



Parliamentary Debates

(HANSARD)

FORTY-FIRST PARLIAMENT
FIRST SESSION
2022

LEGISLATIVE COUNCIL

Tuesday, 17 May 2022

Legislative Council

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THE PRESIDENT (Hon Alanna Clohesy) took the chair at 2.00 pm, read prayers and acknowledged country.

NATIONAL VOLUNTEER WEEK

Statement by Minister for Volunteering

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Volunteering) [2.01 pm]: President, this week is National Volunteer Week. The week is Australia's largest annual celebration of volunteering. It is a chance to say thank you and to celebrate and recognise the vital work of volunteers across our diverse and vast state. Western Australia has one of the strongest volunteering cultures in Australia. Each year approximately 80 per cent of people aged 15 years and over give their time for the benefit of the community. We must continue to plan for the next generation and ensure that this willingness to volunteer continues and is further built upon for present and future generations. I encourage members and their constituents to provide input into the development of the national strategy for volunteering, led by Volunteering Australia, to ensure the uniqueness of Western Australia is appropriately represented to support a reimagined future for volunteering.

The theme for National Volunteer Week 2022 is "Better Together", which refers to the strength volunteering has in bringing people together, building communities and creating a better society for all. This theme also invigorates volunteers throughout Western Australia who may have adapted their versions of volunteering and what the theme "Better Together" may now mean to them in respect of COVID-19-related requirements.

The state government acknowledges our many long-serving volunteers through the WA Volunteer Service Awards. These awards recognise long-serving Western Australians who have dedicated over 25 years of their time to benefit our communities and allow acknowledgement of the extraordinary contributions of our volunteers. Although previous years have seen the awards presented in person, this year we are recognising and celebrating the efforts of our volunteers through the WA Volunteer Service Awards recognition video, which will be available to view on wa.gov.au during National Volunteer Week. I was honoured to be able to participate and convey my appreciation and gratitude for volunteers who have provided a broad range of services for their local communities.

Each one of us can be involved in National Volunteer Week activities to show our appreciation by participating in the "Wave for Volunteers" campaign by adding a smiley face on our hand and uploading the photo using the #WaveForVolunteers and #NVW2022. People can also follow Volunteering WA to keep up with new initiatives in volunteering and to get in touch with their local volunteering organisation via Seek Volunteer. Thank you.

PAPERS TABLED

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

GREYHOUND RACING INDUSTRY

Notice of Motion

Hon Sophia Moermond gave notice that at the next sitting of the house she would move —

That this house —

- (a) notes that the greyhound racing industry in Western Australia is a cruelty fuelled, so-called "sport" that is designed to profit off the immense suffering and pain of racing greyhounds;
- (b) further notes that the wellbeing, safety and welfare of greyhounds is not the number one priority of Greyhounds WA, instead it is after only corporate profits and government support to enrich itself; and
- (c) calls on the government to immediately ban the archaic blood sport that is greyhound racing for good.

HON ALANNAH MacTIERNAN

Leave of Absence

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

That leave be granted to Hon Alannah MacTiernan for three sitting days due to urgent personal business.

STANDING COMMITTEE ON ESTIMATES AND FINANCIAL OPERATIONS

Meet Whilst Joint Sitting in Progress — Standing Orders Suspension — Motion

HON SUE ELLERY (South Metropolitan — Leader of the House) [2.07 pm] — without notice: I move —

That so much of standing orders be suspended to allow the Standing Committee on Estimates and Financial Operations to meet whilst the Council is sitting jointly with the Legislative Assembly on Wednesday, 18 May 2022.

By way of background, the Chair of the Standing Committee on Estimates and Financial Operations contacted me and advised that the committee needed to meet. Obviously, the timing conflicts with that of the joint sitting for the purpose of the Senate appointment. The chair sought advice and was told that this is the way that the house needs to proceed, so I am happy to move this motion.

Question put and passed with an absolute majority.

BUSINESS OF THE HOUSE — WEDNESDAY, 18 MAY

Consideration of Committee Reports — Standing Orders Suspension — Motion

HON SUE ELLERY (South Metropolitan — Leader of the House) [2.08 pm] — without notice: I move —

That so much of standing orders be suspended so that consideration of committee reports not be taken on Wednesday, 18 May 2022.

By way of background, there have been discussions behind the chair about how we might create some extra hours to deal with orders of the day to facilitate the government's legislative agenda before the end of this session. I thank members for their cooperation in this and I commend the motion.

Question put and passed with an absolute majority.

ESTIMATES OF REVENUE AND EXPENDITURE

Consideration of Tabled Papers

Resumed from 12 May on the following motion moved by Hon Stephen Dawson (Minister for Emergency Services) —

That pursuant to standing order 69(1), the Legislative Council take note of tabled papers 1270A–D (2022–23 budget papers) laid upon the table of the house on Thursday, 12 May 2022.

HON DR STEVE THOMAS (South West — Leader of the Opposition) [2.09 pm]: Given the budgets that we have had recently, I have always taken the view that budgets should be presented on a Tuesday like they are in the federal Parliament with budget reply contributions happening on the Thursday, because Thursday is a fun Parliament day and given the current budget, I think we will have a little bit of fun with this. It is almost a shame to be amusing ourselves so much on a Tuesday when, in fact, that would be far more appropriate on a Thursday. It would be nice to go back to the federal system whereby the budget is handed down on a Tuesday and the opposition is included in the budget lock-up so that it can ask questions. That is a long-term philosophy and tradition of federal budgets, but it does not occur at the state level. It would be useful if we went to a Tuesday budget and gave the opposition a chance to respond a couple of days later. That would not only be appropriate in terms of “Fun Questions Thursday”, but also give the public a greater sense of accountability.

I am going to speak a lot about accountability this afternoon, President, because we need to hold the government to account, particularly on its finances. I do note that the Premier, who promised a gold standard of accountability in 2017, finally came clean in 2022 and said that it is a sometimes gold standard of accountability—an occasional gold standard of accountability—and I intend to demonstrate this afternoon that that sometimes gold standard of accountability is looking somewhat tarnished. It is probably a very old brass standard of accountability. We will get to where I think the government is very carefully misleading the community of Western Australia as part of its budget process in due course.

Let us look at the basic parameters of the 2022–23 budget that was presented this financial year, which also gives us an indication of what happened in the current financial year of 2021–22. It is a bit of a shame that my good friend Hon Alison Xamon, the former leader of the Greens in this place, is not here because Hon Alison Xamon loved a good chart. I know that you, President, are an aficionado of technical work and a good chart when one comes along, so it is my intent to deliver some interesting graphics to highlight the points made. During the course of my contribution, I am hoping to table a few charts that will be germane to the conversation that we, the Parliament, will be having around what the finances of this state look like.

What is the key message that comes out of this budget? Members will not be surprised to know that, obviously, the key message that comes from this budget is that this government, the McGowan government, is enjoying the greatest fiscal boom in the history of the state of Western Australia, but, not just that, it is enjoying the greatest fiscal boom of any state in the history of Australia. This government is making more money out of its business, people and communities than has any government in the past or any other state government in the history of our nation. It is an astounding outcome.

The first message that everybody should take from the budget of the 2022–23 financial year is that this government is rich. It is in the middle, or probably slightly towards the end, of the greatest boom in our history and it is in the process of blowing that boom for its own political advantage and purposes. This government will be remembered for that. I know that the Premier would like to suggest that, historically, he will be remembered in the future as the person who led the state through the COVID pandemic—that is the legacy he wants to leave—but I do not think that that will be his legacy. Over the last few days, we have seen a little change in the way that people perceive the

actions of the Premier. History will judge him on how he managed the greatest economic boom, the greatest fiscal boom, of any state in the history of this country. I actually think that he will be judged on that. When in the future people look back at what he proposed to do and what he has done, they will find him wanting because they will know that he looked after his political future and the future of the Labor Party at the expense of the people of this state. We will go through in some detail why I think that is the case, but let me say that this budget has not been met with rapturous applause outside of the Parliament, which is dominated by the Labor Party, and the Labor Party caucus, I suspect. Everywhere else, this budget has raised as many questions as it has delivered answers. That is appropriate. The gloss of this Premier is starting to wear off just a bit more.

What do we know about government revenue and expenditure as a result of the budget? As I say, we know it is the greatest boom in the history of this state. I keep a running total of general government revenue and expenditure for the state of Western Australia. I have gone back only to 1997–98 in my current chart, but that is 25 years. When members stop and look at the tabled papers and compare them with various incomes and expenditures, I know that they will compare the various booms of this state over the last 20 years or so. It has been close to 20 years since this boom-and-bust cycle has been hyper-charged. When we compare general government expenditure and revenue, we see that there was a fairly constant line-up until the 2002–03 financial year. I actually did this chart going back 50 years before I did the one that I am intending to table for the benefit and education of members in the house. The lines in relation to revenue and expenditure are remarkably constant and very similar. There are small variations, obviously, as things came along. There was additional expenditure in the 1960s followed by some additional catch-up in revenue, but the revenue and expenditure lines are remarkably uniform and consistent with each other. Governments did not have massive revenues and they did not tend to borrow when they did not have massive revenues. That was a long-term trend, but it has changed.

When members look at the chart—I am sure they will—they will see that there was significant growth in general government revenue from 2002–03 to 2007–08. On occasions, I call that period the “Gallop–Carpenter boom” after the Premiers in power at the time, but mostly I call it the “Ripper boom era”. I have always said fairly nice things about Hon Eric Ripper in this place because I think he was a pretty straight-line Treasurer. I have even said nice things about Hon Paul Keating, which has probably cost me a bit on occasions, but we will not necessarily go back that far. Hon Eric Ripper had a very straightforward and economically sound approach to budget management. He basically looked after additional revenue by putting it into accounts and waiting for the expenditure on major items. As the shadow Treasurer, I remember that in 2007, he put \$1 billion aside for the Perth–Mandurah rail line and in 2008, he put \$1 billion aside—the first \$1 billion—for what was to become Fiona Stanley Hospital. It might have had that name in the last budget. Eric Ripper took a fairly sound approach to that, and that is why members will see that whilst there was significant growth in expenditure, the higher growth in revenue gave him some capacity to put money aside. There was certainly an additional \$1 billion to \$2 billion in terms of the surpluses at that time. The global financial crisis came along, and whilst expenditure continued to rise, revenue flatlined for one year. It did not drop—it flatlined for a year. The global financial crisis had a minimal impact on the fiscal economy—that is, on government revenue and expenditure. Revenue and expenditure were remarkably similar to what they had been for most of the past 75 or 80 years, which is as far back as I went. In the year of the global financial crisis, as revenue flatlined, expenditure went up and the government got back to even again.

Once again, revenue took off after 2007–08. That was the era of the Barnett government, and that was the Barnett boom. The Barnett government continued with revenue being higher than expenditure up until about 2013–14, at which point the iron ore correction occurred. The problem was that expenditure continued on a fairly similar trajectory as revenue declined. Iron ore first went back to its long-term average and then went below its long-term average, at a point when the GST redistribution system, or what we call horizontal fiscal equalisation, started to change.

A member interjected.

Hon Dr STEVE THOMAS: There is a round of applause already! I am only five minutes in, member; thank you very much. I am not sure that a round of applause is normal this early in a speech, but I will continue. The honourable member might be doing Mexican waves after a while if I continue.

Obviously, there was a twofold correction and then there was a significant reversal of revenue versus expenditure. Then, of course, we hit 2019, when, suddenly, iron ore took off once again. Interestingly, at the same time, the commonwealth government struck a new deal on GST, which no longer penalised the state to the same extent in relation to horizontal fiscal equalisation. I am happy to have a long debate on the good and bad virtues of HFE, but let us for the moment just accept that it changed at that point. When members examine the chart that I will make available to them, they will see that for 2018–19 and 2019–20, there was once again a significant budget surplus. But then the explosion happened.

In February 2019, as members might recall, because I do mention it on occasion, the price of iron ore hit over \$US90 a tonne—I think it was \$US93 at the time. I asked at the time whether this was the next boom and what modelling the government had done if the price stayed above \$US90 a tonne. The then Treasurer, Hon Ben Wyatt, said that it had not been modelled because the continuation of the price above \$US90 a tonne was highly unrealistic. I did not actually bring that chart with me, but when we chart the price of iron ore and put a line across at \$US90

a tonne, there were a few little blips in the early stages of this government, when it slipped under \$US90 a tonne, but it has not done that very much. It hit \$US220-odd a tonne at one point. I asked recently what was the average price this year and was told that it was \$US138-and-a-bit a tonne. It was higher last financial year, so iron ore royalties have in fact declined a little—from \$11 billion to \$10 billion expected in the current financial year, 2021–22. Again, it has been the biggest boom in the history of this country for any state jurisdiction. When we see it charted, it is pretty simple to read.

There is now a massive gap between general government revenue and general government expenditure. I make this point, though: general government expenditure has gone up and not down. One would have thought that a Premier who is taking credit for the current financial situation of the state based on good financial management would have been able to reduce expenditure. I am happy to accept that the government has had some expenses that it would not otherwise have had. It obviously had to deal with the COVID crisis in particular, and that is probably the single-most impactful issue the government has faced, but it has not cut expenditure; it has gone up because of that. This government is not a good financial manager; it is simply lucky. It is lucky that it has had the greatest boom in the history of this country, because this is about the only jurisdiction in the world that has made a profit out of the COVID crisis.

I seek leave of the house to table the chart of general government total revenue and expenditure from 1997–98 to 2021–22 estimated.

[Leave granted. See paper [1279](#).]

Hon Dr STEVE THOMAS: Thank you, President. This government has taken advantage of the greatest boom because it has been lucky. Why has this government made so much money in the last couple of years? Obviously, governments around the world, in response to the COVID crisis, have engaged in massive stimulus infrastructure spending. They are trying to boost their economies. They are trying to build to maintain employment in particular. This is happening all around the world and has created a massive demand for steel, which obviously has created a massive demand for iron ore. At the same time, Australia's biggest competitor, out of South America, has suffered some significant setbacks and constraints in relation to supply. I do not want to get into a debate on how to pronounce that company's name, but Vale is still below full production and will potentially remain so for another year or so. What will that do? Even if it is only the last five per cent of iron ore supply that is not being produced, that will be sufficient to drive up the price. The price, for the time being, remains high.

I have not checked the price today, but I checked it yesterday and it was about \$US133 a tonne. It is in a slow decline; it is gradually starting to correct. Pretty much every pundit and economist is saying that it will correct some time over the next couple of years as world governments move through COVID. The problem we need to address, of course, is that as it corrects, the free money of the McGowan government will start to evaporate. As I have said in the house before, I expect that iron ore will be back to \$US100 to \$US110 a tonne by the end of this calendar year, 2022, and I fully expect that by the end of 2023 or early 2024, it will be back at the long-term average run for iron ore prices, which is around \$US70 to \$US75 a tonne in today's dollars. When that happens, iron ore royalties will drop from \$11 billion last financial year and \$10 billion this financial year to the long-term average run of \$6 billion, depending on the level of production and export. What will happen? We will drop \$4 billion to \$5 billion in iron ore royalties. What is the budget surplus this year? It is \$5.7 billion, bearing in mind that that is still an estimate. Last year, it was estimated to be \$5.7 billion and it went up to \$5.8 billion by the time we got to the *Annual report on state finances*. I suspect there might be a chance for it to trickle up a smidgen from here, but let us see what the end result is. So we will see 80 to 90 per cent of the budget surplus of this government drop back. When that happens, it will have flow-on effects to other parts of the industry. It will impact the state of the economy. The big iron ore companies will continue to produce massive amounts of iron ore, bearing in mind that most of those large companies can survive comfortably on a price of \$US70 to \$US75. However, some of the other companies that are now employing people and undertaking exploration will struggle at that price. There will be impacts in other parts of the economy. We can expect government revenue to start to correct across the board. By the end of 2024, it is my expectation that it will look like a far more normal part of the economic cycle.

That is not to say that I think we will be in a bust at that point. We have been a boom-and-bust economy so it is possible that we will go to the next bust. If the iron ore price were to go down to \$US35 a tonne for some reason, particularly if China were to stop buying it, guess what? We would be in the next bust. Companies would go bankrupt. Thousands of people would be unemployed. That would be a problem for the future of Western Australia until the next boom comes along, and we get stuck in this boom-and-bust economy, which I will talk about in a little more detail as we progress. But I think the best that we can hope for at the moment is a smooth transition down to the long-term average price of \$US70 to \$US75 a tonne, in which case the large companies will still make significant profits and the smaller companies will still be potentially profitable. There might be some struggle. But the state's economy will correct at that point, and the question that will be asked, which is why I raised the question of how we will judge this Premier, is: in the biggest boom in this country's history, what were the outcomes for the people of Western Australia compared with the political agenda of the McGowan government? That is when I think this Premier will be found wanting.

Of course, it is very easy to concentrate on mining royalties. I thought this chart might interest people, as well. It is simply a chart of WA mining royalties, again going back almost 25 years. Again, we see a gradual increase, a significant increase in 2003–04, a big jump up in 2009–10 and then a big jump in 2019–20, and the 2020–21 estimated actual slightly down on last year, dropping by almost \$1 million. President, I seek leave to table the WA mining royalties chart from 1998–99 to 2021–22 estimated actual.

[Leave granted. See paper [1280](#).]

Hon Dr STEVE THOMAS: Thank you, President. Honourable members will be interested to look at that chart. I know that a lot of people like to tell me about the crashes that have occurred over the last 25 years, and certainly there were price corrections in 2013–14 and 2014–15 that continued. The price actually dropped quite low—it dropped into the \$US40s a tonne—corrected to some degree and did not then skyrocket again until February 2019. Honourable members can look at that chart. I know that some of us have an economic bent. I know that the Minister for Emergency Services has an economic bent. To be honest, I miss the days of Hon Aaron Stonehouse, who I know loved a good budget debate, and a few others, but I know that the minister will be well aware of these issues. The corrections that occurred in the price did not equate to significant reductions in iron ore royalties in total. The reason that happened was that volumes increased remarkably to pick up the difference, so iron ore royalties stabilised. They dropped slightly. There was a slight drop particularly around 2014. I think that 2014–15 was the most significant year. I urge members to look at that tabled paper and be well educated on this, because it looks to me that we will remain an iron ore-based economy for some time to come through the McGowan government’s lack of vision.

Members should have a look at this. Iron ore royalties dropped only slightly and corrected based on the throughput—the volumes of iron ore that were going out at that time—so, to some extent, the state and its revenues were protected because of the increase in volumes. Again, that is not going to happen forever. We can look at the projections going forward, even in the government’s own budget papers. I urge members to look, as I frequently do, at budget paper No 3, because I think the most interesting parts of the budget are actually in budget paper No 3. Those members who are new to the chamber should sit down and read budget paper No 3 in its entirety and then pick and choose the departments they are most interested in. This is the budget paper that gives members the best part of the information. If we look at page 3 of budget paper No 3, we see the key budget assumptions. They include, about midway down the table, “Iron ore price”. The 2020–21 actual average was \$US154.5 a tonne, which is why that year produced an \$11 billion royalty revenue specifically in iron ore. The estimated actual for 2021–22 is \$US139.5. Interestingly, it is a dollar up from when I asked the question about a month ago. The budget estimates for the next financial year, budget year 2022–23, is \$US77.5 a tonne, and then for each further out year it is \$US66 a tonne. This government has done something that it does every year—I actually agree with it; I think it is the way it should be budgeted—and forecasted a probably significantly conservative iron ore price for the 2022–23 financial year at \$US77 a tonne. I think it could potentially be \$US30 a tonne higher than that on average, which will still be \$US30—something a tonne on average cheaper than it is in the current financial year, but that \$US30 a tonne at \$A82 of revenue for each US dollar a tonne for the price of iron ore will mean that the budget surplus, which is conservatively estimated next year, will probably be \$2.4 billion higher when we get to the next financial year. In next year’s budget, I fully expect to be standing here saying, “Yes, the government’s conservative budget estimates on iron ore price means that it will have an extra \$2.5 billion to play with that it did not have in its budget papers.” That is \$2.5 billion of unallocated money that it can throw at the re-election of the McGowan government. That is another issue we need to come to in more detail.

The next section down under “Key budget assumptions” is volumes. The 2020–21 actual was 839 million tonnes; the 2021–22 estimated actual was 853 million tonnes; the 2022–23 budget year estimate is 855 million tonnes; and then, each year after that, the estimate and the out year is 865 million tonnes, which indicates that from the estimated actual throughput and volumes of the current financial year out to the end of the estimate for the out year at 2025–26 is another 12 million tonnes. I think that is again probably fairly conservative, but again, I think conservatism is probably the right way to go with this. But it indicates that volumes of iron ore are not really expected to go an enormous amount higher. Could we get to one billion tonnes of iron ore going out through Western Australian ports at some point? It is vaguely possible, but it absolutely depends upon the infrastructure spending of a number of countries—most significantly China, but not just China. Obviously, there are other nations throughout Asia, North America and Europe that still also get the benefit from that. But the government’s estimate is a fairly conservative stabilisation of volumes of iron ore. What does that mean? It means that when the iron ore price corrects, the increasing volumes that saved previous governments in terms of total amounts of royalty going through is highly unlikely to save future governments going forward. What does that mean? It means, to be honest, in terms of the budget of Western Australia—I have to say it—this is probably as good as it gets. The corrections mean that this government has all the free money. This government has the greatest capacity. For those reasons, it was incumbent on this government to make sure that the benefits of that free money were spread across the people of Western Australia. Frankly, I do not see that happening. What do I see happening? I see a figurative giant money bin in which the Premier is figuratively rolling in cash, a bit like Scrooge McDuck. I have to give Scrooge McDuck a run; it is a tradition, President. Scrooge McDuck had to get a run. But that is effectively what this government is doing. It is rolling around in its money bin, lapping up the money, throwing it in the air.

In the presentation of the budget, I detected a fair degree of arrogance on behalf of the Premier, who is the Treasurer, because he was kind of waving his money at the people of Western Australia, and a large number of the people of Western Australia have not seen much benefit from the huge amount of cash that the Premier is throwing up in the air and rolling around in. The Premier is probably very disappointed that his budget has gone down as badly as it has, because the only people applauding it are members of the Labor Party and, probably, I suspect, the federal Labor Party—but we will come back to that later.

For the most part, there is deep disappointment with this budget because the people of Western Australia are finally starting to realise that this government is rolling in cash that is not of its own making. We have heard that in this chamber before in debate on a motion moved by a member of the government in which the government tried to claim credit on behalf of the Premier, who is the Treasurer, for the financial position that the state has found itself in. I said at the time, and I repeat today: Did the Premier instigate a COVID-19 outbreak? No, he did not. Did the Premier instigate a dam collapse in Brazil? No, he did not. Did the Premier instigate massive infrastructure builds in response to COVID? No, he did not. All the things that are driving the economic position of this state are completely outside the control of the Premier, who is the Treasurer, yet he loves to take credit for it. He loves to tell people that this is his doing, and it is not.

Given that the federal election is a few short days away—I do not intend to do any spruiking on behalf of any party—I seek to elucidate for members the contribution that the GST floor has made to the financial position of this state, a position and a floor to which I give great credit to the current Prime Minister. The federal Treasurer instigated and planned it and the Prime Minister delivered it. It would be very nice to hear a bit of gratitude from members opposite, but let us not hold our breath on that. I would like to demonstrate this, though, to members. I have here a lovely chart of WA GST revenue. It goes back only to 2020–21—those who are economic tragics will realise this—because that is when the GST was introduced. Before that we would have to chart the various components of the grants process of the Commonwealth Grants Commission, and that is an internecine process that I do not want to put onto paper. That would be a tome, not a page.

This chart shows WA GST revenues in the time in which we experienced what I referred to previously as the Eric Ripper boom. We received high iron ore income, and also at that point—2005–06 and 2006–07—we received high GST payments, because of the lag. There was a lag when redistribution and horizontal fiscal equalisation was put in place. There was a lag system so the immediate one-off high revenues in one year, for example, did not automatically set a new level; it was averaged over a number of years. However, with the lag, GST revenue stayed reasonably high and then levelled out. Again, around the global financial crisis, in 2008–09, GST levels started to stabilise and drop. They did not disappear. The lowest level of GST given to the Western Australian government was in 2015–16, when it was a bit under \$2 billion. That, in theory, was to balance out, at that point, the previous high iron ore prices, but, of course, iron ore crashed at the same time, which will explain things when I get to the debate on debt. But, in 2018–19, there was a sky-rocketing in GST. What happened in 2017–18? The Prime Minister of Australia delivered on what he planned, which was a 70¢ floor in GST payments to Western Australia. GST payments continued to rise. For example, in the first six months of the 2021–22 financial year—it is only six months because we have not completed the second six months of it—GST payments to this state have been nearly a couple of billion dollars higher than they were the year before, in 2019–20. In 2019–20, by the way, the state also had massive revenues. This government is rolling in cash in part because of the work of the Prime Minister in delivering a floor in the GST, a floor that will in a couple of years' time go from 70¢ to 75¢.

If I am correct and in about 2024 the price of iron ore goes back to \$US70 a tonne, for example, by 2026, we can expect that number to climb again because we are into the correction part of the cycle. I will not say bust necessarily, because a bust happens more occasionally than people think. Corrections are normal and are far more common. At some point we need to acknowledge that the boom-and-bust cycle in Western Australia has been probably better than some people think, because we have spent a lot of time in boom; we have spent a fair bit of time on average and we occasionally bust a bit. But when we go back and look at some of the ancient history when iron ore prices were at \$US10 or \$US15 a tonne, the companies that were producing it were doing it pretty damn tough. Bear in mind, of course, that production costs 40 years ago were a lot lower as well. But, in fact, in some cases, production costs are probably as low in real terms as they have ever been, as companies make more efficiencies.

I seek leave to table this document detailing WA's GST revenue from 2000–01 to 2021–22, estimated actual.

[Leave granted. See paper [1281](#).]

Hon Stephen Dawson: That table is getting very full.

Hon Dr STEVE THOMAS: I have only 20 or 30 more, so we should be okay! I will try to space them out. I acknowledge that the minister has some urgent parliamentary business to get to so I will send him copies so that he does not miss out!

What has been the result of these things? Where is the money that is rolling into the Premier's money bin coming from? Obviously, it is from massive amounts of royalties and massive amounts of grants, including GST from the federal government. It is not just GST. I have to say that the federal government has invested massively in this

state government's infrastructure programs. I do not have the exact number with me, but my understanding is that there is now more than \$3 billion in federal money in Metronet. I remember a time when the whole of Metronet cost \$3 billion. The entire original plan of Metronet is effectively being funded by the conservative federal government. That makes me think that there is a fair bit of support going on, support that I might not necessarily have always been a great fan of, but this government is doing very well.

The other thing that this government does very well is to take credit for spending the money that is coming in from the commonwealth and calling it its own. It is very good at that. I note that in the electorate of my good friend Hon Colin de Grussa, \$200 million was announced for transport infrastructure, particularly for logistics around grain freight—the agricultural supply chain improvement announcements for which I think \$160 million came from the commonwealth and \$40 million came from the state. Did the state run around saying, “Thank you very much, federal government, for your \$60 million; your 80 per cent to our 20 per cent”? No, it just said that it was spending \$200 million. It also talks about the Bunbury Outer Ring Road down my way, some questions about which will be asked in due course, and an extra \$400 million. Does the state government say that the commonwealth is putting in \$320 million and the state government is stumping up the last \$80 million? Again there is a split. No, it is not very good at that. The state government is very good at claiming credit for all the investment the commonwealth is putting into this state. It may be that that is on us. Maybe the opposition and the alliance has not been good enough at pointing that out and saying, “Hang on a minute! There's a sleight of hand going on here.” Maybe that is true so I will cop a bit of criticism for that. Let me say outright that the commonwealth government has put a phenomenal amount of money into this state. You would almost think there was an election coming with so much money going in! A phenomenal amount of money has gone into this state, for which this state Labor government keeps taking the credit. It is about time for a bit of evening up. I thought it was time that a bit of gratitude was shown to the commonwealth government, with this government saying, “Yes, you're putting a massive amount of money in here. Gee, thank you, guys, for that.”

Hon Kate Doust: We look forward to expressing our gratitude on Saturday at the polling booth.

Hon Dr STEVE THOMAS: I was looking forward to the member expressing her gratitude in a budget speech.

Hon Kate Doust: Maybe I might do that, too.

Hon Dr STEVE THOMAS: If the member wants to express her gratitude in a budget speech, she should probably do it before Saturday. That might be nice; that might make a headline or two. I do not want to get the honourable member into trouble. She is a very good member of Parliament.

Hon Kate Doust: I am happy to talk about some of the dodgy announcements from your team during this federal campaign.

The PRESIDENT: Order! I think that little exchange has probably gone as far as it possibly can go in order to keep good order. Minimise the chatter more on this, thank you.

Hon Dr STEVE THOMAS: I thank you for your guidance, President. I shall return to the substance of the debate from which I was diverted.

What are the three pillars of this massive revenue? It is iron ore royalties; massive amounts of income from the federal government—the coalition Morrison federal government—and increases in taxation. No better example of this is payroll tax, which has gone up by 48 per cent under the McGowan government. From 2017, when it arrived, to the current budget estimate period, payroll tax is up 48 per cent. On a compounding basis, that is five per cent a year. I will tell you what! People who have invested their life savings in a bank would not mind getting five per cent a year at the moment. I would not mind seeing the government get five per cent a year on consolidated fund interest. But none of that is anywhere close. We have had five per cent a year increases in payroll tax since 2017. Yes, this government gave a little bit of payroll tax back; it moved the threshold up a couple of million dollars a couple of years ago. The opposition thanked and credited the government for this act, and welcomed it! In fact, every time the government reduces taxes, I give a nice little speech welcoming this; and when we get to debate the Duties Amendment Bill, I will make another speech. I like to see government giving a little back into the pockets of the people of Western Australia. Payroll tax has skyrocketed. Stamp duties are up. In six months, from the previous year to the current financial year, in payroll tax and duties we had a jump in one of \$800 million and in the other of \$400 million. Prices are up, and income and revenue to the government is up dramatically. The government is relying on these three pillars of revenue. Firstly, the price of iron ore, which will correct itself; secondly, the GST, which the government gets to keep the majority of—when the price of iron ore corrects, the government will probably get to keep a bit more of that; and thirdly, taxation, for which it puts its hands into the pockets of the people of Western Australia, in particular, the businesses of Western Australia. I want to come back to that in a little more detail in the not too distant future.

The government's position is one of great wealth because of those three pillars. The question before the house is what is happening on the other side. In particular, the Premier, who is the Treasurer, should be judged on what he has done with the massive surpluses that he has received, not because of his financial management but because he

had the good luck to be the Premier during this time—at least for now! We will see. I note a bit of shuffling of the deckchairs down in the lower house. It is always a bit interesting to watch what happens down there. At least for now, he retains the job as Premier.

Several members interjected.

Hon Dr STEVE THOMAS: He might go off into the private sector. He might discover a great rush of conservatism in his economic modelling. That is what Hon Ben Wyatt did. He returned to his conservative economic roots and suddenly joined the private sector. Heaven knows his commentary recently has been beautifully conservative. I think we have convinced him. I blame myself, President. When he was a younger man, when he was starting his own family, my wife and I gave him various baby blankets et cetera. We were good friends at that time in the house that shall not be named. I hope my conservative economics rubbed off; and hopefully, the conservative economic germs rubbed off on the entire family. I will keep my fingers crossed on that. He has turned quite conservative; in fact, if members read what the former Treasurer said in Parliament he always had something of a conservative bent. That is something that the current Treasurer, the Premier, could probably learn from.

What will the government spend its massive revenue, these massive surpluses, on? It could spend it in a number of ways. The first would be to announce further infrastructure spending. That is a little problematic in its own right. The problem with higher levels of infrastructure spending is that no government has been able to attain the expenditure levels that this government is starting to talk about. I would again like to reference for members' education the asset investment program on page 44 of budget paper No 3. When we look at asset investment programs going back to 2011–12, governments attempted to have investment programs in the area of \$5 billion to \$7 billion. The current government has forecast an increase to \$9 billion. The problem the government has is that \$9 billion is effectively undeliverable. The government is putting in these massive asset investment programs but the most that any government has ever spent is \$5 billion to just over \$6 billion. When we look at the actual investment spending at the end of each financial year, we discover that with the best intention in the world, governments have been unable to spend the amount of money they put in their asset investment program. Not only is that the case, because there are restrictions on how much they can spend with a restricted labour force and restricted materials, but at a time when all those restrictions are exacerbated this government is proposing to make it worse. This government proposed to shift from an infrastructure spend of \$7 billion to \$9 billion at the same time that people cannot get their houses built and major infrastructure projects cannot be delivered. Metronet is blowing out from \$3 billion to \$9 billion because of the conflicting competition for resources, labour and materials. This government is driving up infrastructure costs by putting in this budget a theoretical massive infrastructure spend—or is it? Is this just another way for the government to hide money away so that it is sitting in an account and the government does not have to spend it? There is no way that this government can deliver on the infrastructure spend it has put aside in its budget. It cannot. It has not done that to date: it has never delivered on the level of infrastructure to date. That failure to deliver is one of the reasons that the Premier, who is the Treasurer, is very concerned about his reputation.

This Premier has a reputational problem in delivery. Although he says he will deliver \$9 billion worth of infrastructure, I can guarantee that he will deliver \$5 billion to \$6 billion worth of infrastructure. If I were the Premier of the day, I could not deliver \$9 billion of infrastructure either.

As much as I would love to say that we, the conservatives, will deliver this more efficiently, that is a nonsense because it is undeliverable. This Premier has built for himself a platform of failure. By putting in place an undeliverable set of parameters, he will fail. Here is one of my Nostradamus predictions of this speech. I will take great pleasure in that failure and point it out on repeated occasions.

A member interjected.

Hon Dr STEVE THOMAS: Members would not believe it, would they—it is astounding. It is not hard to see it coming, we just have to be able have this really basic, sensible economic debate. The Premier cannot deliver infrastructure to the level that is in the budget. What will happen? The pressure will come on. The reason a lot of people are waiting two and a half years to have their house built at the moment is because there is massive competition for the resources of labour and materials. Building companies are going broke because they signed up workloads that they cannot deliver. There has been an explosion of costs and they cannot meet those costs. It is a disaster in the making, and the government of the day, the McGowan Labor government, is contributing to it by pushing up levels of construction activity in particular and by turning the construction industry into a boom-and-bust cycle, alongside the mining sector, without managing it in a way that looks after the industry.

Now, President—Acting President, I gave you a promotion there. The money is better! Somebody needs to take a really good, hard look at this state's infrastructure program and take a measure of what is deliverable versus what is ideological. It is as though the government has learnt nothing from the experience of the last few years or, for example, from the Langouant report, which it likes to throw in our direction all the time. Some of the issues with proper infrastructure management were outlined in the government's own report. The report tells us what to watch out for, but it might as well be used as a doorstep for the Premier's office door, because the government has learnt

nothing about the proper management of infrastructure programs. In theory, this government could have put more money into infrastructure. Guess what it did in the budget? It will go up to \$9 million, but it cannot spend it, so it is a nonsense. It is a bit more smoke and mirrors on behalf of the McGowan government.

Where else could the government spend its budget surpluses—budget surpluses, by the way, that look like they will be \$24 billion over five years? How can we have crises in services when we have \$24 billion in surpluses over five years? What an outrage! I will express that outrage on behalf of the people of Western Australia in a bit more detail in a minute. Where else could the government spend these budget surpluses? The government could attempt to invest in the delivery of services in the way that it has used smoke and mirrors to attempt to deliver infrastructure. In fact, the government has done quite a reasonable amount of that, Acting President. The government has invested in services. It has not necessarily done it efficiently and effectively, but it has put more money into the delivery of services. It has put a significant amount of money into the delivery of health services, and that is appropriate given the health crisis that the state finds itself in. The health crisis is not just in Western Australia or in Australia; health services around the country and around the world have had fairly similar experiences. But there is a problem with spending additional billions of dollars on these services. One of them is this: With a massive infrastructure build, where will we get the workers to build it? With a significant increase in expenditure on services, where will we get the workers to provide those services? There is a nationwide shortage of teachers that I am sure the Minister for Education and Training is well aware of. There is a nationwide shortage of nurses and doctors. As we get to the end of the current COVID wave, if you will, around Australia, some of those workers will go back into the health system, but significant expansion of the system will be incredibly difficult, and this jurisdiction will be in competition with every other jurisdiction around the world trying to compete for that labour source. It is good to see that the government is investing in some of these areas, but the issue is that it will not be able to significantly get that money out the door. The government will struggle to spend the surplus on infrastructure despite it being in the budget. It will struggle to spend it on services, although the bit that it does manage to improve will be greatly welcomed, I suspect.

If the government is not going to invest \$24 billion of surpluses over five years in that, what should it invest in? The government should invest to ease the impact of cost-of-living pressures on the people of Western Australia. As I said when I spoke on the last topic, the government has made an investment in this area; it announced a \$400 rebate on electricity charges. Again, I put out a press release welcoming that decision. I said that the government could have been more generous, but that it had done something and not nothing, and that was a good thing. Members might call that damned with faint praise, but credit where it is due; the government has given something back—but it was not generous. I think the government, particularly the Premier who is the Treasurer, was surprised at the lack of support and enthusiasm for that announcement. On a very personal level, with a degree of comfort and gratitude, I made the announcement for the Premier a week early. I was a bit surprised when we suggested that a \$400 electricity rebate would be forthcoming that the Premier did not suddenly jump out and say, “Yes, that’s right.” He left it until the final day. He gave me a week effectively to tell people what I thought he would probably do. It was not even that complicated. The Premier said he was going to act on cost-of-living pressures, and this was obviously the easiest and simplest way to deliver that. What the Premier has done is a positive, but it was met with some disdain and a very muted level of enthusiasm because this government could have done so much more.

I did make an error; I predicted the \$400 electricity rebate with 100 per cent accuracy but I was five per cent out on the size of the budget surplus. I overestimated that; I got a bit enthusiastic. The government thought that it would be absolutely applauded for the \$400 rebate. On 1 May, two weeks before the budget, I put forward my position to freeze fees and charges until the end of the boom. Although the government has the \$400 rebate in the budget this year, in the one year—depending on when it is applied—we will see a slight reduction in charges to the average household, but every year after that things will start to go back up again. Things will start to rise continuously by 2.5 per cent and that \$400 will be eaten up very quickly. I am not suggesting for a minute that the government should put a permanent freeze on household fees and charges, but when it is receiving budget surpluses of \$5.8 billion, potentially as high as \$6 billion, during the biggest boom in the history of this country, surely the government could give back a little bit more than it did. It is not complicated: with \$450 million, just over one million households will get \$400 each. It is welcomed for what it is, but one would hardly call it generous. Freezing household fees and charges until the boom subsides, which is what I proposed the government should do, would have been a more generous outcome for the people of Western Australia. It would be a higher cost to the government now, with slightly reduced income going forward, as a rise of 2.5 per cent starts in a couple of years’ time, but the government is starting at a lower base so the level of fees it will get in will be slightly lower. It certainly would have been more generous than where we are right now with what has been provided by the government. The \$400 is welcomed, but the people of Western Australia have spoken on this, and they have said that at the very best it is an E—perhaps not an F. They have said, “It tried a bit but could have worked a lot harder!” That is how this budget has been received. It could have been more generous.

How much of the estimated \$5.7 billion surplus has gone into this measure, this third tranche, if you will, that the money could have gone to? It is \$0.45 billion. Of the \$5.7 billion, a small percentage has been handed back. It is somewhat embarrassing that that is the percentage that I think that the government reached because it is a tiny amount. It could have been far more generous and people recognise that. People walked away. They went, “Ah, well,

for what it is, thank you, but gee, is that it? Is that all you have?" I think the Premier was surprised despite the fact that I had announced it for him a week early and the story had been run on the ABC and in *The West* and everywhere else. I thought he might send me a nice thankyou card but I did not get one, which was a bit disappointing. He must have lost my address, or perhaps it is still in the mail. People were highly sceptical of this measure. They are the first three components of where we might invest. The government might invest in infrastructure. It cannot really do it. In fact, it cannot really introduce the infrastructure on the program now. The government might invest in services. It is very hard to do. The opposition wishes the government well in providing additional services and more effective services, but good luck. I think it will be a real strain. The government has given a little back; approximately \$0.45 billion of \$5.7 billion will be given back to the people. That is not a bad idea.

Where else should the government have invested where it has not invested? There are a couple of critical issues here. Before I get to the sixth pillar of where the government is investing, where else should the government have invested? It should have invested in reforming the economy. It did not do so. I know that sections of the media think that the little bits that are in the budget papers are reforming the economy, but the government did not do that. It did not reform taxation. It did not touch taxation. That is one of the things the government could have and should have done because taxation is through the roof in this state. As I said, payroll tax has gone up by 48 per cent over the two terms of the McGowan government. What could the government have done? It could have taken a bit less out of the pockets of the people of Western Australia and businesses in particular. It could have given a little back.

Payroll tax to me is the obvious one. The government could have put in a rebate system for payroll taxes. I took that policy to the last election and that is what I would do now. I took to the last election a rebate system whereby businesses with a payroll of up to \$1.5 million would not pay payroll tax and then there would be a declining rate of rebate up for businesses with payrolls of up to \$3 million, which would roughly then support those businesses that have approximately 10 to 30 employees. It would not be big businesses with thousands of employees that have the capacity but those small businesses that struggle. This is a tax on employment. When we have the greatest revenues and the greatest surpluses in the history of Australia, there is never a better time to reform the taxation system. Why is this important? It is important because we should be trying move out of a boom-and-bust cycle. These are the businesses where the mining industry corrects and the iron ore price goes back under \$US70 a tonne and might be able to expand to employ more people and to raise their turnover, but they struggle to do it when the government has its hands in their pocket, standing on the hose of turnover by taxing them and preventing them from giving jobs to people. There is never a better opportunity. When we have massive revenues, it is the only opportunity to reform the taxation system.

Here is one out of left field. There has been a bit of talk over the years about shifting the duty on the transfer of real estate, in particular homes but all real estate, to an annual land tax. Personally, I am not the biggest fan of it in the world and I recognise that there are shortcomings. Like every economic argument there are pluses and minuses and I do not know anyone who wants to get into that debate right now. I can tell members that there is a significant cost involved if the government wants to go down that path. Probably the only modelling that was done was out of Victoria. The cost estimate in Victoria over 10 years was \$8 billion. We would assume that if the government wanted to go down that path and instigate significant reform, it would probably be \$4 billion in Western Australia. When will we do that level of taxation reform? We do it when there is money in the bank and we can afford to do. When can we afford to do it? No government will have greater capacity than the McGowan Labor government today. What did it deliver? Nothing. No payroll tax reform. No duties reform. Duties are up. Payroll tax is up. None of those reforms. These are minuscule amounts. When we debate the Duties Amendment Bill 2022 next week, I will make a very short speech welcoming it; under that legislation, \$7.2 million will go back into the pockets of Western Australians. We have a \$5.7 billion surplus—that is, \$5 700 million. Does the government call that economic reform or taxation reform? It is a joke. With these massive, massive surpluses the government should have looked at proper economic reform.

I note that in the speech beautifully delivered by the Minister for Emergency Services last week, economic reform got a bit of a mention. He referred to the WA jobs plan and economic infrastructure, but there is no real economic reform in there. There is a list of funds into which the government will put money. Sometimes it is not a bad investment. The government has doubled the amount of money from \$50 million to \$100 million for the development of industrial land. There are bits and pieces, but that is not economic reform. That is not reforming the economy. That is having little pots of money out of the massive budget surplus available to people to apply for grants. Some of that might be good investment. Some of it might be slush funds. Until we get to the point of seeing exactly what we are spending it on, we will have no idea. Do members know what it is not? It is not economic reform. It is not reforming the economy. It is not fixing taxation issues. That is not economic reform. There are probably some good bits in here. Tourism WA's destination marketing received some money, and tourism marketing is critically important. It is not economic reform but it is critically important. There will be more trade offices around the world. It is not economic reform, but well done. I welcome that. It is a good investment. Well done, people. There we go. That should cheer up the Premier because everyone else has been giving the budget a fair old kicking. The shadow Treasurer says that he has done a few good things. Nice. But that is not economic reform. There are some nice investments in there. The proof will be in the delivery and the outcome at the end of it, but that is not economic reform either. If we can attract more people and more tourists to Western Australia, great. If we want some more

big events coming to Western Australia, fantastic. I have a ticket to the State of Origin, which is coming up, I think, next month. I am hoping Queensland gives a better showing than when they last came, two years ago. I am the eternal optimist when it comes to that, but let us see how they go.

A member interjected.

Hon Dr STEVE THOMAS: There will be 60 000 people there, honourable member. There are a lot of people over here who care.

Several members interjected.

Hon Dr STEVE THOMAS: The Premier was wearing banners last time. I think the member will find a few people care. I have heard a few people get a bit excited by it. Funnily enough—here is a bit of free advice for the member—it is a good thing for the state of Western Australia. There is a bit more credit for the government. I am in a very generous mood today. I might have to test the water later.

A member interjected.

Hon Dr STEVE THOMAS: Again, that is why they do not let him speak very often. They will be taking his phone off him again soon. There is another \$31 million in a range of diversification issues including “a second round of funding to attract business call centres”. There are bits and pieces, and that is fine. But it is not economic reform. There is some investment in various bits of economic infrastructure. Again, as I said before, I note that the state government is very good at taking federal government money and taking credit for it. I guess that is what it gets to do when it writes the speech. There are some “not bad” things in that either. But guess what? That is not economic reform. Do members know how much economic reform is actually in this budget? None! There is no economic reform in this budget. That is a major missed opportunity. If a government is ever going to do economic reform, now is the time to do so when this government has the biggest budget surplus and the biggest income this state will probably ever see. This is not a once-in-a-lifetime opportunity but probably a once-in-a-century opportunity that this government is throwing away for its own political benefit.

Where are we, Acting President? The government cannot spend the surplus on infrastructure. It can spend only a small amount of it on wages for services. It has given a little bit back in terms of cost-of-living expenses, but it has not reformed the economy. That leaves the government with two of the six major forms of investment to spend on.

I want to talk about debt. I know that members opposite might think that that is a fairly brave thing for an opposition member to do, but this is —

A member interjected.

Hon Dr STEVE THOMAS: Well, some members think that. This is an important debate because the most effective use for some—not all—of the massive surplus that this state will receive should have been in significant debt reduction. Despite the rhetoric of this government and this Premier, who is the Treasurer, he has not engaged in significant debt reduction. I think that he has a cunning plan. Just like I preannounced his \$400 off energy rebates, I might just be about to announce his cunning behind-the-scenes plan for what he thinks about debt in the state of Western Australia. But he should have engaged in significant debt reduction. Why? It is because no government for 100 years will have the same opportunity to do so. What is this Premier doing? He is trying very hard to simply attribute debt to one side of politics and to leave it sitting there. He might think that it is a millstone around our neck but it is not. The time has come. The people will shift. When John Howard came to power, he paid off about \$98 billion worth of Labor Party debt. Why did he do that? It was not the Labor Party that owed the debt. Paul Keating did not owe the debt. Bob Hawke did not owe the debt. Kim Beazley, who I quite like, did not owe the debt—despite the attempts to call it Beazley’s black hole and all the rest of it. They did not owe the debt. No-one went around knocking on their door and saying, “Where’s my \$98 billion, thank you very much?” The people of Australia owed the debt and ultimately somebody had to pay it off. That is going to be a really interesting experiment as gross national debt hits a trillion dollars. I do not have time to give a long economic treatise on what I think of that. I simply refer members to an opinion piece I wrote last year if they really want to know; that will tell members what I think.

The debt in Western Australia is attributed through the government to the people of Western Australia. The people of Western Australia, in my view, are getting sick and tired of this Premier, who is the Treasurer, playing politics with that debt. There has to come a point when enough is enough. The member is right. It is a little brave minister who talks about this, but it is time for this debt to be addressed properly. This government will never have a better opportunity to address debt than it does in the current circumstances.

When this Labor government wanted to get elected, what did it say about debt? This is instructive. On 11 February 2017, Hon Ben Wyatt, who was then the shadow Treasurer, put out a press release on behalf of the Labor Party in which he said —

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

...

The legislation will see 50 per cent of iron ore royalty revenue directed into the new Debt Reduction Account when WA's GST relativity returns to above 0.65 and the iron price is more than \$85 per tonne.

A month before the 2017 election, this was the promise from the Australian Labor Party when it wanted to get elected. This was its economic centrepiece. Did the Labor Party deliver that promise? It introduced a debt reduction account. Did the Labor Party allocate 50 per cent of iron ore royalties into that account, honourable members? We will look at just iron ore royalties in the estimates for 2018–19, 2019–20 and 2020–21. In 2020–21, they were \$10 billion, in 2019–20, they were \$11 billion and in 2018–19 they were \$6 billion. That is \$27 billion worth of iron ore royalties over three years. If the Labor Party were interested in keeping its promise, \$14 billion worth of iron ore royalty money would have gone into the debt reduction account over three years. Did that happen? No, it did not happen. The Labor Party got into power and this promise immediately got chucked out the window. It has never occurred. No iron ore royalties have gone through the debt reduction account—not a cent! What does the debt reduction account get? It gets the GST floor delivered to it by Scott Morrison and some dividends from the Insurance Commission of Western Australia and the Western Australian Treasury Corporation. But it gets worse than that! In the last year it added up to \$2.5 billion, \$2 billion of which came from the top-up of the GST, but the GST money does not go to debt reduction. The government has siphoned that off and it goes back to the consolidated account to spend on whatever the Premier, who is the Treasurer, wants. What actually comes off debt reduction? About half a billion dollars from the state government's Insurance Commission and Treasury Corp. That is why, over its first four years, this government took debt from \$34.5 billion to \$32.5 billion. It dropped off by \$2 billion in four years. That is not very impressive in the middle of a boom and nothing like the commitment that this government gave to the people of Western Australia. The promise that this government made has been thrown out the window. We should have seen \$14 billion come off state debt. The wording of that media statement is fantastic —

A McGowan Labor Government will protect future iron ore windfalls from being exploited by future governments ...

Throughout history, which government is now the most guilty of exploiting iron ore windfalls? It is the McGowan Labor government. The McGowan Labor government said that it would protect any windfall and, suddenly, it is the greatest exploiter of it. The very thing that this government said it would try to prevent is the very thing that this government did when it threw that promise out the window. This is astounding, Acting President. When it is in the political interest of the McGowan Labor government to break its promise, it absolutely does so.

The net general government debt would have been smashed with \$14 billion. That does not include the total public sector government debt, which is currently at \$32 billion and will drop to \$30 billion before it climbs again. To take \$14 billion off that debt is a significant amount of debt reduction at a time when this government can afford to do so. It is the only state government with the capacity to do so and it has not done it. I think that is outrageous.

It is interesting that the government has received a bit of credit for paying down debt. I must admit I was a little shocked to see the government get some credit for this. As I said before, the government inherited \$34.5 billion worth of debt in 2017 and it has continued to rise slightly. I want to address one concept that some of the media in particular struggle with. The position put by the Premier; Treasurer is that debt was on its way to \$43 billion. If we look at the budget papers of 2016–17, which was effectively the last set of budget papers of the previous Liberal–National government, we see that, yes, debt was predicted to rise over the full forward estimates to more than \$40 billion to \$42-point-something billion—I do not remember the exact amount—bearing in mind that if members read the tabled papers that I have given them today, they will obviously see that that was at a point at which revenue was declining and expenses were increasing, and this was prior to the greatest boom that the state has ever seen. In the first couple of years of the McGowan government, debt increased. Far from saying that it walked in and fixed the economic principles and that its good financial management is responsible for the state's position, debt increased for the first couple of years. But it was never to know that it was going to get to \$42-and-a-bit billion because—what happened?—the iron ore price boomed and the GST floor was put in place. For the government to talk about the expected \$42 billion to \$43 billion worth of debt is a fraud, with the exception, perhaps, that we might say that if there was no correction of the GST and no increase in the iron ore price, the budget might have reached that level, and that would be a true statement to make. One could make that statement and it would be acceptable. But given that those things did happen—the GST floor and the increase in the price of iron ore—it is a lie to suggest that the budget would have reached \$43 billion. It was a bigger lie to make the comments that I saw made a week or so ago that not doing that saved \$2.5 billion in interest. How outrageous! How arrogant of the Premier to suggest that the money that he did not borrow has saved the state \$2.5 billion. It was money he did not borrow because of the iron ore boom and a correction in the floor of the GST. How outrageous and arrogant is the Premier in his claim that he saved money on money that he did not have to borrow? What business would possibly do that? The fact that people fall for that is a joke. This is more than smoke and mirrors—it is absolute deception.

Let us look at the prediction for debt. I refer to a page from the government's budget papers released last week. It is the net debt section. Members might be interested to see that, yes, net debt increased significantly. The net debt inherited in 2017 was \$34.5 billion. I have drawn a line across the chart to work out where net debt is going. There is a little drop down in the forward estimates for the next financial year. If members look very carefully, they can

see a sliver of light between where net debt was when the Premier inherited the budget and where it will be in a couple of years. It is a sliver of light. I seek leave to table the net debt chart from budget paper No 3, *Economic and fiscal outlook*.

[Leave granted. See paper [1282](#).]

Hon Dr STEVE THOMAS: It is a sliver.

Hon Colin de Grussa interjected.

Hon Dr STEVE THOMAS: I appreciate your enthusiasm; thank you very much.

Hon Colin de Grussa interjected.

Hon Dr STEVE THOMAS: Yes, I know. I will get you a bottle of wine later.

The sliver of light in that chart for a reduction of net state debt is \$0.06 billion. The Premier, who is now the Treasurer, inherited \$34.6 billion of debt and it will be \$34 billion or \$33.99-something billion by 2025, according to the Treasurer's figures, with \$0.6 billion of debt reduction under eight years of this government during a time of the biggest boom in the history of this state and the history of this country. Indeed, it is probably one of the biggest booms in the history of the world, but I have not compared the figures internationally. We have had the biggest economic boom, fiscal boom, in the history of this country and debt in this state is going down, over eight years of a McGowan government, by \$0.6 billion. The debt is more than \$34 billion. At half a billion dollars a year of debt reduction, which is what the government has managed to date, despite having the biggest economic boom and promising to reduce it by \$14 billion, by the time we add in interest, it is a century's worth of repayments. At this rate, if every future government for the next 100 years has the same debt reduction policy as the McGowan Labor government, it will take 100 years to pay it off. But other governments will not have the advantage of the greatest fiscal boom in 100 years; they will be trying to do it when the revenues of this state have corrected and we are back to normal revenue cycles in which budget surpluses are, at best, half a billion dollars to \$1 billion with good economic management. The opportunity that this government has had to pay down debt has been squandered. That is the fifth column in which this government could have and should have invested this wealth.

What is the government doing? What is the government doing with its wealth? It is stashing it away in the money bin. That is what it is doing, and it is doing it in a number of ways. It has obviously announced major infrastructure programs that it cannot deliver, but it is also stashing money away in things called special purpose accounts for its future use. There is a very good reason why debt repayment would be a better solution than this. If the government paid down debt, it would reduce the interest payments for future governments. Future governments, including future Labor governments, would be able to make economic decisions about the best things for the people of Western Australia at the time. That is what happens when governments pay down debt. This government has had the best opportunity to do so. In squirrelling the money away for its pet projects, the government has taken that money away. That money will sit in the budget for a little while and make the level of debt look a bit better because it is a liquid asset. But once it is spent, it ends up on the bottom line and it is money that future governments, including future Labor governments, do not have to invest in the things that they think they need.

This government is putting at risk the economic welfare and benefit of future governments and future generations by tying the money it has received during the biggest boom in our history to its own particular outcomes. It just keeps tipping money into the Treasurer's special purpose accounts. I have asked a few questions about this. I am sure that the Minister for Emergency Services is very keen, because we will be asking more questions about this over the next few months. I like a bit of homework so I have done a bit of homework on this. I was interested to see how much of the Treasurer's special purpose accounts made it into the budget papers. I asked a few questions about it and the answers I have got back have been questionable. Apparently, there was \$19 billion when I asked a question on 7 April. On 4 April, the government said there was \$19 billion in 24 accounts. I thought that was interesting, and it might be something that the Minister for Emergency Services can take on board because we might get to it during budget estimates. That is an advanced tip. I went through the answer and then asked for a list of the Treasurer's special purpose accounts. It might interest the Treasurer to know that of the list of special purpose accounts given in the answer, six special purpose accounts are listed in the budget papers, including the debt reduction account, which is a bit different. Nineteen special purpose accounts never made it into the budget papers. I refer members to the special purpose account section, which, for members' ease of access, is appendix 5, which starts on page 281 of budget paper No 3. It says this in terms of the key special purpose accounts —

It is not an exhaustive list of all SPAs, but covers major/material SPAs established to achieve priority policy outcomes. The forecast SPA balances (and transactions in and out of these accounts) form part of the overall consolidated projections for 2022–23 outlined elsewhere in this Budget.

What it basically says is that if someone wants to go looking for how much is in special purpose accounts, they should not bother, because very few of them are listed in the budget papers and the balances are hidden away in overall balances of the state government. But special purpose accounts have exploded. I did a list of the special purpose accounts listed in budgets going back 20 years. There were some previously, but the number has increased significantly—it has pretty much doubled since the McGowan government came to power. The amount of money

in special purpose accounts listed in the budget papers has risen from \$1.6 billion to \$1.7 billion 10 years ago to an estimated \$7.5 billion in 2021–22. There is basically \$7.5 billion sitting in there in special purpose accounts. These are not the special purpose accounts listed in the question; these are the ones that actually made it into the budget papers. Members should bear in mind that there are 19 others out there that apparently totalled \$19.1 billion on 4 April.

What is clear is that a significant amount of money is going into special purpose accounts, as well as other accounts, let me say, in which the government is hiding the amount of money that it has available to it. Why is this important? Here is what I think is the strategy of the Premier, who is also the Treasurer: he is trying to squirrel away money for future Parliaments. It is not just for 2023 and 2024 and the next state election, because, in effect, as we have already discussed, he cannot get more infrastructure out the door in that time. He cannot spend what he already has listed out to 2025. This is money that he is squirrelling away to spend in his next term of government. This is money that he is squirrelling away for his political benefit—for the benefit of the Labor Party in Western Australia, not for the benefit of the people of Western Australia. The cost will come in this form: in the clumsy way in which this government delivers its projects and services. I think there is an enormous risk that this money will be largely wasted. No doubt there will be lots of announcements and the cutting of ribbons and all those things in the lead-up to the 2029 election, for which I think this money is dedicated. The aim is to extend the life of the McGowan government; it is not actually for the people of Western Australia.

Hon Stephen Dawson: You are far too cynical for a Tuesday!

Hon Dr STEVE THOMAS: I did say at the start, minister, that it should be a Thursday.

The Premier's plan is to squirrel away this money in the money bin. He will throw it up in the air and wave it in people's faces, saying, "Aren't we good; look at all this money we've got." He will have it carefully squirrelled away in special purpose accounts, some of which are brand new. Only a handful of special purpose accounts actually made it into the budget papers—certainly not 25 of them. There is a new \$1.25 billion special purpose account in the current budget. The government is creating new accounts and adding to existing accounts. It has \$1.25 billion squirrelled away in one. That is out of the handful that are in the budget papers, let alone where else it is being hidden. This Premier is squirrelling away his money in the money bin, looking for an opportunity down the track to get the best political benefit out of it that he can. What should he be doing with it? That is the sixth pillar; that is the sixth way that he might make use of his money—by squirrelling it away for his personal benefit. That is the most obvious outcome of this budget. That is the great shame, I think, of the McGowan government in the greatest boom that we have ever had.

If the Premier used this money to repay debt, it would allow future governments, including future Labor governments, to target their expenditure on the people and services that require it most, rather than leaving them with the legacy of the dictation of outcomes by the current Premier. It would be a better outcome for the people of Western Australia. This government should be spending its money on reforming the economy, but it is not. It added money to an infrastructure spend that it cannot deliver and has no chance of delivering. It put some money into services, and we hope there will be some improved delivery of those services. It has effectively done nothing about debt. The \$0.6 billion reduction in debt is a furphy. It has made what the people consider to be a token effort on fees and charges and the cost of services. I welcome that, but, as I say, I do not think it is deserving of a round of applause. More than anything else, the Premier has been squirrelling it away in his money bin to roll in until he requires it for a future use some time down the track, dedicated, no doubt, to the re-election of another McGowan government when he gets the opportunity.

There is another area that I would like to address in a little detail in relation to the budget that came down. One other thing the Premier spoke about, as relayed by the Minister for Emergency Services, was the issue around housing supply. I am sure other members will provide much greater detail on the government's impact on, or successes and failures in, housing supply. The government has made some small contributions in state capital. There will be a reduction in land tax for build-to-rent properties, off-the-plan purchases below half a million dollars in multistorey dwellings will get a rebate on their stamp duty for five months, and there are some changes to Keystart eligibility. There are a few very small contributions to the housing crisis in which the state finds itself. The debate around housing has become remarkably oversimplified. People do not seem to want to get an understanding of the economy of housing. It is not simple; that is probably what scares people off. I have never been of the view that simply building lots of social housing is a solution to any housing crisis. Again, housing crises are cyclical—they are not necessarily new—but there are some issues that we do need to address around housing. It is an area in which I have a great deal of interest. I think the contribution of the government is probably minute to minuscule, but I also accept that it is not an easy thing for governments to fix, particularly state governments. I know that people will argue that housing is a state government issue, and to some degree that is true. The commonwealth puts a significant amount of money into the state budget to address the housing issue. But I want to make a couple of points around this.

There is a crisis of confidence in investment in housing for rent. This has been with us for a little time now. This is not the state government's fault, as much as I would like to blame it for everything. This issue exists because of a range of policies over a number of years. But what has shifted? Those who are old enough will probably remember

that the purchase of a second house was part of a wealth creation strategy for a lot of people my age and older, particularly through the baby boomer generation. I apologise to any baby boomers present. I am not sure exactly what is the cut-off year.

A member: It is 1959, I think.

Hon Dr STEVE THOMAS: Is it 1959? I thought it might have been 1963, but I am not sure.

Several members interjected.

Hon Dr STEVE THOMAS: Acting President, there may be some vested interest in people putting dates and years out here! The younger generation likes to blame the baby boomers for everything that has gone wrong on planet Earth, so there might be some vested interest in what members classify as the definition. But one of the most significant things that has changed, in my view, is the vilification of investment in rental housing as a wealth creation tool. I think this is critical not just in Australia but also around the world, but it is worse in Australia. I do not know whether it is because—dare I say it—the socialists have come out to dominate the debate, but there was a time when investment in rental housing did two things: it created wealth for the person who invested and it provided a home for the person who needed a rental. But I tell members what: there has been a massive shift in housing. The returns on rentals have not matched the returns of the stock market in recent years, for example. Today I was talking to somebody of about the turn of the baby boomer generation who owns investment houses. They are going to get out of it because the return on their money is not there. As a society in Australia, we have vilified wealth creation to the point that someone who makes a profit out of providing housing is seen as a villain. We have made capital gains tax much more difficult. Negative gearing is a negative term.

When we try to have a sensible economic debate around housing, the first thing we usually get is the screams and rants that everybody should be provided a house by the government. It would be really easy for me to say that the McGowan Labor government sitting on that side should build everybody a house, but it is obviously a nonsense policy. It could not do it if it wanted to. It does not work and it should not work. When John F. Kennedy said, “Ask not what your country can do for you, ask what you can do for your country”, he was kind of saying, “Don’t expect everything handed to you on a platter”, and he was a Democrat. They are perhaps not ultra-left wing when compared with Australian politics, but they are left enough to be able to recognise it. But that was a different era of politics when we were more able to call things what they were.

I have a suggestion for housing policy. I know it is very topical at the moment and we are running around in the federal sphere. If we want to look after housing policy, one of the best things we could do would be to accept that house ownership is a good way to create wealth over time, without ripping people off, and make it attractive for people to invest in housing and the provision of housing as an alternative to the stock market or sticking their money in the bank. I can tell members that probably since 2003–04, or around then, the returns on investment housing have been pretty average. For those who remember who were in housing at the time, in 2003–04, everybody’s house prices basically doubled. A house that was worth \$500 000 was suddenly worth \$1 million; a house that was worth \$250 000 was suddenly worth \$500 000. A lot of people benefited from that, including me—I put my hand up; I have a vested interest—but it drove the dream of housing out of the reach of a whole pile of people who earn a normal income. When I bought my first house many years ago, I paid \$42 500 for it, and my wage was \$25 000. That was the average Australian wage at the time, so I paid less than twice the average Australian wage for a pretty rough three-by-one fibro. The type of house we buy is another part of the issue. The average wage today is a bit over \$90 000. Let us assume, then, that someone would purchase their first three-by-one house for about \$160 000 to \$170 000—good luck!

A member: Norseman.

Hon Dr STEVE THOMAS: Norseman—yes, there are a few towns that are quite isolated where one could probably do that, but for most people in the real estate market looking in the major centres, that is not going to happen. The state—bless the state—cannot afford to build a house for everybody who wants one, and it should not. We should be encouraging people to dream. We should be recognising and rewarding ambition. We want people to rent to a point that they can ultimately own, but, in the meantime, there has to be a marketplace that they have to get to. How is this for an idea: we actually start to recognise that the provision of housing is a good investment for those people who can afford to invest, and make it realistic. It is hard because no-one wants the price of housing to go down. In debates about housing, the biggest issue is that house prices are now so far ahead of wages that it becomes very difficult. The average house price even in Western Australia is \$600 000-ish, which means that the equivalent wage to get into the market is about \$200 000. People normally borrow something like three times their household level of income. That is pretty hard. The cost is absolutely an issue. Let us have policies that reward that. Let us not be frightened of negative gearing or of allowing capital gain that is taxed at a point when the asset is sold at a level that will encourage non-government home ownership.

Some people think that the housing debate is simply around the government building more houses. It is important that the government builds houses for those people who require it, and it is important that the government builds more houses. There are fewer houses on the government list now than there were when the McGowan government

came to power. I think it is down a couple of thousand houses. I am sure that when Hon Steve Martin gives his contribution to the budget address, he will give us the exact numbers. The government has sold off houses and has not replaced the housing stock and there has been a decline. But beyond that, let us look at policies that actually encourage and enable the marketplace to deliver some of those things. I think that would be an outstanding result.

I am not planning to talk an enormous amount about other individual departments and components of the budget. I gave a commitment to the Leader of the House that I would not make an excessive contribution to the budget address. I think my record is about six hours, and I have decided to cut myself significantly shorter than that.

Hon Stephen Dawson: Economising!

Hon Dr STEVE THOMAS: Yes; I am economising! We are here to help. I know that other people want to make a contribution to the address. I just make the point, then, in terms of the other things mentioned in the budget speech, obviously, the Premier, who is the Treasurer, mentioned law and order. The government refers to “strong, safe and fair communities”. I have to say that this Labor government has absolutely failed to provide stronger, safer communities to date. We only have to look at what is happening up north with the communities that are in crisis, but we do not even have to go that far. In a few hours, we could take a walk down to central Perth and look at what is happening around Yagan Square, for example, and ask people there how safe they feel in Perth at 11 o’clock at night. This government has absolutely failed to maintain safety. There are a few investments in the budget around this, but—wow! When we talk about where the McGowan Labor government has failed, it is not just in converting the economy. It is about not only looking after the people of Western Australia financially, but also keeping them protected. That has been an utter failure. Unfortunately, when governments swing to the left, these things tend to happen, and often the response from the opposition is to swing a bit harder to the right. I do not think we have done that, but I think it is completely appropriate to start calling out the lack of performance that has occurred under this government in public safety, because the outcome has been utterly appalling.

President, I will sum up. Why has this government released a budget that has been received so poorly outside of the rapturous applause of the Labor members who listened to the speech? It is because it does not show a great deal of vision. It takes the money that this government has received on behalf of the people of Western Australia and directs it to the benefit of not those people but the McGowan government. People are starting to figure this out. It will not happen overnight. It will not happen tomorrow. It will take some time. But I will be there to remind people all the way through that this government took the greatest fiscal boom in history and used it to look after itself and its own political interests. It abandoned looking after the state of Western Australia, in particular its future and its future generations, for the crass self-promotion that we have seen over the past week. This is, in my view, what the Premier, who is the Treasurer, will be judged by in 10, 20 or 30 years. He will probably still be in the workforce. This is how this Premier will be assessed. I know that he wants to be remembered as the greatest Premier the state has ever seen, but I think he is doomed for disappointment. I think Premier McGowan is going to be remembered poorly. He is going to be remembered as the Premier who wasted the boom. He did not do a bad job with COVID-19 at the start of the process, but he will be remembered as the Premier who wasted the biggest boom we ever had, tied up future governments and the future people of Western Australia, and left them with a legacy to fix long after he has gone, at a time when budgets have corrected and the capacity to fix it is slight. That will be the legacy of this Premier, and the level of wasted opportunity that he put into a set of budget papers that he handed down last week astounds me.

HON TJORN SIBMA (North Metropolitan) [4.01 pm]: I rise to make my contribution on the 2022–23 budget papers that were handed down last Thursday. I do so largely by echoing exactly the sentiments of the Leader of the Opposition, Hon Dr Steve Thomas. This budget is in many respects, at least in Western Australian history, very odd in terms of its reception. The fanfare, praise and adulation evaporated within the 24 to 36-hour media cycle of pre-budget drops, the budget lock-up, the immediate budget release and the inevitable morning-after breakfasts. Why is that? If I were to be charitable, I would say that a lot of the oxygen was consumed due to the fact that the federal election is on Saturday. There is some reasonable claim to be made for that, but I think the budget has fallen flat largely because of the reasons Hon Dr Steve Thomas identified—this budget lacks vision in any meaningful sense.

To some degree, we elevate budgets as a platform of political spectacle when we are not having elections. There is a lot of build-up and journalists get very excited, but they have a half-life that peaks probably by the lunchtime or the weekend immediately after they are tabled. That is a very odd outcome for something that in a very superficial way is an enormous and astonishing outcome. A \$5.7 billion surplus is obviously the highest surplus that any Western Australian government has reported—I think it is the highest in any Australian jurisdiction. I would not be surprised, potentially, if we were to get to the midyear revision and find that that surplus has gone up another \$100 million or so. But there is something odd in the reception, something universal, that despite the enormous size of the reported surplus, that has fallen flat, and there might be one or two reasons for that. One reason I will identify is that to some degree the government has demonstrated the absence, the talent void, left by Hon Ben Wyatt. I think that the budget could have been more interesting, transformative and dynamic had Hon Ben Wyatt decided to stay in political life and likely remained Treasurer. That, obviously, did not happen and is not going to happen.

There is something about that legacy on which the Premier, post-retirement, will have an opportunity to reflect upon. I think that it is reasonable to start to talk about the fact that although he might be the Premier and Treasurer today, it will not always be the case. We live in volatile political times; people have options and competing demands. The Premier could justifiably say, “I’ve done a great job. I’m moving on to my next chapter.” He might do that in this term. Should he do that—I am obviously hypothesising—what kind of challenges will he bequeath the next Treasurer or Premier of this state if, indeed, he chooses not to go to the end of his term? What kind of challenges will Hon Roger Cook, Hon Rita Saffioti or Hon Amber-Jade Sanderson have to deal with if any of them become the Treasurer or Premier, because it is absolutely the case that they seem to be the three heirs apparent to either replace the Premier in either of those roles as Treasurer or Premier?

I think that the Premier, strangely, might live to regret this budget, because it was an opportunity to establish something beyond a political legacy for himself—to secure an economic, social and industrial vision for Western Australia as we move into more uncertain times. If there is one lesson from the last few years, it is that times are uncertain and we need to make preparations for all kinds of potential outcomes—some known but others unknown. But we need to ensure that the state is fit, and one way of doing that is to ensure that there is a focus on much-needed economic reform and public sector reform. I hope to make one or two observations on that latter point should time permit.

I will shift gears somewhat and focus on two dominant portfolio areas of interest canvassed in this budget. I will start with the Metronet project and then reflect upon the way in which the environment portfolio has been managed, particularly over the last 18 months. If I do not get the chance to say it later, I will say it now: I think the focus on reform, vision and balancing our ecological stewardship with the need to ensure that Western Australia remains an attractive and competitive place in which to do business and to take investment, has not been secured through three ministers in the course of 18 months. All reforms of their nature are very difficult; they are exceptionally difficult when there is effectively a backed-in bureaucracy and a minister who is learning the portfolio as quickly as they can. That tends to encourage the appearance of an achievement through activity, but leaves the underlying settings unchanged, and some of them, I will argue later, most definitely need to change.

I will start with Metronet. Luckily, or unluckily, I was handed the responsibility to ride shotgun on the Metronet project. I have had that job for the last five or six weeks and have taken an interest in the project overall as well as its various project subcomponents. When coming to grips with anything, it is helpful to go back to first principles or to reflect on where it all started. How did this all begin? I note that during the 2013 state election, as well as during the 2017 state election, Metronet featured quite significantly in the ALP’s campaigning. I will go back to 2017, specifically, two media statements released on the same day, 6 February 2017. They were joint statements by the then shadow transport minister, the now Minister for Transport, Hon Rita Saffioti, and the gentleman who I recently named, the then shadow Treasurer, now ex-Treasurer, Hon Ben Wyatt. To reflect on where I started, I refer to one of these documents, which was titled “METRONET given the tick of approval by independent review”. The then opposition had done what oppositions do and had gone out and obtained independent costings for its signature projects. The three dot points in this statement say that Metronet costings and assumptions were independently assessed by Professor David Gilchrist and Adjunct Professor Michael Wood, and that key priorities of Metronet would be delivered over six years from 2017–18 to 2022–23—the year in which we find ourselves now—and that Metronet would create more than 10 000 jobs and apprenticeships. The three key commitments given in this statement are, first, that Metronet stage 1 would be rolled out continuously over a six-year period beginning in 2017–18 and concluding in 2022–23 and that the cost of stage 1 priorities was \$2.535 billion, including escalation costs—it was all stage 1 then, and there is still not stage 2 demarcation that I can ascertain in the budget papers; and that, in addition, the new Metronet railcars would cost \$410 million. That amounted to \$3 billion. The commitment in 2017 was pretty clear: Metronet would be circumscribed in terms of the number of its subcomponents; it would cost up to \$3 billion; and it would be delivered in the course of six financial years.

There was an element of defensiveness following that. Every opposition, by virtue of the fact they are resource depleted or they operate in a political context in which they have to grapple with resource asymmetry, has to do a lot of work to overcome not only the quite predictable political attacks but also media scrutiny, which is obviously heightened in the course of a campaign. It is also fair to say that, unless they are particularly skilled, many time-poor journalists writing to a deadline on big issues have cultivated or have had relationships cultivated with them by government media officers, of which there is one in every minister’s office and a few more in the Treasurer’s office, who often put up interesting interference or counterfactuals, which oppositions also have to get past. There was a degree of defensiveness on behalf of the then opposition as well. I know that for a fact because on that very same day there was another press release issued by both the individuals I mentioned titled, “Liberals’ Metronet analysis shows why they cannot be trusted.” It contained some interesting dot points, including that Liberals produced fake news in response to Metronet. I doubt any government member would invoke that phrase now. Fake news is probably a time-limited phrase that not necessarily anybody would want to dip into in the current context. Let us be charitable. What was the fake news they were responding to? Apparently, it was that when the Treasurer in the then government Hon Dr Mike Nahan looked at what was being proposed by Metronet, he thought it might cost, in terms of capital allocation, anywhere between \$6.7 billion to \$9.7 billion. In the context of 2017, and ensuring that an opposition is politically credible, it has to respond with gusto to anything that might cast a shadow of doubt on its position, so

the then opposition responded strongly. The concept of Metronet costing anywhere between the high \$6 billions and the high \$9 billions was a nonsense. That was fake news! It was fake news because I think at the time they claimed that Dr Nahan used a smorgasbord of other projects to tell people what Metronet was like. That is where we started. Every budget —

A member interjected.

Hon TJORN SIBMA: You do not have to be here!

A member interjected.

Hon TJORN SIBMA: If you are not, I can send you the notes later if you like! I do not take interjections from first termers.

Several members interjected.

Hon TJORN SIBMA: Everybody earns their stripes here. There are a lot of stripes yet to be earned!

This is the sixth budget in a row, at least in budget paper No 3, that has the cut-out box of Metronet, explaining —

A member interjected.

Hon TJORN SIBMA: Only in No 2!

They explained the overall capital context of the project. In each of those years, the capital expenditure has gone up. It has gone up, to some degree for explainable economic reasons, but also because the time of delivery has gone out to the right and the overall scope of the project has increased. If we look at the current document provided on Thursday, at least insofar as budget paper No 2 on pages 633 and 634 under the Public Transport Authority portfolio budget allocation is concerned, there is a series of projects commencing with the Bayswater station and ending with the Yanchep rail extension as “Other Works in Progress”. Then, when we add in “New Works” on the following page, which is everything from the new Midland station multistorey car park, CCTV programs and the like, we get to a full capital allocation of just over \$9 billion. Now, five or six years ago, when Dr Mike Nahan said this project might cost \$9 billion, that was fake news. Dr Mike Nahan did not get everything right, but his position seems to have been validated by the government’s very own budget papers.

It does not stop there, because a variety of Metronet allocations are spread elsewhere throughout the budget. On page 639 there is over \$600 million in the standalone line, “Metronet Projects Under Development”, which is in addition to everything else I have gone through; there is about \$100 million in a transfer from the Western Australian Planning Commission; and, interestingly, in the Main Roads budget is \$800 million over the course of the estimates on Metronet-related roadworks. That puts the full capital allocation for Metronet in 2022–23, including the Forrestfield–Airport Link, which I will get to next, at around \$9.5 billion. Is that good, bad or indifferent? It is exactly the size and the scale that Hon Dr Mike Nahan said it would be. He has been proven right after a long time, and after he left this Parliament, but he was right.

I will refer to one problem, and then there are a series of other related problems. The first problem, consistent with Hon Dr Steve Thomas’ observations about the inherent difficulties any government faces in fulfilling its infrastructure plan, is that the government cannot get it done in the time available. The \$6 billion worth of infrastructure works yet to be done anticipated in this budget are unachievable in the time frame the government has provided for obvious reasons that have emerged in the course of the last 12 months, including severe supply chain disruptions—some related to COVID, others to the geopolitical situation in Ukraine—and severe skilled and unskilled labour shortages. I think it almost verges on economic irresponsibility for the government to claim that it will be able to spend its infrastructure allocation in the time made available. If the government makes that claim, as it has done in the budget papers, it will obviously be held to account for its performance. That is a reasonable and fair expectation, and should not come as a surprise.

Why would one doubt the government’s capacity to deliver each of those Metronet subcomponents in the time it says it can? I will cite one good reason—that is, the Forrestfield–Airport Link. I understand contracts for the project were entered into in late 2016. The project was due to be delivered initially, I think, by the end of 2020, or maybe 2019–20. We are running about two years late—that happens. But the delivery schedule for the FAL has been moved by six months or 12 months consistently throughout the iterative budget papers, and by even more recently. Before the budget was tabled, on Tuesday and Wednesday last week, I asked the Minister for Transport successive questions about whether the government will be able to open the FAL by 30 June, which is when it promised to do so. I could not get a straight answer, which is not unusual, and I am not casting aspersions because it is very rare that opposition members actually get straight answers out of government unless they persistently try, but I thought that if the government cannot commit to that first bit by 30 June, it might indicate some broader problems. An expectation has been built up for the delivery of that component. Certainly in Mt Lawley, the closing of the Caledonian Avenue crossing and the creative destruction, or disruption, needed to achieve a larger macro vision has built up people’s expectations.

I was speaking to journalists on the Thursday night that the budget came down and made the point that it appears to me implicitly that the FAL will not open before 30 June. “Why is that?”, they asked. I said it is longer provisions. The most clarity on this we have received has come from the Premier, who has indicated that the opening might

be some months off. Strangely, we know when disruptions to that service will occur; the Midland line will be shut down for 24 days in late September. We know to some degree when the FAL might close down before it opens up. If the people of Western Australia who are likely to use the FAL cannot get some certainty about when the very first macro dimension will be delivered, what faith should they have in the broader program? I put to members that I do not think they can have much. There will be some components on which progress is more advanced and others on which there is less in way of delivery.

An issue that will be relevant to this chamber, maybe not in this sitting fortnight but perhaps after the winter recess, is the Railway (METRONET) Amendment Bill 2022, which deals with the Armadale line work and the Byford extension. In the course of that debate in the other place, I do not think it was ever clarified when the Armadale line with the Byford extension will commence operations. To me, that question seems to have been answered somewhat by virtue of the works to remove level crossings and elevate the rail line in Victoria Park being funded until the 2025–26 out year. We will have to deal with the legislation in the way we deal with railway legislation in this jurisdiction for a project that will probably not be operational until 2026, and with the problems the government faces programming its infrastructure capital works program, it might be beyond 2026. In four years' time, potentially, the Armadale line will be open.

Metronet is an enormous project growing like Topsy and largely funded, it has to be said, by the commonwealth government, which has been very, very generous. I say very generous because when I see subcomponents that have benefit–cost ratios of 1.1 or 1.2, I think the underlying economics of those projects might be somewhat marginal and vulnerable to a range of externalities. That might be the cost of materials or the availability of labour, and that cost is not insignificant. Traditionally, whether commonwealth or state governments are Labor or Liberal, commonwealth governments are very happy to fund road and rail infrastructure but they never have to bear the costs of operating those lines, fixing those roads or to some degree subsidising fares on the rail network. There will be an ongoing recurrent cost of Metronet. Investment in public transport infrastructure is a very good thing, but, as with all investments, governments have to be reasonably economically sensible and have an eye to the financial implications of those decisions. The current budget has absolutely no increase in the service line provision so we do not know how much the Public Transport Authority will require into the estimates to operate these lines and we have very little insight on the level of fare subsidisation that will be needed to keep the lines operational. I suggest that that will be of a higher magnitude because the projects themselves have very low benefit–cost ratios and Western Australia has not seen the population growth required to boost patronage levels to make them viable in their own right.

I welcome the attendance of the President in the chamber and wonder what time I might have left. Perhaps in the next 30 seconds I will move on to the next issue.

I think Metronet costings, implications and project management are absolutely live issues and will be an increasing focus for the opposition, because it will be the project that eats future budgets. It will have an enormous recurrent spend impact that will come at an opportunity cost—the money that government needs to run other critical services in Western Australia, be it in education, health services or funding community safety and ensuring appropriate law and order. All those key government services will come under increasing pressure as a consequence of building all of Metronet all at once at a time when we have an uncertain horizon for the state government's capacity to fund those operating costs.

I might move to or foreshadow, which is a more accurate way to describe it, some key issues in the environment portfolio. I will identify some hits and some misses. There have been some hits along the way. The initiation of some credible, sensible reform work has unfortunately progressed at too slow a pace and become mired within the bureaucracy. That is absolutely no discredit to our bureaucrats, but institutions often revert to type. A lot of the promise of the reforms that were brought into this place and passed by the now Minister for Emergency Services have gone unfulfilled to date and are likely to continue to go unfulfilled.

Could I adjourn my remarks?

The PRESIDENT: I was just about to call order on you, member, so excellent timing.

Debate interrupted, pursuant to standing orders.

[Continued on page 2293.]

QUESTIONS WITHOUT NOTICE

PUBLIC HOUSING — WAITLIST — KALGOORLIE ELECTORATE

424. Hon COLIN de GRUSSA to the Leader of the House representing the Minister for Housing:

I refer to the housing waitlist for the electorate of Kalgoorlie.

- (1) How many people are currently waiting for housing in —
 - (1) the City of Kalgoorlie–Boulder;
 - (2) the Shire of Coolgardie;

- (3) the Shire of Dundas;
 - (4) the Shire of Laverton; and
 - (5) the Shire of Menzies?
- (2) For those in (1), what is the current vacancy rate for each local government area?

Hon SUE ELLERY replied:

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

- (1) The Department of Communities does not collate waitlist data by local government area—LGA. The waitlist can be broken down by preference region and preference zone.

I seek leave to have that part of the answer incorporated into *Hansard*.

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

Public Housing Wait List by Area Office and Preference Zone as at 30 April 2022			
Area Office	Preference Zone	Total Number of Applications	Total Number of People
Kalgoorlie	Coolgardie	16	35
	Kalgoorlie	368	637
	Kambalda	2	2
	Laverton	17	44
	Leonora	17	32
	Norseman	3	4
	Total	423	754

- (2) Properties can become vacant for a number of reasons and are generally only vacant for a period of time. Of the 130 properties vacant in the region as at 30 April 2022, 116 of these properties are undergoing maintenance repairs and will return to public housing stock once complete.

That information is also set out in tabular form, so I seek leave to have it incorporated into *Hansard*.

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

Public Housing State-wide vacancies below LGA's as at 30 April 2022			
GA	Returning	Not-Returning	Total
City of Kalgoorlie Boulder	94	12	106
Shire of Coolgardie	11	2	13
Shire of Dundas	-	-	-
Shire of Laverton	11	-	11
Shire of Menzies	-	-	-
Total	116	14	130

BUNBURY OUTER RING ROAD

425. Hon Dr STEVE THOMAS to the Leader of the House representing the Minister for Transport:

I refer to the federal budget announcement last week of an additional \$320 million for the Bunbury Outer Ring Road project and the additional \$80 million added in last week's state budget.

- (1) What is the budget for the extension of Willinge Drive south to meet with South Western Highway at the junction of Lilydale Road?
- (2) Has the funding for this section of road been included in the expanded overall budget?
- (3) Noting that work on this section of the road has commenced, when is it scheduled to be completed?
- (4) Has the funding for this section of the BORR been removed or redirected in any way; and, if so, how much and to where?

Hon SUE ELLERY replied:

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

- (1)–(4) The budget for the Bunbury Outer Ring Road is \$1.25 billion, following the allocation of additional funds as part of the recent federal and state budgets. It is intended that the Willinge Drive extension will be completed.

SUMMER JOBS CAMPAIGN — BUSSELTON–MARGARET RIVER

426. Hon Dr STEVE THOMAS to the Minister for Regional Development:

I assume Hon Darren West is picking up regional development. I refer to the minister's media statement of 10 November 2021 entitled "New campaign to address hospitality worker shortage in Busselton–Margaret River region" by encouraging 14 to 17-year-olds to take up summer jobs.

- (1) Has the campaign concluded; and, if so, when did it conclude?
- (2) How many Busselton–Margaret River hospitality businesses have registered or signed up to the "ctrl your summer job" campaign?
- (3) How many 14 to 17-year-olds were successfully placed in BusseltonMargaret River businesses under the "ctrl your summer job" campaign?
- (4) How is the success or failure of this campaign determined and what was the predetermined criteria for this campaign?
- (5) What feedback has the government or the South West Development Commission received about this campaign from employers and participating workers?

Hon DARREN WEST replied:

We may have found our new PFAS!

I thank the honourable member for some notice of the question. I provide the following answer on behalf of the Minister for Regional Development.

- (1) The social media and customer care components of the campaign concluded on 10 April 2022; however, the website continues to be maintained.
- (2) As at 13 May 2022, 97 businesses in the Busselton–Margaret River regions had registered to use the site, with 104 jobs advertised; 121 job seekers had registered and around 80 of those were teenagers—year 10, 11 and 12 school students.
- (3) As with other major job platforms, data on successful placements is not available. The platform sought to connect businesses with job seekers directly.
- (4) A key indicator used to measure the success of the campaign was the number of applications received from registered job seekers for jobs advertised on the site. As at 13 May 2022, 216 job applications were registered.
- (5) Employers provided positive feedback on the jobs platform and confirmed that they had successfully filled positions drawn from the pool during that peak period. Several young job seekers' parents also praised the efforts the government was making to encourage their children to take up casual work in the region. Feedback from industry was that the campaign played an important role at a point in time.

ENVIRONMENT ONLINE

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

I note the Environment Online digital platform referred to on page 688 of budget paper No 2, volume 2.

- (1) Given that Environment Online has been referred to in prior McGowan government budgets, when in 2022–23 will users be able to access the first minimum viable product, the environmental impact assessment component?
- (2) When will the entire package of Environment Online products be operating and accessible?

Hon STEPHEN DAWSON replied:

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

- (1) The first release is proposed for 16 August 2022.
- (2) This is the subject of further detailed planning in 2022.

COMMUNITIES — EDUCATION AND CARE REGULATORY UNIT

428. Hon DONNA FARAGHER to the Leader of the House representing the Minister for Community Services:

I refer to the minister's press statement of 22 April 2022 titled, "\$114 million boost to protect and support Western Australian children" and the particular reference to "...\$9.1 million will also be allocated to keep WA kids in early childhood education safe."

Will the minister provide more detail and a breakdown of what programs and/or initiatives will be funded through this \$9.1 million allocation?

Hon SUE ELLERY replied:

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

The allocated \$9.1 million approved through the 2022–23 budget process will support the activities of the Department of Communities' education and care regulatory unit. ECRU is responsible for approving provider and service applications, completing assessments and ratings against the National Quality Standard, monitoring compliance, and completing investigations and compliance actions.

COMMUNITIES — POLICE RAID

429. Hon PETER COLLIER to the Leader of the House representing the Minister for Community Services:

I refer to the female Aboriginal public officer employed within the Department of Communities whose home was raided by police.

- (1) Is this public officer still employed within the Department of Communities?
- (2) If yes to (1), is this public officer in the same position as she was prior to the police raid on her home; and, if not, what is her current status?
- (3) Is this public officer still under internal investigation?

Hon SUE ELLERY replied:

- (1) Yes.
- (2) Yes.
- (3) In fairness to any person subject to a current departmental investigation it would be inappropriate to disclose further information.

GST — COMMONWEALTH GOVERNMENT AGREEMENT

430. Hon JAMES HAYWARD to the Leader of the House representing the Premier:

I refer to the GST deal with the commonwealth government.

- (1) Has the Premier received a public guarantee from the federal Labor Party that the GST deal will not change if Labor wins the federal election this weekend?
- (2) Can the Premier confirm the federal Liberal Party has publicly guaranteed the GST deal will not change?
- (3) Will the Premier seek a guarantee from the federal Labor Party that it will not change the GST deal after the election, should it be elected?
- (4) If no to (3), why not?

Hon SUE ELLERY replied:

- (1) Yes.
- (2) The member should refer this question to the federal Liberal Party.
- (3) See (1).
- (4) Not applicable.

BICYCLE AND PEDELEC STANDARDS

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

The Department of Transport's website states under "Bicycle standards and requirements overview" —

... PAPCs and pedelecs ... the width of the bikes, or their loads, cannot exceed 660 mm.

- (1) Which regulation defines the maximum width of PAPCs and pedelecs?
- (2) Does this apply to all bicycles or only PAPCs and pedelecs?
- (3) According to the regulation in (1), what is the maximum width for an electric bike and an electric tricycle?
- (4) What is the maximum width for a bicycle and a tricycle?

Hon SUE ELLERY replied:

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

- (1) The width of bicycles and their load is provided for in regulations 404 and 406 of the Road Traffic (Vehicles) Regulations 2014.
- (2) Yes, this applies to all bicycles as defined in the Road Traffic Code 2000, including power-assisted pedal cycles and pedelecs.

- (3) The width of the bicycles or their loads cannot exceed 660 millimetres.
- (4) A tricycle is a bicycle for the purposes of the regulations. Therefore, the width of a tricycle is the same as a bicycle.

MURUJUGA ROCK ART STAKEHOLDER REFERENCE GROUP

432. Hon WILSON TUCKER to the minister representing the Minister for Environment:

I refer to the membership of the Murujuga rock art stakeholder reference group.

- (1) Why did the minister remove all independent expert members from the MRASRG?
- (2) Why were the experts on rock art and its degradation removed from the MRASRG?
- (3) Will the minister identify those former members who have been removed and explain why?
- (4) Why does the MRASRG now largely represent industry stakeholders?
- (5) Does the minister believe that the terms of reference of this committee to oversee analysis of a scientific monitoring and analysis program that will determine whether the rock art on Murujuga is being subject to accelerated change, can be properly evaluated by the current membership?
- (6) If yes to (5), how?

Hon STEPHEN DAWSON replied:

I thank the honourable member for some notice of the question. The question was long, so the answer is long, too. The following answer has been provided to me by the Minister for Environment.

- (1)–(4) In preparation for the delivery phase of the program, the Department of Water and Environmental Regulation undertook a review of the stakeholder reference group membership and terms of reference. This included seeking the views of the Murujuga Aboriginal Corporation and other members to ensure the group continued to serve its intended purpose and that MAC remained a strong voice central to all decisions relating to Murujuga. The changes to the stakeholder reference group also reflect that the strategy is moving into a new phase. Although the first term supported the development of the strategy and monitoring program, the next four years will be focused on the transition to implementation, communication and building MAC's capacity to take over the Murujuga rock art monitoring program. The monitoring program was designed by experts including from Curtin University, ArtCare and ChemCentre, it is overseen by MAC and DWER and it includes independent peer reviews by national and international experts. All previous members of the MRASRG have been invited to continue to participate in the group as observers. This includes state and commonwealth government agencies, the City of Karratha, the University of Western Australia's Centre for Rock Art Research and Management, the Pilbara Development Commission and Dr John Black.
- (5)–(6) The terms of reference for the stakeholder reference group, which were updated in May 2022, make it clear that the focus of the group is engagement, communications and promotion related to the Murujuga rock art strategy. The terms of reference also state that the scientific monitoring and analysis program is overseen by MAC and DWER in close consultation with a team of national and international experts in relevant disciplines.

PLANNING AND DEVELOPMENT AMENDMENT ACT

433. Hon Dr BRIAN WALKER to the Leader of the House representing the Minister for Planning:

I refer the minister to part 17 of the Planning and Development Amendment Act 2020, which introduced a temporary system that amended the planning pathway for certain significant developments.

- (1) Since that temporary system came into effect, how many planning applications have been considered under the new streamlined system?
- (2) How many of those development proposals were approved and how many were rejected, and of those approved, how many had additional conditions attached to their application?

Hon SUE ELLERY replied:

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

- (1) Over the period of operation, 98 proponents approached the department about lodging a part 17 application. Of these, only 50 proponents opted to use the part 17 pathway. Of the 48 proponents who opted not to use the part 17 pathway, four have since had their proposals determined by a development assessment panel and one is pending determination by a DAP.
- (2) To date, 17 applications have been determined, with all 17 applications receiving conditional approval.

CORONAVIRUS — GOVERNMENT RESPONSE

434. Hon MARTIN ALDRIDGE to the Leader of the House representing the Premier:

I refer to the state government's response to the COVID-19 pandemic.

- (1) As of today, Tuesday, 17 May 2022, how many active COVID-19 cases are there in WA?
- (2) How many COVID-19-positive patients are hospitalised?
- (3) Of those identified in (2), how many are currently receiving intensive care?
- (4) Of those identified in (2), how many are currently being ventilated?

Hon SUE ELLERY replied:

I thank the honourable member for some notice of the question. The Premier has provided the following response.

- (1) As at 8.00 pm on Monday, 16 May 2022, there were 88 710 active cases in Western Australia.
- (2)–(3) To 8.00 pm on Monday, 16 May 2022, 325 people with COVID-19 were in hospital, of which 11 were in the intensive care unit.
- (4) The ventilation status of patients with COVID-19 is recorded at discharge. Therefore, it is not possible in the limited time provided to provide an accurate number of patients in WA hospitals that are currently receiving ventilation. Collating this information is a manual process that would require an unnecessary use and diversion of frontline health resources. From the start of the pandemic until 11 May 2022, 12 patients with COVID-19 have required the use of a ventilator in WA hospitals.

REMOTE COMMUNITIES FUND

435. Hon NEIL THOMSON to the minister representing the Treasurer:

I refer to the recent announcement to create a new remote communities fund of \$350 million.

- (1) Which agency will manage the expenditure of this fund?
- (2) Is this fund a full or partial substitute for the continuation of funding programs that have been in operation in previous years?
- (3) If yes to (2), can the minister please list the programs with their prior annual expenditures in 2020–21 and 2021–22, such as for —
 - (a) municipal services over the last five years;
 - (b) remote area essential services; and
 - (c) other services?

Hon STEPHEN DAWSON replied:

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

- (1) The Department of Treasury.
- (2) No. The remote communities fund is additional funding.
- (3) Not applicable.

PUBLIC HOUSING — WAITLIST

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

I refer to the steadily increasing number of people on the public housing waitlist.

- (1) For 2021–22 to date, how many applicants on the public housing waitlist have been housed?
- (2) Of those in (1), how many were priority applicants?
- (3) Of those in (1), how many people does this represent?

Hon SUE ELLERY replied:

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

- (1)–(3) As at 30 April 2022, there were 1 602 occupations in the 2021–22 financial year to date from the public housing wait list statewide. Of the 1 602 occupations, a total of 1 105 occupations were priority listed. As at 30 April 2022, 3 092 people were housed in the 2021–22 financial year to date from the public housing waitlist statewide. It should be noted that most applicants have a roof over their head or are housed while they wait for public housing to become available.

Distinguished Visitors — Hon Nazih Elasmr, Hon Colin Brooks and Ms Anne Sargent

The PRESIDENT: Members, just before I give you the call I would like to welcome to the President's gallery some very special guests from the Victorian Parliament: Hon Nazih Elasmr, President of the Legislative Council; Hon Colin Brooks, Speaker of the Legislative Assembly; and Ms Anne Sargent, the Deputy Clerk of the Legislative Council. You are very welcome to the Legislative Council of Western Australia.

MYALUP–WELLINGTON WATER PROJECT

437. Hon Dr STEVE THOMAS to the Minister for Agriculture and Food:

I refer to Myalup–Wellington water project, to my question without notice 323 asked on the 7 April 2022 and to the minister's public comments that she has retained the \$190 million federal government funding as being held in a Western Australian bucket.

- (1) Are both the original \$140 million federal grant and the original \$50 million federal loan facility retained in a Western Australian bucket?
- (2) What state water projects are currently being considered for potential funding from this \$190 million federal government windfall?
- (3) What is the time frame by which the federal funding is required to be acquitted?
- (4) Will the minister support the potential delivery of the below-the-dam-wall components of the original Myalup–Wellington project; and, if not, why not?
- (5) If no to (4), will the minister take responsibility for the failure of the project under her watch?

Hon DARREN WEST replied:

I think I thank the honourable member for some notice of this question. On behalf of the Minister for Agriculture and Food, I provide the following answer.

- (1) The \$140 million grant commitment has been retained in the federal budget for future projects in Western Australia under the national water grid fund. The option of a \$50 million concessional loan remains available subject to a third party being capable of underwriting the loan.
- (2) Our focus is on the Collie to Coast proposal that is being managed through the state government's market-led proposal process. The National Water Grid Authority has provided \$800 000 towards the development of a preliminary business case.
- (3) There is no set time frame but we are working as quickly as we can to progress the project.
- (4) Key below-the-dam-wall components from the original Myalup–Wellington dam proposal are expected to be included within the Collie to Coast market-led proposal.
- (5) Not applicable. We note that the original project developed under the former Liberal–National government was very complex and was always going to be a challenge to deliver.

CORONAVIRUS — ANTIVIRAL DRUGS

438. Hon COLIN de GRUSSA to the Minister for Medical Research:

I refer to information received about a special antiviral drug given only to unvaccinated patients with COVID-19 in a COVID-19 ward at one of WA's hospitals, which is apparently paid for by the state government.

- (1) Is this a medical research trial funded by the state government?
- (2) What medication/s are being used and from where are they being sourced?
- (3) Who is conducting the trial?
- (4) How much money has been spent to date to purchase the medication/s and when will the trial be complete?

Hon STEPHEN DAWSON replied:

I provide this answer as the Minister for Medical Research.

- (1)–(4) Antiviral drugs are currently available to eligible COVID-positive people whether they are hospital inpatients or isolating within their home environment. It is not clear what "special antiviral drug" or which hospital is being referred to. If the honourable member has a more specific question, I will endeavour to provide an answer.

ENDANGERED SPECIES — RECOVERY PLANS

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

I refer to the reference to the "Proportion of critically endangered and endangered species and ecological communities that have a recovery plan" on page 712 of budget paper No 2, volume 2.

- (1) How many threatened and endangered species and communities are there presently in Western Australia?

- (2) How much funding is attached to the 72 per cent of the above species and communities with recovery plans in this budget?
- (3) What efforts are being made to capture the 28 per cent of species and communities without recovery plans?

Hon STEPHEN DAWSON replied:

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

- (1) There are 678 threatened species listed under the Biodiversity Conservation Act 2016. There are 65 threatened ecological communities managed as environmentally sensitive areas under the Environmental Protection Act 1986.

- (2) Recovery plans provide guidance on recovery actions to the Department of Biodiversity, Conservation and Attractions and other organisations. In DBCA, many actions are taken across multiple species and locations—for example, feral animal control—therefore, it is not possible to identify funding allocated to the species specific activities under recovery plans.

In 2020–21, approximately \$5.7 million was expended on development and implementation of approved biodiversity management programs, including recovery plans for threatened species and ecological communities, as part of service 6, conserving habitats, species and ecological communities. It is anticipated that a similar level of expenditure will be incurred over the forward estimates.

- (3) Development of recovery plans is prioritised for threatened species and ecological communities when there are significant complexities in conservation planning arising from multiple significant threats, occurrence across multiple land tenures, large numbers of stakeholders and social, cultural or economic significance.

All threatened species and ecological communities, regardless of whether they have a recovery plan, are considered in conservation planning for on-ground operational activities and when advice is provided to stakeholders, including on development proposals, native vegetation clearing applications and in environmental impact assessments.

VULNERABLE CHILDREN AND YOUNG PEOPLE — GOVERNMENT STRATEGY

440. Hon DONNA FARAGHER to the Leader of the House representing the Premier:

I refer to the report *Improving the odds: For WA's vulnerable children and young people*, which was released in 2019 by the then Commissioner for Children and Young People. With respect to the commissioner's recommendation within this report to establish a whole-of-government child wellbeing strategy for Western Australia, which the Department of the Premier and Cabinet accepted in principle in 2019, can the Premier advise what work has been undertaken by the government to date to implement this recommendation?

Hon SUE ELLERY replied:

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

The Commissioner for Children and Young People's report explores issues that can lead to vulnerability in children and young people, such as violence, abuse and neglect in the home, challenges with mental health, disability or chronic health issues, disengagement from education, involvement in criminal activity and alcohol and drug use.

The WA government is committed to addressing these matters, such as: implementing all the recommendations of the Ministerial Taskforce into Public Mental Health Services for Infants, Children and Adolescents Aged 0–18 Years in Western Australia, which will transform the mental health system to meet the needs of children in WA; increasing immunisation rates for children and improving the completion rate of one-year-old and two-year-old child health checks; developing a program to ensure that children in out-of-home care continue to have their health needs met; focusing on early childhood care and development, achieving outcomes under the national agreement to ensure Aboriginal children and young people can thrive from their early years into adulthood; introducing legislation on a reportable conduct scheme to Parliament; and working to ensure that organisations engaged in child-related work are required to adhere to the National Principles for Child Safe Organisations.

HOMELESSNESS — EMERGENCY HOUSING

441. Hon PETER COLLIER to the Leader of the House representing the Minister for Homelessness:

- (1) What emergency housing is available for the homeless in the CBD?
- (2) What emergency housing is available for the homeless in the northern suburbs?
- (3) How do the homeless access the facilities referred to in (1) and (2)?

Hon SUE ELLERY replied:

I thank the honourable member for some notice of the question. Substantial information has been provided in tabular form so I seek leave to have the response incorporated into *Hansard*.

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

(1)–(3) The McGowan government is investing \$2.4 billion over the next four years, to improve the quality and accessibility of social housing and homelessness services across the State. There are a range of emergency accommodation services available for individuals experiencing homelessness across the Perth metropolitan area which provide varied levels of support. These include:

- Crisis accommodation;
- Intensive intervention accommodation;
- Family and domestic violence refuges;
- Transitional accommodation; and
- Long-term accommodation.

Entrypoint Perth provides individuals with information and referrals to available crisis and transitional accommodation in the area. People rough sleeping are also referred to accommodation through outreach and by accessing day centres and engagement hubs.

There is information available to assist people to access services on the Department of Communities website and in print form in some local government public spaces including libraries.

A list of the Department of Communities funded homelessness accommodation services is attached. This list is not exhaustive and does not include Family and Domestic Violence refuge accommodation.

Department of Communities Funded Homelessness Accommodation services

Organisation Name	Service Name
St Vincent De Paul Society WA Inc	Acute Homeless Night Shelter – Tom Fisher House
Wungening Aboriginal Corporation	Boorloo Bidee Mia
UnitingCare West trading as Uniting WA	Koort Boodja
Indigo Junction Incorporated	Swan Emergency Accommodation and Support Services
St Bartholomew’s House Inc	Barts Plus
Salvation Army (WA) Property Trust	Homelessness Services – The Beacon
Multicultural Services Centre of Western Australia Inc	Multicultural Housing Services Program
Mission Australia	Mission Australia Family Support and Accommodation Service
Centrecare Inc	Centrecare Family Accommodation Service –CFAS
Perth Asian Community Centre Inc	Perth Asian Community Centre
Multicultural Futures Inc	Crisis Accommodation for Refugees and Migrants
Moorditch Gurlongga Association Inc	Coolabaroo Housing Service
St Bartholomew’s House Inc	Future Homes
Salvation Army (WA) Property Trust	Balga Family Accommodation Service
St Patrick’s Community Support Centre Ltd	St Patricks Accommodation and Support Services
55 Central Inc	55 Central
UnitingCare West trading as Uniting WA	Uniting Care West Accommodation and Support Services
Calvary Youth Services Mandurah Inc	Calvary Youth Services Mandurah
Indigo Junction Incorporated	Swan Emergency Accommodation – Youth
Ebenezer Aboriginal Corporation	Ebenezer Home
Perth Inner City Youth Service Inc	Household Network
Youth Futures Ltd	Youth Futures incorporating the Youth Accommodation and Support Service – Canning
Victoria Park Youth Accommodation (Inc)	Victoria Park Youth Accommodation Service
Anglicare WA Inc	Y-SHAC Youth Supported Housing and Crisis Accommodation
Fusion Australia Ltd	Fusion Student Household Service
St Patrick’s Community Support Centre Ltd	Youth Place
Parkerville Children and Youth Care Incorporated	Armadale Youth Accommodation Service
Parkerville Children and Youth Care Incorporated	Moving Out Moving On (Including Penny Jones House)
Mercy Community Services Limited	Mercy Community Services Youth Services
Anglicare WA Inc	Yes! Housing and Yes! Housing Young Parents
Mission Australia	Youth Accommodation and Support Service (YASS)
Anglicare WA Inc	Foyer Oxford
Anglicare WA Inc	Anglicare Family Housing
Life Without Barriers	At Risk Youth Accommodation Service

POLICE — FIREARM OWNERSHIP

442. Hon JAMES HAYWARD to the minister representing the Minister for Police:

I refer to the purchase of a .50 calibre rifle by the Western Australia Police Force.

- (1) What was the cost of the .50 calibre rifle purchased by WA police on 24 February 2022?
- (2) For what purpose was the .50 calibre rifle purchased?
- (3) Do WA police have an ongoing need to own a .50 calibre rifle, and if so, what may it be used for?
- (4) Is the .50 calibre rifle purchased by WA police on 24 February 2022 the same rifle that the Minister for Police was photographed with at the press conference on 22 March 2022?

Hon STEPHEN DAWSON replied:

Honourable member, you asked this question last week. I was going to provide the answer at the end of question time. The question that the member read now is slightly different from that one; it has changed. I will provide the answer anyway, but the member has two different questions in the system about the same issue.

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

The Western Australia Police Force advises:

- (1) The cost was \$8 500.
- (2) Ballistic reference source, investigations and firing demonstrations.
- (3) Yes, the Western Australia Police Force has an extensive ballistic reference library of firearms and ammunition that are used in various ways to assist police in the investigation of incidents that involve firearms.
- (4) The .50 calibre rifle was displayed at a media launch on 22 March 2022.

LAW REFORM COMMISSION OF WESTERN AUSTRALIA — *PROJECT 108: FINAL REPORT***443. Hon Dr BRAD PETTITT to the parliamentary secretary representing the Attorney General:**

I refer to the Law Reform Commission of Western Australia's report *Project 108: Final report: Review of Western Australian legislation in relation to the registration or change of a person sex and/or gender status relating to sex characteristics*, tabled in December 2018, and the government response to question without notice 1234.

- (1) Has the government now fully considered the report?
- (2) If yes to (1), are there any other recommendations that the government will not be accepting in addition to recommendations 5 and 6, which were mentioned at the time of tabling and has any progress been made towards implementing any of the recommendations; and, if so, which ones?
- (3) If no to (1), when does the minister expect the report will be considered?

Hon MATTHEW SWINBOURN replied:

I thank the member for some notice of the question. I provide the following answer based on information provided to me by the Attorney General.

- (1) No.
- (2) Not applicable.
- (3) Consideration is ongoing.

CORONAVIRUS — STATE OF EMERGENCY — EXTENSION

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

I refer to the Declaration (No.3) of the Public Health State of Emergency, which was declared at 16.25 on 22 September 2021.

- (1) Why did the minister not just extend Declaration (No. 2) of the Public Health State of Emergency on this date, as he has done every two weeks since 28 March 2020?
- (2) Was the Extension of Western Australia Declaration (No.2) of Public Health State of Emergency dated 26 August 2021 the last extension of the Declaration (No.2) of Public Health State of Emergency?
- (3) If yes to (2), can the minister confirm that Western Australia was not in a public health state of emergency between 10 September 2021 and 22 September 2021?

Hon SUE ELLERY replied:

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

- (1) Following legal advice, the minister issued a fresh declaration.

- (2) No. The last extension was dated 8 September 2021.
- (3) Not applicable.

SMITHS BEACH — DEVELOPMENT PROPOSAL

445. Hon NEIL THOMSON to the Leader of the House representing the Minister for Planning:

I refer to consideration of the Smiths Beach development by the state development assessment unit and the Western Australian Planning Commission.

- (1) When will the Environmental Protection Authority complete its assessment of the development proposal?
- (2) Will the EPA's recommendation be made public prior to consideration of a recommendation by SDAU and the Western Australian Planning Commission?

Hon SUE ELLERY replied:

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

- (1)–(2) The Minister for Planning does not speak on behalf of the Environmental Protection Authority, which is an independent statutory authority.

FOREST PRODUCTS COMMISSION — NATIVE FEATURE-LOG PRODUCTS

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

I refer to the contracts that multiple businesses have for the supply of high and low-grade native feature-log products with the Forest Products Commission.

How many contractors held a contract for the supply of high and low-grade native feature-log products for the years —

- (a) 2019;
- (b) 2020;
- (c) 2021; and
- (d) 2022 to date?

Hon DARREN WEST replied:

I thank the honourable member for some notice of the question. I provide the following answer on behalf of the Minister for Regional Development representing the Minister for Forestry.

- (a) There were 13.
- (b) There were 12.
- (c) There were 14.
- (d) There are 15.

FOREST PRODUCTS COMMISSION — AUCTION CONTRACTS

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

Thank you, President. We are all getting very excited over this side.

The PRESIDENT: I noticed.

Hon Dr STEVE THOMAS: My question is to the parliamentary secretary representing the Minister for Regional Development representing the Minister for Forestry.

- (1) Will the minister provide a list of all Forest Products Commission auction contracts, including the name of the holder of the contract, the commencement and expiry date of the auction contract, and the date the holder of the auction contract last purchased jarrah or karri sawlog from an FPC auction?
- (2) If not, why not?
- (3) If any of the holders of an FPC auction contract also hold another FPC contract, can the minister please provide details of the other FPC contracts held, including the type of FPC contract, the commencement and expiry dates of the contract, and the sawlog and/or other bole volume and species allocated under the contract?

The PRESIDENT: Are you sure that is a question without notice? I call the Parliamentary Secretary to the Minister for Regional Development.

Hon DARREN WEST replied:

I thank the honourable member for some notice of the question. On behalf of the Minister for Forestry, I provide the following answer, much of which is in tabular form.

I seek leave to have the answer to (1) incorporated into *Hansard*.

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

(1)

Contract Holder	Start Date	Expiry
GJ & KL Murtagh	1/11/2017	31/12/2023
Mason James Clarke	2/02/2022	31/12/2023
Derek William Doak	14/10/2021	31/12/2023
Christopher George Halfyard	7/10/2021	31/12/2023
Arena, Michael Angelo	2/03/2022	31/12/2023
Denmark Spot Milling Pty Ltd	1/04/2014	31/12/2023
Perenti Timber Recovery Pty Ltd	1/04/2014	31/12/2023
West Coast Timbers Pty Ltd	1/04/2014	31/12/2023
FL & JR Shaw	1/04/2014	31/12/2023
Greand Timbers	1/04/2014	31/12/2023
Fastace Investments Pty Ltd	1/04/2014	31/12/2023
Yornup Mill Pty Ltd & ND & BJ Holdsworth	1/01/2014	31/12/2023
Middlesex Mill Pty Ltd	1/04/2014	31/12/2023
Bish's Timber Supplies Pty Ltd	1/04/2014	31/12/2023
CJ Decke & N Decke	1/06/2016	31/12/2023

The FPC Auctions are for feature grade timber that does not generally include sawlog grade.

(2) Not applicable.

(3) Contracts 3006 and 3007 started on 1 January 2014 and expire on 31 December 2023. All other contracts started on 1 April 2014 and expire on 31 December 2023.

The rest of the answer is provided in tabular form, so I seek leave to have that incorporated into *Hansard*.

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

Contract No	Contract Name	Species	Product Sub Type	Contracted Tonnes per Annum
3006	Yornup Mill Pty Ltd / ND & BJ Holdsworth	Jarrah	Bole Sawlog	5,347
		Jarrah	Residue Bole Log	200
		Karri	1st Grade Sawlog Native	620
3007	Middlesex Mill Pty Ltd	Jarrah	Bole Sawlog	3,305
		Marri	Sawlog Native	992
		Karri	1st Grade Sawlog Native	2,000
3013	Middlesex Mill Pty Ltd	Jarrah	Dead Firewood	100
		Jarrah	Green Firewood	400
		Karri	Residue Log	500
		Karri	3rd Grade Sawlog Native	2,000
3040	Denmark Spot Milling Pty Ltd	Jarrah	Bole Sawlog	1800
3041	Denmark Spot Milling Pty Ltd	Blackbutt	Bole Sawlog	100
3045	Perenti Timber Recovery Pty Ltd	Jarrah	Bole Sawlog	1,080
		Jarrah	Whole Bole Sawlog	300
3046	Perenti Timber Recovery Pty Ltd	Blackbutt	Bole Sawlog	50
		Sheoak	Sawlog Native	0
3053	West Coast Timbers Pty Ltd	Jarrah	Bole Sawlog	450
		Marri	Sawlog Native	273
		Marri	Sawlog Native	1,091
3065	Fastace Investments Pty Ltd	Jarrah	Bole Sawlog	900
		Jarrah	Residue Bole Log	300
3067	FL & JR Shaw t/a Shaws Timber	Blackbutt	Bole Sawlog	0
		Jarrah	Dead Firewood	100
		Jarrah	Green Firewood	500

3077	Yornup Mill Pty Ltd & ND & BJ Holdsworth	Blackbutt	Bole Sawlog	0
		Jarrah	Dead Firewood	400
		Jarrah	Green Firewood	400
		Karri	3rd Grade Sawlog Native	150
		Wandoo	Bole Sawlog	0

ASSOCIATION OF VOLUNTEER BUSH FIRE BRIGADES (WA) INC — FUNDING

Question without Notice 420 — Answer Advice

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Emergency Services) [5.01 pm]: I would like to provide an answer to question without notice 420 asked by Hon Colin de Grussa on behalf of Hon Martin Aldridge last Thursday, 12 May that I seek leave to have incorporated into *Hansard*.

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

- (1)–(4) The Grant Agreement expired on 30 June 2021 as the Association failed to meet the established reporting compliance and conditions of the Grant Agreement. DFES has no authority to make any further payments as the Grant Agreement has expired.

DFES is committed to supporting volunteers so they can undertake their vital role in protecting the community and is currently in discussions with the Association.

QUESTIONS ON NOTICE 628 AND 653

Papers Tabled

Papers relating to answers to questions on notice were tabled by **Hon Stephen Dawson (Minister for Emergency Services; Medical Research)**.

WESTERN POWER — VALIDATION TEAM

Question without Notice 386 — Answer Advice

HON MATTHEW SWINBOURN (East Metropolitan — Parliamentary Secretary) [5.02 pm]: I would like to provide an answer to Hon Colin de Grussa's question without notice 386 asked on Wednesday, 11 May 2022 to the Minister for Energy, and I seek leave to have this answer incorporated into *Hansard*.

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

(1)

	Total applications received	Residential (inc large subdivisions)	Commercial (inc large subdivisions)	Street lighting	Asset Relocation	Other
Oct-21	552	408	144	23	33	29
Nov-21	449	342	107	44	60	41
Dec-21	376	270	106	22	54	14
Jan-22	330	237	93	25	24	19
Feb-22	502	317	185	37	38	27
Mar-22	663	430	233	60	62	44

- (2) The numbers provided in the previous question C386 are for non-simple applications only and include mostly commercial and some large residential subdivision applications as well as streetlighting and asset relocations.

- (3) (a) The total number of applications currently under consideration in the application review stage, including simple and non-simple is 701 comprising of 307 residential application and 394 commercial applications.
- (b) The oldest application currently under consideration was submitted 1/09/2021. It is a commercial application from Main Roads WA, noting that it is in consultation with MRWA over the time since application in order to form the scope of works and obtain the relevant information from MRWA.

JOINT SITTING — ELECTION OF SENATOR

Chamber — Member Desks — Statement by President

THE PRESIDENT (Hon Alanna Clohesy) [5.03 pm]: Members, before we return to orders of the day, I have a brief statement. At the rising of the house this evening, I ask that you take a moment to clear the items from the tops of your desks in anticipation of the joint sitting being conducted in the Council chamber at 11.00 am tomorrow.

ESTIMATES OF REVENUE AND EXPENDITURE

Consideration of Tabled Papers

Resumed from an earlier stage of the sitting.

HON TJORN SIBMA (North Metropolitan) [5.03 pm]: In that awkward phase prior to the interruption of proceedings for the taking of questions, but not necessarily the provision of answers —

Several members interjected.

Hon TJORN SIBMA: It is a durable one! If government members are allowed their hackneyed phrases, I am allowed mine in the spirit of equity and fairness. We should proceed apace.

In that period before question time, I foreshadowed an interest in environmental management in the jurisdiction of Western Australia. Those who are interested in these matters can find reference to the two key portfolios once exceptionally ably led in this jurisdiction by the now Minister for Emergency Services. Without being silly about it, this individual introduced a very broad and comprehensive reform bill. It was exceptional in terms of its quality, but as I noted at the time—this was a bill that I believe was debated and passed in the real peak period of COVID uncertainty—the quality of reform and, indeed, the essence of strategy is not so much in the concept or map but in the execution.

In the execution of reform, there are bits over which ministers do not actually have that much direct control. They have control over the shaping of policy and drafting of bills and give due consideration to some of the dynamics of the drafting of regulatory instruments, but then it is basically over to the department to operationalise. Some pieces of reform are easier to implement than others. I make the obvious and, I think, reasonably charitable assertion that when one attempts to undertake change on that scale, it is going to take time to deliver. Sometimes, the delivery of those changes, and the drafting and implementation of the regulatory components that are necessary to make them real, can be difficult, because it involves all kinds of detail, the consideration of complexities perhaps not previously given time, and the obvious stakeholder dynamics and mechanics. But still there should be some threshold of expectation in which a Parliament and, indeed, the public and those who take an interest in these matters should see such reforms. I mean no disrespect to the public servants of this state and no personal disrespect to any minister of the Crown, current or previous, but if they are absolutely fair dinkum about driving reform, they have to drive it. Once a government starts changing ministers in the middle of very complicated reform, I am sorry but the bureaucracy reverts to type, regulation reverts to type and the culture is unchanged. We could make that observation about any portfolio area.

This is not a malady that we encounter just in the Western Australian jurisdiction under a Labor government—the Barnett government encountered the same difficulties; commonwealth governments of Labor or Liberal hue encounter this—but it seems to be at a fever pitch because state governments are, fundamentally, in the service delivery business. State members of Parliament are closer to their constituents and constituencies than are federal members. The threshold of difficulty is not normally something to which licence is given, but I actually think it is harder to be a minister at a state parliamentary level in terms of managing different components in real time. There are obviously some exceptions to this, but it is a little easier to take a step back in the commonwealth jurisdiction and set the broader budget parameters and general policy direction and let everybody else figure out the details. Federal ministers can squirm out of the details a little. I have worked for one, at least, who was very good in the macro settings. He took an interest in details, but that interest was not always shared. Ministers are very much dependent on the calibre of their staff and their commitment to the reform agenda. Sometimes, we ask the public sector to take on jobs that it is not equipped to do or on which we do not provide enough guidance in terms of the scope of delivery that it could possibly consider.

I want to focus on one particular piece of environmental/economic reform that is referred to in this budget, as it has in at least the last five budgets, and that is a digital online platform called Environment Online. This is the one-touch, or one-desk, approach to managing, on a proponent's behalf, the full sweep of approvals and conditions that are needed for a project overall and its various sub-components. The platform aims to take the paperwork and silliness out of the process and hopefully to drive a bit more synergy between respective agencies that act as regulatory gatekeepers and are all enjoined to take their different perspectives on the project under consideration that the proponent wishes to develop.

It is not that clear in this budget, which is why I had to ask a question about it today, but I think that the full scope for Environment Online was \$30 million. I think that for a piece of bespoke information technology architecture, that might be optimistic. These things have risks, not only in Western Australia under different governments, but generally. IT procurements handled by the public sector do not have a good track record in this jurisdiction or other jurisdictions.

Hon Dr Steve Thomas: Office of Shared Services!

Hon TJORN SIBMA: That is an obvious one; thank you for reminding us all.

The proposition embedded in Environment Online is excellent. It is really good. Once it is delivered, I think it will be an absolute boon to those proponents. The problem is that we need that to be working now, or at least substantially advanced. The original concept of \$30 million was to have the full suite of this system up and running and operational by next year, with a view that the easier-to-do bits might come online first. The department has now segmented this up into what it calls minimum viable products. There is a theme to this. Environmental impact assessments will be the first bit of approvals work to be brought online. The implementation of this has been delayed over the course of the last two years. I asked a question earlier this year about when it might come online. The answer I received was that road testing had commenced and it would hopefully be done in the first half of this year. The answer I received recently is that that is now not the case. The first release—the very first usable bit of this—will not happen

until 16 August. We are dealing with peak pressure loading in the approvals space. This is something that has been spoken about by this government quite frequently and quite deliberately. The outcomes are not matching the rhetoric. But of more concern to me is that the overall package now has an indeterminate delivery date. There is now no answer as to when the whole thing will be ready. That is a profound disappointment and it actually comes at a cost. There is, obviously, an economic cost, an opportunity cost, and I think, in the main, a cost to the concept of sound ecological stewardship, because if the department gets one component of its key business area wrong, that mistake and the encumbrances that it will encounter are likely to be transmissible across the whole department.

The original pledge of Environment Online was to save proponents between six to 12 months in obtaining their approvals. This project has now been delayed in its initial delivery by about two years, and we do not know when the full outcome will be. If a proponent thought two years ago that the promise of six to 12-month savings was a foreseeable thing that they might enjoy in the short to medium-term horizon, I am sorry to disabuse them of their confidence.

On the other side is, one might say, a more traditional conservation-based admission statement to ensure the future of threatened and critically endangered species and ecological communities. These things are easy to say; they are a little bit more difficult to manage. Nevertheless, we should have a far better line of sight on ecological environmental management and stewardship in Western Australia than we presently enjoy. There is a consistent key efficiency indicator—it is repeated—on page 712 of budget paper No 2 that deals with how many recovery plans are in place for these endangered species and communities. There is a vast array of them. Overall, the answer provided to me was that there are 678 threatened species and 65 threatened ecological communities. What we know from the budget is that 72 per cent of those species have a recovery plan in place. What we do not understand is how well they are funded, whether those recovery plans are fit for purpose and whether their effectiveness has been audited. I ask these questions because there is not, as one would expect, a single line item in the budget that shows how much is allocated to managing this issue.

As a state, a country and a global community, we face some key questions about environmental management. I am sometimes humbled by our inability to do the basic things well. This is probably what constrains my enthusiasm when I talk to people about their views on climate change and their obviously understandable calls for action. They are dealing with an enormously complex global issue. I would have a little more confidence if I had the requisite faith in my local environmental stewards in the employ of the government. I think that on something as basic as the management of these threatened species, that is a threshold that has not been met and continues not to be met.

Another very basic issue that I just reflect upon in passing is probably something that no minister actually wants to attach themselves to too closely, and that is the need to deal with our waste recovery policy in a far more effective, transparent manner. With due respect to Hon Dr Steve Thomas, to some degree, I have inherited the issue of PFAS from him.

Hon Dr Steve Thomas: Take it seriously!

Hon TJORN SIBMA: I certainly have in terms of the spoil that has come out of the tailing for the Forrestfield–Airport Link, which I referred to earlier.

Hon Dr Steve Thomas: There's 700 000 cubic metres still looking for a home.

Hon TJORN SIBMA: There we have it. We have a key issue. I have called it a fraud. I have called it a systemic, well entrenched, unlawful practice of avoiding the waste levy fee. This is an enormous cost to revenue. It comes at enormous risk to public health. It comes at a cost to capacity to manage the local environment in a sensible way. This is an issue in which I think, frankly, the compliance officers at the Department of Water and Environmental Regulation, who are good officers, are constrained by two things. One is the resource asymmetry. It takes a lot of energy to mount a case—to take a complaint and verify it through to a prosecution. I asked a question last year and I was told that there had been 39 reports that had ended in zero prosecutions. I understand there is a bit of wastage along the way, but I thought that was a suboptimal outcome. But the constraint is largely imposed by the regulatory unfitness of our current regime, which provides economic incentive for either dumping that waste outside of the metropolitan area or stockpiling it. At the very least, I think for the first time in a budget, this budget concedes that the department recognises that there is a serious stockpiling issue, particularly of construction and demolition waste. This is where we really need to be focused in terms of waste levy avoidance—construction and demolition waste that should be going through the proper reprocessing and recycling process, but is not. It is being dumped in pits or stockpiled somewhere out of mind and out of sight. That costs potentially up to \$100 million a year. That is not my estimate; that is the estimate of the peak body. If that is true, I think that is completely unacceptable.

I have asked whether there might be some movement in redrafting the regulations. It is moving very, very slowly. Again, I am disappointed that the portfolio overall has turned over ministers this frequently. I think they are three high-calibre and high-functioning people, but the capacity of an agency and a government to deal with issues that are fundamental to their ability to then take on broader and larger challenges such as climate change needs to be addressed first. I put it that we need to get the basics right and to establish the fundamentals before even considering or deigning to take on multi-jurisdictional, multi-sector and amorphous complex issues such as climate change, unless we are just attempting to deal with them in a superficial manner.

Where might we start? It is very easy for people like me in opposition to criticise governments. This far in, there should be an expectation that we can suggest some ideas that will not come at an enormous cost. One, in terms of environmental practice in this jurisdiction, might be to bring back something that we used to do—that used to be done by the EPA—and that is, the state of the environment report. It need not be done on an annual basis, but it could be done on at least a reasonably regular basis. There is absolutely no way that a minister of capacity, high intelligence, energy and great moral fortitude could really drive superior environmental outcomes, and with it superior economic and community outcomes, if they are dealing with deficient datasets. That is the problem and it is how some environmental debates are bogged down. It becomes a question of fact—divergences. We need at least to attempt to establish in this jurisdiction an incontrovertible set of facts, which could then drive every other decision, whether it be from the EPA independently or in driving the delivery of individual government platforms and reforms within the broader portfolio. I think, in a bipartisan spirit, that is a good suggestion. I anticipate that there might be some sectoral grizzling about that but, frankly, it is in industry's interest as well to act in accordance with the same set of facts before we can start to enjoy the promise of potential online reform delivery packages, whenever they might come.

Although I do not have a particularly hard and fast view on it either, it stems from a perspective of a foundational lack of data and the need to perhaps revisit more strategic views of what is environmentally valuable, at least insofar as the Perth and Peel region is concerned. A process initiated by the previous Barnett government, with the very cumbersome title of the strategic assessment of the Perth and Peel regions, attempted to deal with environmental challenges in a macro sense and to stop the twin sins of, firstly, the pecking away—the slow erosion in a scattergun approach—of pieces of environmental value and, secondly, to stop an insensible driving up of offset ratios. It is in the interests of industry and the community that we have a shared understanding of what is valuable and what is being done to preserve and to develop that value, at least insofar as the Perth and Peel region is concerned. This is not an out-there concept. The McGowan government, to its credit, was prepared to entertain this concept prior to the COVID-19 pandemic, but it was jettisoned under the guise of making administrative arrangements to deal single-mindedly with the COVID-19 pandemic and the unknown ahead of us in March 2020. Industry, whether it be the Urban Development Institute of Australia or the Property Council, has been calling for this. It is what sensible property developers think is useful. It is what sensible environmental advocates consider to be useful as well. I encourage the government to look at the process again and perhaps resurrect it. It is interesting that we have had our colleagues from the Victorian Parliament here, because Victoria has been operating under such a strategic policy setting for at least 10 years, maybe more. In terms of making environmental policy and legislative advances, the Victorian jurisdiction leaves us in the shade on a couple of dimensions, and as a proud Western Australian, I find that very difficult to stomach, so let us have a contest if we can.

Largely, however, the capacity of any government to deliver on its promises, whether they are campaign promises or changes of focus in the course of its term, rests on its ability to have an open, constructive and professional relationship with the public sector and, in particular, public sector leaders. What is past is prologue to some degree. I will not go over the very rushed machinery-of-government changes that the government initiated in the first three months of being sworn in in 2017, but that did lead inevitably to an exodus of a cohort of very senior, experienced, diligent and apolitical public servants. I cannot look at what happened to them through any other lens other than as a political cleansing. As a person who is reasonably pragmatic and who understands how things are done, I think that it was expected to some degree. I think, however, it has compromised overall the public sector's capacity to take on challenges for which there are no easy political fixes and has been in a sense a restraint on the desirability or incentive for any new director general to provide government with advice that it might not want to listen to.

My friend and colleague Hon Dr Steve Thomas looked at this budget through the prism of it being a lost opportunity for necessary economic reform. I said at the start that I share that sentiment. I also have the view that, correspondingly, this is the best time to undertake a proper review and reform of the public sector in Western Australia. To some degree the Public Sector Management Act 1994 was a reaction to the sins of the 1980s and the politicisation of the public service that happened during the Burke era. It is possible, however, to overcorrect. It is also, I think, timely to review whether an act drafted albeit in the last decade of the twentieth century is still fit for purpose in the second decade and beyond of twenty-first century Western Australia. I think those factors invite a review because it can be very difficult. Governments still constrain us from achieving our full economic and industrial potential, and that is done in ways in which I have attempted to illustrate in terms of the capacity for reforms that are sensible and agreed upon to be delivered.

We often, I think with some good reason, outside this Parliament, particularly in the media and the community at large, look at our capacity as individual legislators. Every four years, we all have to go back to the public and submit very humbly—it is a very humbling experience as we all know—to its assessment of our performance and future promise. We have four-year terms. We are paid a base wage, which I am not complaining about, but we do not enjoy a sense of employment security. There are no leave provisions. They are the kinds of things that we do not enjoy, and although we have all volunteered—this is not a sob-story—for this service, who actually delivers? Sometimes it is ministers and sometimes it is Parliaments, but in the end, we are in thrall to the public sector leadership to deliver, to run our services effectively and efficiently, and to implement a policy direction.

A good 30 per cent of the 120 000-odd full-time public servants in this state—I am including middle management on the class 6, 7 and 8 levels who really are the reservoir of corporate knowledge within any agency, and their

senior leadership—are on a salary of about \$100 000 per annum or above; and one might say they deserve it. The senior echelons, the senior executive service, are class 9 and above. It is a small subset of people—there are around 4 500—who will earn between \$150 000 and \$600 000, or more, depending on the particular role that the Salaries and Allowances Tribunal determines; again, it is a very small proportion of the public sector. We saw systemic issues of corruption. I will identify the Department of Communities as one area, although it did not stem from there but from the Department of Housing. That matter is before the courts so I do not have to repeat people's names, but there was a prolonged process of embezzlement, of defrauding, which was only called out after some \$20 million had been lost to the state. Part of the problem was that it was obviously a rogue individual, who is not in any way reflective of his colleagues. I have thought about how to prevent something like this occurring. It is difficult to prevent corruption at the best of times, but it is especially difficult when we cannot manage performance. Insofar as these 5 000 people are concerned, or even if we deal with only the top 100 public service leaders in this state, we do not know what key performance indicators they are working to and they have no online gift register or declaration of public interest. These things are kept internally. My humble submission to improving governance in this state is to remedy those two things. It need not be done in a way that embarrasses individuals, but we must remember that these people are paid by the taxpayer and they are entrusted to deliver those services in a responsible and professional manner. Their level of conduct and their accountability, and the transparency that should apply to their conduct, should be at least the equal of a backbench member of Parliament. If we have to submit annual returns, which we should—we should do it more frequently, I suggest, not that I would win friends by saying that—and if that is the bare expectation we have of an individual who is in the legislature and not part of the executive and does not necessarily influence policy or make procurement decisions or make decisions on anything for which there is a commercial inducement, then we should at least expect that from the director general level and below to the executive director level as a bare minimum. That is often overlooked.

We often have discussions about political donations from property developers and the like, and I was asked at the last election whether I saw a ban on this and I thought that perhaps it was inevitable. But we also have to have a more mature understanding of where the risk of corruption and malfeasance might be, and it is not at the end of the line. It exists at the level of the desk officer, the project officer and the project director, who are shaping and making decisions, and certainly at a local government level. Unfortunately, I would be surprised if 50 per cent of local government councillors read their papers ahead of meetings. I do not say that to be flippant. We need to adjust risk management and performance expectation settings accordingly to where performance is required and where risk really exists. This is something the government can do. It will not be very popular I know, but I suggest that to the government for its consideration. The government can do that without spending more on reform processes, committee reports and investigations—the churn-and-burn approach. This is an opportunity, with a surplus of \$5.6 billion, for the government to undertake overdue reform to improve the quality of public sector outcomes and processes, and its capacity to deal with business, as we deal with anything else.

In the closing stages of the generous one hour I have had, I say that this is a budget that could have done better, but it has failed that test. It is not a terrible budget, but if there was a time to promise something and deliver it, this was the best opportunity, not in a lifetime but in a series of lifetimes, to undertake serious economic, cultural and establishment reform in Western Australia, and that opportunity has been passed up. It is a great shame.

Debate adjourned, on motion by **Hon Colin de Grussa**.

**COVID-19 RESPONSE LEGISLATION AMENDMENT
(EXTENSION OF EXPIRING PROVISIONS) BILL 2022**

Second Reading

Resumed from 10 May.

Declaration as Urgent

On motion by **Hon Stephen Dawson (Minister for Emergency Services)**, resolved —

That the bill be declared an urgent bill.

Remaining Stages — Time Limits — Motion

On motion without notice by **Hon Stephen Dawson (Minister for Emergency Services)** resolved —

That pursuant to standing order 125A, maximum time limits apply to the following stages of the bill: second reading, three hours and 45 minutes; Committee of the Whole House, three hours and 20 minutes; and third reading, 10 minutes.

Second Reading Resumed

HON MARTIN ALDRIDGE (Agricultural) [5.36 pm]: I rise as the lead speaker for the opposition on the COVID-19 Response Legislation Amendment (Extension of Expiring Provisions) Bill 2022. At the commencement of my remarks, it would be helpful if somebody could provide me with a copy of the motion that we just agreed to, because I did not have a chance to receive it before the vote was put.

This issue has had quite a long history, dating back to the early stages of the COVID-19 pandemic and the subsequent states of emergency that have existed and been extended from time to time over the course of the last two or so years. As members will be aware, a state of emergency was declared under the state Emergency Management Act on 15 March 2020 and a similar instrument was declared under the Public Health Act on 16 March 2020, the following day. Shortly thereafter, for those members who served in the last Parliament, the Emergency Management Amendment (COVID-19 Response) Bill 2020 was introduced and passed over two sitting days, 31 March and 1 April 2020. I recall, at the time and following the declaration of a state emergency pursuant to the Emergency Management Act, a range of deficiencies were identified in that statute that made it less than fit for purpose in terms of pursuing the types of responses that the state was contemplating. That amendment bill provided for some permanent changes and some temporary changes.

We are contemplating those temporary changes in the bill because the initial amendment bill provided for a 12-month sunset clause or what I will refer to as Emergency Management Act section 72A general purpose powers. Members will recall that the government sought the first extension beyond the first 12 months in late 2020, when we were approaching the end of not only the calendar year, but also the parliamentary term, and were approaching the state election in the early part of 2021. At that point, the government sought a six-month extension. The house took the view that a three-month extension should be granted to allow Parliament to resume after the election and to then contemplate whether these temporary powers were still necessary and what form they should take, or whether they needed further amendment. The house, on an amendment moved by my colleague Hon Colin de Grussa, took the view to reduce that six-month extension to three months. If I recall correctly, the amendment was universally supported by non-government members and opposed by government members. Nonetheless, it provided some comfort until 4 July 2021, allowing quite some months for a new government to be formed, Parliament to be recalled and the membership of the new Parliament to contemplate the appropriateness of the temporary provisions.

Since that time, there have been a further two extensions, extending that period to 4 January 2022 and 4 July 2022. Both extension bills were considered in this Parliament, and, indeed, on behalf of the opposition, I had carriage of both bills and presented our position on those six-month extensions. I think it is fair to say that on each occasion on which I was involved with the legislation, a range of issues were canvassed on the operation of the Emergency Management Act and the directions issued pursuant to it. There has been an ongoing conversation about that, and this will be the fifth occasion on which this place effectively has considered the matter before us—that is, the original amending bill and this bill, which has a fourth extension to the sunset clause that applies to the temporary powers.

There is a sunset clause for the section 72A powers as opposed to the permanent amendments made to the legislation at the time because the government, by its own admission, considered these powers to be draconian. The government was quite comfortable characterising these temporary powers in that way. In fact, government members repeated it on several occasions. The sunset clause is one of the inbuilt protections that the government thought appropriate to ensure that—I think to a fairly limited extent—there would be some parliamentary oversight on whether an extension was appropriate or, indeed, not appropriate. Effectively, that is the question members of this chamber will be asked during this debate. Members will need to form a judgement on whether this request for a further six-month extension is appropriate. It will be interesting to see whether, and to what extent, answers to the opposition's questions are provided, because on reflection on the briefing I received and on the parliamentary debate that occurred last week, many, many questions remain unanswered that must be answered before we contemplate supporting this bill.

On the previous two occasions during which we dealt with extensions to the sunset clause, I reflected on the need to more broadly review the appropriateness and suitability of not only the Emergency Management Act, but also the Public Health Act to manage emergencies such as this. Of course, it is the government's view that those types of reviews are best undertaken outside a period of emergency, but as this is the fifth occasion on which we have considered this issue, it begs the question: to what extent will non-government members of this chamber in particular receive answers to questions that they ask during the course of this debate so they can be satisfied about the government's intent? It is interesting that, despite the COVID-19 pandemic, the government is undertaking reform in many different ways. It reformed the electoral laws of Western Australia very quickly after the election. In the midst of a global pandemic and the COVID-19 response, in uncertain times, if the government puts its mind to something, it can achieve a result. This government can no longer justify using that excuse and not look at the suitability of this and indeed other legislation to see whether further change is required. Perhaps permanent change is required to better enable our legislative framework to deal with emergencies such as this.

It is interesting to also draw comparisons with what is occurring in other jurisdictions. I note that other states and territories have responded quite differently with their enabling legislative and regulatory framework. I recently became aware of an article published by the ABC on 11 May entitled "What is WA's Emergency Management Act and why have the pandemic powers been extended again?" It is an interesting article for members who may not be aware of it. It draws a comparison with two other states—that being, South Australia and Victoria. It is interesting that these are the two states identified in the article because, of course, they are also governed by Labor Parties—the South Australia government much more recently. I remember when members of this chamber made much of the recent success of the Labor Party in South Australia.

The article from 11 May of this year says —

South Australia’s recently elected Premier Peter Malinauskas yesterday introduced legislation to amend its Public Health Act and allow for the state to end its emergency management direction (which is similar to WA’s state of emergency declaration).

Those amendments will allow isolation requirements, vaccination and mask mandates in certain places and other rules to continue unaffected.

But lockdowns, broad mask mandates and hospitality restrictions would require another state of emergency to be declared to return.

Victoria’s pandemic laws, which have been supported by many experts, go even further with a pandemic oversight committee.

The state’s parliament can also disallow measures it doesn’t agree with.

Mr McGowan has all but ruled out taking a similar path previously, saying the existing legislation, including section 72A, is adequate for WA’s needs.

When previously considering these extensions, I reflected on how little oversight, scrutiny and investigation has occurred in Western Australia on our COVID-19 response. We have seen the other the states, the territories, and, indeed, the commonwealth establish select committees and undertake standing committee inquiries, royal commissions, special inquiries and the equivalent, and standing inquiries in which joint houses have considered any matter considered relevant to their jurisdiction and its COVID-19 response. I am not sure whether members are able to name any such thing that has occurred in a Western Australian context that might even enable members to make an informed judgement about how they should support, oppose or otherwise treat the bill on the fifth occasion on which we have been asked to support the extension of powers that the government itself describes as draconian.

In the early stages of the COVID-19 response, the Leader of the Opposition, Hon Mia Davies, wrote to the Premier and asked him to consider establishing a special inquiry under the Public Sector Management Act to consider our preparedness to deal with a pandemic in Western Australia and also to allow us to better prepare our capability and our resources to respond. We are, obviously, now seeing the pointy end of that response right now.

Another thing of interest is the view of our state’s Auditor General. I think we are well served by a very fine Auditor General in Caroline Spencer. She released recently the fourteenth report of the Auditor General, the *Audit Results Report—Annual 2020–21 financial audits of state government entities part 2: COVID-19 impacts*, dated 9 May 2022. On face value, a reader would not necessarily draw a parallel between such a report and the subject that is before us this evening. Having drawn this report to members’ attention, I wish to quote directly from the Auditor General’s overview on page 3, which states —

I should stress that to provide a comprehensive report on the management of the pandemic and impacts across the whole community would require a separate large-scale examination, which this was not. However, there would be significant future benefit from a systematic impartial examination of the response to this pandemic by both the State and the Federal governments, and its impact on the WA community. This would capture learnings in preparation for future pandemics and other emerging crises and assist in setting transparent criteria and thresholds for proportionate, risk-based and consequential responses. It would also permit an explicit understanding of the various costs and benefits, including trade-offs over different timeframes and for segments of our community, which would help frame deliberations around any future allocation of resources and the use of emergency powers.

How timely are those remarks of our state Auditor General on 9 May 2022 when we are now considering such emergency powers on 17 May 2022? How much more informed would members of this place be when making a decision about the suitability of the Emergency Management Act, but, more specifically, these broad-ranging general purpose powers that are found in section 72A of the Emergency Management Act?

It concerns me, once again, the way in which Parliament has been treated in this process. Members will be aware that we had a sitting week last week, we have a sitting week this week, and we have one sitting week remaining in June after one was vacated to allow for the ordinary budget estimates hearings to be held by the Standing Committee on Estimates and Financial Operations. I learnt of the intent to introduce this bill, effectively, by Chinese whispers. I was informed of a communication that occurred between the Leader of the House and the opposition Whip that it was the government’s intention to bring on such a matter the following day. I draw a comparison between this and the way in which the Minister for Planning personally engaged with Hon Neil Thomson, the shadow Minister for Planning, my colleague next to me, on the government’s intention to introduce an urgent planning bill, which was literally occurring at the same time.

I was informed that a briefing would occur the next day and, if I am not mistaken, it was set for 11.00 am. It is interesting because, as members would know, Tuesday mornings are usually when parties meet and form their positions on many things, but, most importantly, on legislation. Because of the time frame that was involved, this briefing occurred after the party room meetings on that day. I recall an occasion in my first term when I moved as

a private member an amendment to a government bill. I would probably not see that from too many members opposite in their term as government members, but I moved a private member's amendment to a government bill when I was a member of the government. The response of the Labor Party was that it could not support my amendment, although it thought it had merit, because it had not been considered by its party room and, therefore, it could not form a position on it. I draw that comparison to the situation that the Liberal–National alliance opposition faced last Tuesday. The briefing occurred after our party rooms met and the briefing commenced—I am not sure whether this happened with the Labor briefing—without a bill having been provided to opposition members. The first comment I had in interrupting the presenters of the briefing was that it would be helpful if a copy of the bill was provided to the opposition to help advance the briefing.

Obviously, this bill has been declared urgent, as it was in the other place and as it was, I think, on every other occasion. Of course, in the genesis of this matter back to March 2020, the much more substantial bill passed through both the Assembly and the Council in two consecutive sitting days. I am not sure that this matter really is urgent, given that the sunset clause does not expire until 4 July; there are a number of days between now and 4 July when this matter could be considered with more care and attention. Nevertheless, the government is getting very familiar with the house's new urgent bill provisions as this is not the first time that such provisions have been activated.

We are told that the government is acting on or is basing this upon health advice. We have been told that repeatedly throughout the last two years or so. We have been told ad nauseam by the government that it is acting on or based upon health advice. I had a moment earlier today to review a webpage of a website that I much admire—wa.gov.au. It is a hidden webpage, in my view, because it cannot be searched for; one has to know the URL for it. That is where we find the published health advice of the Chief Health Officer to the government. Having reviewed that page earlier today, I noted that this Thursday will mark four weeks since the last advice of the Chief Health Officer to the government was published. If we consider the fairly rapid gestation of this matter, I suspect cabinet gave approval for this matter last Monday; the opposition was informed in one way or another on Monday afternoon.

Sitting suspended from 6.00 to 7.00 pm

Hon MARTIN ALDRIDGE: Before the dinner adjournment I was referring to the wa.gov.au website. The recess gave me an opportunity to review how easy it is to find the page on the wa.gov.au website where people will find the so-called published advice to government by the Chief Health Officer. I was saying that I did not believe it was easily discoverable. Just a few moments ago I initiated a search looking for that page and was unable to find it. Fortunately for me, I have the URL saved and confirmed that as of seven o'clock this evening the last piece of advice that was provided to the government and published on this webpage was, I believe, on 21 April. As of this Thursday, it will be four weeks since advice was provided to the government by the Chief Health Officer, according to this website.

I would be the first to say that I doubt that this is the case. Obviously, in the last four weeks we have seen significant COVID-19 activity in Western Australia, and I very much doubt that the Chief Health Officer has not provided any advice to government in the last four weeks; in fact, I suspect that numerous advice has been provided on a routine or regular basis. Nevertheless, that advice is neither available for the public nor the Legislative Council to consider along with the other pieces of advice that exist on that webpage.

At this point, I draw members' attention to a question I asked last Wednesday. Last Tuesday, 10 May, the Legislative Council received this bill because it was passed by the Legislative Assembly on the day of its introduction, which has become the form of this government when dealing with matters like this. It was received in the Legislative Council on Tuesday, 10 May. On Wednesday, 11 May, I asked question without notice 393, of which some notice had been given, to the Leader of the House representing the Premier, which states —

I refer to the Premier's public comments on 10 May 2022 —

Which was the day prior —

when he claimed that the government's extension to the so-called temporary emergency powers under the Emergency Management Act 2005 are on the basis of advice received by the Chief Health Officer and State Emergency Coordinator.

I pause there because the day prior, when the government made the public announcement that it was intending to do this, the Premier was cited in a press conference as saying that this action was based on advice that he had received from the Chief Health Officer and the State Emergency Coordinator. I asked —

- (1) On what date was each advice received by government?
- (2) ... please table the advice received?

I pause here again because when members of the opposition receive an answer that is grouped together, it is generally not a good start to the answer of the question. The Leader of the House representing the Premier said—

- (1)–(2) The Premier and health minister regularly meet with the Chief Health Officer and State Emergency Coordinator along with the State Disaster Council, as required, to receive advice and appropriately manage the pandemic in Western Australia. The Chief Health Officer and State Emergency Coordinator have both given clear advice for the continuation of directions issued under sections 67,

70 and 72A of the Emergency Management Act 2005 as part of the day-to-day management of COVID-19. The current baseline measures in place across Western Australia were recommended by the Chief Health Officer and have been applied under directions issued under the Emergency Management Act 2005. The specific health advice related to the current baseline measures is available online, as per normal practice. I now table that advice.

For members' awareness, the advice that was tabled was the advice to government from the Chief Health Officer on 21 April 2022, which members might recall from a few moments ago was the last piece of published advice that is publicly available on this website from the Chief Health Officer. It was a letter from the Chief Health Officer to the Premier of Western Australia with the subject of "Updated public health and social measures, border and vaccination requirements". This is not what I asked for. I asked for the Premier of Western Australia to justify the claim that he had made the day prior to receiving advice from the Chief Health Officer and the State Emergency Coordinator on the six-month extension. This is important because before the dinner recess I reminded members opposite that it was their government that described these temporary powers as draconian. It was their government that felt that these temporary powers were so draconian that they should have a sunset clause applied to them, initially of 12 months, and thereafter of six months. At this point, no evidence has been provided to members of the opposition that would justify the claim the Premier made that this extension of emergency powers was based on advice that he had received from the State Emergency Coordinator and the Chief Health Officer of Western Australia.

I raise this point because on the last two occasions I have had carriage of this bill for the opposition, by contrast, the Parliament of Western Australia has been provided with letters, one dated 27 April 2021 and one dated 30 September 2021. For members' reference, the first letter is Legislative Council tabled paper 222, and the second letter is Legislative Assembly tabled paper 280. On both occasions, they were letters to the then Minister for Emergency Services, Reece Whitby, MLA, from Chris Dawson, the State Emergency Coordinator, and they indicated the State Emergency Coordinator's support for, and in some respects the need for, the extension of powers on those occasions. I have pointed out some of the weaknesses in terms of the brevity of these letters. In fact, one of the letters suggests that the State Emergency Coordinator was just simply supporting a cabinet action, so it was not exactly the case that the government was acting on advice; it was the State Emergency Coordinator, who doubles as the Commissioner of Police, supporting an action of government. It is not quite exactly true to say on that occasion that the government was acting on the advice, rather, the State Emergency Coordinator was supporting the action of the government, so I think there is a distinction.

On this occasion, no such supporting information has been provided—not in the course of the brief consideration of this matter in the Legislative Assembly last Tuesday, and not to date. This was one of the few questions that I asked of the briefers at my briefing last Tuesday. I would have thought that on the third occasion on which I have been dealing with this matter, I would be provided with a letter signed by one of the two officers whom the Premier cited in his press conference and who had made a recommendation to the Premier some weeks, if not months, prior to this date to support an extension of these temporary powers upon which the government is acting. That has not been presented so far. The response that I was given in my briefing was that the matter was considered by cabinet; therefore, it is cabinet-in-confidence. I would hope that the previous two bills I have dealt with were also considered and endorsed by cabinet. However, on those two occasions, the government found it possible to provide the supporting information to the Parliament at the appropriate stages of the progression of the bill. In fact, I think that on one occasion it was provided prior to the consideration of the bill.

Two things would appear to be correct. The first is that the government simply will not provide the advice. The second is that the advice does not exist. A cynical view might be that the latter is more likely. It will be interesting to see whether that will be provided in the minister's second reading response. I remain hopeful. Fortunately for the Legislative Council, this will be the first occasion on which the minister responsible for this act will be dealing with the committee stage of the bill, because on each of the last occasions the bill was dealt with by the minister representing the minister responsible.

The other matter that I want to draw to members' attention is a question that I asked about advice that the government had received from the State Emergency Management Committee. It is question without notice 333 of 7 April from me to the Minister for Emergency Services. I asked —

I refer to pages 23 and 24 of the 2020–21 annual report of the State Emergency Management Committee, which states —

DFES provided analysis of the use of the EM Act and Public Health Act 2016 to assist with management of the COVID-19 response, 7 May 2021.

I pause to remind members that this was about the most recent annual report of the State Emergency Management Committee and advice that the government had received just one year ago with respect to the analysis by DFES about the use of the Emergency Management Act 2005 and the Public Health Act 2016 to assist with the management of the COVID-19 response. I asked —

- (1) Will the minister please identify the person or persons who provided the advice to SEMC?

One would not think that was a particularly difficult question. I asked also —

- (2) Will the minister please table the advice provided by DFES to the SEMC in relation to this matter?

Keep in mind that the State Emergency Management Committee meets fairly infrequently. I would have thought that a specific number of persons, or possibly just one person, would have been providing specific advice on this one occasion. We are not asking about how many blue bios the Department of Health owns. It is a very specific question. I asked also —

- (3) Noting the annual report's reference to the SEMC monitoring the use of powers under the EM act, will the minister please table any relevant report, advice or document in regard to this?

The reply was —

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

Given the detail required, it is not possible to provide this information in the time provided. The honourable member may wish to place his question on notice.

I did just that. The record in this place will reflect question on notice 729, which was lodged on 10 May 2022 and is effectively that question. I suspect that the answer to that question will not be provided until after the passage of this bill. It has been six weeks since I asked this question, on a matter that is directly relevant to this issue. The Department of Fire and Emergency Services and the Minister for Emergency Services have had six weeks' notice of my interest in this question, which is directly relevant to this bill. I would think that any member who was considering the merits of this bill would be absolutely interested in the expert analysis provided by DFES to the State Emergency Management Committee on the use of the Emergency Management Act 2005 and the Public Health Act 2016 to assist with the management of the COVID-19 response. We could make very quick progress on this matter this evening if that analysis was provided to members.

As I have said on previous occasions, the activation of the Emergency Management Act and the Public Health Act was a matter of contention for the government. I draw members' attention to quite an interesting article penned by Paul Murray on 22 May 2021 about Darren Foster's departure from the Department of the Premier and Cabinet. Members who have an electronic device available to them in the chamber might be interested in searching for this article. It is titled "Cracks in the Labor Machine: All powerful McGowan's second term gets off to a shocker". That should be mandatory reading for all members of the government. It casts an interesting insight into the initial stages of the government's pandemic response. I do not think anyone would argue that responding to the COVID-19 pandemic is clearly a public health emergency, yet, having said that, the government chose to activate the Emergency Management Act in the first instance. That matter is canvassed in the article that I have just mentioned and that I encourage as mandatory reading for members when considering this bill.

It is an indisputable fact that the government chose to activate the Emergency Management Act rather than the Public Health Act in the first instance. The government also promised that the section 72A powers would be used only for the purposes of the pandemic response. That was in the same debate on 31 March 2020 in the Legislative Assembly and on 1 April 2020 in the Legislative Council. The government described these measures as draconian and said that they would be used only in response to the COVID-19 pandemic. As we know with many aspects of the government's COVID-19 response, it did not keep that promise. The government used these so-called draconian powers in response to a cyclone. The government was not up-front about that at the time. That was discovered on the last occasion on which the Legislative Council considered a bill for the extension of these powers. It certainly was not something that the government fessed up to. As I said before, the briefing was welcome, and although it was in extraordinary circumstances, it provided little use. There was some useful information provided with regard to a number of matters, which I will go through, and then some matters were taken on notice, which I am still awaiting a response to.

This issue of the dual activation of the Emergency Management Act and the Public Health Act has obviously been a contentious matter that Parliament has taken an interest in, not just now, but on previous occasions. When this question was put to the meeting, I wrote down the best that I could the response that I received from the advisers. I thank them for the frank advice offered. It was suggested that the government opted to use the Emergency Management Act in this situation because the Commissioner of Police has a role to play and it is more appropriate. That does not really shed a light on the deficiencies that may or may not exist in the Public Health Act or indeed the advantages or disadvantages that may benefit from the dual use of emergency powers under both acts, directed by two different individuals. Keep in mind, it is the Minister for Health who makes a declaration and extends that declaration under the Public Health Act; it is the Minister for Emergency Services who makes a declaration and extends that declaration under the Emergency Management Act. Keep in mind it is the State Emergency Coordinator or a person authorised by him or her who exercises the powers pursuant to the Emergency Management Act and it is the Chief Health Officer or a person authorised by him or her who exercises powers pursuant to the Public Health Act. It is not particularly a neat and uncomplicated way, in my view, of managing this very complex response that has now spanned more than two years. Obviously, that is an area that I want to get a greater understanding of, because to date, very little light has been shed on this matter, apart from what little information we have been able to access through Parliament and effectively *The West Australian* article that I quoted just a short while ago.

One thing we learnt from the briefing was that 563 directions were made pursuant to section 72A of the Emergency Management Act and that only 10 remain in force. That is an interesting indicator of, I guess, the utilisation of these emergency powers and our current reliance on them. I note that the second reading speech cites some examples. In fact, three were also cited in the briefing, which I think were face covering directions, isolation directions and border directions with regard to unvaccinated travellers. That is obviously only three and 10 have been listed. I have helpfully been provided, as supplementary information, a list of the full 563 directions and the 10 that remain in force. As we go through the committee stage, or hopefully it could well be answered in the second reading reply by the minister, it would be interesting to learn that on each of those 10 occasions that those directions exist why the Public Health Act could not provide for such a direction.

One of the problems identified was with regard to quarantine, the Public Health Act apparently requiring a review of a person's quarantine direction every 24 hours. I do not dispute that fact, but if this is a known problem—this is the fifth occasion that we in this Legislative Council under either temporary orders or urgent bill provisions are dealing with this matter—why have we not turned our minds to addressing these issues? There could well be other issues, and I was told that this was one of the questions taken on notice to identify the other practical implications of not removing the state of emergency. I want to make it clear—I am sure members are clear on this point—that this bill does not remove the state of emergency. We are effectively dealing with a sunset clause that applies to the section 72A general powers that have been inserted into the Emergency Management Act. That is effectively what we are dealing with. I was told that there could well be other practical implications and that those matters would be provided to us prior to commencement of debate. I am not sure exactly what time the Legislative Assembly commenced debate last Tuesday, but the briefing that was attended by other members of the opposition occurred at 11.00 am. Certainly, approaching 7.30 pm on Tuesday, 17 May, one week on, I am not in possession of a list of practical implications with regard to the 10 directions that exist and why they can or cannot be directions issued pursuant to the Public Health Act. If indeed it is the case that our Public Health Act is so deficient that we cannot require somebody to wear a face covering in certain circumstances in the interest of public health, why are we again on the fifth occasion extending temporary powers? Why are we not just getting on with fixing the Public Health Act?

I obviously recognise that this bill also has an impact on the Criminal Code with regard to some other provisions that, given the time that is rapidly escaping me, will be further canvassed by my colleague Hon Tjorn Sibma, noting that the shadow Attorney General is away on urgent parliamentary business this week. He is unable to participate in this aspect of the bill that he has responsibility for with regard to the opposition, because this is, in effect, an omnibus bill that will do a number of things, not just the matters that I have canvassed this evening in the time available to me that have largely focused on the Emergency Management Act.

Some of the other information, the key things that I sought, have been canvassed. On whose advice was the decision made for the extension? I have well canvassed that, and I am hopeful that if very little is achieved through the course of this bill and the government at the end of the day will use its numbers and get its six months, that we can establish the Premier's claim that he is acting on the advice of the State Emergency Coordinator and the Chief Health Officer. Unlike last time, and the time before, there is hesitation from the government in this respect. What are the current directions relying on the Emergency Management Act and the Public Health Act? As I said, I am grateful that at least with regard to the Emergency Management Act, those 10 current directions that rely on section 72A have been provided. To what extent is the Public Health Act deficient and therefore requiring Emergency Management Act response? Members should keep in mind that the government chose to enact the emergency management powers before the Public Health Act powers. That is when that expert analysis from the Department of Fire and Emergency Services that was offered to the government just over one year ago would certainly help advance our understanding of the interaction of these two pieces of legislation. I think probably the most important aspect is what consequence, intended or otherwise, would arise from section 72A powers ceasing? I am not suggesting that those consequences do not exist, but 4 July is not soon and this is the fifth occasion that we have considered this. I am sure that the government is well aware of those issues but, again, they have not been provided to the opposition at this point.

With respect to my earlier comments, much of the decision-making that has occurred throughout the pandemic has occurred in extreme secrecy. Effectively, I understand that the State Disaster Council meets concurrently with the Security and Emergency Committee of Cabinet. The government claims that every meeting of the State Disaster Council is cabinet-in-confidence. That claim ought to be considered and, indeed, disputed. We are told time and again that these matters are cabinet-in-confidence because of the State Disaster Council meeting at the same time and place as a committee of cabinet. Obviously, the Premier is the chair of the State Disaster Council. We are told that this is the decision-making body of government with respect to the COVID-19 response but we know very little about the information that is provided to this body, the decisions that are made or not made or the expert advice or analysis that is provided to this group.

Another example—I have raised this on numerous occasions—is outbreak response plans. Strangely, Western Australia has a number of outbreak response plans but I have never seen one. Unfortunately, they are state secrets. Heaven forbid somebody would know what our response plan is, let alone the Parliament, particularly in high-risk settings.

Once again, these are secret documents of the government. We are not afforded anywhere near the level of transparency that has occurred in other jurisdictions with respect to these matters, apart from the fact that once every six months, we get to ask questions of the government about this very discrete matter. That is what will occur today and this evening.

I want to finish on a question without notice that I asked today. This is really telling and why I am growing in my concern about government decision-making. I heard the president—sorry, the Premier; he might think he is a president but he is a Premier—make a comment last week that the number that matters in the COVID-19 response is the number of patients on ventilators. Unless I am mistaken, I heard that comment very clearly. It spurred me to ask a question today. I asked —

I refer to the state government's response to the COVID-19 pandemic.

- (1) As of today, Tuesday, 17 May 2022, how many active COVID-19 cases are there in WA?
- (2) How many COVID-19-positive patients are hospitalised?
- (3) Of those identified in (2), how many are currently receiving intensive care?
- (4) Of those identified in (2), how many are currently being ventilated?

I will only reflect on the answer to (4), which, interestingly, was —

- (4) The ventilation status of patients with COVID-19 is recorded at discharge. Therefore, it is not possible in the limited time provided to provide an accurate number of patients in WA hospitals that are currently receiving ventilation. Collating this information is a manual process that would require an unnecessary use and diversion of frontline health resources.

It begs the question that if this is the number that matters, why can the Parliament not know that number? Why would knowing that number require an unnecessary diversion of frontline health resources? These types of questions do not give me nor the opposition confidence in the decision-making processes around the very important matters that are considered by government in the COVID-19 response, particularly when we compare them with other jurisdictions. This is the government's opportunity to demonstrate to the opposition a level of transparency that it has routinely promised and convince us because at the moment we are unconvinced of the need to extend the temporary section 72A powers of the Emergency Management Act beyond 4 July. If there are gross deficiencies in other acts, the government should tell us what they are and we will work with the government to fix them. We will work with the government to build a framework, preferably within the Public Health Act, that allows this state to respond and continue to respond appropriately and proportionately to the public health risk that faces Western Australians.

I am hopeful, as I said earlier, that this will be the first occasion in which the Legislative Council has had the minister responsible replying to the debate and engaging in the committee stage of this bill. I am hopeful that we will be able to make progress on this bill and understand some of these issues that, to date, have not been forthcoming.

HON TJORN SIBMA (North Metropolitan) [7.40 pm]: Following on from Hon Martin Aldridge's contribution to this debate on the COVID-19 Response Legislation Amendment (Extension of Expiring Provisions) Bill 2022, it behoves me to disclose that it is very difficult to add meaningfully to the stellar contribution that he has just made to the chamber. For me, there were some key themes and some key terms that are worth our contemplation and cogitation. One of them is about the proportion of this as a response. Another word that I would add that I think is material to our contemplation of a bill, the like of which we have seen four previous versions, is one of proportion—proportion to risk and proportion to the set of circumstances that we actually deal with. First and foremost, this jurisdiction has both benefited and lost from the executive powers that have been brought to bear to manage the COVID-19 pandemic in Western Australia. I have acknowledged on the public record that Premier Mark McGowan and the McGowan government dealt with COVID-19 exceptionally effectively, at least insofar as the first phase of the management was concerned. I think things became concerning—again, I made some very public remarks on this—when there was a renegeing on the original commitment to open the border. I will only touch on that in my contribution.

It was very clear towards the end of last year, when we were dealing with the fourth version of this bill, which was the third extension of the extension, that perhaps we as a chamber should apply more scrutiny and we should apply ourselves more diligently to having the government explain the necessity of this instrument. Throughout his contribution, but particularly in his summation, Hon Martin Aldridge also alluded to the fact that in this jurisdiction, we have had an inversion of the onus of proof. Never comprehensively, consistently or meaningfully has the government explained why we are in a state of emergency. That explanation was easy to provide, particularly in the early days of COVID, and particularly when this chamber first started being energised by the issue as early as March 2020. In March 2020, COVID-19 was an absolute mystery, not only to ourselves, but also to people around the globe. It was prior to the emergence of a variety of variants and prior to R&D trials on a range of effective vaccines.

We are dealing with a set of scenarios that are markedly different from the situation we faced in March 2020 or November and December 2020 or even throughout last year up to November. We are absolutely in a different phase of management. Hon Martin Aldridge pointed to a fact that is often lost when our colleagues in the fourth

estate consider these matters, which is that we have dual state of emergency declarations operating concurrently, and have had unbrokenly for two years. One was made under the Emergency Management Act and the other under the Public Health Act. Both respective acts enliven a range of different powers. It is not true to say that we live under one state of emergency; we live under two. The powers enlivened by a state of emergency under the EM act 2005—dare I use a phrase to describe this in a way that makes me look like an unreconstructed male—are more muscular and more assertive. They provided the scope for the hard border to be implemented. I will use this opportunity to again say that the hard border was absolutely the right decision. Irrespective of the pain and discomfort that that caused people, that was the right, prudent course of action to take because it was to the benefit of the community's safety, particularly when the vaccine rollout was embryonic. But once we got to the point at which we crossed the 95 per cent vaccination threshold, those sorts of COVID-zero policy settings were a nonsense and anathema to proper administration, proper legislation and proper action in this state. We are being asked again to basically take on trust that we are in a state of emergency. Hon Martin Aldridge is right; these are distinct but related issues. We are dealing with a bill that attempts to extend certain powers under section 72A of the EM act for another six months, but they can be operative only so long as a state of emergency is declared under the EM act.

Is the perpetual, unbroken chain of EM act state of emergency declarations appropriate? When the EM act 2005 was debated, it contemplated a future pandemic, but it was largely grounded in natural disasters like cyclones and bushfires. In 2005, obviously, it was post-September 11, post-the Bali bombings, and post-the discovery of active Jemaah Islamiyah agents in Western Australia, so if the act was not to be used for a natural disaster contingency, it was to be used for mass casualty terrorism incidents. Is it appropriate for a verbal piece of advice to be provided to an emergency management minister by a police commissioner or some other person that we are in a state of emergency in those circumstances? Abso-goddamn-lutely! But the act never contemplated a successive, unbroken chain of fortnightly state of emergency declarations. That has never been contemplated. Is it appropriate, taking a broader view, that that should happen? The historical records suggest that no, it is not. We do not have to look at our own formation as a self-governing colony or the construction of the Australian Federation. We can go way back, if members like, to the penultimate but glory days of the Roman Republic some 2 000 years ago when the Romans recognised that the republic had to deal with certain scenarios, the response to which would be delayed only by contemplation and argument in the Senate chamber, so the office of dictator was established. I use the word “dictator” advisedly and do not bear any reflection on the current Premier. There was a recognition that dictatorial powers would be needed to transition through an emergency, but they were certainly circumscribed. They were time limited to six months. In a sense, this government has gone backwards beyond the example set more than 2 000 years ago because we are still in a state of emergency.

My very honest question to the Minister for Emergency Services is to describe how we are in a state of emergency. It is one thing to say that we are still in the midst of the dynamics of a global pandemic. That is true, but this pandemic is—I hate this phrase—the new norm. By definition, it cannot be an emergency because an emergency is something atypical, temporal and time limited. It shall pass. Never was the Emergency Management Act designed, and absolutely a state of emergency declaration power was not designed, to be used as a permanent or perennial state of affairs. That is simply wrong. It is wrong in law, wrong in practice and wrong in principle, yet it provides the government with the most expedient way of dealing with circumstances as the government sees fit. Obviously, governments deserve some latitude. They are elected to govern and have executive responsibilities to fulfil. However, it is not an untrammelled right. It is not something that should be utilised beyond the scope of transparency and accountability or constraint. In every other Australian jurisdiction, a sensible adult position has been adopted that the perpetual use of these kinds of powers is extraordinary and is generally not a good idea. There is the transitioning of our nearest neighbour, South Australia, to actually end its state of emergency and deal with the dynamics of COVID-19 as something akin to a perpetual serious public health management issue. There will be differences in the way that South Australia deals with it, but generally that principle is right. It is a principle that I think we should learn something from.

From my perspective, I am absolutely unconvinced that we are in a state of emergency as contemplated by the Emergency Management Act. We are not. It is simply a nonsense to assert that—absolutely it is. Where, then, is the responsibility on the executive government? The responsibility, I think, should be on explaining why we are indeed in a state of emergency. That explanation has to get to the nature of the emergency and it need not and should not be founded on the fact that powers available under that invocation are convenient to us. That is a very, very risky argument to run. It is a dangerous precedent to establish, and it has been established.

I am, strangely, agog. I will, for a temporary period, make a broader political observation. As a student of Australian politics, as a weird child in the 1980s and an adolescent in the 1990s, I always thought it was almost a rule of nature that someone on the left wing of the Labor Party, that sort of civil libertarian and social justice strain of the left, particularly those of a loyally inclination, would find it an absolute aberration and outrage that any jurisdiction could be governed through extensions of states of emergency. Something has happened to the political left. Obviously, the desirability of this state of affairs has been invoked. I put it to members this way: if a centre-right government proposed to continually roll out states of emergencies in this jurisdiction without justifying why, the left would raise merry hell, and guess what? They would be absolutely justified in doing it. So, where are we then?

I take as read, because he is a person of virtue, the minister's sincere declaration that when he says that he gives contemplation to approving these extensions of the state of emergency, he takes that job seriously, as well he should. My humble piece of advice would be, however, to have a paper trail for making those decisions, because these are extraordinary powers. These are aberrant; they are an aberration from the natural course of affairs. I think that should be an expectation.

My simple question is thus: after the government has opened the borders and has reduced the majority of restrictions as they relate to mask wearing, personal gatherings and the like, and as we have a population that is, if not the most, among the most vaccinated globally, how would it not manage this issue now as an ongoing public health management issue? In dealing with COVID-19—this is not to diminish the serious health challenge it presents, particularly to a class of vulnerable individuals—why would the government not have used the last two years to move these powers and its responses to their appropriate home, which is under the Public Health Act? The argument from the government is likely to be that the Public Health Act does not provide it with the kind of scope and latitude that it would prefer. That is always going to be the case. The government is always going to want more powers than it needs. That is not a sufficient argument. My observation is that I think it has neglected the opportunity of the last two years—to be fair to the government, the last six months—to start making more appropriate legislative transition arrangements than it has been wont to show. If the Public Health Act is in any way deficient—enormous scope and power is provided to deal with states of emergencies declared under that act, but also serious health issues and the like—why do we not work together on ensuring that the act is fit for purpose?

Perhaps I will make another contribution from the cheap seats. Now that we understand that a pandemic is not a speculative thing—it is a very real thing—why do we not have pandemic-specific provisions within the Public Health Act? It would be absolutely naive of us to assume that this is the only pandemic that we will have to deal with. It is juvenile, stupid and naive to consider that we will not be in a similar set of circumstances again. Why do we not prepare the ground, as it were, to do that? Unfortunately, the Minister for Health was not in a position to answer questions without notice today. This is no reflection on that; it is just a statement of fact. I might just put my intended question to that minister for the record. Perhaps this is something that the Minister for Emergency Services might be able to address in his response, although it does not relate specifically to his portfolio but is obviously adjacent to the contingency that brings us here. I ask the minister regarding the government's utilisation of the Public Health Act 2016 during the COVID-19 pandemic whether a review of both the act's effectiveness and whether it has actually been used effectively to deal with the dynamics of COVID-19 has been undertaken? If that work has not been done, I suggest in all modesty to the minister that that is probably an important piece of work that the government should give contemplation to. Following on from that, would the government ever give consideration to creating more explicit provisions within that act to deal with a pandemic the likes of which we are still experiencing?

I say that because I think we need to—I use this term advisedly—demilitarise our response. Pandemic management should not be a perpetual police operation. The task force assigned to Operation Tide has diminished. I think there is a smaller force than the full complement that was given to it prior to the border coming down. It is naive to assume that if a pandemic is a hazard, we need hazard management officers and they are likely to be sworn police officers. That is not to say that police should never be involved in a pandemic, but primarily it should not be an ongoing police operation; it needs to be a public health management matter. This is where other jurisdictions have gone. If that requires the introduction of bespoke legislation, as is the case in Victoria and is likely to be the case in South Australia, or it requires, in the go-your-own-way Western Australian style, looking at how we use the Public Health Act better, I suggest that that is the way we do it.

The government will obviously say that the passage of this bill is a life or death matter. I would argue that when it brought in the very first iteration of this bill, that was absolutely true. But it is important to deal with the facts as they are and not grandiose, speculative, fearmongering assertions that people will die if this bill does not pass. This bill will pass and, unfortunately, due to the nature of the virus, people will still die. But the facts bear repeating to ensure that our legislative response is proportionate, and they are thus: over 450 000 Western Australians—probably now approaching 500 000 people—have contracted COVID-19. That in itself may be an underestimation, but let us just say that that is valid. How many of those have been hospitalised? It is not a trivial issue to be hospitalised; I am not saying that. It might be, cumulatively, since the borders came down, between 2 000 and 3 000. My assertion bears correction, but I think that correction is to the elevation of this chamber, so we are dealing with tangible numbers. Of that number, I think between 40 and 50 unfortunate individuals have landed in an ICU. Again, that is no trivial issue. As we learnt from a report in WAtoday last week by Heather McNeill, an unfortunate dozen have been placed on respirators, and, obviously, many people have passed away. When we take all those numbers together and deal with the sad facts of life, do those raw numbers, in the context of an exceptionally highly vaccinated population, of themselves justify a perpetual state of emergency and, therefore, largely justify the passage of this bill? I put it to members humbly, and not without some trepidation, that no, that is not true. I do not think that is justified. Is there a better way of protecting the most vulnerable members of our community that does not treat this as an ongoing police operation? I think there is and I have provided the options. There are options to do that. We understand that we are under a time-limited debate. There is a view that this legislation needs to be in place to take us from July to January. That is the claim that the government will make, but the onus has to be on it to prove it.

Throughout the debate, as we have transitioned, the justification has shifted. The facet of the bill that I will concentrate on now to hopefully get some outcome in either the minister's second reading reply speech or certainly in committee deals with the foreshadowed amendments to the Criminal Code to introduce increased penalties, and I think that is dealt with in clauses 4 and 5. Just in summary, this is not to trigger the Leader of the House, but I am doing my best to channel —

Hon Stephen Dawson interjected

Hon TJORN SIBMA: Okay, minister. It might invoke some contemplation or remarks from the other side, but I will do my best to channel Hon Nick Goiran in his absence.

Several members interjected.

Hon TJORN SIBMA: See? I knew it would elicit some response! I would be disappointed if it had not!

Several members interjected.

Hon TJORN SIBMA: No, no! I think that member has absolute merit and is an exemplary parliamentarian, and I know he will be taking a very close interest in these proceedings.

Several members interjected.

Hon TJORN SIBMA: Well, I am my own man, after all! The member has conceded that. I shall do this in a jovial way, just as an invitation to elicit some sort of meaningful contribution so that we can actually assess the government's assertions that this bill will actually do what it says it will. Let us focus on clauses 4 and 5. I am very happy that my friend the parliamentary secretary to the Attorney General is here for this piece, because I think he will probably have something to add. That is not an invitation to unruly interjection, but I think there are some very basic questions that need to be answered. Forgive me that I am not amongst the government's learned colleagues. I avoided law because it was my assessment that it was a repository for the aimlessly clever, and that assessment has largely been proven correct over time, but perhaps even I will look forward to a post-parliamentary career in law—who knows? I might have to remediate that lack of knowledge.

I will make two observations. Clause 4 proposes to amend section 318 of the Criminal Code by extending the temporary maximum penalty of 10 years' imprisonment by a further six months for what I think are described as "COVID-19 assaults". I think I have categorised that on certain people, but this is generally aimed at protecting police officers, as far as the minister's second reading speech was concerned. This issue was canvassed in the briefing we received from the officials: as I understand it, on average, over the course of COVID, only one charge has been laid every month—I will stand corrected, if I should be corrected—but no person has been sentenced, when found guilty, to a penalty that is anywhere near approaching the current penalty under the Criminal Code, which is seven years' imprisonment, let alone the extension to 10 years that is contemplated under clause 4. In any event, I want to know whether this amendment is strictly necessary, given that charges can still be laid under the current Criminal Code. That begs the question: if penalties are not going to be applied by the courts in this way, what satisfaction should we take from the fact that the maximum penalty exists as a hypothetical maximum?

I have been slightly confused by the government's political orientation in respect of the utilisation of state of emergency declarations, and whether it is consistent with what I understand of the political left. However, I very much know that the government does not support mandatory sentencing, so it can provide absolutely no reassurance that a 10-year penalty will ever be applied. The judiciary is certainly not applying the seven-year penalty that is currently provided for under the Criminal Code. If, indeed, that is true, then any justification for the passage of this bill that rests on some sort of notional additional support for police officers is absolutely fallacious. If that is the argument, it is not something that is likely to be the case, because the current arrangements, with a seven-year maximum, are not being implemented to the full by the judiciary, so what level of protection actually is there for serving police officers?

Similarly, I am given to understand from the briefing and from a close reading of the bill that clause 5 will amend section 338B of the Criminal Code, again by extending the temporary maximum penalty of seven years' imprisonment by a further six months for what is colloquially described as COVID-19 assaults. These are not trivial assaults; it is a very peculiar and pernicious kind of threat to make, and I want to underscore that. It is absolutely atrocious that someone would threaten an officer who is attempting to apply the law by saying, "I will give you COVID"; there is absolutely no dispute about that. Where the disputation arises is whether the purported increased penalties would ever be applied, if we give consideration to how the currently relevant operative section of the Criminal Code is applied to similar circumstances. Indeed, let us talk about the volume of these kinds of assaults. We can do this in this chamber; members in the other place cannot. They are given to cant, invective, ego and all that sort of stuff. That is their nature in the lower house, and I do not expect much more of them, frankly.

Several members interjected.

Hon TJORN SIBMA: Oh, it is universal; I condemn everyone equally. I am an equal opportunity employer when it comes to my disdain for most people generally; certainly most people in the lower house. This transcends parliaments,

by the way; it absolutely bears no partisan allegiance. I am one of those kinds of people who sort of look down their nose. But we in this chamber have an opportunity to actually give some rationality, contemplation and rigour to the kind of legislative product that we are served up and asked to pass without demur. Again, I would love to be corrected, and I hope I am corrected—who knows; you might change my mind, but I still possess mastery of my own domain and it would be to the benefit of this chamber—but as I understand it, with respect to this clause 5 provision and how it relates to the current Criminal Code, only one relevant charge of this nature has been laid over the course of two years. Again, this goes to understanding the risk threshold and what it is we are actually trying to deal with. We want to give police officers and other hazard management officers in this state absolutely every protection they deserve. That is beyond question. Do we wish to imperil them more than they are already imperilled in the discharge of their daily duties? Absolutely not. The thin blue line that keeps order in our society is probably not heralded enough, in my view. They are commensurate with members of the ADF, who keep our borders protected. But we need to not act on sentiment and feeling alone; the arguments have to be justified, and they have to be based on the facts. This comes back to the central criticism elaborated exceptionally well, masterfully and comprehensively, by Hon Martin Aldridge. What a debate on the facts would necessitate is disclosure of the facts in a timely way.

The government has won all the political prizes; truly, it has. There is absolutely no need to perpetuate COVID-19 management as an act of political management rather than as a public health issue. The only way in which we can have proper debate and proper contemplation is by presenting the facts, and these facts generally have been withheld, time and again. A government that does not trust the public with facts is a government that invites itself not to be trusted as an act of reciprocity. At the moment the government is trusted, but it cannot bank on that lasting forever.

I have already made mention of the piece by Heather McNeill from 11 May in WAtoday, titled “The unexpectedly tiny COVID-19 number WA Health didn’t want you to see”. For me it is not so much the size of the number, because I was talking about proportion. It is the lengths that the bureaucracy goes to, so I am not roping ministers into this necessarily. I just made a speech in contribution to the budget debate in which I said I thought there needed to be a systematic review of the Public Sector Management Act. Guess what? If the government wants political transparency that is worthy of the name in this jurisdiction, we certainly need more transparency out of the senior echelons of the public sector. They are people with enormous power and enormous influence, who, frankly, take a lot of pay home. They have not suffered throughout COVID-19 as people who run a small business have. They have been protected. I will not read in that article, but the lengths, the subterfuge, that a department and ministerial staff will go to to prevent a journalist from obtaining information that is, frankly, not life threatening and does not compromise the security of the state bears reflection by every sensible and thoughtful person of this chamber. My first job was in the defence establishment. I have some understanding of what national security means, what confidential and sensitive information is and what the impacts of unauthorised disclosure might be. None of those numbers should be a state secret, but they were treated as such. That should shame a government of any hue, and it should shame a government that purports to set new records in openness, transparency and accountability.

I have one last bit to sum up on. Finding my way through government bills over the course of the last five years, I have learnt to read everything in conjunction with other things. The political inclination and, strangely, the weakest part of the bill can be found in the media statement that announces the tabling or the reading in of the bill. The media statement of Tuesday, 10 May, which is called “Bill introduced to provide certainty on COVID-19 response measures”, begs an obvious question with its first point. It states —

- The Bill seeks to provide six-month certainty for COVID-19 legislative amendments

It then goes on to say that the state of emergency does not extend of itself, because it cannot, obviously. It is renewed fortnightly, the reasons for which are never published, justified or provided and are taken verbally. Let me posit a hypothetical, because we have learnt to deal with hypotheticals in the last two years. What would the government do if all of a sudden the Minister for Emergency Services was unconvinced over the course of, say, the next month to extend the state of emergency? Would the dynamics of COVID-19 change very much? Would there still be a threat to police officers attempting to implement the legislative instruments they have been asked to implement? How do we transition beyond a state of emergency if, indeed, the government says not to count on the fact that there will be a state of emergency in six months? I hope there is not, but the longer a scenario has continued, the more likely it is to be perpetuated.

I suppose this is the plea. This bill is going to pass. Those who oppose the passage of the bill will be diminished, hectorated and defamed, as has been the Premier’s wont over the last two years. We are used to it and I do not care. I will not launch defamation action. It is just part of the slings and arrows. How about this: How is the government going to deal with COVID after the state of emergency? What are the minister and the cabinet going to do when the Chief Health Officer and the Commissioner of Police one day decide amongst themselves, “Guess what? We don’t think there’s a state of emergency anymore”? I do not attempt to give a flippant contemplation, but that might happen. If that is likely to happen, if they are unconvinced—obviously, under the terms of the act, the minister has to be unconvinced—how will the government deal with COVID-19 after that? It will be with us for years and years, and the sooner we get around to dealing with it as an unfortunate state of affairs, the better. I look forward to debate in the Committee of the Whole House stage of the bill.

HON SOPHIA MOERMOND (South West) [8.15 pm]: I rise today as the lead speaker for the Legalise Cannabis Western Australia Party to contribute to the second reading debate on the COVID-19 Response Legislation Amendment (Extension of Expiring Provisions) Bill 2022. As we know, this bill will amend the Emergency Management Amendment (COVID-19 Response) Act 2020 to extend the sunset date that applies to section 72A of the Emergency Management Act 2005. The powers under that provision will be extended to this government for a further six months beyond the current sunset date of 4 July 2022. Section 72A allows relevant officers to take or direct a person or a class of persons to take any action that the relevant officers consider is reasonably necessary to prevent, control or abate risks associated with the emergency, in this case COVID-19. It also allows a relevant officer to direct a person to provide certain types of information. Given we are extending these very serious powers again, it makes one wonder how long an emergency is for, really.

This legislation also seeks to amend the Criminal Code and the Criminal Code Amendment (COVID-19 Response) Act 2020 to ensure that high penalties continue to apply to serious assault and threats against public officers committed in the context of COVID-19 for a further six months beyond the current sunset date. Anyone who is working at the moment in any sort of official capacity should not be assaulted while they are at work, so this is important to keep those people safe. Those provisions sought to highlight the seriousness of offending against public officers and certain other officers delivering frontline services, including police officers, doctors, nurses, ambulance workers, bus drivers and prison officers, when the offender has COVID-19 or makes a statement or does any other act to create a belief, suspicion or fear that they have COVID-19. It includes a maximum penalty of 10 years' imprisonment for certain serious assaults and a maximum penalty of seven years' imprisonment for threats to injure, endanger or harm certain categories of persons by exposing them to COVID-19. Again, given that we now have a better understanding of the disease and how it works, do we really need these hysterical, over-the-top types of penalties relating specially to COVID-19? I am not sure that we do.

The Legalise Cannabis Party is not the government, but we are also not the opposition. My colleague, Hon Dr Brian Walker, and I are here as members of Parliament to do what we think is in the best interests of our community, and not just the cannabis community, many of whom, I might add, are out and about at the moment during this federal election campaign putting forward a positive and exciting message about the potential for the legalisation of cannabis in Australia. WA could do far worse than see someone like Nicola Johnson, the Legalise Cannabis Australia Party candidate for the Senate, get elected. But as I was saying, we are here as members to represent all voices in our community, and many in my community have come to me and said that they do not believe that Western Australia needs to continue to live in any sort of emergency situation anymore. What we need to do is to learn to live with COVID, just like we do with many other diseases such as the flu. A state that continues to have its citizens living with their rights curtailed, where they are expected simply just to bow down to the government and do what they are told and where their privacy is lost, is not a state I want to live in. That is not what the state of Western Australia is about. We are a free and open society that is known across the world as being a beautiful place to live and work and where people have the freedom to be themselves.

The pandemic has seen Premier Mark McGowan and health minister Sanderson overstep the mark by a long way. Many of these steps have been backed in part by the legislation we are debating here today. These powers have meant that the government has treated us like children, making decisions that are apparently in our own best interests, yet with very little—or mostly no—consultation or transparency. Whenever anybody speaks out or does not do as they are told, this group of ministers, from this government, instantly become the mother of our childhood: they are not angry; they are disappointed in you. It is condescending in the extreme. WA has been out of step with the rest of the nation from day one of the pandemic, whilst places like Victoria, which has been worst hit by COVID-19 and the associated hysteria that has accompanied it, is getting its citizens to take off their masks and reopening its economy. WA is still feeling the effects of a hard border and is further distancing itself from the rest of the nation. Whether this Premier and his government ministers are listening, the public has not been 100 per cent in lockstep with them on these issues—by no means. We have seen protests. We have seen community members speak out against the restrictions imposed by this government. During the most harrowing of times, we have seen heartbreaking stories of loved ones disconnected, businesses going broke, people committing suicide and an increase in domestic violence. Many disagree with how this pandemic has been handled and how we should continue to deal with it in the future. There are people who did not want the government to force them to be injected with an untested vaccine or risk losing their job. They did not want to see the creation of a two-tier society based on medical information. There were people who did not agree with lockdowns or hard borders.

I am one of many who have tried to amplify the voices of concern from within my community. They come from all quarters and all walks of life. I constantly get members of the public contacting me and my staff every single day. They range from single parents to employers and employees to business owners. They are concerned about the current restrictions, the stress they cause, and the confusion associated with them. As soon as anyone speaks out on these issues or starts questioning the data behind the decision-making process, they are labelled as dangerous or an alarmist, an anti-vaxxer or anti-science. I can tell members that I am none of those things. Do we really want to continue to give this government these powers every six months when it asks for them? Are we going to just blindly renew these measures that give away our citizens' rights like this?

During the Committee of the Whole House process, I will move amendments that I think will allow for people in this house to still give support to the government if they wish, whilst also providing a clear path forward as it relates to these important issues. My first amendment will insert the word “Final” at the beginning of the parentheses so that the title would then read: “COVID-19 Response Legislation Amendment (Final Extension of Expiring Provisions) Bill 2022”. Today should be the very last time that we do this, if we do it at all. By adding the word “Final” to the bill’s title, it indicates that we heading towards an end point. No-one likes lockdowns. No-one likes restrictions on our freedoms. Lockdowns and vaccine mandates affect people’s livelihoods, our wider economy and our mental health. They weigh heavily. We all want it to go back to the way it used to be before the pandemic.

I understand that blindly ending restrictions does not lead us back to the way that it used to be or lead us to where we want to be in the future, but there must be some sort of compromise. Restrictions have been imposed on communities wherein a careful balance has had to be struck within different human rights, and I am not sure we have that balance exactly right here in WA. On the one hand, we have the right to life and the important right to health; and on the other hand, we have rights such as the freedoms of movement, association and peaceful assembly and the right to privacy—something that I believe has been trampled on during the last few years across Australia. Some restrictions on human rights may be required to avoid serious risk to public health. I understand that. But is COVID-19 still a risk that large that we need to give up these rights? Any limits on human rights must be reasonably necessary, proportionate and evidence-based. Again, in the last few years, I reckon we have been a little iffy on all three of these measures. The government should look at pandemic-specific legislation that can futureproof WA against not only COVID-19, but also other such pandemics. All states across Australia have declared a state of emergency or equivalent, giving governments and health officials broad powers to limit individual rights and freedoms under the guise of protecting public health. These emergency declarations were designed for a short-term health crisis. That is why I have called for pandemic-specific legislation, meaning that this would be the final time that we extend these provisions as they relate to COVID-19 and we can think about writing legislation that covers us for not only COVID-19, but also other such pandemics.

My other four amendments seek to change the date of sunset on these laws and bring the dates forward to 20 November or 21 November depending on the amendment. This would give the government time to draft new laws and have a proper public debate about how we will move forward. It would also allow for those people still affected by current restrictions to know that next year they will have a “clean slate”, if you wish, to run their businesses and lives as they want to. As a side note, my second amendment will serve as a test for amendments 3, 4 and 5. Any laws should include things such as ensuring that Western Australian human rights are at the centre of government decision-making; having much clearer communication to the public about any restrictions; and having effective and accessible avenues of review, particularly for individuals who are subject to detention orders. The government needs to be much clearer about how it will protect private information and limit how that information can be used. Such information should be used only for public health reasons and should not be made available to the Western Australia Police Force or anyone else for that matter. The right to protest and to assemble peacefully should be limited only when absolutely necessary, with the focus of a pandemic response being a health response and in no way a law enforcement-based response, with police being more educated on how to use discretion and warnings. These are the sorts of things that we need to enshrine into pandemic legislation, which seeks to ensure that WA can live through COVID-19 or any similar pandemic.

I urge the government to listen to the concerns of the community and accept my amendments, which I will have more to say about during the committee process.

HON JAMES HAYWARD (South West) [8.28 pm]: I rise to make a contribution on the COVID-19 Response Legislation Amendment (Extension of Expiring Provisions) Bill 2022. As has been said by a number of speakers already, we know that Western Australia has had these state of emergency powers in effect for around two years and are now set to be extended for a further six months until 4 January 2023. This is the fourth time that the government has sought to extend these powers since the pandemic began.

I appreciate that we are currently experiencing a surge in the number of COVID-19 cases in WA and that public measures are necessary to minimise the health risks that the virus presents, particularly to the vulnerable members of our community. However, I urge the government to investigate other avenues to enforce restrictions. The Public Health Act could potentially be used. Again, this has been outlined by previous speakers. I note that South Australia has also recently moved to introduce legislation to amend its Public Health Act to allow for the state to end its state of emergency declaration. That is an important thing to do. We should be looking at having legislation that is fit for purpose and that will enable the government to do what it needs to do to roll out these measures. I understand and expect that the government will tell us today in its response that there are certain elements for which there is no legislation at the moment, and that is the reason that it needs these emergency powers. However, at some point, these things have to come to an end, and the government needs to take responsibility and bring them to an end. I certainly hope that at the very least, this will be the last time that we have to debate these emergency powers in this house.

I would suggest that rather than us still being in a true state of emergency, we are adapting to the new COVID normal. For as long as we remain in a state of emergency, we risk undermining the nature and purpose of the legislation.

We also send a message that an emergency is not in fact always a true emergency. I question whether it is in the public interest to subject Western Australians to a constant state of emergency in which the parliamentary scrutiny and oversight that underpins our democracy has become weakened.

When this COVID stuff first started, we watched on the television news every night pictures out of Italy and India of absolute horrendous circumstances. The vision that the community was seeing was like that of a war zone. We also saw news about the massive number of deaths in the United States, where there were so many dead people that they could not fit their bodies into the morgues and were putting them in freezer trucks. It was absolutely frightening vision. It scared the community. There is no question that in those early days, the absolutely appropriate step to take was to declare a state of emergency and prepare Western Australia for what looked to be a very serious onslaught and problem that it could potentially face. However, today our community does not feel the same way. If we think about a real state of emergency, it is what we are seeing on television about what is happening in Ukraine. If we were experiencing anything like what the people of Ukraine are experiencing tonight, we would all say that we are in a state of emergency. However, the problem is that I do not think the community believes that we are in a state of emergency. Some of us have already had COVID. Many of us have loved ones who have had COVID. My son had COVID some weeks ago. Fortunately, because of the good measures and good preparation of this state with people being double and triple-vaxxed, most of the people who have been vaccinated and get COVID get a fairly mild dose. I am very fortunate because my son was not that sick at all. I know that for others, that is not the case, and I certainly feel for them. The reality is that we are living with COVID. The fear that existed a year and a half ago is simply not here now. We know that we have a strain that is far less devastating in its effect on people, albeit I acknowledge that some people will ultimately succumb to this disease, and that is a tragic loss. The point is that people are not in the same mindset that they were in. The government has a responsibility to understand where people are at now.

I want to give members a couple of examples. I lived in the north west for quite some time in my role as a television journalist and reporter and went through a number of cyclones. I worked closely with police and other emergency services and watched the way those things are managed. Cyclones are given a rating from category 1 through to category 5. A category 1 storm has a maximum wind speed of up to about 88 kilometres an hour. We get those in Perth all the time. People who live in Karratha or the Pilbara know that under the building code, buildings have to withstand a category 3 storm. A category 1 cyclone does not pose much risk to communities like Karratha or Port Hedland. It will bring some rain and a bit of wind, and bring down a fence here and there, but generally it is not a big problem. However, by the time we get to a category 5, the wind speed might be over 200 kilometres an hour and even exceed 280 kilometres an hour. That is a completely different kettle of fish. I have seen the aftermath of a number of category 5 cyclones. The devastation that is unleashed on the community is horrendous.

It is interesting. I will bring it back to what we are talking about in a moment. We are talking about managing an emergency. When the authorities know that a cyclone will reach only category 1 or 2, they put the community on blue alert, which tells people to be aware that this could happen in the next 24 to 48 hours. They then go to yellow alert, which means that in the next 24 hours they could be impacted. However, they often do not go to red alert. If it is only a category 1 or 2 storm, often they will stay on yellow alert. They do that because they do not want people to think that this will be the worst of the worst and get all their mates around to have a few drinks and have a cyclone party. The reality is that because a category 1 storm is quite mild, people do not get the sense that it is life and death. I know people who have been out in a category 5 cyclone and have had to drag people out of houses that have been disintegrating. It is frightening. When we see the aftermath of a category 5 storm, it is massively devastating. The reason the authorities do not go to red alert is that they do not want people to get complacent or to think that this is what a red alert is all about. When the authorities manage a cyclone—the Minister for Emergency Services would be full bottle on this—they manage that on a number of different levels. There is a response that is appropriate to a cyclone that may be only category 1 or 2, and a response to a more severe cyclone that is category 3, 4 or 5. These things are managed differently. We are not seeing that in what is being rolled out with this state of emergency legislation. I agree that the state government has been making decisions as it goes along, and many of those have been the right ones. I am not saying it is all being managed in the same way. I am saying that the legislation that underpins it in this instance has not changed, and I am not sure that is what we need right now.

I will give members another example. When we drive along the freeway, we may come across signs that are flashing a speed limit of 40 kilometres an hour. It has happened to us all, I am sure. We obviously think that people are doing some roadworks, but when we drive past we discover that it is a broken-down car that is five metres off the road, and we wonder why we have to drive at 40 kilometres an hour. It is because the emergency is not real. The danger is that the next time we see a sign that flashes 40 kilometres an hour, there may well be people working on the road. The problem is that when it is a false alarm, we send a message to the community that perhaps it is not as bad as it might be. That is a dangerous place to be. I do not think we want to be in that place. It is the government's responsibility to make sure that what it is doing in this space is appropriate and that the messages it sends to the community are in line with the community's expectations under this state of emergency.

At some point, we need to bring the state of emergency to an end. I accept that sometimes there are things where the t's are not crossed and the i's are not dotted. It may not be possible to stop the state of emergency today because there are still parts of the working machine that are not quite right. However, this should absolutely be the last time

that we do this. I encourage the government to go away and make ready legislation that will enable us to deal with an ongoing pandemic without requiring this constant state of emergency. I urge the government to use the next six months to do the research and commit to an alternative measure for dealing with COVID-19 as we transition to living with the virus within our community. Thank you.

HON WILSON TUCKER (Mining and Pastoral) [8.39 pm]: I would like to begin by stating that I agree that the emergency powers contained within the COVID-19 Response Legislation Amendment (Extension of Expiring Provisions) Bill 2022 should be renewed today, given that we are seeing a large number of active cases in the community. We are seeing around 15 000 cases today, and some of the up-to-date modelling indicates that a spike is likely to come in the next couple of weeks. We all know that we are in a vulnerable position with hospitals and our ambulance service. Given the state of affairs with hospitals and the ambulance service, I do not think it is the right time to flip the script too much, and we should continue with the norm by renewing these powers and this legislation.

The point I would like to make today is around the responsibility that the government has in managing expectations throughout this pandemic. We know that the government plays a very vital and major role in managing the pandemic. It also has a role in managing public sentiment and setting expectations throughout the pandemic. If the government does not manage that sentiment correctly, it can turn and have negative consequences. Based on some of the decisions that the government has made throughout the pandemic, we are seeing that play out with a level of discontent and an erosion of trust in the community.

Given how late we are in the pandemic, it is surprising that we are still seeing some mixed messaging from the government on the state of the pandemic and where WA is on this life cycle and this journey of COVID. On one hand, the government is saying that WA is open for business, we want tourism, we want people to migrate here and we have a lot of struggling industries that could certainly use people coming back into the state, and on the other hand we have a state of emergency without a clear end date. We know that immigration to WA is a good thing. We certainly want people to come back to WA. We know that one in 10 people who migrate to WA are tied to the construction industry. We have a significant labour shortage, certainly in construction, which is creating a bottleneck that is attributing to higher housing prices and a greater increase in the cost of living. That is a very topical issue right now that is affecting a lot of people in Australia, certainly here in WA as well. Some other industries are struggling, including tourism and hospitality. A lot of small businesses in those sectors have been doing it particularly tough for two years, and they can certainly use some people to come back to WA to take up positions in regional towns and to spend some money in this state.

We have had this proverbial axe, if you will, hanging over our heads for two years. Admittedly, the axe has been rather blunted recently. We have seen some of these restrictions lift. We are no longer having to check in on SafeWA, which is a good thing. We no longer have to use G2G PASS, which is also a good thing, and some mask restrictions have also lifted as well. Be that as it may, we still have this axe looming over our heads. There is an underlying fear in the community that at any time this axe could fall, the rug could be swept out from under our feet and we would be basically back at zero.

The good news is that WA is in a very fortunate position right now. We have a lot of good things going for this state, and certainly the government's response in the early phases of the pandemic can be attributed to some of those. We have a very low unemployment rate and cheaper housing in comparison with other capital cities in Australia, though not in relation to wages, but certainly compared with other state and territories, Perth is still relatively cheap. We have a lot of sun here. Perth is a very sunny city. We enjoy a very relaxed lifestyle here in the west. Arguably, it could be better if we had daylight saving, but that is probably an argument for another day. We had an amazing window of opportunity during the pandemic when all the other states were locked down and in WA we were living a rather unencumbered lifestyle. It was not completely unrestricted, but we were enjoying more freedoms than the east coast. In my opinion, it was a squandered opportunity that was not fully realised. The good news is that we still have another opportunity to act and encourage people back to WA, but that means we really need to forge a path out of this pandemic and help restore some of that broken trust that we have seen in the community, and signal to the east coast and the rest of Australia that WA is ready for people to come back in and we are indeed open for business.

I am advocating for the government to use the emergency powers, but only for the length that they are needed. I would expect that after two years the government should have some accurate modelling to predict COVID, when the peak will happen, when cases will drop off and when we will have fewer active cases flooding the hospitals so that, with a bit of a buffer, it can use that date to expire the emergency provisions, rather than just the standard blank cheque that we have seen every six months, again and again and again. Certainly, I understand that we are in a pandemic and there are a lot of unforeseen circumstances and situations that can arise, which we have seen with the various strains that have come along. But if government picks a date, this bill expires and some unforeseen situation arises such as a new strain comes along or something else that we need the emergency provisions for, that is perfectly fine. That is why we have the emergency bill provisions that we can rush through. I think the government would get bipartisan support for that. It really comes down to a trade-off, when we are potentially using a bit more of the government's time in Parliament to renew a bill, again, if necessary, versus choosing a date and communicating that with the public to then signpost to everyone that this is the date when we think that the pandemic will end, bringing some of that trust back and basically choosing a date when the government will think that the pandemic essentially becomes endemic.

I think this comes down to a question of trust. At some point we will have to trust the public to do the right thing. As we move from a pandemic to endemic, at some stage we will end up treating COVID like the flu. It will happen. We trust people to manage the flu or the cold or their symptoms and take appropriate action, to not go to work, to not travel on public transport, to not go out and mingle with people when they are sick, and at some point, we will have to give the public that same level of trust with COVID. Do I think that the time is right now to give that trust to the people, considering the vulnerable state that the hospitals and our ambulance service is in? No, I do not; not right now. Do I think that will be within the next six months? Yes, I do. To really summarise my suggestion and argument, it is my opinion that the government should not be asking for more time than it actually needs, to give an indication to the public for how long it intends to use these emergency provisions under the existing conditions and using its modelling to make a more informed and intelligent response, rather than just “six months and we will see”.

I would like to put one other argument. The longer we keep using the emergency powers, the more weight and credence we give to some of the disenfranchised and marginal groups, and certainly some of the right-wing factions that continue to make noise and prove right in their minds about the government’s overuse of the powers. The pandemic is a very contentious issue, not just in WA but certainly globally. This pandemic has certainly fuelled a level of mistrust in governments around the world and certainly here in WA as well. The longer we keep extending the powers unnecessarily and enforcing things like mandatory vaccinations, the more divided our community becomes. Rightly or wrongly, those people feel marginalised by the government. It is my firm belief that the government has a role to play in bringing us together as a community and not dividing us further than needed. That comes in the form of using the emergency powers only when they are required, setting expectations, being transparent with the community and also instilling a level of trust for the WA public.

HON NEIL THOMSON (Mining and Pastoral) [8.51 pm]: I was not going to speak on the COVID-19 Response Legislation Amendment (Extension of Expiring Provisions) Bill 2022. Due to the time limitations, we have had rather succinct presentations by members of the crossbench. I would like to make a couple of points because I think the legislation is important. Hon Wilson Tucker made a couple of points that I would like to address. I want to put on the record that some of the surveys out there show that the opposition towards some of the issues around mandates and other aspects of the disease can be seen across the political spectrum. In fact, some of the polls out there show that Liberal supporters have the highest degree of support for some of the restrictions. To contextualise the issue as a right-wing or left-wing process is not completely accurate. That is just an aside.

My address is to academia, senior businesspeople, health practitioners and any person of curiosity. I am not here to try to convince those on the other side of my argument because I think their minds are set. I accept that and that is fine. Hon Wilson Tucker felt he had a position on the timing of this legislation. I do not believe that we are in a position to make a decision on that because we have not been provided with the evidence. When the evidence is not provided, I believe it is unfair for anyone of curiosity to make a decision. I was very inspired by the speech of my colleague who sits next to me, Hon Martin Aldridge. He read a quote from the Auditor General. I want to reiterate this because I am going to tell a little story that I think is pertinent. Maybe members opposite might learn a little more about me and my views on this matter in the process. Hon Martin Aldridge quoted the Auditor General, who said —

I should stress that to provide a comprehensive report on the management of the pandemic and impacts across the whole community would require a separate large-scale examination, which this was not. However, there would be significant future benefit from a systematic impartial examination of the response to this pandemic by both the State and the Federal governments, and its impacts on the WA community.

Recently, I had the opportunity to meet with some of my former colleagues with whom I worked at the former Department of Agriculture and Food when I was involved in research. I had not met with my master’s supervisor for nearly 20 years. He is a professor at the University of Western Australia. We had a very interesting discussion. I hold a master’s degree in science; it happens to be an agriculture economics degree. It is probably not my greatest piece of work. It was done some decades ago. It is not a piece of research that I would necessarily base a life on but I believe that I am a person of curiosity. I am a person who has been trained in the area of science and I believe I can speak just as much as anybody in this chamber on matters of evidence-based assessment. We are here today to make an assessment. I appeal to those in academia, in those senior roles, to think about this. Again, we are expected to deal with a bill that provides little evidence on why it is required. The title of my thesis was “Economic Evaluation of Public Sector Pest Control: Sheep Lice in Western Australia”. Members opposite are having a little snicker. They might get some more laughs about this shortly. The thesis was about the control of sheep lice in Western Australia.

Again, I will not compare this with the complexity of the management of the public health issue because the issue of public health involves a fair degree of more complex mathematics than maybe I was managing at the time I did my thesis. The elements within that thesis that I believe hold true, all things being equal, go across a broad range of matters relating to epidemiology and economics. That thesis, notwithstanding the rather mundane subject of sheep lice eradication—I know that Hon Dr Steve Thomas as a former veterinary scientist —

Hon Dr Steve Thomas: Current veterinary scientist.

Hon NEIL THOMSON: Current, should I say. He has also studied in the area of epidemiology in relation to animal sciences. As someone studying in the area myself, I published in the *Journal of Veterinary Science*.

Hon Dr Steve Thomas: Step right up!

Hon NEIL THOMSON: There you go—step right up.

Hon Dr Steve Thomas: An august publication.

Hon NEIL THOMSON: Yes, it is an august publication. That study involved two parts of a bioeconomic model—the optimisation of the control of other spreading pests and disease and its control in relation to impacts from the economy.

Coming to this point about matters that I raise with those who might choose to listen and those persons of curiosity, who think about what is before this place without evidence of any substance being presented, three major principles stand true. The first relates to exotic pests—generally in a controlled environment; let us call it disease, and we talk about a public health issue. The control of diseases that are of an exotic nature—those that may be prevalent within the confines of other jurisdictions and the investment into a quarantine barrier—generally in the main has a much higher rate of return and is of paramount importance. We know that these things hold true in a general sense, all things being equal across all forms of control.

We saw in the context of the COVID-19 pandemic that the control of the barrier at the border was the highest and most important value—namely, the hard border when the disease became more prevalent in the other jurisdictions of Australia and, prior to its prevalence in Australia, the control of the international border. We saw COVID escape through some of the challenges we had because of its infectiousness and our inability to control it because some people were coming into this country out of necessity. We saw, though, the significant benefit that was provided to the community, and that significant benefit was not unexpected.

The second type of disease is more epidemic in nature, again, all things being equal. There is a lot of complexity to it but I will not waste time tonight because I am speaking in a general sense to persons of curiosity who may want to think about whom they will support in a future election. Epidemics can have a whole range of particular conformities. Some are cyclical; they come and go. Seasonal flu has periods when it is epidemic. It is epidemic for a short period in the wintertime, for example, and trails off to a background level. In a general sense, all things being equal, in the epidemic nature of diseases, the next highest in the league of importance is those for which the spread needs to be delayed, because investment by the state will usually result in a benefit–cost ratio that is greater than one by delaying the disease. I am speaking in economic terms. I do not underestimate the pain and suffering. Again, I am speaking to people of curiosity who ask questions. I do not mind what qualifications a person has. I say to persons of curiosity that there is a demand by people of curiosity in the state for answers from the government, but we are not getting those answers.

The third type of disease—Hon Wilson Tucker mentioned them—are those that are endemic in the community. We understand that the endemic nature of diseases can include shades of grey. Sometimes they are not completely endemic. As I said, the background levels of some diseases can come and go due to seasonal factors. In the main, the control by public means of those diseases generally results in a much lower rate of return from an economic perspective, looking at it just from that side of things. That is underpinned by social factors and, obviously, in the case of public health, by the significant challenges to individuals and even, sadly, the death of people with pre-existing conditions or those who are near the end of their life. I do not mean to discount or diminish that, but the reality is that it does not matter what the government does in that situation because sometimes it makes very little difference.

In finishing my point, they are the three factors that exist, all things being equal. It does not matter what this government thinks or tries to achieve, or whatever the State Emergency Management Committee conjures up, or whatever Mark McGowan thinks is beneficial from a political point of view, those principles exist and are true. I speak to the people of curiosity who might be taking the time to watch this or who read *Hansard* on this matter. All I will say is that we—those who deserve to know the answers—have not been treated with respect. This Parliament has not been provided with the proper modelling on these matters. The data has not been provided.

I am a person of curiosity. I might not be the most academic person in the world, but I spent time on and put effort into my studies. I believe that any self-respecting person who believes in the science and the evidence would say that the Liberal Party is the party of evidence and the party of science. All we get is spin from the other side. All we get is legislation rammed through on a purely partisan, political basis, and I am fed up with it. There is a part of my own story that I have not yet presented. I trust that although some people might not agree with me, they will at least have some respect for my position. I believe that the position the opposition is taking on this matter is fair enough and totally respectable, given the lack of evidence presented to the contrary. Thank you.

HON DR BRIAN WALKER (East Metropolitan) [9.05 pm]: I had not originally intended to stand and speak on the COVID-19 Response Legislation Amendment (Extension of Expiring Provisions) Bill 2022, because the topic has been so excellently covered by previous speakers, particularly Hon Martin Aldridge and Hon Tjorn Sibma. I also doff my hat to my colleague, Hon Sophia Moermond, who has put our position as a party very clearly. However, as the only active doctor in the chamber—one of two in the house—I think it is appropriate that members hear from an active doctor how we see what is going on just now. There are a number of issues that we need to deal with.

The first question we have is: is this actually an emergency, and what needs to happen when an emergency is declared but the situation is under relative control? I am going to give an example from my own personal clinical life. Sometime back, when I was working in the wheatbelt as a lone doctor, certainly with plenty of help from the nurses and ambos, a woman was ejected from a car that was travelling at 100 kilometres an hour, at night. She lay for one night, or 12 hours, severely wounded in the dark. She was brought into my emergency department and I saw what was happening. I heard how the accident had happened. That was a major problem. Calling the Royal Flying Doctor Service was fine, but it had to get there. I had an emergency on my hands and someone could very easily have died. We could not sit around with a cup of tea wondering what we could do and look at the options. No; we had to act, we had to take action and we had to get clarity about what was going on. My primary investigation was to look at the urgent areas, which we looked at. It turned out to be a fracture of the neck, other vertebral fractures, rib fractures, a large laceration and possibly a chest contusion. She was losing consciousness and becoming increasingly confused. It was dangerous.

The first things I did, of course, were the emergency procedures. I put in a line and got all the observations done. The nurses knew it was an emergency because at times like that my voice is very quiet because you do not want panic during an emergency. When voices get loud and people start shouting, confusion happens. Clarity is required when managing an emergency, as is getting an idea of exactly what is going on to judge the situation. The secondary review of the patient, once she had been relatively stabilised, reassured me that although she might die, everything possible to keep her alive had been or was being done and things were on the mend. Yes, she was continuing to lose consciousness and there was an effect on the brain, but I could not affect that because I am not a neurosurgeon and there were no facilities there, but help was on the way. She had been stabilised. I had great pleasure seeing her some months later completely well, having been very well managed in the trauma ward at Royal Perth Hospital. That is what an emergency demands. It demands clarity. What is the actual problem? What needs to be done? How is the progress monitored? We had exactly the same situation here when COVID-19 came out. I will not take much time. Hon Tjorn Sibma mentioned the views we had of Italy, America, China for that matter, and elsewhere. The bodies were piling up.

I have further practical experience because I was also an active general practitioner in Hong Kong when SARS reigned. That had about a two or three per cent death rate as well. Members will note that COVID is actually a SARS virus. It is very similar. At the time, with people dying in quite large numbers, including doctors and nurses in the hospital, the territory of Hong Kong went into an emergency mode.

Things were done then that mirrored much of what has happened in this state. I have to give thanks to the McGowan government for what happened, because very good measures were taken. Our state was kept well and safe. We ought to give thanks where thanks are due for excellent management. But the question that remains is: is it right now? I said initially that we need clarity, and for clarity we need information. In that emergency case I saw, the information we got from the observations and my examination—this is a likely thing happening—was the information I needed to then give clarity. Then there was transparency. I needed to explain to the staff what would happen to the Royal Flying Doctor Service: “This is the situation; you will come here as a priority 1.” The information and the transparency was critical to managing an emergency. Once she had been stabilised, there was no emergency. It was a critical situation, but it was managed.

The critical situation we have had in our state is being managed. Do we need further emergency measures or do we have perfectly adequate legislation in the Public Health Act 2016 and the Emergency Management Act 2005? I put it to members that we do. They are perfectly sensible measures that need no further action at this moment. We have a Chief Health Officer who is perfectly capable of enacting the provisions in the existing legislation to declare a state of emergency, at which time, once it has been managed, we can take it further if we so need.

I am very disturbed that the information is a point of contention here. I am going to give members facts, because the scientific approach is needed. We need good science. The foundation of all good science is asking a question: what is the problem? Then we need to define the problem: what do we actually have? Then we formulate a hypothesis and then we move on to asking the question: what happens if? We put it out and study it and then we get an answer. We were right, or we were wrong and we put out another hypothesis. We ask a question. The whole foundation of our scientific knowledge starts with a question. Every item that we see today has been touched at some time by the question: what would happen if? What would have happened if we had sawn the wood in a certain way a thousand years ago to make the panelling we have in this chamber? Everything starts with a question, yet I have colleagues in this state and elsewhere in the nation who have been banned from work because they dared to ask a question that flew in the face of current perceived wisdom.

They asked for the scientific underpinning for going for, say, AstraZeneca rather than Pfizer and why the South Australian vaccine was not permitted. They asked about the values, whether it actually worked and whether there were side effects. I do not know the answers to those questions, but I will happily ask them because I, too, am a man of science. However, colleagues of mine have been suspended for referring to a scientific paper that gave evidence to the contrary. The very foundation of our scientific community has been threatened with sanctions for daring to ask a question. On behalf of all my colleagues, I would like them to be able to freely and openly ask questions that demand answers. Indeed, I did the same thing with our current Minister for Health. I asked a question on behalf of people who are concerned that mothers who have been immunised have a higher level of early pregnancy

loss. I did what I had to do—I asked. Rather than asking in open Parliament, which could have caused embarrassment, I asked privately in a letter to the health minister. I got a most insulting reply, saying that I should know better than to ask such stupid questions. This is the same health minister who refused me access to the Chief Health Officer, who has the information I need but has been prevented from giving it to me. The questions I ask are being met with a wall. This troubles me, because if I am being treated with such disrespect, what is happening to the people of Western Australia?

If the foundation of our science—that is, asking a question and getting an answer on which the next question can be based so that we can move forward in our knowledge—is being obstructed, we have a systemic problem that needs to be addressed. But it does not mean that we have an emergency. It simply means that the systems in place now are not meeting the needs.

I will be putting forward the understanding that I oppose this measure. I will stand against it. Although I respect and welcome what the government has done so far, there has to be a time when we declare a limit. I think we have reached that limit. The government has done very well. However, I am open to being informed of other information—for example, the modelling. We spoke earlier about transparency. The modelling that we need to see what is likely to happen has not been made public. It has not even been made available to members of this house. How can we hold the government to account to review what needs to be done if the information we need to make a reasoned, rational decision is being withheld? This troubles me greatly. It troubles me deeply. I think this needs to be taken into account by a government that so far has treated people like me with disrespect, and I resent that.

By definition, therefore, our science is flawed because we are unable to question openly and receive open answers that allow us to move forward. The science is flawed. Transparency is non-existent. The modelling is absent. The only doctor in the upper house has been refused access to information so that he can tell his constituents that he is supporting the government because. Bear in mind, colleagues, I did at the very outset say that I will do what I can to support the government. I will do what I can to ensure that the emergency that we have is best managed, but that offer has callously been ignored. It is unimportant. This is the hubris of a government that does not need people like me to support it because it has the numbers. Indeed, it has the numbers to pass this bill.

Although I will praise the government, rightly so, for what it has done, I will also ask that it consider openly and sincerely whether the time for emergency measures has passed and we need to move forward to prepare for the next pandemic, because it will surely come, if not this year, then in the next decade or in the next hundred years. We need to be prepared. There are things happening in our microbiological world whereby it is going to go very bad very quickly if bad luck hits. I would prefer that we moved away from this idea of ongoing rolling emergency measures towards creating a proper pandemic response. This is a scientific approach to doing that. It is the medically authorised approach to dealing with this. It is good sense. I ask that the government consider seriously that this be done.

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Emergency Services) [9.18 pm] — in reply: I thank all those who made a contribution to the COVID-19 Response Legislation Amendment (Extension of Expiring Provisions) Bill 2022 tonight. As Hon Tjorn Sibma said, he is to be convinced on some of these issues. I am under no illusion that I will be convincing the opposition to do anything other than what it wants to do tonight. Just as it has done for the last two years, it will continue to play politics on this issue. Every step of the way over the last two years, we have been condemned by the opposition. It has spoken out against us, yet the proof is in the pudding. Although we have had 201 tragic deaths thus far in Western Australia, we have escaped the brunt of this pandemic that other states and other places around the world have had to deal with. As we sit here tonight and debate this bill, there are currently 88 710 active COVID cases in WA. There were 15 674 new cases as of 8.00 pm last night. We had 325 people in hospital with COVID-19, 11 of whom were in ICU as of 8.00 pm last night. We have had 576 315 cases since the COVID-19 pandemic began in Western Australia. Although the opposition does not believe we need the state of emergency, the Commissioner of Police and the Chief Health Officer certainly believe that we do.

Why are we continuing to use the Emergency Management Act rather than solely managing COVID-19 under the Public Health Act? The benefit of the Emergency Management Act is that it provides the appropriate framework and was designed for a significant and coordinated multi-agency emergency response. Declaring a state of emergency under the Emergency Management Act has the benefit of establishing a comprehensive emergency management framework. This enlivens powers under the act to assist the hazard management agency and combat agencies to manage the emergency. The powers available under this act are complementary to those under the Public Health Act and are essential to maintaining community safety throughout this pandemic emergency. The Emergency Management Act allows the WA Police Force to focus on the enforcement and maintenance of health restrictions, while the hazard management agency has been focused on combating the health emergency, which is the COVID-19 pandemic.

There were some other comments made by various members. I make the point that opposition members were last week offered a briefing on the COVID-19 Response Legislation Amendment (Extension of Expiring Provisions) Bill 2022 at a time that suited them, so it was not us who said 11.30 am; it was the opposition that told us that that time suited it. The bill before us has sat on the table here for a week for honourable members to consider. Although I have declared it urgent today, members have had a week within which to consider it, and it is essentially a continuation of a bill that has been before this house on other occasions.

I am not here tonight to discuss the merits or otherwise of the Public Health Act, and I make that point now.

An opposition member interjected.

Hon STEPHEN DAWSON: You have had your chance to speak. Now listen to me. I listened to you in silence. Thank you.

In respect of other comments that have been made tonight, I disagree with Hon Sophia Moermond that the Premier and the minister have overstepped any mark. The government has very different views on the pandemic from hers, as we have heard from her over the past few months, and we stand by the decisions we have made. I alluded to the 201 tragic deaths that have taken place in Western Australia since this pandemic began. That number contrasts with 2 986 in New South Wales, 3 158 in Victoria, 952 in Queensland and 405 in South Australia. We have managed the pandemic very well in this state and fewer people have lost their lives, although every life lost is tragic.

I acknowledge the support Hon Wilson Tucker has given to the bill before the house tonight. He suggested that government should be better managing expectations in the community. I have to say that we had an election last year, and it was very clear from the community that the government's handling of COVID-19 has been supported. We continue to rely on the health advice as we negotiate our way through the pandemic. It is an extraordinary time, but we will continue to rely on that advice to enable us to keep Western Australians safe and to minimise the tragic number of deaths.

I am not sure what Hon Neil Thomson's contribution was. All I took away from it was that he has a master's degree in dealing with exotic pests. Everyone in this place is obviously entitled to put their views on the record, and he has done that this evening.

Hon Dr Brian Walker's contributions in this place are always considered, and his contribution just showed that doctors are not a homogenous group, just like anyone else in society. Doctors, like others, have very different views on the pandemic. He said we have to be prepared for the next pandemic. That is correct; we do. But we also have to continue to deal with the pandemic that we are living in at the moment, and that is what we will continue to do. As has been pointed out, this bill does not guarantee that a state of emergency will continue. It will allow me as Minister for Emergency Services to make an informed decision every 14 days about whether we need to stay in a state of emergency. I would love to not have to make that decision and for things to move back to what was normality, but, unfortunately, the pandemic is here and we are living in it at the moment. People are dying and people are still getting sick. There are thousands; as we heard, there were 15 000 cases yesterday.

With regard to the modelling, the Chief Health Officer and the Minister for Health have previously spoken to the media about modelling. We have not seen in Western Australia the peaks and drop-offs of other states. I am told that that is partly to do with the fact that our vaccination rate is so high, so the drop is a lot less steep than what we have seen in other places, but it is still here and we are still living with COVID-19, so we still need the legislation before us.

Noting that there will be a range of questions in Committee of the Whole, I will leave my comments there and commend the bill to the house.

Division

Question put and a division taken, the Acting President (Hon Dr Sally Talbot) casting her vote with the ayes, with the following result —

Ayes (16)

Hon Klara Andric	Hon Sue Ellery	Hon Ayor Makur Chuot	Hon Matthew Swinbourn
Hon Sandra Carr	Hon Peter Foster	Hon Stephen Pratt	Hon Dr Sally Talbot
Hon Stephen Dawson	Hon Lorna Harper	Hon Martin Pritchard	Hon Darren West
Hon Kate Doust	Hon Jackie Jarvis	Hon Rosie Sahanna	Hon Pierre Yang (<i>Teller</i>)

Noes (7)

Hon Martin Aldridge	Hon Sophia Moermond	Hon Neil Thomson	Hon Colin de Grussa (<i>Teller</i>)
Hon Steve Martin	Hon Tjorn Sibma	Hon Dr Brian Walker	

Pairs

Hon Dan Caddy	Hon Dr Steve Thomas
Hon Samantha Rowe	Hon Peter Collier
Hon Shelley Payne	Hon Donna Faragher
Hon Alannah MacTiernan	Hon Nick Goiran

Question thus passed.

Bill read a second time.

Committee

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

The DEPUTY CHAIR (Hon Dr Sally Talbot): Members, we are in committee on the COVID-19 Response Legislation Amendment (Extension of Expiring Provisions) Bill 2022. I draw members' attention to supplementary notice paper 1.

Clause 1: Short title —

Hon MARTIN ALDRIDGE: I thank members who contributed to the second reading stage of the bill and I thank the minister for his reply, which addressed only a limited number of issues that were canvassed by members during that time. I must express my disappointment at the minister's characterisation of the opposition opposing the government every step of the way, because I do not think that that could be further from the truth. As I pointed out in my second reading contribution, this, indeed, was not the first time that we have dealt with the substance of this matter, and on each of the four previous occasions, we supported the government. Therefore, it is not a correct statement to make.

Minister, on 10 May, the Premier, in announcing this legislation at a press conference, made a statement that the extension that the government would pursue was based on the advice of the State Emergency Coordinator and the Chief Health Officer. Just now in his reply, the minister made a similar reference. Obviously, I do not have the uncorrected *Hansard*, but it was something to the effect of the Commissioner of Police and the Chief Health Officer believing that the powers are needed. Is the minister in a position to provide to the chamber, as the government has done on the two previous occasions, the advice of the Chief Health Officer and the State Emergency Coordinator to support the claims that he and the Premier have made?

Hon STEPHEN DAWSON: I will make the point that cabinet made a final decision that this was the course of action that we would take—that the government would seek Parliament's approval to extend the expiring provisions that have previously passed in this place. It has also been made clear a number of times over the course of the last few debates on this issue and in parliamentary questions before this place in recent times that I take advice from the Commissioner of Police acting as the State Emergency Coordinator. I meet with the police commissioner every two weeks, and the police commissioner advised me of what he believes is the need for emergency management declarations to be extended. The police commissioner has said to me that the expiry provisions of the bill should be extended by six months. The police commissioner also meets regularly with the Chief Health Officer, and the advice from the Chief Health Officer helps the police commissioner decide what advice to give to me. I have been advised that the Chief Health Officer has advised the State Emergency Coordinator that an extension of six months is warranted because we are still dealing with the COVID-19 issue on a daily basis.

Hon MARTIN ALDRIDGE: If I can summarise the minister's response, the minister obviously has an interaction with the State Emergency Coordinator—one would expect—every 14 days in line with him having to form a view and sign a document that is an extension of a state of emergency pursuant to the Emergency Management Act. Through the course of those conversations, the State Emergency Coordinator has expressed a view to the minister on the need to extend these powers, and that view has been informed by the view of the Chief Health Officer in his exchange or interaction with the State Emergency Coordinator. My point remains, though, that on the previous two occasions, the State Emergency Coordinator wrote a letter to the then Minister for Emergency Services. One of those letters was on 27 April 2021; the other was on 30 September 2021. Those were the two most recent occasions that these extension bills were considered by the Parliament. On both occasions, the government provided this information, including tabling those letters in the Assembly and the Council, and I referred to the tabled paper numbers during my speech in the second reading debate. Apart from those verbal interactions that the minister in his capacity as the Minister for Emergency Services has had with the State Emergency Coordinator, has the State Emergency Coordinator formalised his view to the minister in the same way that he did on the previous two occasions?

Hon STEPHEN DAWSON: I am not presenting any documents here tonight, but I will put on the record that it was as a result of advice from the State Emergency Coordinator to me that the provisions be extended for six months. It was on the basis of that advice that I took a submission to cabinet and cabinet agreed to support the submission that I brought forward—that the expiring provisions be extended for six months. In terms of the consultation that might have taken place across government and agencies, the Department of Fire and Emergency Services, the Western Australia Police Force, the State Solicitor's Office, the Department of Health, the Department of Justice and the Department of the Premier and Cabinet were all consulted as part of the cabinet process. Therefore, it is a government decision, but it is based on the submission that I brought forward to cabinet that these provisions be extended, which was based on advice that I got from the experts who are dealing with this on a daily basis.

Hon MARTIN ALDRIDGE: The minister said that he does not have access to a document or the document this evening. This was a question that has been raised in every briefing that I have had on these extension bills. Certainly, it was raised last Tuesday, so the minister's advisers would have had notice of this matter. Is the minister saying that the written advice exists, but he does not have access to it, or is the minister saying that the written advice does not exist?

Hon STEPHEN DAWSON: I am saying that I took a submission to cabinet to bring this bill before us, so any advice that I may have received as part of it is part of the deliberative process of cabinet, so I am not tabling any letters.

Hon MARTIN ALDRIDGE: This is exactly the problem that we have. The explanation that has just been provided by the minister runs contrary to the experience that this chamber had with his predecessor when on both occasions in 2021 this was not a state secret, whereas it now appears to be. No further explanation can be given apart from two things, really. Firstly, these are all deliberations of cabinet and are therefore cabinet-in-confidence, notwithstanding that they were not in 2021. Secondly, the only thing we have been able to substantiate so far, not even 10 minutes into the debate on clause 1, is that it would appear that this extension bill is based on verbal advice from the State Emergency Coordinator to the Minister for Emergency Services, and possibly based on advice that the State Emergency Coordinator has received from the Chief Health Officer. Effectively, on the basis of the verbal point of view of potentially two, or maybe three, people, this Legislative Council is being asked to support the bill.

I reiterate that this certainly was not the experience when we dealt with the two bills in 2021. In fact, I think we are taking a massive leap in the wrong direction with regard to transparency around these matters. Minister, is it still the view of the government that the section 72A powers that this bill will extend for a period of a further six months remain draconian?

Hon STEPHEN DAWSON: I am happy to say that we have had to make some extraordinary decisions during the last two years when dealing with this pandemic. I have made the point in this place previously, and I will make it again: there has not been a book that we could take off the shelf that says how to deal with a pandemic, certainly not one that has killed millions of people around the world. This legislation before us has proven to be the right legislation to enable us to deal with the COVID pandemic. The proof is in the pudding. We have seen how the legislation in this state has helped us keep cases numbers low and the number of deaths down. Although the laws go further than what has gone before, they are absolutely right and absolutely necessary.

Hon TJORN SIBMA: Respectfully, minister, I disagree that at this stage of the management of COVID there is no book to refer to. We have witnessed on a global scale the biggest real-time experiment in modern human history in dealing with a pandemic. What frustrates me as a legislator—this applies in our local jurisdiction, and even more nationally—is that although there must be localised responses, we seem to be almost agnostic or wilfully ignorant of the experiences of COVID globally over the last two years. It also seems to suggest that we ourselves have not learnt how to be more adaptive in our own local response settings.

I will grant the minister this, and I thought I was at pains of doing this during the second reading debate. The government has acted absolutely soundly and appropriately, at least insofar as when the border was opened. That action received our support. In fact, I was quite encouraging of the government, in my own unique way, to stick to its original commitment. However, the issue is not whether the bill that we are contemplating now was appropriate in the two years leading up to this point. The issue that we are trying to grapple with, minister, respectfully, is whether the bill that we have been presented with this evening is appropriate to manage the COVID-19 response in the Western Australian jurisdiction for more than likely the next six months, which is the forecast. Therefore, when my colleague Hon Martin Aldridge asks questions about the advice upon which the minister dutifully relied when he took his submission to cabinet, why is there even a greater resistance on the minister's behalf, if I can put this respectfully, to provide the written briefing or the written advice upon which the minister relied, and which his cabinet colleagues agreed with, that this bill is appropriate for the future circumstances, than has been the case on at least the last two occasions? Has there been a shift in decision-making or a shift of internal policy around the disclosure? Would it be problematic, should this document exist, to table it? There is a series of questions there, but, specifically, was written advice attached to the submission that the minister took to cabinet that clearly articulated the risk profile that both the Chief Health Officer and the Commissioner of Police were trying to deal with, because that would assist us in our understanding?

Hon STEPHEN DAWSON: This was in a cabinet submission. The member has been in this place long enough to know that what is said in cabinet is sacrosanct; therefore, the submission will not be disclosed. It will be disclosed in the future, years later. I also did not suggest that we have not learnt over the course of the pandemic. We have learnt over the course of the pandemic, and, yes, we have looked to see how other states and jurisdictions around the world have dealt with COVID-19. Yes, the closed border did allow us to get our vaccination rates higher than anywhere else, certainly in Australia, and potentially in many places around the world. The advice has been evolving over time. We have had the Alpha, Delta and Omicron strains, and goodness knows what will be next. It is fair to say that no other jurisdiction that has had the virus introduced into it has had the same vaccination rates that we have in Western Australia, so our good work has placed us in a good spot.

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

House adjourned at 9.46 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

BIODIVERSITY, CONSERVATION AND ATTRACTIONS — FUNDING

697. Hon Dr Brad Pettitt to the minister representing the Minister for Environment:

- (1) I refer to the October 2020 review of the Federal *Environment Protection and Biodiversity Conservation Act 1999* by Professor Graeme Samuels, that identified chronic underfunding of the Department of Agriculture, Water and Environment. In a submission to the Samuel review the Wentworth Group of Scientists cited work by Whittle et al (2019) stating that “only 15% of the required funding for target species recovery is currently available” and that “poor allocation of existing funds have further hampered recovery efforts”. This pattern of downsizing departmental budgets for the environment is evident in every jurisdiction in Australia. Furthermore, funding of environmental programs such as Western Shield and forest recreation programs, formerly managed by the Department of Conservation and Land Management, then by the Department of Environment and Conservation, then by the Department of Parks and Wildlife and now by the Department of Biodiversity, Conservation and Attraction (DBCA), have over the years had their funding partly replaced by donations in cash or kind from private companies. Alcoa is one such company that underwrites these public services (for example, Carnaby Cockatoo artificial breeding refuges) while destroying walking and riding tracks and contributing to the destruction of forest and habitat that endangers the very animals that these programs seek to protect. In this context, I ask:
- (a) are records kept of the Government’s annual funding of the following broad categories:
 - (i) Parks and Wildlife and Public Attractions; and
 - (ii) Conservation, Biodiversity and Environment;
 - (b) if yes to (a), can the Minister please table the annual data for each category for at least one of the following time periods:
 - (i) the last 20 years;
 - (ii) the last 10 years; and
 - (iii) the last five years;
 - (c) if no to (a), why not; and
 - (d) if no to (b), why not?
- (2) In the context of supplementary funding to DBCA activities, I note that DBCA is the body that administers the Bibbulmun track and Alcoa is a company whose mining activities have caused it to be realigned several times since it was opened in 1979. I also note that Alcoa has donated and/or funded new track works, some of which is administered or sponsored by DBCA and some by the Bibblumun Track Foundation whose mission is to “assist” DBCA with manpower and/or funding for track works and maintenance, and I ask:
- (a) does DBCA know how many times Alcoa’s bauxite mining has caused the Bibbulmun track to be realigned since it was first opened in 1979;
 - (b) if yes to (a), will the Minister table documents that show the changes to the track over this time and a summary of key dates and changes;
 - (c) if no to (a), why not;
 - (d) can DBCA tabulate its past annual expenditure on maintenance of the Bibbulmun track;
 - (e) if yes to (d), will the Minister table the annual expenditure data for at least one of the following time periods:
 - (i) the last 20 years;
 - (ii) the last 10 years; and
 - (iii) the last five years;
 - (f) if no to (d), why not;
 - (g) can DBCA tabulate the annual contributions of funding and/or services contributed toward maintenance by the Bibbulmun Track foundation over the last 20 years;
 - (h) if yes to (g), will the Minister table the annual contributions data for at least one of the following time periods:
 - (i) the last 20 years;
 - (ii) the last 10 years; and
 - (iii) the last 5 years;

- (i) if no to (g), why not;
- (j) does DBCA know how much money was contributed to Bibbulmun track alignment by Alcoa over the last 20 years either directly to DBCA or through the Bibbulmun Track foundation;
- (k) if yes to (j), will the Minister table this for at least one of the following time periods:
 - (i) the last 20 years;
 - (ii) the last 10 years; and
 - (iii) the last five years;
- (l) if no to (j), why not;
- (m) does DBCA keep track of all annual contributions either directly or through secondary foundations by Alcoa in the form of funding and/or services to any and/or all DBCA programs over the last 20 years;
- (n) if yes to (m), will Minister table:
 - (i) the annual contributions data for at least one of the following time periods:
 - (A) the last 20 years;
 - (B) the last 10 years; and
 - (C) the last five years;
 - (ii) a breakdown of the annual contributions including information identifying which programs received assistance;
 - (iii) if no to (i), why not; and
 - (iv) if no to (ii), why not;
- (o) does DBCA receive supplementary funding and assistance from other companies and foundations besides Alcoa; and
- (p) if yes to (o), will the Minister table the annual funding and assistance data for at least one of the following time periods:
 - (i) the last 20 years;
 - (ii) the last 10 years; and
 - (iii) the last five years?

Hon Stephen Dawson replied:

- (1) (a) Yes.
- (b) (iii) The following table provides the total recurrent cash appropriation to fund programs in the following services:

Parks and Wildlife and Public Attractions

Visitor Services and Public Programs Provided in the Swan and Canning Riverpark.

Visitor Services and Public Program Provided in National Parks and Other Lands and Waters.

Conservation, Biodiversity and Environment

Conserving Habitats, Species and Ecological Communities.

Implementation of the Forest Management Plan.

Prescribed Burning and Fire Management.

Bushfire Suppression.

Year	Parks and Wildlife and Public Attractions	Conservation, Biodiversity and Environment	Total
2020–21	\$64,762,000	\$133,738,000	\$198,500,000
2019–20	\$54,841,000	\$130,459,000	\$185,300,000
2018–19	\$51,722,000	\$128,678,000	\$180,400,000
2017–18	\$64,394,000	\$128,006,000	\$192,400,000
2016–17	\$55,286,000	\$131,614,000	\$186,900,000

- (c)–(d) Not applicable.

- (2) (a) No. Realignment of the Bibbulmun Track may be due to bushfire, prescribed burning, timber harvesting or mining activities. DBCA does not have a record of the number of times that the track has had to be realigned for Alcoa's bauxite mining activity.
- (b) A significant realignment of the track occurred during 1987 and 1988 between Kalamunda and Dwellingup. Avoidance of planned bauxite mining areas was a consideration in the planning of this realignment, but not the only consideration. Further realignments and improvement works occurred between Kalamunda and Brookton Highway in 1994 and 1995. Avoidance of mining operations and forestry operations was also a consideration in the planning of these realignments.
- (c) See (2)(a).
- (d)–(e) The following table provides a summary of expenditure on trails maintenance from various funding sources. Although the financial records are primarily for works on the Bibbulmun Track, they may include works on other trails such as the Munda Biddi Trail as part of funding for bushfire recovery.

Year	Total
2020–21	\$699,381
2019–20	\$434,134
2018–19	\$503,682
2017–18	\$643,203
2016–17	\$1,435,411

- (f) Not applicable.
- (g)–(h)(iii) Yes. The following table provides a summary of funds DBCA has provided to the Bibbulmun Track Foundation under a Service Agreement over the last five years.

Year	Total
2020–21	\$67,000
2019–20	\$67,000
2018–19	\$67,000
2017–18	\$67,000
2016–17	\$67,000

- (i) Not applicable.
- (j) No.
- (k) Not applicable.
- (l) Funding arrangements between Alcoa and the Foundation are not for track realignment.
- (m) Yes. Direct contributions to DBCA are set out below.

- (n) (i) (C)

Year	Alcoa contribution
2021–22	\$913,246
2020–21	\$5,793,000
2019–20	\$7,030,066
2018–19	\$5,114,169
2017–18	\$4,741,750

- (ii) Financial contributions from Alcoa assist in delivering programs in the following services: Visitor Services and Public Programs Provided in the Swan and Canning Riverpark. Conserving Habitats, Species and Ecological Communities.
- (iii)–(iv) Not applicable.
- (o) Yes.

(p) (iii)

Year	Contributions from companies other than Alcoa
2021–22	\$1,507,943
2020–21	\$3,306,581
2019–20	\$1,984,741
2018–19	\$5,683,039
2017–18	\$2,902,853
