliament. A number of those issues were raised by plaintiff lawyers. We agreed with some of the things that were raised in their submissions; on other issues, we did not agree. Therefore, I do not understand why plaintiff lawyers have taken this over-the-top step of attacking this legislation in the way that they have.

I am proud of the fact that my job is to help working people. That is what we are trying to do through this legislation. I want to congratulate all the members who made contributions to the second reading debate. It is good that we have support across the chamber for this legislation. I am proud of the fact that even though this process has taken longer than I would have liked, the legislation is finally at this stage.

I commend the bill to the house.

Question put and passed.

Bill (Workers Compensation and Injury Management Bill 2023) read a second time.

[Leave denied to proceed forthwith to third reading.]

WORKERS COMPENSATION AND INJURY MANAGEMENT BILL 2023

Consideration in Detail

Clause 1: Short title —

Dr D.J. HONEY: I am interested in the consultation process undertaken on this bill. I think the minister would appreciate that the reason I ask that question is that sometimes, post-legislation, people complain or make comment that a bill is egregious in some way or that something should have been done by the opposition on a bill. I listened closely to the minister's second reading reply and to his comments about the consultation process, but could the minister outline some of the more significant organisations that were consulted? If I could have the minister's indulgence on that, that would assist the discussion on this bill subsequent to its passage through this place.

Mr W.J. JOHNSTON: I do not believe that any legislation that has ever come to this chamber has undergone such an extensive consultation process. It started in 2008, and that led to the review that was released by the former government in 2016. That was followed by a review of that review. In July 2017, cabinet gave approval to draft the bill. The bill went through 24 drafts to get to the stage that we are at now. That included detailed consultation with 86 stakeholders. There are eight workers compensation insurers in Western Australia—namely, the Insurance Commission of Western Australia and seven commercial insurers. All those insurers were consulted, as was the Insurance Council of Australia. I also met personally with all the principal employer associations in Western Australia, UnionsWA and other individual unions, plaintiff lawyers, and a number of other interested parties. I would be shocked if anybody missed out on that consultation. If we think about it, the process has taken 15 years, and during that time everything has been done publicly. The final set of targeted consultation was obviously not done publicly, but it was done with a massive range of interested parties.

Dr D.J. HONEY: I thank the minister for that answer. As I mentioned in my contribution to the second reading debate, my door has not been beaten down by organisations complaining about the legislation. A couple of the major organisations that I approached were not able to provide any significant commentary on the bill. I appreciate that

we have now reached the twenty-fourth version of the bill. I am not seeking an exhaustive history of the concerns raised during that process, but by the time the bill reached the twenty-fourth version, were there any sticking points from those groups? The minister mentioned that plaintiff lawyer companies have come out at the eleventh hour and raised a concern. The minister has already dealt with that and I am not asking the minister to deal with that again; however, were any other substantive bones of contention raised at the time the minister got to this version of the bill?

Mr W.J. JOHNSTON: If the member wants, I can read out the 86 organisations that were consulted on the consultation bill, which, as the member would remember, was the last step of the consultation. At the end of the consultation process, about two dozen issues remained to be resolved and for me to make a decision about. The good thing about being in government is that we get to make those decisions. On almost all those issues, different arguments were raised; some people wanted certain things, and others wanted the opposite. The role of government is to make final decisions on issues. I will take the terrorism issue. The Insurance Council of Australia does not agree with the exact wording in this bill on that issue. It wanted the government to provide greater indemnity. Not everybody gets what they want. As I understand what the member has said in his second reading contribution and also today, notwithstanding the extent of the consultation that the member and the shadow minister have had, no-one is saying to them that this is not good legislation. That demonstrates that although not everybody got what they wanted, everybody got what they needed.

Clause put and passed.

Clauses 2 to 4 put and passed.

Clause 5: Terms used —

Dr D.J. HONEY: I am definitely not going to play the game of going through an exhaustive examination of every definition. The only one I want to focus on is the definition of "document". In my early professional career, it was memos that had to be signed and sent back and then we got into the era of emails and attached documents. However, I have noticed that increasingly people are using text communication or other electronic communication via the mighty phone. In my world sometimes people send quite serious communication by that means as though it is a formal communication. I have read the list of documents. Would communication by whatever platform—via mobile phone, documents, WhatsApp, Signal or Messenger—be considered a document, or do they fall outside the scope of that definition?

Mr W.J. JOHNSTON: The intention of this definition is to broaden what would be seen as a document to include all the modern options. The specific wording in paragraph (a) is —

> a record of information, irrespective of how the information is recorded or stored or able to be recovered;

That is pretty broad. Paragraph (f) states —

> a thing on which information is recorded or stored, whether electronically, magnetically, mechanically or by some other means;

That is very, very broad. I note that paragraph (d) states —

> a thing on which there are marks, figures, symbols or perforations that have a meaning for persons qualified to interpret them;

A braille document, for example, would be a document. This is just modernising the capture of anything that anyone could record information on to make that a document. That will allow us to move entirely online to deal with claims and will also allow all the procedures for the disputes process, both conciliation and arbitration, to be done online. It is a much more modern and contemporary approach to deal with all these types of things.

Clause put and passed.

Clause 6: Injury —

Dr D.J. HONEY: The key definition in this clause relates to injury. Clause 6(3)(a) refers to an aggravation or acceleration of an injury or disease due to work. Perhaps there will not be a specific answer to this issue, but I raise it in the context of the ability of an employer to assess an employee's injury record. The difference between an injury history and a workers compensation history is a distinction I had not lighted on properly. Nevertheless, in that context of aggravation, does it highlight the importance that an employer understands the disease or injury history of a person before they employ them?

Mr W.J. JOHNSTON: The first thing to note is that there are only 24 self-insured employers in Western Australia, so hundreds of thousands of employers are covered by the legislation. They all have an insurance company and the insurance company is the one that does the interpretation and deals with the claim. It is not necessary for a small business person to have a detailed understanding of exactly where all this sits together because they have somebody else to do it for them. I want to emphasise that.

The next thing is that aggravation is an existing arrangement in the legislation; there is no change. A person might be fit to work but has a sporting injury. Let us say that the sporting injury occurred before they were engaged and

it was not so severe that they could not do the job, and then they suffered an injury at work that aggravated the existing injury; that would be compensable. That remains the same today. It is not a new arrangement; it is an existing arrangement. It then gets to the question of the impact of that and how much was caused by the pre-existing injury and how much was caused by the aggravation. Again, insurance companies have a high level of understanding of the challenges that arise, which is why they obtain medical reports et cetera. That then becomes a matter of fact and there is a process through conciliation and arbitration to determine what the facts say, and on appeal on matters of law to the court as well. This is nothing new. It is the sort of stuff I was dealing with back in the mid-1990s when I was a union official. There is absolutely nothing surprising to an insurance company in this list of what an aggravation is. It is not necessary for a small business person to know the details because they are insured, and if they are not insured, they are breaking the law. It is the insurance companies that understand these things and deal with them. Its intent is exactly the same as the current intent.

Clause put and passed.

Clause 7 put and passed

Clause 8: Injury from employment: work related attendances —

Dr D.J. HONEY: I appreciate that the intent of this clause is to ensure that all the places that a worker might be required to go for their job are covered, including attendance at an educational place or attending treatment and the like. I am interested by that. I note that journeys are taken into account in clause 9. Does travel to places that are not a person's normal place of work, even if they are travelling there from their home, also come within the scope of workers compensation if they have an accident during that travel?

Mr W.J. JOHNSTON: The question of going to and from work is, of course, one of those controversies of the past. It was considered controversial when the journey travel was removed from workers comp, but it is not something that many people argue about now. This is already the law. Yes, if someone was travelling from their home to attend treatment, if it was work-directed travel, that is the question. Work-directed travel is already covered by compensation. I clarify that: it has got to be in the course of employment, not going to work. Does the member see the difference?

Dr D.J. Honey: Yes.

Mr W.J. JOHNSTON: Let us say that a worker was going from a house in Victoria Park to Cannington every day because Cannington was their office. That is a journey to work and, as the member says, it is covered elsewhere. However, if the person was required for work reasons to do something else, that would be a work-directed journey and it would be covered. This is not new. If the person is at work in Cannington and is sent to see a medical practitioner in Nedlands, that is a work-directed journey and they are covered. If a person drives a truck from the warehouse in Kewdale to the delivery point in Armadale, it is a work-directed journey. These matters are well understood. They do not create new entitlements or a new situation that needs to be resolved. The seven commercial workers compensation companies all have a very clear understanding of these things that are not being argued about or like the controversial issues that we talked about before.

Dr D.J. HONEY: I appreciate that my questions may reflect my lack of detailed knowledge in this area, but it does assist me. Clause 8(b) reads in part "while the worker attends at a place for any treatment". If the worker is mistreated to the extent that it causes significant aggravation or an extension of the injury, will that person be covered by the workers compensation scheme?

Mr W.J. JOHNSTON: I am not sure that is related directly to this clause, but the answer is yes. It is a no-fault scheme, so the worker would still have an action against the workers compensation insurance scheme. If the treatment of a medical practitioner or someone like that led to the injury, it might bring about a common-law action against the practitioner. But the workers compensation scheme is a no-fault scheme and anything related to a person's work is compensable. That is what the insurance policy covers. It is not covered at an additional cost to the small business, because it is required that the worker be insured and the insurance company include it in its scheme. Of course, it might have a negligible impact on the future premium rate, but it would be so small as to be almost unnoticeable. It is a no-fault scheme. Anything to do with work is compensable at no extra cost to employers because it is included in the scheme.

Clause put and passed.

Clause 9 put and passed.

Clause 10: Prescribed diseases taken to be from certain employment —

Dr D.J. HONEY: I appreciate that we will deal with this bill clause by clause, but my discussion will range over clause 10, "Prescribed diseases to be taken from certain employment", and clause 11, which refers to firefighters. I also note a clause related to jockeys later on. I can see the logic in dealing with jockeys separately in that their work is quite complex; they may ride, they may not ride and many work in a vast number of locations, especially if they are involved in country races; they can literally go from one end of the state to the other and the like. I can see why it is necessary to have a separate clause for jockeys. Was there any reason to have firefighters dealt with

under clause 11 other than to preserve historic recognition? I listened intently to a good explanation of the question I raised around whether, for example, female reproductive diseases should be included in this legislation. The minister made the point about his regulation-making capacity—this is something he is reviewing—that there is a prudent approach to this to make sure that we follow science, that he has looked at what has been put to him and that there are two areas in which he has made some additions. But if that is the case and if we can do it by regulation, what necessitated keeping this specific recognition of firefighters as a separate group in clause 11? I will not re-ask the question when we get to that clause, given that we are on clause 10.

Mr W.J. JOHNSTON: I am in such a pleasant spirit today that I am not even going to raise an objection to the fact that the member asked the question in the wrong spot. I could just tell him to ask me when I get to clause 11, but I am not going to be unfair and unreasonable today. I am going to be very generous and engage with the member on everything. I am in such a happy mood.

Mr P. Papalia: Is it your birthday?

Mr W.J. JOHNSTON: No, my birthday is in August, mate. You are older than me, remember.

Yes, this has been done because of the historic manner in which the existing legislation has been laid out. We preserved the firefighters in their own clause. We could have used the regulation-making powers in clause 10, "Prescribed diseases taken to be from certain employment", to include the matters covered in clause 11, but as I keep saying, the intention is to translate the existing arrangements into the new legislation—and we have done that with clause 11. As I explained in my second reading reply, we can go further on the questions being raised with us by the United Professional Firefighters Union of Western Australia. We will continue to engage with that union. As I explained, we had work done by an independent expert who has been used by the Australian Council of Trade Unions on a number of matters. She reviewed all the evidence that was available and made recommendations. We are looking through that and talking to the union about what we might do next. Yes, we could have just used the powers in clause 10 to deal with the matters raised in clause 11, but given that we did not want anybody to feel that something in the act is lost in the bill, we have retained the specific matters in clause 11 that are effectively just a translation of the existing arrangements in the new legislation. I hope that answers the speculation and questions that the member has in mind. I look forward to his next interrogation.

Clause put and passed.

Clause 11: Diseases of firefighters taken to be from employment —

Dr D.J. HONEY: How were "qualifying periods" determined? It was put to me that the qualifying periods may come from another jurisdiction that already has similar legislation and there may not necessarily be science behind why they have been put in here. In any case, I would appreciate an explanation of how these qualifying periods were determined.

Mr W.J. JOHNSTON: I am advised that the qualifying periods are consistent with those in Comcare, which is the commonwealth government's workers compensation scheme. I am told that one adjustment has been made following updated scientific advice, but that the qualifying periods are based on the professional expert advice that has previously been sought and received by WorkCover WA. As I said, item 12 has had its qualifying period adjusted based on updated evidence we received. Again, we are always open to reconsider evidence provided to us. We had a grievance this morning from the member for Belmont about silica and silicosis. I am indebted to the research work done by one of the medical colleges on that issue that has changed the way in which we approach the management of health and safety in respect of silica. We are always very happy to respond to data and analysis and additional research; we are not fixed. But, as we stand here today, we have this professional expert advice that says that these are the relevant cancers and the relevant time periods. We have indicated that we are working with the United Professional Firefighters Union of Western Australia on the outcomes of the most recent expert advice that we have received, and we will continue to engage with that body. As everybody says, if the facts change, my opinion will change; if the facts were to change in the future, we will, of course, entertain further change.

Dr D.J. HONEY: What will happen in the event that someone develops a cancer within this period? As I am certain the minister knows—I know that he is a learned person—cancers are, in effect, a probabilistic occurrence. As the minister knows, there are people who have worked at Wittenoom their whole life, smoked heavily and lived until they were 95; equally, there are people who were exposed to asbestos once and ended up developing mesothelioma, and it was literally a quirk of fate that that set of biological circumstances arose and a cancer developed. All these periods would have to be based on some sort of probability cut-off. But there could be—in fact, it is certain that there will be—individuals who will develop certain actual occupational diseases that are directly due to their workplace within this period. What will happen in a case in which someone's claim falls outside this qualifying period? Will they be excluded per se, or will there be some flexibility that they can argue their case separately from these cut-off periods?

Mr W.J. JOHNSTON: I thank the member for the question. It is an interesting question, but I will explain why it is not quite correctly directed. This legislation will not have the effect that people will not be able to claim under different circumstances. Under this legislation, if a worker makes a claim after the qualifying period, the insurer

will have to prove that the cause is not work related. If a worker develops cancer—of course, it could still be work related—and makes a claim before this qualifying period, they will have to prove the causation. Once the worker reaches the qualifying period, it will be assumed that the causation was work related unless the insurer can demonstrate that it was not. It will reverse the onus onto the insurer. There is nothing in this legislation that will stop a person from claiming.

If I can take the member away from cancer, I just mentioned PTSD. I think that about 85 per cent of firefighters who claim for PTSD have their claims accepted. Even without a presumption, there is a high level of success in the claim, because it is easy to demonstrate the connection. Let us assume that somebody in the firefighting industry develops primary site brain cancer, which is item 1, after three years of employment. They would probably have a clear pathway to show that they were exposed to carcinogens that may have been the cause of that cancer, and their union and representatives would develop an argument about the causative link. However, once the person gets beyond the threshold, then the onus will be reversed. To refuse the claim, the insurer will have to prove that the causation was not work related. The legislation does not provide that a claim within less than that period will not be pursuable; it provides that the worker will have to demonstrate a connection to prove the causation. That onus will reverse once the qualifying periods are met.

Dr D.J. Honey: That is clear. I thank the minister.

Clause put and passed.

Clauses 12 and 13 put and passed.

Clause 14: Labour hire arrangements —

Dr D.J. HONEY: One of the things I observed in this clause—I mentioned this in my second reading contribution—was that companies look to outsource risk through contractors doing work and the like. I see the labour hire arrangements at clause 14(3). If I read that correctly, when a worker is doing work for a company but not through a direct relationship with that particular company, the labour hire company is the worker's employer for the purposes of workers compensation. Will that still be the case? In some arrangements, people work for extreme periods. In fact, although a person is employed by a labour hire organisation, they may work in only one workplace; they may work there all the time. Will that person still fall under the labour hirer's responsibility for workers compensation, or would they in fact fall under the responsibility of the primary place of business, if you like?

Mr W.J. JOHNSTON: I thank the member for the question. Again, this is not a new arrangement. This is existing law, but, again, it is clarified to make it simpler. If someone is an employee of a labour hire business, that labour hire business has an obligation of workers compensation insurance and is liable for workers compensation for that person as an employee. That removes any misunderstandings or doubt that a labour hire business might say, "I didn't take out workers compensation insurance because I thought the host employer rather than the direct employer would be covered." I highlight the difference here. This legislation states that it will be 100 per cent—no question—the labour hire business that must maintain the workers compensation insurance policy. Of course, under the work health and safety legislation, the labour hire business is a person conducting a business or undertaking, but so is the host employer. This will overcome problems that we have had in holding employers to account in cases in which they had multi-levels of labour hire—there might have been a commissioning business that hired a contractor that hired a labour hire business—and then, under the old Occupational Safety and Health Act, they would say that nobody was responsible for health and safety. That will be fixed under this WA legislation because the commissioning organisation is a PCBU and will be responsible, the contractor is also a PCBU and will be responsible, and the labour hire business is also a PCBU and will be responsible. But this legislation is not about health and safety responsibilities; it is about who will have the legal responsibility to hold insurance. This clarifies that there is no question that a labour hire business will be required to have an insurance policy for its workers, and that that insurance policy will be the policy that will be claimed against if a worker is injured in a workplace.

Dr D.J. Honey: That is clear. I thank the minister.

Clause put and passed.

Clauses 15 to 18 put and passed.

Clause 19: Employment must be connected with this State —

Dr D.J. HONEY: I ask the minister for clarification. Clause 19(1) states —

> Liability for compensation arises only if the worker's employment is connected with this State.

What will happen in the case of a worker who is employed by a company here—this increasingly seems to be the case for a lot of businesses—but permanently resides in another state if that worker is working for their employer who is based in this state but gets injured in that other state? Will they fall under this state's compensation laws, or, in fact, will they fall under the compensation laws in the other jurisdiction? Going further than that, again, it is increasingly the case that a number of Western Australian companies now have fly-in fly-out workers working in parts of Asia, Africa and even Russia, so those workers are working completely outside the Australian jurisdiction.

What happens if those workers are injured? What if that place ends up being their permanent place of work and they are not ever working in Western Australia? If they are employed by a Western Australian firm but they are completely outside the country, will they still be covered by the workers compensation rules in this bill?

Mr W.J. JOHNSTON: Australian workers, like a Queensland worker who comes to WA, are covered by our legislation; it is where the work is being performed. Somebody employed by a Western Australian company to work outside Western Australia is covered. Let us assume somebody worked for Alcoa in Australia, was employed in Australia to do an Australian job, but they were sent overseas. They would be covered by the legislation unless clause 19(b) applied—that is, that they had been continuously resident outside Australia for more than 24 months. If Alcoa Australia employed an executive to run its residuals challenges and that person was sent overseas to the United States and stayed there for six months, then came back and went again for six months, they would be covered. If they went to the US for two years, they would not be covered because that exclusion would apply. Likewise, as the member knows, many Australian companies have operations in Africa and have a big economic connection there. If they hire a worker in Africa, that worker is not covered, but if they send an Australian worker to Africa for less than 24 months continuously, they are covered by the legislation.

Dr D.J. HONEY: In the minister's last comment he meant they would not be covered. As the minister would understand, companies have fly-in fly-out workers who work overseas for years. They might occasionally visit the head office here, if at all, but they do not work here. Just to be clear, if workers working overseas at a particular location—even though they are Australians domiciled here, but flying to that location—are there for more than 24 months, they are not covered. I suspect that may be a surprise to some if they have no coverage for workplace injuries.

Mr W.J. JOHNSTON: There has to be a connection to Western Australia. Clause 19(3)(b) states —

> has been continuously resident outside Australia for more than 24 months when the injury occurs.

They have to be resident outside Australia.

Dr D.J. Honey: So it is continually offshore?

Mr W.J. JOHNSTON: That is correct. If they are coming back and forth, they are not continuously resident outside Australia, so they are covered. Again, using the drilling contractor in Africa as an example, if a Western Australian business runs an African drilling contractor, they hire an Englishman to be their manager in Africa and the Englishman returns to London for his breaks, he is not covered. If the company hires an Australian who comes back and forth from Perth every six months, he is covered. He will probably need other insurances and who knows what other rules might apply. An African worker would not be covered, because they are not resident in Australia. In the case of an Australian worker who goes to work in Africa for more than two years, I have to be careful here because it says, "outside Australia for more than 24 months when the injury occurs". If they take a three-year appointment but are injured after one year, they are covered because they have not been continuously resident for 24 months, but once they have been continuously resident for 24 months, the scheme does not apply. Again, this is a statutory scheme; it does not cover everything. I imagine that executives would look at these issues themselves. For the company to get value out of a worker being sent to these places, they will have to be somebody with specific skills. We imagine that person will seek their own advice and will probably get other insurances, but this is the statutory minimum scheme that applies to injured workers in Western Australia. It will do what it does. It will not do other things, but it is designed to be as clear as possible, and we are trying to make that provision clear. It is not intended to be particularly different from the existing provision, but it is designed to be as clear as possible.

Clause put and passed.

Clause 20: Compensation excluded: serious and wilful misconduct —

Dr D.J. HONEY: The minister, with his occupational health and safety hat on, would be alive to the issue of compensation excluded for serious and wilful misconduct. I will relate this to the issue of synthetic stone. As I mentioned in my contribution to the second reading debate, I have observed that many employers in those industries do nothing whatsoever to enforce safety rules. They continually allow their employees to avoid safety rules. I had a child who briefly worked in the construction industry, and he observed, much to his dismay, that senior management did nothing whatsoever to enforce the requirement for personal protective equipment and the like. This is a workplace where custom and practice is that stone is being cut dry and with no wearing of masks, goggles or anything. That is custom and practice—everyone in the workplace does it and management routinely tolerates it. Perhaps I have chosen a bad example because dust diseases may be accepted. Say a worker injures themself in some way because of a failure to wear protective equipment, which is custom and practice, does that still exclude that worker from workers compensation coverage? This is an area I discussed, and I observed that the principal failure around PPE is a management failure, not a work failure.

Mr W.J. JOHNSTON: I thank the member for the question. "Serious and wilful misconduct" is a common term in industrial relations and has a specific meaning. It has been dealt with by courts over a long time. It is when an employee deliberately and purposefully ignores an instruction from the employer. Remember, this is a no-fault scheme, but let us assume that the employer was at fault and did not provide health and safety equipment, PPE.

Clearly, the worker has not engaged in serious and wilful misconduct because they have not ignored a specific direction from the employer. On the other hand, if a good employer says to a worker not to go into a part of a workplace until they have done certain tasks—for example, not to go into a confined space until they have a confined space working certificate—but a worker does that, I am not saying they would be involved in serious and wilful misconduct, but it could be considered in the question of serious and wilful misconduct. The most common example back in the day when I was around this field, was that the Chamber of Commerce and Industry of Western Australia would always report with questions of alcohol consumption. That was a common issue discussed in the literature back then. The bill here talks about drugs of addiction. Serious and wilful misconduct is a very, very high bar. Very, very few workers would engage in serious and wilful misconduct. Therefore, that conduct would meet the standards being talked about in this provision on a very small number of occasions. I also acknowledge that this is an existing arrangement in workers compensation schemes. Of course, in fault schemes, this is a very important issue, but, again, this is a no-fault scheme. Therefore, the question of the conduct of the employee does not ordinarily arise. We are saying that with this provision, although it is no-fault, there can be circumstances that are so serious that we have to consider the behaviour of the employee, but, generally speaking, the behaviour of the employee is not a relevant matter because it is a no-fault scheme.

Clause put and passed.

Clause 21 put and passed.

Clause 22: Person not to be paid twice —

Dr D.J. HONEY: This clause relates a bit to the example I gave in my second reading contribution of someone who had been paid out by a previous employer as being totally and permanently disabled. They were paid what was a large sum at the time—$600 000. They attained re-employment, became a permanent employee and then effectively sought to apply for a TPD payment again. Would such a case trigger this clause?

Mr W.J. JOHNSTON: The short answer is no. The longer answer goes like this. Let us assume that there was a compensable injury. "Totally and permanently disabled" is an interesting set of words because we do not use them in this legislation. Let us assume that a worker who has an injury receives a settlement, which might include common-law damages, and that is the end of that matter and that claim is complete. If they continue their work or they go to work somewhere else and they get an aggravation or a fresh injury, even if it is an aggravation, the previous matter is already settled. Given that it is a fresh claim, it is judged on its merits and dealt with under the legislation. The fact that there had previously been a settlement does not prevent a new claim being made; it is a claim based on the new circumstance of that injury, not the previous injury. Proving the claim might go to the question of what happened in the past, but the claim itself is a fresh claim. Remember, we just had that discussion about the legislation applying outside Western Australia. Let us go back to the worker working for Alcoa in the United States. The United States probably has workers compensation insurance schemes, so the worker can make a claim in the US. That will then be discounted by our scheme. Also, let us say he got over the gate to make a common-law claim. The common-law award would take account of the workers comp scheme compensation in that award. Workers will not be paid twice for the one injury.

Clause put and passed.

Clauses 23 and 24 put and passed.

Clause 25: Making claim for compensation —

Dr D.J. HONEY: Clause 25(1) states —

> A claim for compensation must be made within 12 months after the injury occurs.

How was that period chosen? When a claim is made so late, how will the employer be expected to validate the claim? Given that there are very tight schedules for most other things within the bill—the order of 14 days or those sorts of things—I would have thought it would become very onerous for an employer to reconcile the circumstances around the injury or even whether that injury was work related 12 months later.

Mr W.J. JOHNSTON: I thank the member for the question. Firstly, I wish to make it clear that this will be an obligation on the worker, not the employer. This is a translation of section 178 of the current act. A worker can seek leave to make a late claim; the bill will not completely exclude claims. We should remember that the worker is obliged to prove the claim. Obviously, if they have delayed the claim, it becomes harder to prove both the circumstances of the injury and the injury itself. It is in the interests of workers to claim as quickly as possible because that means the evidence and the impact of the injury will be more available to them because they are the ones obliged to show the connection to their employment and that they have had a loss. In the absence of a connection of employment and in the absence of a loss, there is nothing to be compensated.

This clause simply translates section 178 of the current act. It will be possible for a worker to make a claim after 12 months under this legislation, as is already the case in the current legislation. The employer has no obligation to do so; there is an obligation on the worker. We should remember that other than those 24 self-insured employers,

every other employer has an insurance company that manages the claim. There will be no expectation of individual small businesses having a detailed understanding of every single clause in the act because those seven large multibillion-dollar companies will manage the workers compensation claims on behalf of employers.

Clause put and passed.

Clauses 26 and 27 put and passed.

Clause 28: Insurer or self-insurer to make decision on liability —

Dr D.J. HONEY: Clause 28 includes a prescribed period within which the claim has to be dealt. There will be a significant fine of $5 000 if that is not achieved. What will happen if the worker holds up the proceedings by failing to get back with some information or even if, through no particular fault, there is an administrative oversight and so on? What latitude will be given around the period of 14 days and the application of a penalty? Obviously, if someone overtly or wilfully ignores the claim, it is pretty clear-cut, but if information was not provided, there was an administrative oversight or someone made a genuine mistake, what would happen?

Mr W.J. JOHNSTON: That is an interesting question. The person making the claim will have to demonstrate the connection to their employment and the impact of the outcome on them. That is an obligation of the claimant. If the insurer or self-insurer does not believe that the claim is valid, they can reject it. This is an interesting issue because it will push people to make a decision. Some people argue that this provision will not be in the interests of the worker because it will make the chance of a refusal higher than under the current arrangements. However, on balance, it is better to get the insurance company to make a quick decision. They can pend the claim, but after two weeks and 28 days, they will have to start paying provisional compensation. The absence of the worker is known because the employer knows they are not at work. If they are at work, the claim is about medical and other expenses, so the risk to the employer will be actually quite low through this process. Encouraging insurance companies to make a quick decision in the end, on balance, is the appropriate approach. If they pay the provisional compensation, that will not stop them making the decision that they might want to later. Again, I want to emphasise that for all claims, just like at the moment, the obligation to prove the claim will still be on the worker. Perhaps that is what the plaintiff lawyers were complaining about. They will have to show the connection to their employment and that there has been a loss. If they do not have those two things, nothing will ever be paid.

Clause put and passed.

Clauses 29 and 30 put and passed.

Clause 31: Claims on uninsured employers —

Dr D.J. HONEY: I was a little confused about subclause (3), which states —

> Subsection (2) does not apply to an employer who is an uninsured employer because the employer's insurer has refused to indemnify the employer against the liability as permitted by section 241.

What happens in those circumstances? Who will be responsible for compensation in those circumstances?

Mr W.J. JOHNSTON: It is an interesting question. Again, this provision already exists. I just took advice from the officials here that there are probably far too many employers that are underinsured but only a small number of claims from workers of uninsured employers. WorkCover runs a safety net that is paid for by a levy on premiums. Again, because it is borne by everybody, it is only a very small amount. WorkCover would seek to recover costs from the uninsured employer, but that is often very, very difficult because there are often no assets. Generally speaking, employers that are uninsured usually have other problems, and so it is often very difficult to recover costs from them. The worker is not the one who suffers; perhaps it is the scheme. But we do our best to try to recover costs from uninsured employers.

Clause put and passed.

Clause 32 put and passed.

Clause 33: Incapacity after claim made —

Dr D.J. HONEY: I will go straight to my concern with this clause. If the worker receives a certificate of capacity that specifies an incapacity for work, the worker may then obtain another subsequent certificate. Does this clause introduce a risk of, in this case, doctor shopping? I know that the great majority of cases are dealt with properly, but could someone secure one claim and then simply hunt around until they can get another certificate that applies a greater restriction and hence a greater level of workers compensation support?

Mr W.J. JOHNSTON: Back in the day, I often had both insurers and employers tell me about doctor shopping by employees, but I also make the comment that I have often seen the same doctor provide medical reports on behalf of insurers with identical wording. Some might argue that insurance companies doctor shop for the doctors who will say that everybody is fit to return to work. Anybody who sees a doctor's certificate that does not match their personal opinion thinks that that is evidence of doctor shopping. In the end, the Australian Medical Association

will probably have to explain whether its members are guilty of those heinous crimes, but every time I talk to the AMA it tells me that doctors do not do that; they only provide medical certificates that are reflective of the outcome of their medical examinations.

Again, this is not new. A person might have medical expenses for an injury but they do not have time off work, and then subsequently there is time off work. Given that is the case, there has to be a set of procedures to deal with that. This is the regulation that will allow that to occur. Remember, the employee has to prove that there was an injury, that it was work related and that there has been a loss. It is not a question of changing the obligation on the employee because they already have that obligation; it will just allow for regulation-making powers to deal with a situation in which a claim has been accepted when there was no absence from work but there is now, and the procedures to deal with that claim.

Clause put and passed.

Clauses 34 and 35 put and passed.

Clause 36: Requirement for provisional payments —

Dr D.J. HONEY: I will not go through all the subclauses in agonising detail. I assume that there will be a determination, based on the initial claim, of a certain level of incapacity or whatever, and workers compensation provisional payments will be made based on that. What would happen in the circumstances outlined at subclause (1) in which a decision is delayed because other expert advice and all those things are needed, and it then turns out that the extent of the injury is far less than the original claim for which a significant payment was made, or, even worse—I appreciate this is not the normal situation but I know there are some circumstances—a completely fraudulent claim is made and the worker pretends that they have an injury and a significant payment is made to the individual? What will happen in relation to those payments? Is it just tough luck and the insurers or the employers will pay it or is there some clawback?

Mr W.J. JOHNSTON: I again want to emphasise that employers never pay anything unless they are self-insured; it is the insurance companies that bear the costs. Irrespective, a fraudulent claim is already illegal and there are lots of things that can be done to deal with a fraudulent claim. I was a workers compensation officer for almost five years and I never once had an insurance company show me a fraudulent claim. I am not quite sure how often they occur, but to the extent that they do occur, they are already illegal. They will continue to be illegal and there are processes for recovery. Provisional payments are not recoverable because a person's absence from work existed. Not every workers comp claim involves absence from work, but every absence from work is an absence from work. It is not a dispute about the injury; it is a dispute about the causation of the injury and the extent of the injury. People only get time off work if they have a doctor's certificate. They must be injured because otherwise they would not have a doctor's certificate. The question is not usually about the injury; it is the causation. That is usually what is being argued about. It is not normally the case that the insurance company needs to get additional advice about whether the injury requires an absence from work, because, generally speaking, people understand that a person is either able to go to work or not. I am sure that there will be some claims, but that is not the most common. The most common reason is that the insurer says that the causation was not related to work.

Again, there are some stakeholders who think that 28 days will not be long enough to make a decision because they say that the insurer should have more time to make a decision, as they do now. There are other people who say that putting a time limit on the decision will encourage a negative decision from the insurance company. Do not forget there is a disputes settlement procedure—a conciliation and arbitration service—and at any time, both parties will have access to conciliation and arbitration. They can access the conciliation and arbitration process about elements of the claim. It will not have to be about the entirety of the claim; it could be about individual parts of the claim.

Of course, there is also professional advice from WorkCover WA on a without prejudice basis. There are seven multibillion-dollar companies that sit between the employer and the claim. They have immense experience and enormous resources to make decisions. I do not think we should feel sorry for the insurers. Just before my friends at the Insurance Commission of Western Australia ring me up to have a go at me, they perform an important part in the system. I am not criticising them at all. I am just saying that I think they have adequate resources to make decisions. Not every element of the bill is uniformly supported, but, in the end, insurance companies will have to make a decision and the faster the decision is made, the better it will be for the worker.

This is a workers compensation scheme. It is about injured workers. If there is fraud, fraud is illegal. Fraud has always been illegal. It is illegal today and it will be illegal when this legislation comes in. That is not related to this legislation. This bill is about dealing with claims. A person's absence from work is because there is medical evidence that the worker cannot go to work. We know they are not able to work because they have medical evidence to say they cannot work. It is usually a question of the causation of the injury rather than the injury itself.

Clause put and passed.

Clauses 37 to 44 put and passed.

Clause 45: Terms used —

Dr D.J. HONEY: This clause comes under the division that refers to additional income that a worker will receive above and beyond their normal pay. As I indicated in my contribution to the second reading debate, I can understand how typical bonuses and the like that a person is paid and their overtime allowances, for example, basically become their normal income and that it would cause great hardship if they were to lose them if they were injured at work and cannot attend work. I know this is just the definition stage, but I was interested in the inclusion of "board and lodging". I am intrigued to understand how it would apply as well as some particular allowances. For example, if someone is required to live away from home, when they board away, their employer will meet their board and lodgings, but if they are not working, they are not required to meet that expense. I assume that the board and lodgings payment is not just a ruse for additional income. I differentiate it quite significantly from overtime payments and other similar allowances. Why would that be compensable if the worker is not incurring that expense when they are not working? I assume board and lodging compensation is to cover board and lodging while the worker is away from their home.

Mr W.J. JOHNSTON: These are terms used and individual sections deal with how the terms are applied. The question of how board and lodging will be dealt with under compensation comes under its own provision. Payment of compensation is clarified later on. This is just to define what it is. Many FIFO workers do not have permanent accommodation in Perth. They live out of a suitcase. When they are in Perth, they live in temporary accommodation. Then they pack themselves up, stick their stuff in a cupboard and go away. They use, as part of their income, the fact that they do not have to pay for their accommodation while they are away. I personally know people who do that. It is actually not quite as straightforward as the member suggests. As I say, the way board and lodging will be handled is dealt with under clause 58, later on in this division.

Clause put and passed.

Clause 46 put and passed.

Clause 47: Obligation to pay income compensation —

Dr D.J. HONEY: An employer must make payments regardless of whether the employee is indemnified by the insurer. Sorry, minister; bear with me.

Mr W.J. Johnston: Yes. If you haven't paid your insurance, they still have to pay.

Dr D.J. HONEY: Sorry; I was reading that as "employee". I have answered my own question.

The ACTING SPEAKER (Ms A.E. Kent): That was easy!

Clause put and passed.

Clauses 48 and 49 put and passed.

Clause 50: Order that worker is taken to be totally incapacitated —

Dr D.J. HONEY: Clause 50(4) reads —

> The order must not be made unless the arbitrator is satisfied that —
>
> (a) the worker has taken all reasonable steps to obtain, and has failed to obtain, suitable employment; and
>
> (b) the failure to obtain suitable employment is wholly or mainly a result of the injury.

Surely whether a person is totally incapacitated is a medical decision rather than whether they can obtain employment. There are many reasons someone might not be able to obtain employment, depending on the employment market at the time, for example. The employee may be going out of their way to make themselves unemployable. I would have thought that total incapacitation would be a decision of medical experts rather than just that the person being unable to obtain employment.

Mr W.J. JOHNSTON: The member is picking at a scab here. One of the things that used to annoy me enormously when I was a workers compensation officer was that an injured worker would be said to be fit to do work as a service station attendant—a console operator at a service station—or perhaps a car park attendant and therefore, because they had fitness to work, they were no longer totally incapacitated and that meant that workers compensation could cease. Even though they could not return to their own job, they could go to that job and therefore the insurer would give notice to cease their payments. That used to be one of the most annoying things in the world. A worker could have a specialist job, say a window-dresser at Myer—a highly skilled occupation—but would be told that rather than doing the window-dressing job, they would have to become a pump attendant at a service station. Given that there were no jobs as service station attendants because they had gone down to one person per site, it was not possible to get that job even though they were fit to do it.

This provision will allow the arbitrator, if they believe it is appropriate in all the circumstances, to order that compensation must continue to be paid. This is an existing right, but it is not used often, generally because by the time the matter got to that stage, it would have been settled and the case closed, and the person would have gone on to do something else with their life. The reason for this provision is to allow the tribunal to make what it

believes is the appropriate decision in all the circumstances. Other issues might lead the arbitrator to decide that notwithstanding that the person was fit to do a job, they are unfit to do their former job, and justice would be best served by awarding them continued compensation.

Let me make it clear: in order for a worker to get to arbitration, they effectively have to go through conciliation, although that can be waived. It is not a rapid process. The employer will be represented through their insurer. There is absolute capacity for the insurer and their lawyer to bring evidence to explain their perspective, and for the worker to explain their perspective. If the arbitrator is convinced of the issues that have been raised, they have the power to make these orders. That seems perfectly reasonable to me. It is an existing power. It is rarely used. However, it is important for the purposes of justice that this power exists.

Clause put and passed.

Clause 51 put and passed.

Clause 52: Additional income compensation —

Dr D.J. HONEY: Clause 52(4)(b) on page 46 of the bill states —

> the additional compensation income should be allowed, having regard to the social and financial circumstances and the reasonable financial needs of the worker.

I am intrigued to know why the word "social" has entered this clause. I can understand financial circumstances, but it almost smacks of elitism that social circumstances should matter. Why has "social" been included?

Mr W.J. JOHNSTON: This is an existing power that has been given to the arbitrator. Let us assume that the worker who was making the claim was a single parent. That is an important social circumstance that the arbitrator might take account of when making their determination. I think that is appropriate. I emphasise again that the employer, through their insurer, would be able to make submissions at arbitration. It is not an easy process to get to arbitration; a lot of steps need to be taken before that can be done. The insurer would be able to present any matter that they considered relevant, and the worker would likewise be able to make their submissions. If the arbitrator thinks that justice requires a decision to be made, this provision will give them the power to make such a decision.

I note that if the insurer thought that the use of this power was beyond scope, they could appeal to the court on a question of law. Obviously, they could not appeal the terms of the decision, because an arbitrator's decision is not appealable on its merits, but if the insurer believed that the decision was beyond power, it could be appealed for the court to reconsider the decision. I think the member for Mirrabooka would agree with me that many people would see this as an inadequate provision because it does not provide enough protection for workers. That might be one of the reasons that our friends the plaintiff lawyers have come out to attack it. This is an important provision because it will enable justice to be served. It is not a requirement. It is a power that has been given to the arbitrator to make a decision based on the evidence that is presented during the arbitration process.

Debate interrupted.

[Continued on page 1799.]

RESIDENTIAL EATING DISORDER TREATMENT FACILITY

Standing Orders Suspension — Motion

MS L. METTAM (Vasse — Leader of the Liberal Party) [12.15 pm] — without notice: I move —

> That so much of standing orders be suspended as is necessary to enable the following motion to be moved forthwith —
>
> > That this house —
> >
> > (1) censures the Minister for Health for misleading the house in her statement after question time yesterday in relation to the *Four Corners* story of 27 February and the federal government's commitment to eating disorders facilities; and
> >
> > (2) calls on the minister to correct the record.

Standing Orders Suspension — Amendment to Motion

On motion by **Mr D.A. Templeman (Leader of the House)**, resolved —

> To insert after "forthwith" —
>
> > , subject to the debate being limited to 10 minutes for government members and 10 minutes for non-government members

Standing Orders Suspension — Motion, as Amended

The ACTING SPEAKER (Ms A.E. Kent): As this is a motion without notice to suspend standing orders, it will need an absolute majority in order to succeed. If I hear a dissentient voice, I will be required to divide the Assembly.

Question put and passed with an absolute majority.

Motion

MS L. METTAM (Vasse — Leader of the Liberal Party) [12.16 pm]: I move the motion. I thank the government for supporting the very important motion to suspend standing orders. I also thank government members for listening to the debate on this motion.

After question time yesterday, the Minister for Health made a statement to the house. Given that it is the uncorrected *Hansard*, I will use my notes of what I heard the minister say. The minister rose under standing order 82A to provide factual information about a question that I had asked about residential eating disorder treatment facilities, the former federal government's commitment and the *Four Corners* program. The minister stated that the former federal coalition government provided $56 million to Queensland to build an eating disorders centre, and that the *Four Corners* story of 27 February did not mention Western Australia or the Peel facility and was primarily focused on Queensland. The Minister for Health stated also that the question that had been directed to her was focused on the Queensland facility. That is simply not the case. Although the minister had stated that that was fact and was making an attempt to correct the record, given what I was asking in the question, that was simply not the case.

I would like to table for the benefit of members of this house a transcript of the *Four Corners* episode of 27 February 2023, called "Fading Away". I seek leave to do that.

[The paper was tabled for the information of members.]

Ms L. METTAM: As members would note from the transcript, the episode deals with the significant issues that are felt right across the country, state by state, and the significant unpreparedness of states to eating disorder challenges that are experienced by around a million people across the country. Mark Butler, the federal health minister, states —

> I think crisis is the only word you can use. I think right through the system whether it's in primary care in the hospital system or residential treatment, we clearly need more capacity in the system. That was apparent before the pandemic, and it's become even more apparent during the pandemic.
>
> …
>
> Well, I think state health ministers and state treasurers realise without me having to tell them that this is a very serious pressure on their system and they need to respond to it. But they know that. We've talked about —

The journalist asks a further question —

> The former government allocated $56 million to build six more residential centres—like Wandi in Queensland—as part of a national strategy. But none of them are even close to opening.

Mark Butler responds by saying —

> I think it is time that we got some clearer commitments about when those centres would be completed. Which is why I've written to health ministers to try to get some clarity around that.

That is what the opposition was seeking—some clarity on the letter that the federal health minister stated he had written to the state ministers on this issue. The former government is flagged in that transcript and in countless media comments—the $56 million commitment was not for the Queensland facility, as the minister attempted to suggest, but for six residential facilities across the country. It is important the record is corrected. To go to such an extraordinary effort to try to counter an assumption I made in a question, it is important to get these facts straight. The minister has a team of 17 staff who are all geared up for this purpose. We need some clarity around this. There have been countless media reports on this issue. I am sure the minister is aware of the matter. Kimberley Caines' article on 2 November states that every other jurisdiction has made progress by choosing a site, drawing up designs and consulting with the Butterfly Foundation for the correct model of care. Kevin Barrow from the Butterfly Foundation said that the foundation was contracted to give advice but had not yet been contacted by WA around that; he would very much like to see the plans for the site. Media statements by Andrew Wallace, MP, point to the Queensland facility and the $6 million federal government commitment—significantly less than what the minister suggested.

It is an episode worth viewing. It is vitally important that the minister does not mislead the house on these issues. The opposition raised these issues because they are important. The federal health minister deemed it so important that he stated in the *Four Corners* episode that he wrote to all health ministers in the country. We heard the Minister for Health last year mislead the house about the supernumerary team at Perth Children's Hospital, an important recommendation—whether on purpose or whether as a result of not being properly briefed or not being across her portfolio. We also heard the minister state in answer to a question by the member for Cottesloe about the Australian Medical Association's report into emergency departments that somehow the AMA's data was incorrect. I have been advised by the AMA that it stands by its data of seven out of eight or seven out of 10—it is still the worst performing emergency department.

Ms A. Sanderson: Which one is it?

Ms L. METTAM: It is the same thing, minister. We were being generous by saying seven out of 10. It is also seven out of eight, if the minister wants to make it sound even worse.

Several members interjected.

Ms L. METTAM: It is clear that the minister needs to correct the record when she gets things wrong. It is very important.

Mr P. Papalia: There's an idea. Why don't you try that?

Ms L. METTAM: I am very comfortable with the facts, minister. We have an MPI later about the minister's spin —

Point of Order

Mr R.S. LOVE: The member for Vasse is on her feet. She has only 10 minutes. These people will have an opportunity to respond later.

Several members interjected.

Mr J.N. Carey: "These people"?

Mr R.S. LOVE: These ministers over there. Are you not people? You are ministers. You could act like people. These people, ministers, members—whatever you want to call them—should be silent so the member for Vasse can continue her contribution.

Mr D.A. TEMPLEMAN: The member has not referred to a standing order.

Mr R.S. Love: I do not have to under standing orders.

The ACTING SPEAKER (Ms A.E. Kent): The point of order is not upheld. Leader of the Liberal Party, please continue.

Debate Resumed

Ms L. METTAM: It is important that the record on this is corrected. In August last year the minister made a false suggestion that I somehow was involved in the breaching or sharing of data in the Department of Health data breach in relation to monkeypox, which is completely untrue. It is important that when arguments are raised, and countered in this place, they are done on the basis of information that is fact and that when ministers get things wrong, that they also correct the record. I look forward to the minister's response.

MS A. SANDERSON (Morley — Minister for Health) [12.27 pm]: I rise to respond to this motion, which the government will not be supporting. I will outline why it is so fundamentally wrong later in my contribution. I will start by addressing the issue of the $56 million for the eating disorder program.

The *Four Corners* transcript, tabled by the Leader of the Liberal Party, the member for Vasse, outlines a $56 million contribution for centres such as the one in Queensland. I acknowledge that that is the entirety of the contribution. In fact, the journalist and the *Four Corners* transcript are incorrect because in 2019, Greg Hunt announced $63 million to fund six residential eating disorder centres. Even if it is at $56 million and if that is divided by six, that is $9.3 million—and $4 million is a fraction of that. Western Australia got a fraction of that. If it is $63 million, it is $10.5 million and Western Australia received $4 million. Four million dollars from $63 million—if you divide that by six it is $10 million. The only thing that Andrew Hastie managed to squeeze out of the federal government is $4 million.

Point of Order

Ms L. METTAM: The minister is not addressing the substance of the suspension motion.

Several members interjected.

A government member: You wanted to talk about monkeypox.

Ms L. METTAM: Yes, which is truth.

The ACTING SPEAKER (Ms A.E. Kent): The minister has the call.

Debate Resumed

Ms A. SANDERSON: That contribution would not have even covered the extension of the car park at Joondalup Health Campus. I am happy to debate the substance of that at any time, and I am happy to correct the record if I make a mistake; I am not afraid to do that and I have done that. But I do not appreciate the conflation and misleading information that is constantly peddled by the member for Vasse, Leader of the Liberal Party. The state government has made a commitment to contribute $31 million towards a community-based outreach, statewide eating disorder service. It also bargained hard in the national mental health bilateral last year before the federal election was called and got another $8.5 million. We were the only state to get more money out of the federal government to be rolled into our statewide eating disorder service. That was supported by the then Minister for Health and Aged Care, Greg Hunt, because he acknowledged and understood that our statewide community-based outreach service is a better model of care.

Let us look at this $4 million that has been tacked on by the federal member for Canning, Andrew Hastie, which is supposed to go to the redevelopment of the Peel Health Campus. It is not best practice to have recovery facilities in hospitals, full stop, and that is why we do not support that commitment. We want to support people in their communities. The Peel Health Campus redevelopment will cost $152 million, with a $25 million contribution from the federal government. It will include 63 additional inpatient periods, 12 chemotherapy places, 20 mental health inpatient beds, an additional operating theatre, 15 palliative care hospice beds, more outpatient services, a new imaging services building and a 10-bed mental health emergency centre. The member for Canning thought that to tack a $4 million contribution on the end of that was appropriate. It is not appropriate. The other issue is that that facility should not be on a health campus. This contribution will not deliver meaningful change and support for those families.

There is no question that this is one of the most difficult mental health issues that families have to deal with. It is a national crisis; I do not resile from that at all. It is challenging, it is complex and it is something that we need to invest in as a government. That is what we are doing with a $31 million commitment, plus another $8.5 million from the federal government to help deliver that commitment. The Minister for Health and Aged Care wrote to me about the $25 million commitment to Peel Health Campus, including the $4 million eating disorder facility, but even better, we have met multiple times since and we continue to talk on the phone regularly because we have a good working relationship.

Let us talk about truth, facts and honesty. The Leader of the Liberal Party is not afraid to peddle mistruths inside and outside this chamber. I do not walk away from comments that I have made previously about that. I remind the chamber and the member again about that terrible incident in which a palliative care patient was claimed to have been sent to the morgue alive. The Leader of the Liberal Party was in front of a camera within two hours of that happening, claiming that somehow there was an alleged cover-up at Rockingham General Hospital and making outrageous statements. She said that it was "deeply disturbing", it "reeks of cover-up" and "points to a health system, which is under extraordinary pressure". She also made some claims that a doctor had been directed to change the birth certificate. The Corruption and Crime Commission investigated those findings and stated —

> The investigation did not substantiate the allegation. The Commission will therefore take no further action.

The Leader of the Liberal Party does not give anyone, including healthcare workers, the opportunity to furnish her with the facts. Let us not forget that gentleman, Mr Darshan Arora, whose clinical details of his personal experience at Fiona Stanley Hospital were disclosed by a "self-appointed family spokesperson". Again, the member for Vasse was ready to jump on that and put herself in front of a camera, but it was completely untrue.

In terms of the *Four Corners* program and the statement that I made yesterday, I have corrected the record around that funding allocation, but that still highlights how short-changed WA was from that commitment. I will read from the uncorrected *Hansard* the question asked of me yesterday by the Leader of the Liberal Party —

> I refer to the *Four Corners* program aired last month that detailed how underprepared Western Australia's health system is to deal with eating disorders and that the former coalition federal government committed funding for a WA residential eating disorder centre …

At no point did the journalist ask the question of the Minister for Health about Western Australia, and at no point was Western Australia's health system or WA referenced; it is completely untrue. That is why I am going to move an amendment to this motion because it is clear that it is the Leader of the Liberal Party who regularly misleads this house.

Amendment to Motion

Ms A. SANDERSON: I move —

> That all words after "house" be deleted, and the following words be inserted —
>
> > condemns the Leader of the Liberal Party for misleading the house by stating a *Four Corners* program that aired this month was about Western Australia's health system and the member's shameless propensity to make misleading, untrue and false statements

MR J.N. CAREY (Perth — Minister for Housing) [12.35 pm]: With three minutes to spare, I want to say that we have it on the record from the Leader of the Liberal Party that it is so important to get these facts right, and that we have to correct the record. Yet, the Leader of the Liberal Party has made repeated mistakes, either deliberate or due to being mis-briefed, and has not corrected the record. Already we remember the mistake about the rough sleeping numbers in the city. A column piece was written in which the member said there were 1 000 rough sleepers in the city. She said that she tried to correct it, but it was never corrected. The member for Vasse said just then that it is important to get the facts right and that the record needs to be corrected, but she never corrected that.

Mark 2: the member tweeted about rents going up by 135 per cent. I find that fascinating because anyone seeing that tweet would believe that it had gone up by 135 per cent under the McGowan government. She failed to say that that was a 135 per cent increase since 2000. It covers the previous government's two and a half terms of government. This is deliberate misleading by the Liberal Party and by the member for Vasse.

Last week in this house, the member for Roe claimed that a house was vacant in his electorate. Wrong! False! The tenant had gone away to visit and support his daughter while she was ill. The member came in here and said that that house was vacant. Wrong! This opposition has repeatedly attempted to distort, deceive and mislead.

Hon Steve Martin made false claims about vacancy housing numbers. On radio last August, he said that they had doubled. That was false, incorrect and proven to be so by parliamentary answers.

Division

Amendment (deletion of words) put and a division taken, the Acting Speaker (Ms A.E. Kent) casting her vote with the ayes, with the following result —

Ayes (46)

Mr S.N. Aubrey	Ms J.L. Hanns	Mr S.A. Millman	Ms R.S. Stephens
Mr G. Baker	Mr T.J. Healy	Mr Y. Mubarakai	Mrs J.M.C. Stojkovski
Ms L.L. Baker	Mr M. Hughes	Mrs L.M. O'Malley	Dr K. Stratton
Dr A.D. Buti	Mr W.J. Johnston	Mr P. Papalia	Mr C.J. Tallentire
Mr J.N. Carey	Mr H.T. Jones	Mr S.J. Price	Mr D.A. Templeman
Mrs R.M.J. Clarke	Mr D.J. Kelly	Mr D.T. Punch	Mr P.C. Tinley
Ms C.M. Collins	Ms A.E. Kent	Mr J.R. Quigley	Ms C.M. Tonkin
Mr R.H. Cook	Dr J. Krishnan	Ms M.M. Quirk	Mr R.R. Whitby
Ms L. Dalton	Mr P. Lilburne	Ms R. Saffioti	Ms S.E. Winton
Ms K.E. Giddens	Mr M. McGowan	Ms A. Sanderson	Ms C.M. Rowe *(Teller)*
Ms E.L. Hamilton	Ms S.F. McGurk	Mr D.A.E. Scaife	
Ms M.J. Hammat	Mr D.R. Michael	Ms J.J. Shaw	

Noes (5)

Dr D.J. Honey	Ms L. Mettam	Ms M. Beard *(Teller)*
Mr R.S. Love	Mr P.J. Rundle	

Pair

Ms H.M. Beazley	Ms M.J. Davies

Amendment thus passed.

Amendment (insertion of words) put and passed.

Motion, as Amended

The ACTING SPEAKER: The question now is that the motion, as amended, be agreed to.

Division

Question put and a division taken, the Acting Speaker (Ms A.E. Kent) casting her vote with the ayes, with the following result —

Ayes (45)

Mr S.N. Aubrey	Mr T.J. Healy	Mr Y. Mubarakai	Mrs J.M.C. Stojkovski
Mr G. Baker	Mr M. Hughes	Mrs L.M. O'Malley	Dr K. Stratton
Ms L.L. Baker	Mr W.J. Johnston	Mr P. Papalia	Mr C.J. Tallentire
Dr A.D. Buti	Mr H.T. Jones	Mr S.J. Price	Mr D.A. Templeman
Mrs R.M.J. Clarke	Mr D.J. Kelly	Mr D.T. Punch	Mr P.C. Tinley
Ms C.M. Collins	Ms A.E. Kent	Mr J.R. Quigley	Ms C.M. Tonkin
Mr R.H. Cook	Dr J. Krishnan	Ms M.M. Quirk	Mr R.R. Whitby
Ms L. Dalton	Mr P. Lilburne	Ms R. Saffioti	Ms S.E. Winton
Ms K.E. Giddens	Mr M. McGowan	Ms A. Sanderson	Ms C.M. Rowe *(Teller)*
Ms E.L. Hamilton	Ms S.F. McGurk	Mr D.A.E. Scaife	
Ms M.J. Hammat	Mr D.R. Michael	Ms J.J. Shaw	
Ms J.L. Hanns	Mr S.A. Millman	Ms R.S. Stephens	

Noes (5)

Dr D.J. Honey	Ms L. Mettam	Ms M. Beard *(Teller)*
Mr R.S. Love	Mr P.J. Rundle	

Pair

Ms H.M. Beazley	Ms M.J. Davies

Question thus passed.

WAGIN WOOLORAMA — FIFTIETH ANNIVERSARY

Statement by Member for Roe

MR P.J. RUNDLE (Roe — Deputy Leader of the Opposition) [12.50 pm]: Wagin Woolorama celebrates 50 years in 2023. Hailed as WA's biggest sheep show, the Wagin Woolorama celebrated its fiftieth year on 10 and 11 March. I was honoured again to be the patron of this event and joined over 20 000 visitors to enjoy great weather, hundreds of exhibitions, thousands of animals, food and drinks, entertainment and fashion all rolled into two days in the small town of Wagin in my electorate. The fiftieth year celebrations were opened by its founding fathers, life members of the Wagin Agricultural Society, Ric McDonald, Malcolm Edward and Maurie Becker, who shared stories with the crowd of their bold vision in the 1970s to rebrand a small agricultural show to become the Wagin Woolorama.

The future of WA's live sheep export industry was a hot topic at Woolorama this year, with hundreds of people coming through our tent and signing our live export petition to support the industry. I would like to thank the Livestock Collective for joining us for the two days. Director and livestock vet, Holly Ludeman; program manager, Milly Nolan; and director, Steve Bolt shared their extensive knowledge of the industry with visitors and concerned producers. Congratulations must go to the Woolorama president, Paul Powell, and his committee after the last-minute cancellation in 2022 due to COVID restrictions. This year's event was the best we have ever seen. There were more than 3 000 entrants received in many different categories. Congratulations again to all the organisers and volunteers. I look forward to the Wagin Woolorama in 2024.

HARMONY WEEK

Statement by Member for Jandakot

MR Y. MUBARAKAI (Jandakot — Parliamentary Secretary) [12.51 pm]: I would like to take this opportunity to acknowledge the great success of Harmony Week and the many wonderful events held across Western Australia. Harmony Day, which is on 21 March, falls on Nowruz, a new year celebration for my Zoroastrian faith. Harmony Week is an initiative of the Office of Multicultural Interests, running from 15 to 21 March, and encourages all Western Australians to celebrate our linguistic, cultural and religious diversity. On Saturday, 18 March, I attended the Banglar Mela held by the Bangladesh Australia Association of WA at the Canning Civic Centre Park, and I was pleased to see many people enjoying the lively atmosphere exploring art and culture. In my electorate of Jandakot, the Treeby Community Association held an extremely well attended Harmony Week celebration at the Treeby community oval. On 25 March, I was glad to attend the Malayalam Community Language School's cultural day Harmony Week celebrations, alongside the member for Riverton and a number of councillors from the City of Armadale, at Rossiter Pavilion in Piara Waters. Thank you to Manoj for the invitation to this event. It was great to see that the school's community is thriving in its new location in Piara Waters. I would also like to make special mention of the WA Young Labor Multicultural Festival, an amazing expression of the diversity and vibrancy of cultures thriving at the grassroots level among young people in WA Labor.

GEOFF BRIERLEY — NATURALISTE VOLUNTEER MARINE RESCUE GROUP

Statement by Member for Vasse

MS L. METTAM (Vasse — Leader of the Liberal Party) [12.53 pm]: It was my great pleasure to join members of the Volunteer Marine Rescue, WA police, Department of Fire and Emergency Services and the many family and friends this month to acknowledge the retirement of one of our community's longstanding volunteers as commander of the Naturaliste Volunteer Marine Rescue Group, Geoff Brierley. Geoff was honoured for providing over 30 years of outstanding leadership and service to one of the region's most valued clubs. He has been instrumental in building the Naturaliste Volunteer Marine Rescue from very humble beginnings to where it is today. The extent of people gathered to celebrate with Geoff was a testament to how far his contribution has stretched within Volunteer Marine Rescue and the broader community. Thirty years of service is an absolute credit to Geoff, who has so willingly and generously given his time. Geoff has brought together volunteers and dealt with the administration and bureaucracy, always with integrity and professionalism. Geoff contributed volunteer hours to the Fire and Emergency Services Authority consultative committee and as an assessor for individual groups undertaking a recreational skipper's ticket, travelling as far as Hopetoun—an over 1 000-kilometre round trip. Geoff worked hard on fundraising to replace private vessels with dedicated state-of-the art vessels. His commitment to ensuring the safety of boating facilities included many hours of work to upgrade both the Quindalup and Canal Rocks boat ramps. The members will sorely miss him and his contributions.

ALBANY COMMUNITY FOUNDATION

Statement by Member for Albany

MS R.S. STEPHENS (Albany) [12.55 pm]: The Albany Community Foundation was established in 2014 by a group of passionate locals who shared an idea of contributing directly to our community to support people who had fallen on hard times through no fault of their own. They wanted a vehicle in which donors could contribute to a transparent and efficiently run local charity. I am a proud member of the foundation, and commend the hardworking committee

of volunteers, including chairman and founding member, Tae Wood; vice-chairman and founding member, Jeremy Stewart; Julie de Jong; Stacey Murnane; Ashley McPhail; and Libby Corson. ACF launched its housing crisis response fund, setting aside $70 000 in November last year in response to the growing cost-of-living crisis and housing shortages for people who would never normally be asking for help needing assistance. In four months, they have provided over $23 000 worth of support to 25 applicants. This represents 25 people or families who have been helped to either secure or keep a roof over their heads.

The four frontline agencies that not only designed this new initiative, but who are also administering it are working closely with Advance Housing and the Department of Communities, amongst others, which are able to refer eligible clients to participating agencies such as Anglicare WA, Pivot Support Services, the Albany Youth Support Association and Palmerston. Over the past five years, the ACF has supported approximately 700 students from Mount Barker Community College, Mount Lockyer Primary School, Spencer Park Primary School and Albany Primary School to a total value of $54 855.

GOLDFIELDS HIGHWAY — WILUNA–MEEKATHARRA SEALING

Statement by Member for North West Central

MS M. BEARD (North West Central) [12.56 pm]: I stand to again reiterate my strong and unwavering support for the sealing of 124 kilometres of the Wiluna–Meekatharra road, a section of the Goldfields Highway, and demand the McGowan government finally take this project seriously and stop shirking its responsibility to my communities. For the past six years, the goldfields region has waited for action from this government, but it is still waiting. As far back as 2011, the *Mid West investment plan 2011–2021*, a locally led strategic document that set the priorities for the region, driven by local leaders, identified that the full 124-kilometre sealing of Goldfields Highway was a must. In August 2016, the National Party in government listened and acted by committing $60 million to finally seal the whole Goldfields Highway to make the community and road safer, help facilitate tourism and industry and improve pathways for freight delivery—yet when this government came to power in 2017, it took a razor to the project and left my communities and industries behind. The local community and industries continue to advocate for this project, with almost 700 people signing a petition about the importance the community places on this project. I congratulate the leadership teams of the Shires of Wiluna and the Shire of Meekatharra for their passion and advocacy in demanding a fair and timely outcome.

The Minister for Transport yesterday arrogantly dismissed my question calling for answers before misspeaking at best when she said the Wiluna–Meekatharra road had not been considered for any upgrades under the previous government. Just last night, significant rainfall turned this section of the state highway into an impassable mud pond, closing this important link to the north and significantly impacting access for communities, many local mining operations and our state. Surely the government can seal this road and cater for it in the budget, given it has been forgotten by the minister and the Premier.

KIMBERLEY FLOODS — SOUTH WEST BUSH FIRE BRIGADE VOLUNTEERS

Statement by Member for Collie–Preston

MS J.L. HANNS (Collie–Preston — Parliamentary Secretary) [12.58 pm]: Last month I received a message from a dear friend Glenys Malatesta, who is the captain of the Gelorup volunteer bush fire brigade. Glenys was in Fitzroy Crossing as part of a south west crew of volunteers who travelled to Fitzroy to assist with the massive clean-up operations after the floods. Most of the 11-person crew were from my electorate. For seven days straight, they slogged alongside the Fitzroy Valley bush fire brigade, Department of Fire and Emergency Services crews and local residents. They removed furniture from damaged houses. By hand, they scraped, dug and shovelled mud from the affected homes that could be saved. I know how proud all members are to have been able to assist families in and around Fitzroy Crossing.

I say a huge thank you to Ricky Southgate, DFES Bunbury team leader; Kevin Scattini, SES Bunbury; Glenys Malatesta, Gelorup fire brigade; Jeff McDougall, Gelorup; Danielle Kemp, West Dardanup; Chris Locke, Waterloo; Finn Dau, Dardanup Central; Harold Bond, Bunbury; K.J. Trevelyan, Bunbury; Bruce Giles, Allanson; and Wayne Morris, West Dardanup—all from local bush fire brigades. Each of these legends left their jobs and families to support the residents of Fitzroy Crossing in their time of need. It is because of volunteers like them that our communities continue to thrive. They are the epitome of the Australian spirit: they roll up their sleeves and help others in need. To my friends Glenys and Jeff, thank you for everything you do in our community. You really are two in a million.

Sitting suspended from 1.00 to 2.00 pm

VISITORS

Statement by Speaker

THE SPEAKER (Mrs M.H. Roberts) [2.00 pm]: I have some guests I would like to welcome to my gallery.

On behalf of the member for Maylands, I would like to welcome representatives of the Hero Hunter Foundation—I am wearing the badge, too—Dave Madden and Kate and Leigh Bettenay, to the Speaker's gallery today. Kate

and her husband, Dave, established the foundation last year following the passing of their son Hunter from acute lymphoblastic leukaemia. You should all have your badges in honour of Hero Hunter Day, which is tomorrow, 31 March.

On behalf of the member for Darling Range, I would like to welcome to the Speaker's gallery, Ruth Butterfield, Mayor of the City of Armadale; Vicky Kerfoot, winner of the Serpentine–Jarrahdale Clem Kentish Community Service Award; Judy Curtis, Serpentine–Jarrahdale Senior Community Citizen of the Year; Julie Richards, Serpentine–Jarrahdale Community Citizen of the Year; and Mark Thompson, Armadale Community Citizen of the Year. Welcome, everyone. Thank you.

On behalf of the member for Bassendean, I welcome staff and student teachers from Anzac Terrace Primary School in Bassendean. I particularly welcome Principal Stuart Blackwood, who is leaving next month to take up a statewide role after 10 outstanding years at the school.

Finally, but I am sure they will not be disappointed, I would like to welcome members of Minister Saffioti's family. I hope you have a question or two today, minister! That takes us to question time.

QUESTIONS WITHOUT NOTICE

LIVE EXPORT — FEDERAL GOVERNMENT POLICY

235. Mr P.J. RUNDLE to the Premier:

I refer to the recent letter signed by 27 signatories calling on the Premier to stand up to the federal government in its ideological mission to ban live export. Noting the confidence this team of industry leaders has put in the Premier to stand up to Canberra, will he reiterate his support in this place and publicly call upon the Prime Minister to keep his hands off the live sheep trade?

Mr M. McGOWAN replied:

The federal minister, Murray Watt, made this announcement on 3 March—a month ago. This is the first time the member has asked me about it. That is how much the member cares about it. There have been nine sitting days since then. The member has not raised it. Obviously, it is not that important to him. We have outlined our position before. The commonwealth government has made its position plain. Any transition or compensation will be the commonwealth's responsibility.

LIVE EXPORT — FEDERAL GOVERNMENT POLICY

236. Mr P.J. RUNDLE to the Premier:

I have a supplementary question. The last sentence of the letter states —

> Our plea is that you actively take up this fight beside us.

Will the Premier do that?

Mr M. McGOWAN replied:

The member has had a month in which to take this up and he has not. The member claims to be a representative of the wheatbelt. The member has not raised it in a month. He has had nine sitting days in which he could have asked me and he did not, so obviously it is not a big concern to him.

CLIVE PALMER — LEGAL ACTION

237. Ms C.M. COLLINS to the Premier:

On behalf of the member for Southern River, I welcome the student executive of Caladenia Primary School in the gallery.

I refer to the reports today that Clive Palmer has commenced legal proceedings against Australia. Can the Premier advise the house of this government's response to this action?

Mr M. McGOWAN replied:

I thank the member for the question.

Today we have seen the most deplorable act of greed in Australian history. One of the richest people in Australia, Clive Palmer, now wants more money, and he is suing his country to get it. Imagine already having billions of dollars and making $1 million to $2 million a day from a Chinese company in Western Australia without lifting a finger, but being so rapacious that you turn around and sue your own country for $300 billion. That is $300 000 million. That is about $11 500 for every Australian man, woman and child—pure greed. Clive Palmer is the greediest man in Australian history. This man once proclaimed he loved Australia, but he now claims to be a Singaporean businessman—I kid you not—in order to sue Australia. It is treacherous and traitorous conduct on a scale this country has not seen before.

I remind the house why he is doing it. It involves the Balmoral South project in the Pilbara. It was approved with conditions by the then Liberal–National government 12 years ago. But Mr Palmer did not want to adhere to those

conditions, so he decided not to proceed with the project but instead took Western Australia to arbitration to seek $30 billion in compensation. He decided he wanted to make his money through suing the Western Australian government. My government intervened in 2020. We passed laws that stopped him from potentially bankrupting Western Australia. Then Mr Palmer took us to the High Court, which unanimously ruled against him. But now, desperately and disgracefully, he has registered his company overseas. He is doing this with the sole aim of suing his own country. Mr Palmer's "Singaporean company" has filed a notice of arbitration seeking damages under international trade law. He is apparently claiming breaches of the ASEAN–Australia–New Zealand free trade agreement because his company is now Singaporean.

At what point do we say enough is enough? He has exhausted all his legal avenues in Australia but cannot accept the result. It is greed. It is treachery. He is a quisling. He wants to rip $300 billion from Australian schools, hospitals, aged care, housing, Medicare and the NDIS—from every Australian. Mr Palmer has now cemented himself in Australian history as the most appalling and selfish person our country has ever seen. We will support the commonwealth all the way in fighting this claim and never give in to Clive Palmer. Nearly all the way along this road, whilst we have fought Clive Palmer in this Parliament, we also had to fight the Liberals and Nationals, which took his side and, as we see today, that has not changed.

BUSSELTON MARGARET RIVER AIRPORT — TERMINAL EXPANSION

238. Ms L. METTAM to the Minister for Regional Development:

I refer to the welcome news that Jetstar has an additional Busselton–Melbourne flight in response to increased demand over the Easter holidays and note that the Busselton Margaret River Airport is expected to have an increase in passengers from 25 000 pre-pandemic to nearly 100 000 this year—people who will enjoy the best that the south west and Margaret River region have to offer. Given this increase in passengers and the pressure it will have on the terminal's security and processing times, is the government still committed to waiting until 2025 before deciding whether to go ahead with the much-needed terminal expansion?

Mr D.T. PUNCH replied:

I am delighted to receive this question. I have a long history with the Busselton Margaret River Airport. I am delighted to see Jetstar frequently flying overhead and the success of the FIFO work. The South West Development Commission has been doing excellent work with the City of Busselton and will continue to do so and will continue to hold the needs of the Busselton airport under review.

BUSSELTON MARGARET RIVER AIRPORT — TERMINAL EXPANSION

239. Ms L. METTAM to the Minister for Regional Development:

I have a supplementary question. Given the Minister for Tourism already spruiked the terrifically successful new route in last year's estimates hearings and the potential new route to Sydney, why is the government dragging its feet on the terminal expansion; why not just do it?

Mr D.T. PUNCH replied:

I do not think we are dragging our feet at all. We have been working continuously with the City of Busselton. The previous minister undertook work in consultation with the City of Busselton to provide additional terminal facilities for departures, injector belts, modifications to the baggage belt, airline facilities, ground servicing equipment and hardstands and additional car parking to the tune of over $1 million.

Ms L. Mettam interjected.

The SPEAKER: Member for Vasse!

Mr D.T. PUNCH: The member may not like the answer —

The SPEAKER: One moment, please, minister.

Member for Vasse, you asked a supplementary question and you are getting the answer; I suggest you listen to it.

Mr D.T. PUNCH: The member for Vasse may not like the answer, but we work with the City of Busselton to make sure that the airport progresses in an orderly fashion. We do not simply drop in buckets of money in the hope that something will happen in the future. This is a considered approach. It was the previous minister Hon Alannah MacTiernan who negotiated with Jetstar to get those airline routes in. She has done an incredible job to make sure that that airport is sustainable and that flights are happening beyond the simple FIFO flights. It is a very good project; it is continually under review in terms of it needs and it will expand in an orderly way.

CLIVE PALMER — LEGAL ACTION

240. Ms E.L. HAMILTON to the Attorney General:

I refer to reports today of a $300 billion claim by one of Clive Palmer's business entities, which has listed a former Liberal Party Attorney General as one of its lawyers. Can the Attorney General outline to the house the legal actions taken by Mr Palmer and his companies against the taxpayers of Western Australia and how this government has responded to them?

Mr J.R. QUIGLEY replied:

I thank the member for the question.

I am conscious that I am answering on limited time in question time —

The SPEAKER: Excellent!

Mr J.R. QUIGLEY: So I will not give the detail of all the actions that Mr Palmer has initiated. There are 14 in all—not all the 14 are involved in arbitral proceedings, not the $300 billion claim he has now put in. Of those 13, four have been settled; all have been withdrawn or discontinued and only in relation to four have we recovered any order for costs. He is resisting all orders for costs.

I was shocked to see on the front page this morning that he has initiated a $300 billion claim using as his solicitor and counsel a former Liberal Attorney-General of Australia and a Liberal Attorney General of Western Australia. Might I just say this about his representation: a little while ago, we were served with a notice of intention to bring proceedings under the free trade agreement for $30 billion, being the original arbitral award, plus costs and damages. Since the former Liberal Attorney General has come on board, that has increased tenfold to $300 billion.

We know that the Liberal and National Parties are friends of Mr Palmer and work in lockstep with Mr Palmer. We know this. Indeed, we know that in 2020, after we passed the legislation, a Miss Caroline Di Russo, who describes herself as a businesswoman and an unrepentant nerd, published an opinion piece entirely supportive of Mr Palmer, and after publishing the opinion piece totally in support of Mr Palmer, the Liberal Party elected her its state president—in the full knowledge that she is an ally of Mr Palmer. As for the National Party, we know that former Leader of the National Party Brendon Grylls was flying all over the state in a plane with Mr Palmer. We have these people in absolute lockstep.

Several members interjected.

The SPEAKER: Order, please, members!

Mr J.R. QUIGLEY: Now we have the bizarre situation of the former first law officer of the commonwealth—think about that—a former Liberal Attorney-General, now out of Parliament and assisting Mr Palmer in his rapacious attack on all Australians. It is very, very troubling that the Liberal Party and the National Party are so supportive of Mr Palmer.

Several members interjected.

Mr J.R. QUIGLEY: Yes—the Liberal Party and the National Party are in lockstep support of Mr Palmer. They laugh about their friendship with Mr Palmer; they are so unashamed of it that they laugh about their friendship with Mr Palmer and their support of Mr Palmer.

There are some very serious questions arising out of what I read on the front page of the paper this morning—very serious questions. The questions are as follows. Did the former commonwealth Attorney-General, who is now acting for Mr Palmer, whilst he was Attorney-General receive any briefings on the Mineralogy amendment act, bearing in mind that that act was passed in 2020 and the former Liberal Attorney-General was in office until 2021? We know that he was supporting Mr Palmer at that time because he signed the intervention to the High Court in support of Mr Palmer. The first question is: did he, whilst he was federal Attorney-General, receive any briefings or papers in respect of this action?

Dr A.D. Buti: What's his name?

Mr J.R. QUIGLEY: He is so infamous; his name is well known to every Australian.

The second question is: during his period in office as the commonwealth Attorney-General, did he receive any briefing papers regarding Mr Palmer and the Mineralogy amendment act? These are serious questions about conflict. Thirdly, was he in cabinet at any stage when the Mineralogy amendment act and Mr Palmer were discussed? These are very serious and important questions that the Liberal Party has to answer. It has to answer this because this goes right to the integrity of government. Did the first law officer of the commonwealth use knowledge that he received as the commonwealth Attorney-General in securing this brief to act for Mr Palmer on this outrageous claim against Australia?

CYCLONE SEROJA — RECOVERY

241. Ms M. BEARD to the Premier:

I refer to the state government's announcement today of $9.2 million across the 16 local governments impacted by cyclone Seroja in April 2021.

(1) Can the Premier explain why, two years on, these communities are still waiting on the full delivery of the $104.5 million in recovery funding promised back in October 2021?

(2) Does the Premier acknowledge that his government's failure to deliver promised workers' accommodation in the region is an obstacle to community recovery?

Mr M. McGOWAN replied:

(1)–(2) Cyclone Seroja was a dramatic event, as anyone who saw the damage immediately thereafter, as I did, would be aware of. The government kicked into action immediately, jointly with the federal government and local government to assist in the recovery. A total of over $50 million has been spent in the recovery from cyclone Seroja at this point in time and that grows with every week that passes. There has been $8 million disbursed through the Lord Mayor's Distress Relief Fund, $3.8 million in state government Premier's payments for residents —

Mr R.S. Love interjected.

The SPEAKER: Order, please!

Mr M. McGOWAN: I am answering the question. You have a few things to answer about your relationship with Clive Palmer.

Mr R.S. Love interjected.

Mr M. McGOWAN: The National Party does. He is a National Party–like member and the National Party has to answer for that. The Liberal Party needs to answer for that as well.

Ms M.J. Davies interjected.

Mr M. McGOWAN: Do not interrupt me.

Ms M.J. Davies interjected.

Mr M. McGOWAN: Do not interrupt me when I am trying to answer.

The SPEAKER: Order, please! Member for Central Wheatbelt, your interjections are unruly. I am asking you to desist. The question was asked by the member for North West Central. We have had interjections from you and we have also had interjections from your leadership. It is not acceptable. I ask the Premier to continue with his answer.

Mr M. McGOWAN: As I was saying, there has been over $8 million disbursed through the Lord Mayor's Distress Relief Fund; over $3.8 million in Premier's payments for residents and small businesses; over $12.3 million disbursed through disaster recovery funding arrangements grants; over $5.7 million in power and water outage relief; over $18 million for emergency clearance, sign replacement, vegetation and repairs on the impacted state road network; and $4.2 million to remove the damaged One Mile jetty—or parts of it—in Carnarvon. It is important to understand that a lot of the grants for recovery are paid after the completion of work, which is standing practice for commonwealth–state grants when it comes to a disaster. We have extended the time line for grants. I have seen reports that have said that $3 million has been spent; that is totally wrong. The member for North West Central continues to try to stir up these issues when work is ongoing in a very heated construction environment in Western Australia. I know a lot of people have been doing a lot of work to make it happen, as has occurred in the Kimberley with the recovery from the flood. I urge the member to not undermine the people who are doing good work.

CYCLONE SEROJA — RECOVERY

242. Ms M. BEARD to the Premier:

I have a supplementary question. Is it right that in a state as wealthy as ours, there are families living under tarps and without the infrastructure they need in their town, awaiting recovery funds from the government?

Mr M. McGOWAN replied:

I just outlined to the member all the things that are happening. I understand that she did not listen to the answer, but all these things are happening. We live in a state in which we are trying to deal with a very heated construction market as we speak. We have spent over $50 million to try to resolve the issues resulting from cyclone Seroja in Kalbarri and other communities. There will be ongoing spend as time goes by. These things take time. I think most people understand that we cannot rebuild immediately or overnight; it is an ongoing process. Significantly more money will be spent as part of this recovery.

PUBLIC TRANSPORT — PATRONAGE

243. Mr C.J. TALLENTIRE to the Minister for Transport:

I refer to the McGowan Labor government's record investment to make public transport more accessible.

(1) Can the minister outline to the house how the locally manufactured C-series railcars will boost capacity across our rail network while creating more local jobs?

(2) Can the minister advise the house of the impact of this government's two-zone fare cap on WA's public transport patronage?

Ms R. SAFFIOTI replied:

I thank the member for Thornlie for that question. Before I start, can I say happy ninetieth birthday to my Uncle Tony, who is in the gallery.

[Applause.]

Ms R. SAFFIOTI: My Uncle Tony worked for Westrail for over 40 years, so it is a great link into public transport. He has a hearing aid, but he does not ever turn it up, so hopefully he heard that. Thank you to Uncle Tony's family for being here today. It is a big milestone, so we are having another celebration on Saturday.

(1)–(2) When it comes to trains, the Labor Party is the party of train and rail manufacturing. As has been outlined, we have started manufacturing trains in WA for the first time in 30 years. Our new C-series train is undergoing dynamic testing now along the Mandurah and Joondalup lines, and there has been some testing on the Thornlie line, too, member for Thornlie. From all reports, the testing is going well. The second train is currently at the Nowergup depot and set to begin dynamic testing in May. Most exciting, the third train, which will have all the internal components like passenger seating, will be ready in the middle of this year. We are on target to have these running on the public transport network for passengers by the end of this year. Of course, those trains will be bigger in the sense that there will be more internal capacity, so this will continue to support more and more people using our public transport system.

Importantly, our patronage numbers show that Western Australians have bounced back when it comes to patronage on our public transport system. We are now at 92 per cent of pre-COVID levels, but, importantly, when it comes to standard passengers, we are up to 99 per cent of pre-COVID levels. That is supported, of course, by the new rail line, but it generally shows how much we have recovered from those COVID numbers. It is the strongest recovery of the nation. The only numbers that continue to impact our patronage data are those for the tertiary, or university, sector, which continues to have an 85 per cent level compared with pre-COVID levels. They are very, very strong figures.

Importantly, we have also brought in the two-zone fare cap for Western Australians. When we look at the growth in the number of people using our network, we see that the strongest growth is coming from the outer suburbs. There has been a 13 per cent increase in passengers from Mandurah, which shows that the two-zone fare cap, which is delivering enormous savings to people in the outer suburbs, is encouraging more people back onto public transport. When we talk about the cost of living and how we can help families, it is measures like public transport and capping fares, which is delivering enormous savings to people in our outer suburbs.

PLANNING — COMMUNITY CONSULTATION

244. Dr D.J. HONEY to the Premier:

I thought the minister would go on a bit more about her good work!

In August 2016 in an interview with the ABC, and in December 2016 in a meeting with the Property Council of Australia, the Premier stated that he "would like to see more community consultation in planning decisions".

(1) Given the Premier's apparent concerns in 2016 that there was not enough consultation with communities over planning decisions, why has the Premier changed his mind about the need for more consultation with communities over local planning decisions, as evidenced by his recently announced planning law changes?

(2) Did the Premier mislead the public in 2016 just to gain electoral support at the 2017 election?

Mr M. McGOWAN replied:

(1)–(2) It is interesting that the Liberal Party is now reverting to things I said in—when was it; August 2016?—as part of the member for Cottesloe's questioning in March 2023, as though I am supposed to remember what I allegedly said in a meeting in August 2016. I make the point that we will be proceeding with our planning changes, which are designed to ensure that there is more affordable housing and a more diverse array of housing for Western Australians without unnecessary inhibition and without nimbyism taking over. The interesting question is whether the Liberals and the Nationals will back it. Will you support our laws?

Dr D.J. Honey: Show us.

Mr M. McGOWAN: Will you support them?

Dr D.J. Honey: Do you want a blank cheque?

Mr M. McGOWAN: Is the answer yes or no? Do you support the removal of red tape?

Several members interjected.

Mr M. McGOWAN: Do you support the removal of red tape and unnecessary bureaucracy or do you not? That is your choice. You are on the side of red tape and bureaucracy or you are on the side of getting things done! It appears from the tone of the member's question that he is on the side of red tape and bureaucracy. You look and sound like a bureaucrat, member for Cottesloe.

Several members interjected.

The SPEAKER: Just pause for a moment, please, Premier. Members of the opposition, there is likely to be the opportunity for a supplementary question, if we can get the Premier's answer to the original question completed without too much more interruption.

Mr M. McGOWAN: You are showing every sign of being a bureaucrat who just revels in red tape and masterful inactivity. That is what the Liberal Party is about these days. We are about getting things done. People can see cranes everywhere around our city because things are happening. We want to see things happen. We want projects to occur. That is why we are making the planning changes. When I went and opened ONE Subiaco last week on the old Subiaco market site, there were 500 people there who were happy. There are going to be 500 or 600 people living there in the midst of restaurants, cafes, pubs, bars and things, creating life and vitality near the city. Who opposed that? The Liberal Party. We are going to see the same thing down at The Grove development. The Liberal Party and its friends at the *Post* seem to have a bit of a set against me and the Minister for Planning. The *Post* actually said that the Minister for Planning is responsible for destroying all the gardens in Nedlands.

Ms R. Saffioti: I have destroyed my own.

Mr M. McGOWAN: We all know she's a bad gardener, but even that is a stretch!

Under the changes the minister has brought in, there is enhanced consultation. Some of the changes we announced were in relation to development assessment panels, which require local government representation. For some of the bigger developments—the over $20 million developments—there will be a central process that will involve consultation.

PLANNING — COMMUNITY CONSULTATION

245. Dr D.J. HONEY to the Premier:

I have a supplementary question. Why does the Premier continue to ignore genuine community concerns about inappropriate planning decisions in favour of profits for a handful of property developers?

Several members interjected.

The SPEAKER: Order, please!

Mr M. McGOWAN replied:

I am not aware of what the member is referring to. Which one is the member referring to? Is he referring to ONE Subiaco or to The Grove?

Dr D.J. Honey: No, I am referring to all the apartment developments in Hollywood and the development on the rose garden in Nedlands—an appalling development; go and have a look at it!

The SPEAKER: I think we are clear on that now.

Mr M. McGOWAN: What happens is that some people move from left to right over the course of their lives; people become more conservative ordinarily. The member for Cottesloe is becoming a Green as he ages! It is interesting to see this phenomenon of a former Leader of the Liberal Party and a former president of the Liberal Party moving towards the Greens and embracing green philosophy.

We think that people have the right to a diversity of housing choice. That means that some people might want to live in a house, other people might want to live in a townhouse, other people might want to live in an apartment, and some people might want to live in high-rise housing. That is the reality. We want to provide people with that diversity of choice because as they age—this is something that might be relevant to the member for Cottesloe—they may want to move out of a house into an apartment because it does not have all the work that goes with owning a house. That is the reality, and that is why those apartments that are being built in Subiaco and Peppermint Grove are being snapped up. People living in the area want to have that opportunity to move out of a home into a different style of living. That is what we are trying to create. What is wrong with that? What is wrong with giving people diversity, and what is wrong with cutting through red tape? The interesting choice will be, considering the question, when these laws come in, how the member will vote.

WESTERN AUSTRALIAN VIRTUAL EMERGENCY DEPARTMENT

246. Mr G. BAKER to the Minister for Health:

I refer to measures implemented by the McGowan Labor government in response to increased demand for Western Australia's emergency departments.

(1) Can the minister outline to the house how these measures, particularly the Western Australian virtual emergency department initiative, are addressing demand in the emergency departments?

(2) Can the minister advise the house whether she is aware of anyone who is misleading the community about these important initiatives?

Ms A. SANDERSON replied:

I thank the member for South Perth for his question.

(1)–(2) Yesterday, we saw the announcement around some innovative new models of care in WA Health. We also saw the Leader of the Liberal Party falling over herself to criticise this announcement of new, innovative

models of care and, in the process, demonstrating more questionable conduct in how she actually approaches her role. In the morning, the Leader of the Liberal Party spoke on radio, seemingly to support it, claiming we should already have done it. By the afternoon, she had completely changed position, attacking WAVED with a level of disinformation that is reckless and dangerous.

In an opposition media release, the Leader of the Liberal Party claimed that we were —

> … attempting to shift the blame of WA's ambulance ramping on to our sick, elderly Western Australians, and our under-resourced aged-care workers," …

Even worse, she claims —

> "Telling our elderly not to call triple zero …

This is an actual quote. That is dangerous misinformation. At no point has anyone ever said elderly people should not call 000—at no point. That is the claim that the Leader of the Liberal Party has made, so let me put a few facts so that people, including the Leader of the Liberal Party, understand.

For medical emergencies, people should always call 000, and that will always be there for them. I have said that, and I have never suggested otherwise. When something is not an emergency, aged-care staff and residents will now have the option of directly contacting a senior clinician to get advice on how to access the best and most appropriate care. The alternatives are not to stay put, as quoted. It is a direct admission to a ward or imaging, without actually having to go to the emergency department, or access to a rapid outpatient appointment.

Hours before the opposition put out the media release, I actually outlined this to the chamber. I explained that older adults are also much more at risk of experiencing harm from hospital-acquired infections, falls and reduced muscle mass. This is about a better experience for our older Western Australians. It is for exactly these reasons that it is strongly supported by the aged-care sector, the Health Consumers' Council of WA and the Australasian College for Emergency Medicine, which have been deeply involved in the work of the ministerial task force into ramping and are very supportive of this vision and this program.

Chris How, the CEO of aged-care provider Bethanie, welcomed the new model on ABC radio and said it would complement the existing services and allow for decisions based on residents' need. Liz Behjat, someone familiar to the Liberal Party as a former Liberal member in the other place and now the state manager of the aged-care peak body Aged and Community Care Providers Association —

Ms L. Mettam interjected.

Ms A. SANDERSON: Liz Behjat explained it was actually a result of collaboration between the state government and the sector. Clare Mullen from the Health Consumers' Council has been actively involved in doing this work and putting it together.

Ms L. Mettam interjected.

The SPEAKER: Member, you did not ask this question. Your interjections are incessant, and I am asking you to stop. We do not need any cheering from the member for Landsdale, thank you.

Ms A. SANDERSON: Clare Mullen from the Health Consumers' Council has been involved in the development of this program, and there is no greater champion of health consumers than the Health Consumers' Council. There was general support from the consumers who have been surveyed about this pilot in east metro. The average score of service satisfaction rating was 4.6 out of five from consumers, carers and aged-care staff.

These results show why the models of care were developed by clinicians in the first place. Despite this, the Leader of the Liberal Party still continues to sow doubt and fear by claiming that we are telling people not to call 000. Again, she has failed to avail herself of the facts, ignoring my answer. It is shameless, inexcusable and reckless. It is dangerous to put out misinformation about people's lives because this is health care and people's lives are actually at stake. I expect the Leader of the Liberal Party to correct her statement immediately. My office is available to provide further details, and we are happy to engage constructively.

ABORIGINAL CULTURAL HERITAGE ACT — REGULATIONS

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

I refer to the Aboriginal Cultural Heritage Act.

(1) Noting that no funds have been allocated for the preparation of readiness reports and that the department's own ICT system to manage the new requirements of the act is not yet ready for launch, is the commencement date for the act still expected to be 1 July 2023, as the minister confirmed last week?

(2) On what date will consultation be complete and the regulations released to allow ample time for industry and stakeholder groups to be prepared for 1 July?

Dr A.D. BUTI replied:

(1) The answer to the member's first question has not changed since last week—yes, 1 July 2023.

(2) With regard to consultation, it continues and it will continue up until the day of the operation of the act and probably even beyond that. The department has been in constant consultation for over two years and in intense consultation in the co-design of the regulations, something that the member's side would never have engaged in. Co-design would be something that the opposition would never have contemplated. We have contemplated that. We have spoken to the resources industry, the Western Australian Farmers Federation, the Pastoralists and Graziers Association and local government et cetera. The consultation has been extensive. If the member wants to write to my office, I will give her a list of all the people who have been consulted and the member will be very impressed. Do not worry about consultation. It continues and will even continue after the act commences on 1 July 2023.

ABORIGINAL CULTURAL HERITAGE ACT — REGULATIONS

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

I have a supplementary question. Thank you, minister. At what point will the regulations be released so that the stakeholders the minister is talking to on a regular basis, as he says, can actually prepare themselves for the commencement of the act, as has been raised by stakeholders with me?

Dr A.D. BUTI replied:

It is interesting that the year before last, when the member was the Leader of the Opposition, I do not think she engaged in the debate on the bill at all.

The regulations will be published shortly and it has been a co-design process. The various interest groups know the details of a lot —

Ms M.J. Davies: That is not what they are saying to us.

Dr A.D. BUTI: You have not been involved at all. You were not involved in the debate in Parliament. You are a Johnny-come-lately on this issue, so do not now try to become the expert because a few people have contacted your office. I can tell you now that there has been extensive consultation.

Ms M.J. Davies interjected.

The SPEAKER: Order, please!

Dr A.D. BUTI: You are incredibly rude.

Ms M.J. Davies: Well, you are, too.

Dr A.D. BUTI: You are incredibly rude when I am answering your question.

Ms M.J. Davies: You're not!

Dr A.D. BUTI: You would not know. You would not even know what is in the act.

The SPEAKER: Minister, if you could just pause for a moment. This is a supplementary question. Member, I am going to ask you not to continue to interject. Minister, could you conclude your answer shortly.

Dr A.D. BUTI: You would not even know what is in the Aboriginal Cultural Heritage Act. Am I right? Do you know the details? May I also remind the house that it was your government when you were in cabinet that sought to bring in legislation that affected Aboriginal people without even consulting them. Do not talk to me about consultation. Shame on you. You are a Johnny-come-lately and I do not think your questions have any merit or validity. You do not even know what is in the act.

SPORT INFRASTRUCTURE — INVESTMENT

249. Mr P. LILBURNE to the Minister for Sport and Recreation:

Thank you, Madam Speaker.

The SPEAKER: Sorry, are you making a point of order?

Ms M.J. Davies: No, I am talking to my colleague.

The SPEAKER: Well, desist. Desist.

Member for Carine.

Mr P. LILBURNE: I refer to the McGowan Labor government's commitment to making community sporting more accessible.

(1) Can the minister advise the house how the delivery of world-class sporting infrastructure projects is helping meet demand for more active spaces, particularly in areas that are experiencing significant growth?

(2) Can the minister advise the house how this investment in community sporting benefits the community?

Mr D.A. TEMPLEMAN replied:

I thank the member for Carine for his question. I also wish Uncle Tony a very happy ninetieth birthday.

The SPEAKER: I think Uncle Tony has had the good sense to turn his hearing aid down!

Several members interjected.

Mr D.A. TEMPLEMAN: He is up for a second go! Good to see. I am pretty certain, member for Carine, that Uncle Tony would be a follower of football, the round ball game, and if he is not, he is now.

(1)–(2) In answer to the member for Carine's question, we are very proud of the record investment in infrastructure for sport in Western Australia. I want to highlight, in regard to the round ball game, that for the first time ever in the history of Western Australia, we will deliver the football centre over in Queens Park. As Sherif Andrawes, the board chair of Football West, said, the state has been waiting 120 years for it, but for the first time there will be a home for football in Western Australia. We know that that code is experiencing, like a number of other codes, a record number of girls and young women playing the great game. That is a tremendous thing to see. Of course, that is why this government has been focused, member for Carine, on upgrades to a range of sporting facilities throughout regional Western Australia and, indeed, throughout the metropolitan area.

I know that next week, at the great Sorrento Football Club, the member will be there to cut the ribbon to open its $1 million new facilities, which, of course, will provide tremendous opportunities for change rooms and the like for girls and young women who play the game, as well as visitors to that club. There is a list that goes on, and I want to highlight some of these, because it underpins the importance we place on sport in the lifestyle of Western Australians and the importance of sport for children and young people, in particular, as they continue to grow and are given opportunities to participate. That is why codes have seen something like 20 per cent uplifts in participation numbers. I want to go through a couple of these examples of the government's investment in infrastructure.

In East Fremantle, in the member for Bicton's electorate, is the East Fremantle oval precinct. We went out to dig the sod there a couple of weeks ago. There has been a $25 million-plus investment in community sport there. We have invested $5 million for basketball facilities in Kalgoorlie, member for Kalgoorlie. I know she is very proud of that. Member for Pilbara, we are investing $10 million in the construction of the Port Hedland sporting and community hub. In Donnybrook, in the member for Collie–Preston's electorate, we have invested $6 million for a community sport and recreation and entertainment precinct. I was out in the member for Hillarys electorate with her recently, where Craigie Leisure Centre is getting upgrades, as is Charlottes Vineyard Sports Pavilion in the member for Swan Hills's electorate. In the Premier's vicinity—nearby—in the member for Baldivis's electorate, a major sporting complex was opened only last week or the previous week by both the Premier and the member for Baldivis.

We also know that the investment does not stop there because it includes a range of night light projects, which are focused on providing lighting for spaces and places so that they can be used even more as pressure comes on for that usage. The other aspects that I think are really important are focused on upgrades that will benefit the FIFA Women's World Cup in July. We have seen Dorrien Gardens receive money for upgrades, as has the Kingsway Reserve facility. I know the member for Landsdale is particularly interested in that; she was there last week to see those lights turned on.

These investments are very important, because it means that more children and young people and more people with disabilities, who are now playing in record numbers, with all-abilities fixtures within many, many codes, are also being provided for. I thank the member for his question. It is really important that we continue this investment.

I finish by saying congratulations to the Western Australian Sheffield Shield team, which brought home the Sheffield Shield for the second year in a row and capped off a magnificent summer of cricket for Western Australians. Let us hope that the Dockers win on Sunday!

Several members interjected.

The SPEAKER: Order, please! The Leader of the Opposition with the last question.

GOLD CORPORATION — INSURANCE COVER

250. Mr R.S. LOVE to the Minister for Mines and Petroleum:

I refer to ongoing revelations regarding the Perth Mint and answers to question on notice 652 regarding Gold Corporation insurance cover.

(1) Does the current Gold Corporation insurance cover commercial risks; and, if so, could it cover business losses which may be incurred if Gold Corporation falls off the LBMA good delivery list?

(2) Does it cover penalties that could be demanded by the Australian Transaction Reports and Analysis Centre?

Mr W.J. JOHNSTON replied:

Obviously, I do not have that detail in front of me, as the Leader of the Opposition would not expect me to. I note that he has asked an almost identical question on notice, and I suppose the Leader of the Opposition could wait until the question on notice is answered.

GOLD CORPORATION — INSURANCE COVER

251. Mr R.S. LOVE to the Minister for Mines and Petroleum:

I have a supplementary question. I think I have the answer there, that the minister is actually not across his portfolio.

Several members interjected.

The SPEAKER: Order, please! Leader of the Opposition, this is not an opportunity for a comment; it is an opportunity to ask a supplementary question.

Mr R.S. LOVE: Will the minister use the upcoming five-week break to consider his position and whether he should continue as a minister?

Mr W.J. JOHNSTON replied:

I am not quite sure —

Several members interjected.

The SPEAKER: Order, please! Minister, I would really like you to be heard. Thank you.

Mr W.J. JOHNSTON: I was not quite sure whether I would get the call from the Speaker, because I was not sure whether it was a supplementary question.

I just want to make a couple of points here. The Leader of the Opposition pretends in the media that somehow he has led the discussion on the challenges around anti–money laundering and counterterrorism financing challenges. I remind him, it was actually nearly two years after I had raised AMLCTF challenges before the first question was asked. The problem with the way that this member has conducted himself is that he is a follower and not a leader. I also note that when we came to government, we did not realise that the former government had done nothing to get Gold Corporation into order. It was only with the Premier's actions on coming to government that we started to see improvements to Gold Corporation, which I have been happy to take further. I will just make the point that the only reason there have been improvements at Gold Corporation is because we have taken the bull by the horns and acted, unlike the former government. I always wonder—there is only one former minister over there.

Several members interjected.

The SPEAKER: Order, please!

Mr W.J. JOHNSTON: How many times was Gold Corporation discussed at cabinet? How many times were the minutes—these are all the questions they ask me—tabled when that member was at the cabinet table? It is funny how those issues are never raised. It is these ridiculous questions. Let me go to the question that is asked about the question of the insurance policies.

Guess what? I also do not know the details of the policies held by Western Power, Synergy or Horizon Power, and why would I? They are matters for management at the company. I represent the shareholders. The idea that a shareholder of Westpac knows the details of the insurance policies held by Westpac is ridiculous. It is so ridiculous that nobody would even contemplate it.

Mr R.S. Love interjected.

The SPEAKER: Order, please!

Mr W.J. JOHNSTON: This is the problem. This member does nothing, works nothing, achieves nothing and then complains when we do work.

The SPEAKER: Members, particularly the opposition, when you ask a very open-ended question like that, you end up with a very open-ended answer, which probably does not assist anyone. If the question is open-ended, I will allow an open-ended answer. Normally, I would expect a more specific answer, but how can you do that if a specific question is not asked?

POLICE — STAFF

Matter of Public Interest

THE SPEAKER (Mrs M.H. Roberts) informed the Assembly that she was in receipt within the prescribed time of a letter from the Leader of the Liberal Party seeking to debate a matter of public interest.

[In compliance with standing orders, at least five members rose in their places.]

Several members interjected.

The SPEAKER: Order, please! Leader of the Liberal Party, maybe just pause for one brief moment so that those people moving out of the chamber can move and then I will give you the call to move the motion.

MS L. METTAM (Vasse — Leader of the Liberal Party) [2.51 pm]: I move —

> That this house calls for the Minister for Police to address the impacts of poor morale and challenges facing WA police men and women, and be honest about the lagging police numbers.

We in the opposition certainly —

Point of Order

Mr P.J. RUNDLE: I seriously cannot hear the Leader of the Liberal Party, thank you.

The SPEAKER: Yes. There are some —

Ms M.M. Quirk interjected.

The SPEAKER: Points of order are heard in silence, member for Landsdale; you of all people know that. Sitting next to the member for Landsdale is of course the culprit as to why we had to have a point of order called in the first place—the member for Swan Hills, who thought her interjection was so amusing she said it twice!

Debate Resumed

Ms L. METTAM: Thank you, Madam Speaker. I am sure she may be able to speak to this motion as well.

We on this side of the house, the opposition, are big advocates and supporters of the Western Australia Police Force. It is clear that WA police are increasingly doing it tough under the McGowan Labor government. It is not providing enough support for them. Day after day we hear reports and concerns from WA police officers who do not feel that this government has their back.

Although we hear the government talk up crime rates in Western Australia as being on the improve, the government is quite selective. Violent crime rates are 13.9 per cent above the five-year average, or about 17 per cent since the government came to office in 2017. Family offence rates have gone up 34.9 per cent. According to the Australian Bureau of Statistics, WA has the highest rates of family and domestic violence–related offences against females recorded across all the states, with 1 254 assaults reported to police per 100 000 females in 2021.

There is no doubt that the complexity of the environment that WA police officers are working in is more challenging than ever. Crime severity has soared in the Perth CBD and regional WA. I refer to the crime severity figures that also paint that picture. The WA Police Union's crime severity score, which reflects the relative harm of offences, points to these sorts of felonies going up over the 10-year average. There are big increases in the Pilbara at 31.2 per cent, goldfields–Esperance at 35.5 per cent, midwest–Gascoyne at 45 per cent and the Kimberley at 96 per cent. There was also an increase in the Perth CBD.

What we see on the ground, and what we as an opposition are very concerned about, is the exodus of police leaving the force. Police are leaving the force at three times the average. There were 473 resignations last year, which is, as I said, about three times the normal 150 resignations. This is the highest number in its 189-year history. We see significant issues of poor morale, which other members will talk about.

The government's response and its spin are the reasons we are specifically asking for it to be honest when it comes to these figures. It was pointed out in the 2020–21 budget that with the allocated additional funding for recruitment to match the commitment of 950 additional officers, some funding was attached for an additional 800 officers to boost the community's safety, bringing the total number of additional officers in the budget to 950. But the state of the sector report for 2020–21 highlighted that Western Australia had 6 958 sworn officers, and a year later in 2021–22 it had 7 154 sworn officers, which is an increase of 196 officers. That is a long way short of the 950 officers that this government had promised. This indicates that the government has a lot of work to do.

What we have seen, and it has been previously raised by the opposition in this place and publicly, is that the government has moved the goalposts when it comes to this commitment. It backdated the commitment made in 2020–21 as if it were a commitment from March 2017. That is just complete spin. It potentially looks like another broken election commitment with about 200 officers up from that 2020–21 figure. This side of the house believes that the government needs to do more to ensure that we retain and support WA police officers.

Today there was a story in *The West Australian* about the additional challenges that WA police face. It pointed to the WA Police Union's figures, presented through the Australian Institute of Health and Welfare, that showed that although the number of mental health transport presentations by police or prison staff to WA hospitals had dropped, they were basically waiting significantly longer at those hospitals. In fact, there were about 6 000 hours of ramping. WA police officers sign up to do a job, but it is quite clear that they face increasing challenges under this government. It is estimated that police officers spent 6 141 hours waiting with patients to be seen last year, which was more than double the time spent eight years ago. This obviously reflects not only a failure in the lack of support in our hospital and health system—we are aware of the medical tasks that police officers had to undertake during the COVID pandemic as well—but also the significant challenges that police officers are facing under this government's watch. They are voting with their feet. They are leaving the force in droves as a result.

We saw an example of where the minister's priorities lie on the issues with WA police. He is very much focused on tough talk and photo opportunities. It was extraordinary that taxpayer funds were used for a $8 500 media stunt that resulted in concerns raised by police officers, the Special Air Service and the RAAF. This media stunt demonstration about banning a particular rifle shut down RAAF airspace. As I said, concern was raised that it was dangerous.

The opposition supports the Western Australian Police Union's Switch Off Duty campaign. As I said, other members will talk about the morale issues of police officers that we are hearing about. The need for officers to be able to disconnect from regular calls, texts and emails certainly makes a lot of sense given the increasing pressures, mental health challenges and anxiety associated with the tough job of policing. We see more severe issues with significant increases in family and domestic violence and other challenges that police face with a government that is not listening to their concerns.

Again, earlier this week, we heard on Monday reports of another case of the ramming of a police vehicle during a police pursuit at 3.20 in the morning as police tried to pull over a Toyota Hilux. Fortunately, officers were not injured on this occasion. WA police recently revealed that 54 officers were injured during police car ramming incidents between January 2018 and 31 January 2023. This is a significant issue for WA police. This government has sat on its hands when it comes to addressing this very real concern. A report was published in February 2021 all about this matter. The National Motor Vehicle Theft Reduction Council report titled *Use of a stolen motor vehicle as a weapon: The offence of ramming a police vehicle* made specific recommendations, back in 2021, about the value of having a specific offence for ramming. Other states have the taken the lead in this regard, such as Victoria and the Australian Capital Territory, but we have heard and seen the WA government continue to ignore this issue. WA police have raised equipment and upskilling requirements for their officers. We believe that the adoption of dash cams in police vehicles could lead to better outcomes in road safety for our police officers as well. Other states such as New South Wales and Tasmania invest and support police in this way.

I had the benefit of visiting Leonora, Laverton and Kalgoorlie recently. I heard the very real concerns of those communities, including from the local police, about the impact of the removal of the cashless debit card—a move by the federal Labor government. I asked a question in this place to the Premier about the significant spike in violence in these communities. People just want to be heard. We heard from elders who were asking for the reintroduction of the cashless debit card, or something similar, given the alcohol-fuelled violence, the out-of-control crime and the fact kids effectively are going hungry. It is really disappointing that the Premier just brushed that off as an election commitment of federal Labor.

Although a financial commitment was made by the federal Labor government, I believe it falls short of properly addressing these very real concerns we heard on the ground in those communities. Over the last 12 months, there has been a 60 per cent increase in violent crime in Kalgoorlie, 22 per cent in Laverton and 32 per cent in Leonora. I would imagine that the issues have been much more significant. We heard from ambulance officers, police and community members absolutely desperate to be heard by this government. Minister Ellery of the other place was asked at a recent press conference about the very real issues in Leonora and Laverton regarding the removal of the cashless debit card, and she said that these were state-related issues. It seems government members certainly do not all have the same view on that. It is quite distressing. Those WA police on the ground need better support to be able to deal with those very real issues in Leonora, Laverton and Kalgoorlie.

More broadly, we call on the government to address the impacts of poor morale across the WA Police Force and address the challenges that WA policemen and policewomen face so that more local officers do not leave the force in such numbers.

MR P.J. RUNDLE (Roe — Deputy Leader of the Opposition) [3.06 pm]: I rise to support the motion that was moved by the Leader of the Liberal Party —

> That this house calls for the Minister for Police to address the impacts of poor morale and challenges facing WA police men and women, and be honest about the lagging police numbers.

As the Leader of the Liberal Party said, we very much support our police, both metropolitan and regional. They do a great job under trying circumstances. From my perspective, the Minister for Police needs to have a think about trying to keep the police we have in the force rather than losing them and trying to gather police from the other side of the world. We have seen the campaign by the police minister. The campaign cost $300 000 to try to steal police officers from the other side of the world when the minister needs to keep police officers in Western Australia in their job. We are losing those police through lack of morale and a lot of other aspects.

I saw on the news a couple of times the police minister over in the United Kingdom standing outside some sort of gatehouse, whether it was near Downing Street or Westminster, saying, "Come on; come over and live in WA! Come join the police force over in WA." I think as a minister of the Crown, he needs to have a little bit more of an organised campaign than him being seen to do that. That was a little concerning from my perspective. As I said, it cost $300 000. If and when we get these police officers over here, where are they going to live? That is the challenge. Housing is one aspect.

Retirements and resignations are happening time after time. According to the Western Australian Police Union, 465 police officers resigned and 97 police officers retired from the WA police in 2022. In November alone, there were 128 resignations, and in February, the shadow police minister highlighted figures revealed in Parliament that 61 officers resigned between 1 January and 14 February 2023. These are the highest numbers of resignations and retirements in the agency's history of 189 years, as indicated in a media statement from the WA Police Union on 16 January 2023. The union said that the likelihood of the McGowan government keeping its promise of 950 sworn officers by 2024 cannot be believed. The minister has said we will keep our officers and bring in another 900 or so from the UK. Where will they actually live?

This issue is amplified in our regional areas, where we have not only a record number of police leaving the force, but also a breakdown of behaviour in our regional centres. Members such as the member for North West Central have brought this up time and again. Now we have the prospect of our police being rammed. We know what goes on on TikTok and all these other things. The opposition has been calling for some legislation on that. These conditions are not acceptable. Right now, police are busy protecting themselves because they lack the resources to bring the rest of the issues into line with society's expectations.

It was interesting to read some of the comments from police auxiliary officers in the *Police News*. They feel that they are overworked, underappreciated and underpaid. That is the constant message to this government. Quite frankly, it sounds like our teachers and nurses. It seems to be a recurring theme of this government that all our public service people, who are doing their best, are underappreciated, overworked and definitely underpaid. It was interesting talking about housing because the minister made a flippant remark when asked where the overseas officers were going to live. He said —

> … we're building 30 000 homes …
>
> "But I'm also hoping that a lot of people on these planes are going to be builders, so they'll help us start solving the problem."

How can we take it seriously when we hear comments like that? The refusal to admit fault after six years at the helm is unacceptable.

I will talk about the Government Regional Officers' Housing scheme. The scheme is just not able to support and house regional police officers at the moment. How exactly does the state plan to house 850 to 900 more officers—I would be interested to hear from the minister about that—plus the new trainees the government keeps reminding us are entering the workforce? The Liberal–National government continued the GROH scheme. That scheme was the key and we continued to develop it and increase the GROH stock. We provided a minimum of 500 new affordable homes by establishing the housing stock redevelopment strategy. That was delivered by 30 June 2016. I restate my comments from 14 February 2020 in this house —

> Since July last year, these are the headlines of the WA Police Union's media statements: "Human resources powering police exodus, not resources sector", "Perth prices up more in one year than police pay in five years", "Assaults on cops at 10-year peak…violent crime at all-time high", "Police vote to reject pay offer", "Record no. of police resignations and retirements", "WA Police Union releases report on suicide by police officers in Australia" and "Ramming police cars". In just seven months, the media statements say it all. Our police force is struggling.

I want to quote from an article published in *The West Australian* by retired police officer Greg Smithers on 21 January 2023. Greg Smithers was a police officer for 35 years. His comments sum up the acute crisis in our WA Police Force and the mass resignation of police officers. In the opening paragraph, Mr Smithers commented on the challenges faced by our police force, including new recruits. He is quoted as saying —

> Apart from continually being assaulted, abused and ridiculed for doing their job, they are also bogged down in a mountain of paperwork and red tape justifying their actions.

Mr Smithers commented on the responsibility of police having to deal with matters they are not trained for, such as truants, members of the public with disabilities and psychological issues, children at risk and domestic violence matters. That sums it all up. We have the challenge of not only the resignations because police are currently not being looked after, but also the housing issue, which is amplified in our regional areas. According to the great resignation document from the police union, which states all these issues, 76.8 per cent of police are dissatisfied with the WA Police Force management and culture, 37.6 per cent are dissatisfied with the long working hours and/or high workload, 33.6 per cent are dissatisfied with the lack of career development or promotional opportunities, and the list goes on. One final article I would like to quote from is from *Police News* regarding regional tenure and states —

> "More options for officers to stay in regional towns if they've set up their lives and families in those towns. Provide actual support to officers who are involved in critical situations, not just five minutes of lip service."

The previous government improved those allowances, made those conditions better and provided better housing in regional areas. This government is not good enough and this minister needs to do better.

MR R.S. LOVE (Moore — Leader of the Opposition) [3.15 pm]: I rise to also add my support for this excellent motion from the member for Vasse —

> That this house calls for the Minister for Police to address the impacts of poor morale and challenges facing WA police men and women, and be honest about lagging police numbers.

It is timely that the Minister for Health has just returned to the chamber because I will talk to a recent issue that has surfaced regarding some of those pressures on the police that may be impacting their morale and is increasingly facing Western Australian police men and women. I refer to the situation that has developed around ramping of police at our hospitals. We have all heard of ambulance ramping. We know that under this government St John Ambulance ramping has increased from around 340 hours per month to nearly 7 000 hours per month at its peak. What we have not known is that there has been a corresponding rise in the number of hours our police officers have been ramped at hospitals when they are there with people who present with mental health issues. The police keep a watch on those people while they wait to be assessed and perhaps admitted or treated at the hospital. A recent report from Shannon Hampton highlighted that police spent an estimated 6 141 hours waiting with patients to be seen in 2021–22, which is more than double the time spent eight years ago. That is an awful lot of police time for those officers to spend making up for the shortfalls and failures of this government to deliver in the health sector.

We are seeing the compounding issues the government is allowing to run through our community. We have heard from the member for Roe about the housing issues and from the member for Vasse, when she started this discussion, of the failures of police in the areas that she highlighted. Now we are seeing hospital ramping emerge as yet another pressure on police when they do their job. It is part of the police force's role to take charge when a person is in mental distress and needs treatment, but it is not part of their role to spend hours and hours at a hospital waiting for someone to address the situation. In this report is a quote from the acting president of the Western Australian Police Union of Workers, Paul Gale, who said that the data showed police were —

> … "using our policing resources in a health space, and of course, that harms our delivery service to the community from a policing perspective".

It goes on to say —

> "We understand that part of our policing requirements are looking after vulnerable people, but whilst we've got vehicles parked outside hospitals waiting for a vulnerable person to be assessed, that vehicle is being prohibited from being actually able to do police work," …

We have the compounding situation of a shortage of police and mass resignations of police. I think the member for Roe said that 473 or 475 had resigned last year. There have been reports of shortages of police across many regions. That issue has been raised here and denied by the minister, but there are still ongoing reports of vacancies in the midwest, the Gascoyne, the goldfields and the Kimberley. Probably at least 60 officers in those regions are not on the job because we cannot get people to fill the roles and because police are resigning and retiring and are in short number. The member for Roe highlighted the bizarre situation of our Minister for Police parading around the United Kingdom instead of ensuring that the police on the ground here are properly supported and given the morale-boosting support they need from the minister and the force.

We saw an article by Caitlyn Rintoul on 25 March, last Saturday, regarding the number of police seeking mental health support. I urge anybody who needs to seek mental health support to do so. I am not in any way suggesting that police should not be doing that. They should be seeking that support if it is required. But a report that says there was a 27 per cent jump, from 2 691 people recorded in 2021 to 1 659 in 2022, which is a significant amount, means that the number of police seeking mental health support has quadrupled in four years, which would indicate, would it not, that there is an issue? It would indicate that there is a problem and it is being denied by this minister. He is not accepting that there is a problem with morale and retention of officers if police need to seek that level of mental health support. I encourage anyone who needs it to seek that support, and I am not in any way suggesting they should not, but it certainly points to police being under stress and pressure. Police doing their job are being hunted down and rammed by people in LandCruisers. We see them being targeted in all sorts of ways. We know that violent crime is rising throughout the community and especially in regional areas. Violent crime is out of control in some regions. I have read some of these statistics before in this place, but I keep reminding people of the difference between regional areas and city areas with some of the worst crimes. Per 100 000 people, we have 0.9 homicides in the city and 4.8 in regional areas. It is a disgrace.

MR P. PAPALIA (Warnbro — Minister for Police) [3.22 pm]: I thank the members opposite for moving this motion because I agree that as Minister for Police, I should always be focused on doing whatever is possible in my role to support police and boost morale, to ensure that they have necessary supports and to attract and retain police officers. That is what I do every day. I will try to get to some of the things that members raised, noting that a number of different matters were addressed.

The member for Vasse led the contribution from the other side. With respect to a couple of things that were said, firstly, I guess the thing I can talk about is police numbers. To place it on the record—this is a fact, not something

that has just been claimed—the headcount in the Western Australia Police Force today is 7 141. Just before we came to office on 28 February 2017, it was 6 732. That is 409 more police officers in Western Australia than when we came to office, which is six per cent growth. It is the most police officers there have ever been in the Western Australia Police Force. That is a fact. As the member indicated, we have committed to growing the police force even further by record numbers, and we have funded the police to achieve that. At the moment, right now, at the academy training, for local police recruits under training, there are 172 officers. I am anticipating that I will go to a graduation very soon, perhaps next month, of one of the biggest graduations in recent times. I think they are anticipating something like three squads all at once.

With regard to local applicants, this is to confirm, despite the member's disparaging observation, member for Roe, regarding my efforts in the United Kingdom, as I think I have said in response to this sort of a motion before, I asked the Western Australia Police Force a couple of years ago to consider preparing for campaigns to attract police officers from elsewhere. Even when I first took this role, we could see what was happening; the pool of potential applicants was diminishing as unemployment was going down and the participation rate in WA was increasing. It was always going to be a challenge to get all that we wanted from local applicants. But I can tell the member, right now, 2 004 Western Australians have applied to join the Western Australia Police Force—right now today.

Also with regard to the member's disparaging observations about—I was quite hurt—some of my social media antics to get the word out, we achieved an extraordinary cut through in that mission to the UK, far in excess of what we possibly would have been able to achieve had we been paying for advertising to attract people to Western Australia like the It's Like No Other website. That website has links to every sector in the state for government and non-government to help people in the resources sector, hospitality sector, Motor Trade Association of Western Australia—all those people.

I would speculate that we achieved millions of dollars' worth of free advertising. One thing, *Good Morning Britain*, on which we have now had two segments worth probably about 10 minutes in total of free advertising, essentially, when we referred repeatedly to that website, is watched on a daily basis by four million Britons. I know it was working because on the day that I had that imagery taken of me being cheeky outside Downing Street, I also walked down Whitehall—this was the first day we arrived—and walked up to a couple of coppers, armed police officers who stand between horse guards. Members might know how they have the two horse guards that are ceremonial so they are guarded by armed police. The name of the very first police officer I spoke to in the UK was Zach. I walked up to him and asked whether I could speak to him because I was concerned they have a job to do. He said yes. I told him I was there from Western Australia to offer him a job. Zach said, "I know. I have already applied." The reason I know that worked is because a week before we went there, we pre-empted with a range of measures to get ourselves in the media and alert the British public and the media to the impending mission. Then when we hit with the mission, we doubled-down and got a lot of live activity across all media, so newspapers and radio and television; it was not only big TV but also all the local regional ones that we passed by. That was a significant effort.

I can tell the member that the latest number of international applicants is 1 019. To be one of those applicants from the UK, any of those Home Office–supervised police forces that we are targeting, so the top tier, or the Garda in Ireland, they had to have done at least three years' service. They are not just kids off the street. We are talking about experienced officers with the capacity to come here and do a transition course at the Police Academy, which is about half the length of the normal course. As I understand it, the first of those officers will arrive around September.

Regarding the member's observations about me outside Downing Street, I was a little cheeky. I can tell the member that last time I looked, post our promotion, there were about 8 500 individual visits to the site for the construction industry and the website tells people about how to look for a job and how to come to Western Australia. Not all of them will arrive at once—this was said but it did not necessarily get reported—they will arrive in stages, as will all the people who come to Australia and Western Australia in coming years in response to our skilled labour promotion to fulfil our skilled workforce needs.

Under the COVID recovery first home owners grant scheme, 30 000 houses are under construction in Western Australia. My dad lives on his own in Burekup so I go down to visit him most Saturdays or Sundays, depending on which day I am working. About 16 houses in that little town are part of that package and are slab down and construction commenced. This is my gauge or metre of how the delivery is going; those houses were stagnant for a long time—that is true—with the big disruptions that happened post-COVID with the war in the Ukraine and disruptions to the supply chain. They are moving now; I am talking about a number of them. I would say that at last count, at least six of them are occupied and it looks like another four or five are nearing completion. I anticipate that that is a bellwether, an indicator for the rest of the state, because Burekup is a little country town—it is not Bunbury or Kalgoorlie—and it is difficult to get builders there, particularly the subbies who are in demand. They are moving along. I anticipate—I am an optimist—that a lot of the 30 000 houses will come online in the next six months, but definitely within the next 12 months, unless there is some other great disruption that we cannot foresee. That means that the people who are currently waiting to get into those houses—the first home buyers—will move out of rentals, potentially, and they will become available. I acknowledge that it is a challenge, but it is a challenge that confronts every jurisdiction in this country. I saw on the front page of *The Australian* yesterday

that over the next two years, the federal government is anticipating the biggest migration growth in history—and that is across the country. I would not be surprised if Western Australia attracts a lot of them because there is so much opportunity here.

That aside, things are looking good with recruiting. Not only are there more than 2 000 local applicants, the police have established a recruiting centre. If members go down Hay Street past the 6PR building to the east towards the WACA, on the corner they will see a dedicated recruiting centre—the first of its kind in my time. It has great signage all over the windows. It is staffed by police officers so people have an opportunity to talk to somebody about the job. As the member would know, we have open days at the academy and we will continue to do those. There is a lot of great continued promotion around the Let's Join Forces campaign. When the Dockers have their First Responders Day, the police have a promotion of the police force as a career path. It is successful; it is working, because there are a lot of people coming. I will do everything I can to retain them.

I think I said last time to the member for Vasse that she gave me too much credit by saying that I had the potential to impact morale either way, positive or negative. I appreciate her comments; they were very flattering. If we rely on the Minister for Police to establish, maintain and elevate morale at unit level in the police force around the state, we might be asking too much. Having said that, I am doing my bit. I visit police on the front line at every opportunity I get. Individually, I have set myself the objective of getting to every single police station, division and subdivision in the state. It will take a while because there are a lot of them. My last visit was only a week or two ago. In the metro area there is a total of 35 police stations, of which I have visited 29. Every time I speak to local police officers I ask them how they are going and whether there is anything I can extract from them for me to advocate for on their behalf to the command or acting internally in government. In the regions there are more police stations; there are 123 police stations in the regions. The member for Vasse knows that; her electorate has dozens of them. I have visited 58 individual stations. Beyond that there are specialist units that are not necessarily part of a station or the like and I have gone to 22 of those. That is the total number of police stations that I might visit. In the metro area and the regions, there are 158; I have gone to 109 of them. Do not worry; I am absolutely out there commending and encouraging police officers and looking for their input on things that we can advocate for or do on their behalf. That is what I do every single day. My experience in the military in terms of leadership has imbued within me that it is a natural response. If a person is in a role that is perceived to have leadership responsibility, it is all about the people for whom one has that responsibility. The leader has responsibility to elevate them, care for them and do everything they can for them and they would never ask them to do something that they would not be willing to do. Ultimately, that should stand them in good stead. That is the approach I take to being the police minister and advocating on behalf of the police officers in uniform across this state. I am 68.9 per cent through the stations; I will keep going. I promise I will try to get to 100 per cent before I finish.

The member for Vasse and the Leader of the Opposition referred to the reflection on what was called "police ramping" in an article in today's *The West Australian*, which was written by Shannon Hampton, who is an excellent journalist. The observation made about the numbers is a bit dated because the member referred to a comparison between the 2018–19 financial year and the 2021–22 financial year, which ended in June last year.

I saw Paul Gale yesterday; he is a good bloke. I meet with him regularly. I absolutely seek the advice of the police union. At least every month, we have an opportunity for a very candid conversation in my office with my staff who are relevant to the police portfolio. We will continue to do that. We will always take criticism or contribution or whatever advice from the union.

Health and the police identified this issue some time ago. The Minister for Health is responding, and I have great hope that the initiative announced yesterday or the day before about ambulances and the elderly —

Ms A. Sanderson: Yesterday.

Mr P. PAPALIA: I am certain that that will make a difference. The other thing that will make a difference is what is happening with police collaboration with the health department over mental health drop-offs in particular, which is what *The West Australian* story is about. Late last year, on 15 November, the Commissioner of Police and some of his senior advisers met with the director general of the Department of Health and some of his senior advisers about this matter. Agreement was reached on a joint patient assessment and triage process in metropolitan EDs, with the aim of freeing up police officers within one hour—that is the objective but that cannot always be done—so it involves a joint handover process. It commenced at Royal Perth Hospital in November and has since expanded in a staged approach to all EDs across the metro area. It results in the triage of mental health patients who are conveyed by police. It is done jointly by police and the triage nurse. The obvious imperative is always ensuring the safety of the patient and hospital staff and then there is the aim to get police back on the road if they can. That is working. They have commenced a process to assess the handover process in regional WA hospitals and the metrics that might be examined to get these types of things working better.

Additional work is underway with the Mental Health Commission to further streamline assessment processes with the objective of further reducing the need for ED attendance by police with persons suffering mental health episodes. However, I point out that it was observed in the story by Shannon Hampton—she got it right—that there was quite

a reduction in presentations between the 2018–19 and 2021–22 financial years, from 11 488 to 9 241. A 19.5 per cent reduction in presentations was observed. Obviously, it is going the right way in that regard. I can tell members that post the November meeting and the new measures undertaken collaboratively with Health, the process has seen handover times in emergency departments—this is times, not presentations—reduce by an average of 21 per cent. That is from November to now. I anticipate that that is going to result in a huge reduction in the overall time spent with this type of incident. It will only get better, because it is only early days—these are early moves to try to reduce the retention of police in EDs and hospitals. A lot of it is about the provision of mental health support outside EDs. That is happening as well, as the parliamentary notes I referred to suggest.

I know the member for Vasse addressed a lot of other matters, but one that I might refer to is the ramming of police cars. The Leader of the Opposition also raised that issue. This is absolutely a matter for the commissioner in terms of the operational process. I would not pretend to be a qualified police officer or someone who is capable of making an assessment of whether a law of that nature might assist, but I have asked the Commissioner of Police on a number of occasions whether he could look at this. The question is: should there be a law that applies a 10-year penalty for the ramming of police cars? The question really is whether that would have an impact on the individuals we are talking about, the vast majority of whom are juveniles, mostly in the Kimberley but also in the Pilbara. There are very few, fortunately—touch wood—in the south west. It is questionable whether any law we make in this place is going to have any bearing on their consideration of what they are about to do with a vehicle—whether they will steal it or target a police officer with it. There are a lot of other measures we can take, and we are working on taking those measures. I know that the Minister for Community Services is well and truly down the road on things we can do to change their behaviour.

A range of charges can be laid against those people currently, and they have significant penalties. The Commissioner of Police indicated to me that a range of offences under either the Criminal Code or the Road Traffic Act 1974 can be used to hold offenders accountable in the event that a police officer is injured or police property is damaged. For example, under section 292 of the Criminal Code, "Act intended to cause grievous bodily harm or prevent arrest", the penalty is up to 20 years' imprisonment. Under section 297, "Grievous bodily harm", the penalty is up to 14 years' imprisonment when a victim is a police officer, and includes a mandatory minimum of 12 months' imprisonment. Under section 304, "Act or omission causing bodily harm or danger", the penalty is up to 20 years' imprisonment when there is intent to harm. Under section 444, "Criminal damage", the penalty is up to 10 years' imprisonment. In the Road Traffic Act 1974, section 59, "Dangerous driving causing death or grievous bodily harm", carries a penalty of up to 14 years' imprisonment, including a mandatory minimum of 12 months' imprisonment for evading police. That is already law. They can be and are charged with these things. Section 59A, "Dangerous driving causing bodily harm", carries a penalty of up to 10 years' imprisonment, including a mandatory minimum of six months' imprisonment when evading police.

I do not say to the commissioner, "Hey, why don't you do this?", I say, "The unions raised this publicly and it is worthy of consideration. Apparently, it is done in Victoria. What is your view?" I know this commissioner. I have to place this on the record. During my entire adult life, I have witnessed varying types and levels of leadership in a whole range of different environments. I have to tell members that I have never seen someone as committed to caring for the people under his command as this commissioner—no-one in excess of that. He is a frontline copper. He is recognised as being a police officer's police officer. He cares about the people he leads. That is his number one consideration around anything he does. He is also tasked with establishing and maintaining community safety. Those two things drive what he does; there is no question about that. I will always make very clear that no-one should suggest anything else unless they have some incredible piece of evidence that I have not been privy to. He is always considering the care of his officers. I know that he has considered this; it has been raised with him. It has been brought to my attention that a range of charges with significant penalties can already be applied to people who commit those offences.

I am just trying to check some of the other things.

Ms L. Mettam: What about the cashless debit card in Laverton and Leonora?

Mr P. PAPALIA: The member for Vasse made some observations about Laverton, Leonora and Kalgoorlie. I think I was probably the catalyst for the member's visit to Laverton, just quietly.

Ms L. Mettam interjected.

Mr P. PAPALIA: I am pretty certain. I know what it is like in opposition; you always have to have a crack at the other side and draw attention to anything they are doing, and join in with your side at the federal level. I remember the member for Vasse criticising the Prime Minister for not having visited Laverton. I posed the question in this place of whether she had been there herself. There was no response, but I noticed that she went there the very next week! That probably speaks volumes. I am not criticising the member for Vasse for that, because she has a big job and it is a big state. I travelled there by car a couple of times with my family. It is well worth it. That was before I was tourism minister. It is a long way to get out there and it is a long way to visit people, but I have regularly gone to the goldfields–Esperance police district. It is the biggest subdistrict in the world. I go by car and by aircraft, because

some of the places that we go to, like Warakurna and Kintore, are very remote. Kintore is in the Northern Territory, but it has one of our police stations—we have an officer out there—and Warakurna is just about there. All those places are in that huge subdistrict, and I have been there. Steve Thompson, an Australian Irishman, is an excellent superintendent. I have seen him probably three or four times since I got this role. I was last in Laverton, Leonora and Kalgoorlie on 11 October last year, and before that I had been in Kalgoorlie on 21 September. I talk to them regularly, I see them and I get reports.

Of course, I have the best barometer of conditions in the goldfields possible, as I have the member for Kalgoorlie as a direct line of communication to that community. She knows that place inside out. She regularly visits Laverton and Leonora and is always talking to people across her electorate. She is an incredibly engaged member of Parliament and she knows what is going on. However, like me, she is a little perplexed. I received a briefing when the federal Leader of the Opposition, Hon Peter Dutton, came to town—well, he did not come to town; he went to the goldfields. I imagine it was the very first time he had been out there, but it was great to see him go out there. He suggested that there had been a lot of bad behaviour and criminal activity as a consequence of the removal of the cashless debit card. I had a briefing from the Western Australia Police Force that effectively pointed out one little flaw with that supposition, which is that the Miriuwung–Gajerrong people to whom he was referring—the ones who come in from the lands and visit Laverton and Leonora—were not actually subject to the card. That is what the police told me. If that is not right, I am happy to be corrected, but that is what the Western Australia Police Force said to me.

It is an interesting place, and I would like to know. The member said that he talked to police out there. I talked to the police. The officer in charge in Laverton, I think, is a Welshman, which is interesting because we have the member for Kalgoorlie who has Welsh ancestry as well. They are obviously both Australians now. They were excellent officers. They get whatever additional resources they need. Operation Regional Shield deploys resources specifically to the regions, and Assistant Commissioner Darryl Gaunt, who is the assistant commissioner for regions in Western Australia, is one of the most knowledgeable individuals in the police force and probably in the state about policing in the regions. He is an excellent officer and always ensures that his troops get the additional resourcing they need. There is no restriction on resources or additional support.

One other thing is that I will refer to the point made by the Leader of the Opposition. I know he prefaced it by saying that he is not saying they should not get help. I will urge him, please, to be reticent about entering into this discussion by suggesting in any way, regardless of his preface, that seeking medical assistance or assistance for mental health is a bad thing.

Mr R.S. Love: I did not say that at all.

Mr P. PAPALIA: I can tell the member that there has been a 45 per cent increase in service options available to officers in the Western Australia Police Force since 2019. It is a massive increase in services just in the last few years. It ranges from a chat with a trained peer-support colleague, and we have doubled the number of those, all the way up to assistance from funded, confidential counselling from an outside provider. All that is the full spectrum, so the numbers the member referred to are not a simple thing. It is not a bad thing; it is getting rid of the taboo and confirms that we have got rid of it. I ask the member, please, not to be retrograde and not to encourage people to revert to the old, male-dominated uniformed life of resisting assistance.

Division

Question put and a division taken, the Deputy Speaker casting his vote with the noes, with the following result —

Ayes (6)

Ms M.J. Davies	Mr R.S. Love	Mr P.J. Rundle
Dr D.J. Honey	Ms L. Mettam	Ms M. Beard *(Teller)*

Noes (36)

Mr G. Baker	Mr W.J. Johnston	Mr S.A. Millman	Mr D.A.E. Scaife
Dr A.D. Buti	Mr H.T. Jones	Mrs L.M. O'Malley	Ms J.J. Shaw
Mr J.N. Carey	Mr D.J. Kelly	Mr P. Papalia	Mrs J.M.C. Stojkovski
Ms C.M. Collins	Ms A.E. Kent	Mr S.J. Price	Dr K. Stratton
Ms L. Dalton	Dr J. Krishnan	Mr D.T. Punch	Mr C.J. Tallentire
Ms K.E. Giddens	Mr P. Lilburne	Mr J.R. Quigley	Mr D.A. Templeman
Ms M.J. Hammat	Mr M. McGowan	Ms M.M. Quirk	Ms C.M. Tonkin
Mr T.J. Healy	Ms S.F. McGurk	Ms R. Saffioti	Ms S.E. Winton
Mr M. Hughes	Mr D.R. Michael	Ms A. Sanderson	Ms C.M. Rowe *(Teller)*

Question thus negatived.

CRIMINAL LAW (MENTAL IMPAIRMENT) BILL 2022

Returned

Bill returned from the Council without amendment.

WORKERS COMPENSATION AND INJURY MANAGEMENT BILL 2023

Consideration in Detail

Resumed from an earlier stage of the sitting.

Clause 52: Additional income compensation —

Debate was interrupted after the clause had been partly considered.

Dr D.J. HONEY: I have had a bit more time to read this clause since my initial skim, but perhaps the minister could confirm my understanding. I have a colleague who was concerned that a worker could be paid 150 per cent of their total eligible compensation for the injury. Perhaps the minister could confirm whether my understanding is correct, which is that this clause for additional compensation will be triggered only once it is at the point that the compensation exceeds 75 per cent of the designated maximum for that injury, and, in any case, the total amount paid, with additional payments, cannot exceed 100 per cent for a particular injury. Is that the case?

Mr W.J. JOHNSTON: It does provide that they can be paid more than the cap. That is the existing provision, it is not a change, and it is 175 per cent, so it is the cap plus a maximum of 75 per cent additional. That is what I have been advised. It is under subclause (3).

Clause put and passed.

Clauses 53 to 55 put and passed.

Clause 56: Maximum weekly rate of income compensation —

Dr D.J. HONEY: With regard to the maximum weekly rate of income compensation, I will not read the whole provision, but how does that clause sit alongside clause 52, or what impact does clause 56 have on clause 52?

Mr W.J. JOHNSTON: I am just making sure I get this right. This is the cap on weekly payments. High-income earners would not necessarily get their income because it is capped. That is in respect of weekly payments paid by the insurer under an insurance policy, whereas clause 52 relates to orders of the arbitrator, so they deal with separate issues.

Clause put and passed.

Clauses 57 to 60 put and passed.

Clause 61: Leave while entitled to income compensation —

Dr D.J. HONEY: If I understand the provisions around this point correctly, if someone is paid sick leave or other leave entitlements whilst they are injured, that amount will come off the total amount of compensation paid, but the leave itself, sick leave or whatever, has to be reinstated. I am wondering why that would occur if the person is actually away from work? Why is there a recharging, if you like, when the person is actually away from work?

Mr W.J. JOHNSTON: That is a reasonable question. If we think about it, if a person is injured and is absent from work, and has made a claim but the claim has not yet been accepted, they are still entitled to their sick leave because they are entitled to sick leave under their employment arrangements—an award, contract or whatever. They get paid sick leave even though the claim has not been accepted, because even though they have made a claim, they are still sick, so they get paid sick leave. Then, if the claim is successful, they will obviously be reimbursed for the sick leave. They do not get any extra money because the employer is reimbursed out of their workers compensation insurance. The employer is not disadvantaged, so the employee should not be disadvantaged, and they get their sick leave back. It is axiomatic.

The alternative is that if their workers comp claim is not successful, they are still absent from work by reason of illness and therefore they are still entitled to sick leave in the ordinary course of events. That is what subclause (3) is about. On the other hand, if they are taking annual leave or long service leave, that is a different entitlement and will be impacted on differently. We can see at clause 61(2)(d) a provision about the worker accruing leave entitlements. That is the matter that was raised by the member for Cockburn in his commentary. That is the existing law; it has just been codified. Again, this is the existing provision. Some of it has been codified from common law and some has simply been translated from the previous legislation.

Dr D.J. HONEY: I thank the minister for that; that clarifies my question about sick leave. Can the minister please explain the annual leave component of that? I guess it would depend upon whether the worker returns to work or not, but if the worker has not returned to work and they are on leave in any case, why would they take leave or long service leave in that period?

Mr W.J. JOHNSTON: Workers can only take leave by agreement. They have the right to access the leave, but that does not mean that they can access the leave, because that is a separate question in accordance with their contract of employment or other entitlements. That is in respect of paragraphs (a) and (b) under subclause (2). Paragraph (c) provides that they cannot take sick leave if they are on workers comp, but that is the corollary to subclause (3) under which, alternatively, they are not on compensation and can take sick leave. They cannot have both sick leave and workers comp. Under subclause (2)(d), they still accrue their entitlements even though they are being paid workers compensation.

That was the specific issue raised by the member for Cockburn. Someone might, for some reason, want to access annual leave. They are not going to be double-paid—they will not get workers comp and annual leave—but they are entitled to take annual leave. Of course, they would have to choose to take annual leave and the employer would have to agree to it. Let us say, for example, someone wanted to go overseas. The employer might say, "That's not part of your rehabilitation. You're still not ready to return to work but you're going overseas on annual leave." That is just a what-if, but, again, it is not a new provision; it is the existing law. Subclause (2)(d) codifies the existing law, but it is not a change.

Dr D.J. HONEY: If someone takes annual leave, will that extend the compensable period by the duration of leave, or is it inclusive whether or not they take annual leave?

Mr W.J. JOHNSTON: The question of the duration of workers comp relates to the degree of their injury. If they recover, they are obliged to return to work, so there is no change to the length of time that a person would be on workers comp, because that is determined by their injury or illness. On the other hand, if they are not paid workers comp for two weeks because they are on annual leave, that is not deducted from the maximum payments under the legislation, but that is a separate issue. The length of the absence is related to the medical treatment of the worker.

Clause put and passed.

Clauses 62 to 64 put and passed.

Clause 65: Worker not residing in State: failure to provide declaration —

Dr D.J. HONEY: Clause 65(3) refers to the suspension of the payment of income compensation. What form will that notice take to have effect? When a worker is uncontactable or for some other reason, I am not a lawyer —

The ACTING SPEAKER: Member, is that clause 66 or 65?

Dr D.J. HONEY: It is clause 65(3), which states —

> Before payment of income compensation can be suspended under this section, the insurer or self-insurer must first give the worker a written notice …

I just want to be clear, minister. What form does it have to be in to be deemed a notice?

Mr W.J. JOHNSTON: Again, this is not a new provision; it is a translation of the existing arrangement. If a person is out of the state, they will have to give a three-monthly declaration to the employer through the insurer. That will be on a prescribed form. If they fail to do that, their benefit can be suspended. Again, there will be prescribed processes for the insurer to notify the worker.

Clause put and passed.

Clauses 66 to 71 put and passed.

Clause 72: Requirement that medical and health expenses be reasonable —

Dr D.J. HONEY: As I was reading through this bill, I got excited about what "reasonable" was. Sensibly, that is in clause 70 and then clause 72 goes through and describes that.

How does the minister define the type of service that falls under the clause 72 requirement that medical expenses be reasonable? Obviously, within any law, the normal things are always covered, but there are extreme things. Treatments are available but if someone persuades their practitioner that they want stem cell therapy or some novel therapy that is expensive and falls within the scope of that, how will we determine what is reasonable for that treatment, please?

Mr W.J. JOHNSTON: Again, this is an existing issue that has been translated into the new legislation. We do not want to have excessive costs, just like Medicare does not reimburse 100 per cent of medical expenses. Some doctors charge more for workers compensation consultations compared with Medicare consultations, so there is always some variability in the charges. If the insurer does not think that something is reasonable, it could argue about that, and in the end that would be a matter for the arbitrator to determine.

Having said that, clause 73 sets out that the minister, on the recommendation of WorkCover WA, will be able to set maximum fees for specific procedures. There is the question of the reasonableness of the treatment and then the reasonableness of the fee. If a medical practitioner says a person has an injured shoulder and the insurer asks why they are then operating on the hip, that might not be a reasonable operation. On the other hand, if a person has an injured shoulder and it will cost $57 000 for surgery, maybe that is not a reasonable fee. It could be that the medical intervention may or may not be reasonable in the insurer's view and it would dispute that. The dispute would go to the arbitrator and the arbitrator would make a decision based on the relative merits of the case, both to the question of the reasonableness of the treatment and the reasonableness of the cost.

Dr D.J. HONEY: I was going to say, minister, that my brother is an orthopaedic surgeon, so any amount for surgery is obviously justified! He has a nice house up in Peppermint Grove and elsewhere to justify it.

That being said, it was mentioned that the minister could set a fee for a service. Is there a list of fees that have been set by the minister? Does that list exist somewhere; and, if so, where?

Mr W.J. JOHNSTON: Yes. At the moment, there is a slightly different procedure; the fees are set by regulation. This bill will allow for fees to be set by an order. This will make it simpler to issue the fee. The process will effectively be the same because it will be a decision based on a recommendation, but —

Dr D.J. Honey: Sorry, minister. How does someone know where that is? Where does that exist?

Mr W.J. JOHNSTON: At the moment, it is a regulation, and in the future it will be an order, so it will be available on the WorkCover website. We are talking about RiskCover plus seven private companies. There is not an extensive number of people who operate in this business. The employer does not have to know the detail because it is the insurers that exercise the responsibilities on behalf of the insured employees. There are 24 self-insurers, but they have to meet very high standards, including financial standards, and they have to demonstrate their capacity to cope as a self-insurer. By the way, they are all publicly known. Executive Council makes those orders, so they are again included in the *Government Gazette*. They are all public. A very limited number of businesses—31 private businesses plus RiskCover—operate in this system. Of course, there are a lot of doctors, but, again, certain organisations are involved in the medical sector and they engage with WorkCover, so there is no question about that. The people in the system understand these costs, and if you are a small business man or woman, you can relax because your insurer has that detailed understanding.

Clause put and passed.

Clauses 73 to 75 put and passed.

Clause 76: Notice to worker that 60% of general limit reached —

Dr D.J. HONEY: My question relates to the notice to the worker that 60 per cent of the general limit has been reached. How has that figure been lighted upon as a critical figure?

Mr W.J. JOHNSTON: The maximum amount for notice of medical expenses will be set at 60 per cent of the prescribed amount. When the worker has used 60 per cent of their maximum entitlement, the insurer will be required to advise them that they have done that. Effectively, they will have a capped maximum for medical expenses and when they have used 60 per cent of that capped maximum, the insurer will be obliged to tell them that they have got to 60 per cent. We do not want them not to be aware that they were getting towards the limit and then suddenly find they have a large bill that was not settled. This is to make sure that they will be advised by the insurer well in advance of them reaching the maximum prescribed amount for medical expenses.

Clause put and passed.

Clause 77 put and passed.

Clause 78: Increase for special expenses in the medical and health expenses general limit amount —

Dr D.J. HONEY: Clause 78(6) states —

> An application for a special increase cannot be made more than 5 years after the relevant determination of liability for the injury …

What will happen if the nature of the injury means it goes past that five-year mark and more extensive medical procedures or the like are needed? What will happen in the eventuality that a worker is faced with that? Will there be another process or a catch-all to make sure that they are not disadvantaged?

Mr W.J. JOHNSTON: No, if they have not made the application within the time, they will not able to do so. However, I think I should draw the member's attention to clause 78(3), which says —

> On application under this section, an arbitrator may order that the general limit for the claim is increased if —
>
> (a) the worker has a degree of permanent whole of person impairment of at least 15% as a result of the worker's injury as determined under section 79; and

More paragraphs follow and they each end with "and". The point is that 15 per cent will be the gate to get access to common-law damages. A person in this case would also have recourse to common-law damages. It is not all workers. Most workers do not get 15 per cent total impairment. That is a significant amount of impairment, so the overwhelmingly majority of claims in the workers compensation system will not reach the 15 per cent limit. It will be just for this subset. They could apply to the arbitrator within the five-year period to get the increase. If they did not do that, they would still have access to common law because they have that through the so-called gate and could take the matter to the common-law courts and then there are no limits. There are time limits in common law, but the point is that they will have access to other alternatives. Many people consider common law to be a superior jurisdiction to the WorkCover jurisdiction. The only comment I would make is that this is a no-fault jurisdiction, whereas common law is a fault-based jurisdiction; therefore, different questions are being resolved in those two matters. The point is that this will be for a relatively small subset of workers who are quite severely injured.

Dr D.J. HONEY: This is a comment. I suspect this would be the minister's argument for people being members of a union because for an individual to undertake civil proceedings could be daunting. The minister does not have to answer.

The ACTING SPEAKER: I think that is rhetorical, minister.

Mr W.J. JOHNSTON: Any sensible person joins a union. I am still a member of a union. I am a member of the Australian Services Union, in which the member for Mirrabooka used to be a senior official. Yes, indeed. It is a big advert for unions because a union could help people through these procedures, but to give proper due to plaintiff lawyers—there are no lawyers in the room, apart from the Acting Speaker, though you were not a plaintiff lawyer, were you?

The ACTING SPEAKER (Ms M.M. Quirk): Absolutely not.

Mr W.J. JOHNSTON: I did not think you were. This is clearly a case in which a plaintiff lawyer would have a good role to play.

Clause put and passed.

Clauses 79 to 85 put and passed.

Clause 86: Wheelchair —

Dr D.J. HONEY: This is an inclusive or exclusive clause. Obviously, for someone who has lost both legs or is paralysed in both legs and needs a wheelchair, it refers to the regulations limiting the amount payable, potentially. But what about other injuries—for example, lung injuries—whereby people cannot walk? We heard stories in the second reading debate—I am just trying to remember which member it was—about someone who literally cannot talk and walk at the same time and needs a wheelchair. I would have thought intuitively that they would be compensable for a wheelchair if they had that type of injury, but I am interested in whether this clause will preclude that.

Mr W.J. JOHNSTON: This will not restrict people. For example, the member referred to someone losing lung capacity and not being able to walk. This does not say that they could not have a wheelchair. It says that in these cases it will not be counted in the cap. There will be caps on each auxiliary expenditure. Again, it may well be that we should look at broadening this, but this is out of existing legislation. It is about where it fits into the system, because a prescribed amount is set and then medical expenses are 60 per cent of the prescribed amount. There are other things. Each category of expenditure is referenced back to the prescribed amount. This says that if someone has a wheelchair in respect of clause 86(1)(a) and (b), they are entitled to it. It is not a matter for argument and it is not included in the limits that will be created by those other provisions in the act. But it does not mean that it is not reasonable to have a wheelchair in other circumstances; it is just that this provision applies in this circumstance.

Dr D.J. HONEY: The minister went down this path a bit, but maybe it is an area within which it could be more general to say that if a person requires a wheelchair, that is in addition to; I assume that a normal award would not necessarily look at the form of treatment. There will be prescribed maximums for a particular injury, but there may be an opportunity in a future review.

Mr W.J. JOHNSTON: There we go. This shows the value of consideration in detail, because this matter was not raised during the consultation process. It is simply translated out of the existing legislation. The member probably raises an important issue and WorkCover will undertake to consider that at an appropriate time in the future after the legislation has been dealt with.

Clause put and passed.

Clauses 87 to 98 put and passed.

Clause 99: Worker's degree of permanent impairment —

Dr D.J. HONEY: Clause 99(2) states —

> In the case of permanent impairment comprising the contracting of AIDS that under section 104(1)(b) …

And so on. I will not read the whole thing; the minister can read as well as I can, or better! I am just wondering what led to the categorisation of someone with AIDS as permanently incapacitated. I am, quite clearly, no medical expert. However, my understanding is that with antiviral and other treatments that are available today, many people with AIDS lead perfectly normal, active and healthy lives. Although they may have the virus, the treatment suppresses it pretty well completely. As I understand, it can suppress it in certain cases to the extent that the disease disappears and is undetectable. Why does it require a special category and why would it automatically be categorised as a permanent impairment? I would have thought that it would depend on the medical assessment of the individual, rather than designating it per se.

Mr W.J. JOHNSTON: I am advised that the provision in the existing legislation was inserted in 2004 and that there has not been a claim. I can point out to the member that this is, of course, for when the individual contracted AIDS as part of their employment. We would expect them to be a health worker, for example, so it is a specific set of circumstances. It is not about valuing the suffering of different members of the community who have AIDS; rather, it is about the question of dealing with workers compensation payments. It is not valuing one disease over another or one person's transmission pathway compared with another; it is simply saying that when somebody has contracted AIDS as part of their employment, this provision will apply. We are fortunate that in the 19 years since the original provision was inserted, we have not had to assist anybody who has suffered in this way. I think that is

a good thing. Therefore, when calculating the premiums, it is a very small cost to give confidence to workers that if they suffer this situation, they will be protected by the workers compensation system. Again, I also point out that the question of permanent impairment has impacts elsewhere in the legislation. It will give the individual entitlements to other things, including getting through the gate to common-law opportunities, if that is what they seek to do. It is more than just making a decision about total body impairment. It is also about where the person then fits into the legislation in other regards.

Dr D.J. HONEY: This is by way of comment, with the minister's indulgence. Early in my career, I was a forensic scientist. I was working at a chemistry centre and it had no occupational hygiene practices at all. When AIDS became a common disease in the community, the protections for workers improved quite dramatically. However, it was a real risk and fear in that workplace in the early stages. The minister does not have to comment.

Clause put and passed.

Clauses 100 to 130 put and passed.

Clause 131: Terms used —

Dr D.J. HONEY: In looking at clause 131 on page 108 of the bill, I noted that after going through the definitions, there is a subsequent table that codifies how payments will be split. Paragraph (b) of the definition of "partner" in clause 131 states that it can be someone who has previously been a spouse or de facto partner of the worker. How will that apply to the parameters of the compensation split if the people were married and are now divorced, or were de facto and are now leading completely separate lives? Why is there a requirement to include the former spouse or former de facto partner of the worker in that split?

Mr W.J. JOHNSTON: I thank the member for the question. This is actually an issue that was canvassed when we amended the legislation in 2018. Of course, the person would still have to be a dependant. The person could be dependent on an ex-partner and therefore still need to be compensated for a suffered loss. It is a question of dependency, in the same way that if someone has children from multiple partners, they are still children. A person might have dependencies created through their life circumstances. Although the individual might have ceased to be a partner, they would still have a dependency. That is why it needs to be included in the definition. It states —

> ***dependant***, of a worker, means a partner, child or extended family member of the worker who —

It then sets out the three criteria. There could be a person who is a former spouse who still meets the criteria in paragraphs (a), (b) and (c). Of course, someone could also have a former spouse who does not meet the criteria in paragraphs (a), (b) and (c), in which case there would not be an entitlement. To the extent that they are dependent, they have to be protected.

Clause put and passed.

Clause 132 put and passed.

Clause 133: Lump sum compensation for death resulting from injury —

Dr D.J. HONEY: I have a question on the highly specific codification of the compensation split. In earlier clauses, we have talked about the social and economic circumstances of people in terms of looking at other payments and the limit on a payment and the like. I am wondering how the splits in the table in clause 133 have been derived. Is there an opportunity to vary that, depending on the circumstances, for example, of the spouse or the child, in terms of their individual requirements and degree of dependency?

Mr W.J. JOHNSTON: Yes. We just discussed a minute ago the definitions in clause 131. If a person meets the definitions in clause 131, they would get the split in accordance with clause 133. However, they will first have to meet the definition before they will get the entitlement. If an individual has met the definition, the entitlement will automatically flow. There is not a separate debate. In fact, this is designed to prevent any disputes because it sets out in a mathematical formula how to divide up the benefit that is payable. The member can see the way it works. Clause 131 determines who will be entitled and clause 133 sets out what the entitlement will mean.

Dr D.J. HONEY: I will give an example. I have six kids and completely independent adult children. I have a couple of kids who are nominally away from home but still depend on help from mum and dad, and a couple of kids at home who essentially completely depend on their parents. If I were to die, their needs would be quite different. In this case, we would be talking about semi-dependent and totally dependent children. As I read this legislation, a semi-dependent child would get the same payment as the totally dependent child, but I know that their needs are different.

Mr W.J. JOHNSTON: It does not matter how old the children are; they will get their share. We would expect that because it is an entitlement that flows from the death. Of course, there is another provision in here regarding children of an age at which they still have a more active dependency. Again, that is one of the things that we modified in 2018 when we updated the payments made to children. That is dealt with in a separate provision for children under the age of 16 or 21 years, depending on the particular circumstance. They get an ongoing payment. This is for the lump sum compensation. That therefore goes to all the children, whether or not they are actively dependent.

Clause put and passed.

Clauses 134 to 177 put and passed.

Clause 178: Performance monitoring and review of approved workplace rehabilitation providers —

Dr D.J. HONEY: Looking at the performance monitoring and review of the workplace providers, I refer to the requirement for WorkCover to look into a provider's financial records. I can understand why we might want to make sure that a provider is competent in providing the service it claims to provide, but what requirement is there for WorkCover to look into a provider's private financial records?

Mr W.J. JOHNSTON: Thanks for the question. This is a refreshed oversight provision; there is already an oversight function for WorkCover. That refresh is to make sure that WorkCover will have sufficient power to do a proper oversight of the rehabilitation providers. We would not want a rehabilitation provider's charges to be so out of sync with its underlying cost structure that it removes the benefits for the workers. Remembering that we have a series of capped payments, we want the rehabilitation provider to do its work for the benefit of the worker. We want to make sure that the provider is not overcharging or that any other improper conduct is being done by the provider.

Dr D.J. HONEY: Thank you very much, minister. I would have thought that the way WorkCover would deal with that is it would simply look at the range of providers and the fees that are charged and quickly ascertain whether a provider was way out of whack. As I said, I still cannot understand why WorkCover needs to go in and look at the intrinsic cost structure of the provider as long as that is competitive. The delivery of medical services has changed dramatically since I was a boy. Now, some providers have introduced highly efficient work practices. That is their model and they may remunerate employees differently to incentivise them, basically, to go into their business rather than work as an independent business. I would have thought that surely WorkCover would look at it on a cross-provider competitive basis and would not burrow into each provider and define that a provider will be allowed to make only a 10 per cent profit or some such thing, because that may discourage innovation.

Mr W.J. JOHNSTON: Rehabilitation providers are not regulated by anybody else. They are not regulated by whatever the health model is called—I cannot remember the name. Effectively, these rehabilitation providers have sprung up to respond to the workers compensation scheme, and so we want to have a thorough head of power to allow WorkCover to regulate those providers. Of course, the workers compensation system applies equally to the entire state, so it is not clear whether there would actually be competition in every location in the state. Therefore, sometimes direct intervention by the regulator may be appropriate. It does not say that WorkCover has to exercise these powers; it just says that these are the powers it has so that it can exercise them in those circumstances if it needs to. Let us imagine that a rehabilitation provider was in a location where there was no competition and a worker came to WorkCover and said, "I'm not happy with the charging structure. That means that my access to rehabilitation is being reduced compared to somebody in another location." It seems appropriate, given there is no other regulatory framework, that WorkCover would have the power to take whatever action it thought was appropriate in exercising its responsibilities to get value for money out of this very important scheme.

Dr D.J. HONEY: Thanks, minister. I think that is a reasonable explanation for why it may wish to do that. Just to be clear about that, it is obviously for approved workplace rehabilitation providers. Does that mean that when there are competitive providers, WorkCover can definitely exclude providers, for example, that charge a very high cost for the service they provide or if they do not provide an adequate service?

Mr W.J. JOHNSTON: Yes, that is right. Remember that a provider has to be in the scheme to get access to the scheme payment. A provider that acts as a workplace rehabilitation provider in the workers compensation scheme has to be registered—I do not know what the proper word is—with WorkCover. Of course, there can be rehabilitation providers that do not work in the workers compensation scheme. They might take private clients or whatever, they might work in the NDIS or do some other work, and so they would not have to deal with this. But WorkCover—not any other regulator—will be the regulator for those providers working in the workers compensation scheme. Therefore, WorkCover will need the powers necessary to exercise its responsibilities. As I said, just because it has the power to inspect financial and other records does not mean it will inspect financial and other records, but we would expect that it will diligently perform its responsibility to make sure there is value for money in the workers compensation scheme.

Clause put and passed.

Debate adjourned, on motion by **Ms C.M. Rowe**.

ADJOURNMENT OF THE HOUSE

Special

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

That the house at its rising adjourn until Tuesday, 9 May 2023 at 1.00 pm.

House adjourned at 4.50 pm