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Wednesday, 15 June 2022

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

ASIAN RENEWABLE ENERGY HUB PROJECT

Statement by Minister for Hydrogen Industry

HON ALANNAH MacTIERNAN (South West — Minister for Hydrogen Industry) [1.02 pm]: The McGowan government celebrates the announcement that BP will take a 40.5 per cent equity stake in the Asian Renewable Energy Hub project located north east of Port Hedland. This is a huge step forward for the globally significant project with BP to become the major shareholder and the operator of one of the world's largest renewable energy projects. The McGowan government granted the project lead agency status in 2018 and an exclusive licence to collect resource data, and has been working closely with InterContinental Energy and BP to get the project to this stage. The project is expected to generate up to 26 gigawatts of combined wind and solar capacity and produce 1.6 million tonnes of green hydrogen or nine million tonnes of green ammonia each year. BP's commitment to the Asian Renewable Energy Hub is a significant vote of confidence for the next stage of development of the WA renewable hydrogen industry. The project will transform the Pilbara, create thousands of jobs and be a major contributor to global efforts to decarbonise the economy. It will provide the low-cost energy to underpin downstream processing of our mineral wealth. Today's announcement reinforces WA's credentials as a world-class investment destination for green energy generation, including the production of exportable commodities like green hydrogen and ammonia and green steel.

STANDING COMMITTEE ON PROCEDURE AND PRIVILEGES

Sixty-seventh Report — Referral of a matter of privilege raised by Hon Sue Ellery MLC — Terms of reference — Tabling

THE PRESIDENT (Hon Alanna Clohesy) [1.05 pm]: I am directed to present the sixty-seventh report of the Standing Committee on Procedure and Privileges, *Referral of a matter of privilege raised by Hon Sue Ellery MLC — Terms of reference*.

[See paper 1342.]

Recommendation 1 — Adoption — Motion

HON MARTIN ALDRIDGE (Agricultural) [1.05 pm] — without notice: I move —

> That recommendation 1 contained in sixty-seventh report of the Standing Committee on Procedure and Privileges, *Referral of a matter of privilege raised by Hon Sue Ellery MLC — Terms of reference*, be adopted and agreed to.

I seek leave to continue my remarks at a later stage of this day's sitting.

[Leave granted.]

Debate adjourned, pursuant to standing orders.

[Continued on page 2792.]

PAPER TABLED

A paper was tabled and ordered to lie upon the table of the house.

BUSINESS OF THE HOUSE

As to Motions on Notice

THE PRESIDENT (Hon Alanna Clohesy) [1.06 pm]: That takes us to motions on notice. I note that it is not intended that the motion on the notice paper be moved today, but I would want to confirm that with the mover.

HON MARTIN PRITCHARD (North Metropolitan) [1.06 pm]: I do not intend to move the motion at this time.

COMMITTEE REPORTS — CONSIDERATION

Committee

The Chair of Committees (Hon Martin Aldridge) in the chair.

Joint Standing Committee on the Corruption and Crime Commission — Second Report — If not the CCC ... then where? An examination of the Corruption and Crime Commission's oversight of excessive use of force allegations against members of the WA Police Force — Motion

Resumed from 11 May on the following motion moved by Hon Dr Steve Thomas —

> That the report be noted.

Hon PIERRE YANG: On the last occasion that we considered committee reports, on 11 May, I talked about the substantive fifteenth report of the Joint Standing Committee on the Corruption and Crime Commission in the previous Parliament, *If not the CCC … then where? An examination of the Corruption and Crime Commission's oversight of excessive use of force allegations against members of the WA Police Force*, which is the basis for the current report listed for our consideration today. On the last occasion, I referred to page 35 of the fifteenth report of the Joint Standing Committee on the Corruption and Crime Commission tabled in September 2020. The report reads —

> The WA Police Force acknowledging that regardless of the mechanisms in place to support stringent internal investigations, it does occasionally get investigations wrong.

I said it was to the credit of WA police to acknowledge that. The report further stated —

> It recognises the benefits provided by independent oversight of allegations of misconduct and identifies that '... where community expectations are not met, the CCC oversight provides opportunities for police to meet that expectation.'

I want to continue today by talking about one aspect of the fifteenth report in particular. Box 3.3 on page 39 of the report refers to body-worn cameras for WA Police Force officers. As members know, WA police first started using body-worn cameras in 2016 and, as the fifteenth report noted —

> The rollout of body worn cameras for WA Police Force officers commenced in June 2019.

As reported in the media today, WA police have announced the use of new body-worn cameras that can livestream vision from frontline police officers. I think this is a great step in the right direction. The outgoing police commissioner, Chris Dawson, told Gareth Parker on the 6PR *Breakfast* program that these new body-worn cameras will capture evidence and ensure accountability for everyone when there is an incident. Members may not know that there was quite a widespread viral recording of a police interaction with an aspiring politician in Florida back in February 2022, when Martin Hyde, a candidate for the US Congress midterm election later this year, was stopped and issued with a speeding fine by a police officer. The whole interaction was captured. The important aspect was that Mr Martin Hyde was less than respectful.

Hon KLARA ANDRIC: I welcome the opportunity to once again speak on the Joint Standing Committee on the Corruption and Crime Commission's second report, titled *If not the CCC … then where? An examination of the Corruption and Crime Commission's oversight of excessive use of force allegations against members of the WA Police Force*. In the fortieth Parliament, the previous committee tabled a report of the same name on 24 September 2020 looking at how the Corruption and Crime Commission oversees WA Police Force investigations into allegations of excessive use of force. The government did not have a chance to respond to the recommendations in this report at the time due to the prorogation of Parliament and the dissolution of the Legislative Assembly, which occurred on 7 December 2020. However, the committee resolved to table the report that we are currently discussing in the chamber today, which contains all the findings and recommendations of the fifteenth report of the fortieth Parliament, with the aim of seeking a response from the government, which we have since received.

To be able to complete their job and enforce the law, officers of the WA Police Force are lawfully allowed to use force against another person in particular circumstances. It is therefore of utmost importance that we ensure that members of the Western Australia Police Force do not use this force in excess. Allegations of use of excessive force by members of the Western Australia Police Force are treated as allegations of serious misconduct, and the Corruption and Crime Commission is tasked with overseeing and investigating any cases that arise. It is also worth noting from the report that approximately 12 per cent of all misconduct allegations against members of the Western Australia Police Force relate to excessive use of force. To clarify, "excessive force" is the use of force against another person that is deemed more than is justified by law. As we know, allegations of excessive use of force by members of the WA Police Force are treated as serious misconduct and fall within the work of the CCC.

It is promising that the number of excessive-use-of-force allegations decreased slightly between 2019 and 2020. Early indications are that it is most likely the use of body-worn cameras that has reduced the incidence of excessive force being used by members of the WA Police Force and has worked to provide evidence in both circumstances—that is, to either refute or affirm allegations. This is another promising finding of the report, and one that I believe has worked to benefit not only the WA Police Force, but also the public.

I make note of the fifth recommendation of the report, which states —

> The Corruption and Crime Commission should engage with specialist community organisations in order to improve its responsiveness to the needs of vulnerable complainants.

As we know, getting information from people who work on the ground is incredibly valuable, particularly when it comes from vulnerable complainants. The commission has maintained regular contact with the Aboriginal Legal Service, which is important to ensure that the commission is responsive to the needs of its clients. In March last year, the commission created a new attribute on its case management system to assist in identifying matters involving vulnerable people. A vulnerable person is defined as a victim who is an Aboriginal or Torres Strait Islander person,

a young person or child, someone who is mentally impaired, a member of the culturally and linguistically diverse community, a disabled person, a homeless person, or a member of the LGBTQIA+ community. This new attribute will help the commission measure the number of matters involving a vulnerable victim.

Recommendation 7 states —

> In assessing whether an allegation of excessive use of force meets one or more of the seriousness thresholds the Corruption and Crime Commission should consider whether the conduct is accompanied by racist comments or conduct.

I also make note of recommendation 3 of the report, which states —

> The Corruption and Crime Commission should regularly interrogate WA Police Force data in order to identify trends and conduct analysis of at-risk areas or officers—and any other such activities that would assist in identifying a particular officer or cohort exhibiting problematic behaviour.

Through this, those with potential at-risk behaviours and activities of serious misconduct have the potential to be identified.

There is quite a lot of detail in this report. With regard to some of the recommendations I have raised, I would like to point out the work that the Corruption and Crime Commission and the Joint Standing Committee on the Corruption and Crime Commission and its staff do. I would like to say once again—I know I have said it quite often—that I am quite delighted that I can work on the Joint Standing Committee on the Corruption and Crime Commission. As I have said in this chamber before, I think the committee works very collaboratively and carries out some very important work. As members of this house know, integrity and public safety are valued particularly highly by our community.

In closing, I would like to say that I look forward to continuing the important work of this committee of the forty-first Parliament and I make mention once again of the principal research officer, Ms Suzanne Veletta, and research officer, Jovita Hogan, who are always ready to assist the committee. We really appreciate their support.

Hon NICK GOIRAN: We are considering, I think now for the last time, the second report of the Joint Standing Committee on the Corruption and Crime Commission. As Hon Pierre Yang mentioned earlier, the report presently before us, for those who are coming to this debate for the first time, finds its genesis in the fifteenth report from the previous iteration of the committee in the fortieth Parliament. For a time when this report was being considered by the Council last year, particularly on 13 October and 17 November last year, we probably had the best part of an hour's debate on each of those occasions, but we did not have the benefit of the government's response. However, on the last couple of occasions we indeed have had the benefit of the government' response, which was tabled in this place on 30 November last year. The government's response deals with the 13 recommendations of the Joint Standing Committee on the Corruption and Crime Commission. We simply will not have the time to consider all 13 recommendations in the time that remains in this debate. I think it is important to be aware that 10 of the 13 recommendations have been supported by the government. In some respects, we can park those 10 recommendations because they have been recommended by the bipartisan committee and they have the support of the government. However, three remain in limbo. Two of those were not supported by the government and one has been noted.

On a previous occasion, on 16 February this year, I dealt with the first of those recommendations, which was recommendation 1. I do not intend to revisit that particular recommendation other than to simply note that the committee had said that in the interests of transparency, the Corruption and Crime Commission should report when there is a difference of opinion between it and the police about sanctions applied in cases of excessive use of force. The government has said that it does not support that. I made comments on that issue on 16 February this year.

On the last occasion, we were looking at the second recommendation that was also not supported by the government. The Joint Standing Committee on the Corruption and Crime Commission has recommended that the CCC should refocus its efforts and current resources on police oversight primarily in line with what is arguably a key mandate. It is not enough for police oversight to be treated as one of several strategic themes. The government has indicated that it does not support that. I made some preliminary comments about that on the last occasion that this matter was before the house, on 11 May this year. If time permits, I would like to further elaborate on that particular point. As I said, that is the second of the 13 recommendations that were made by the committee that the government has said it does not support.

However, because time is of the essence, I want to move to recommendation 13. The government has simply said that it notes this one. I emphasise again that I believe this is the last occasion we will have to debate this important report. Keeping in mind that it was tabled in the previous Parliament, it was deemed by the committee in the current Parliament to be of sufficient importance that it should be re-tabled for our attention to extract a response from the government. The final recommendation—recommendation 13—reads —

> That the Minister for Police and the Attorney General ensure that the WA Police Force and the Corruption and Crime Commission publish statistics on their investigations into allegations of excessive use of force.

The government has simply noted that response. It has not supported it. It has not indicated, like the other two, that it does not support it; it simply notes it. In some respects, that is a little curious. Does the government support the WA Police Force and the CCC publishing statistics on their investigation into allegations of excessive use of force? That is unclear when the government's response is simply to note the recommendation. The government provides a little bit of an explanation in its response in the tabled paper in which it indicates that the Minister for Police appears to say the following —

> The WA Police Force advises that it provides statistics on Use of Force, which are published in the agency Annual Report. The statistics include:
>
> - Total reported incidents of Use of Force by Police across the agency.
> - The number of Use of Force matters which were subject to an internal investigation, and the number of these investigations which resulted in a sustained outcome.

The question that then arises is: does that satisfy the Joint Standing Committee on the CCC? I would encourage those members who were on that committee and the current members of the committee to give this matter some further consideration. The committee has brought to our attention recommendation 13, asking that the WA Police Force publish statistics on its investigations into allegations of excessive use of force. The Minister for Police has provided a response and the government has simply noted it. Does that satisfy the committee? I think we would benefit from a short report from the joint standing committee indicating whether it is satisfied with that response from the Minister for Police. If the committee is satisfied and this has been actioned, that is a good outcome. It then begs the question: why does the government not simply support the recommendation?

The other response that has been provided was from the Attorney General. According to this response from the government, tabled late last year on 30 November, it appears that the Attorney General is saying —

> The Attorney General acknowledges the CCC already publishes the number of received allegations in its annual reports and quarterly 'overview of serious misconduct' reports, but notes that this does not include the further details cited as desirable by the Joint Standing Committee in paragraph 7.12 of the report. These details included number and type of complaints and allegations, type of force used, investigations undertaken, imposition of sanctions, the number of allegations found to be unsubstantiated and the number of officers exonerated. As the CCC is an independent agency, the Attorney General is unable to direct it to publish these details.
>
> However the Office of the Attorney General inquired as to the feasibility of the CCC publishing the details cited in paragraph 7.12. The CCC advised that the Commission has commenced work on how it records information about allegations received and improving the quality of information extracted from its case management system. As part of this process it will consider what can be done to address the issues raised by the Joint Standing Committee.

That is satisfactory but it is unresolved, so, again, I encourage the Joint Standing Committee on the Corruption and Crime Commission to follow this matter through. Members in the forty-first Parliament thought it appropriate to bring this matter to our attention, and I thank them for that. We have then collectively pursued the government to respond to those recommendations, and now we have had a comprehensive opportunity to consider not just the recommendations, but also the response from the government, and it appears that there are some matters arising and some matters outstanding that warrant further inquiry by the joint standing committee. I would encourage the committee to do that. I know that it is routinely the custom and practice of that committee to hold regular hearings with the Corruption and Crime Commissioner—often public hearings. With respect to the Corruption and Crime Commission's annual report, this is the type of matter that would warrant follow-up so that this report does not simply sit there and gather dust and remain unresolved. If these types of things have been identified, I would certainly welcome members of the committee to continue to follow them up.

Hon PETER FOSTER: I rise to make a contribution on the second report of the Joint Standing Committee on the Corruption and Crime Commission titled *If not the CCC … then where? An examination of the Corruption and Crime Commission's oversight of excessive use of force allegations against members of the WA Police Force*. I note that allegations of use of excessive force by members of the Western Australia Police Force are treated as allegations of serious misconduct, and the Corruption and Crime Commission is tasked with overseeing the cases that arise.

I want to pause there and acknowledge the remarks of Hon Dan Caddy in his member's statement last night about the WA Police Force. If members are not aware, my first role in regional WA was with the Department of Transport, working alongside the police station. I got to work with regional police on a daily basis, and I want to associate my remarks with Hon Dan Caddy's because I think regional police do a fantastic job. That is also one of the reasons why I wanted to rise and make a contribution today—to give a regional member's perspective on the report.

I note that the report was presented in September 2021 by the member for Kalamunda and Hon Dr Steve Thomas. I would like to acknowledge the members of the Joint Standing Committee on the Corruption and Crime Commission

who put the report together: the member for Kalamunda, Matthew Hughes; deputy chair, Hon Dr Steve Thomas; the member for Moore, Shane Love; and Hon Klara Andric, who has also made a fantastic contribution today, which I listened to quite intently. Thank you very much for making a contribution.

I was drawn to the report because it made a number of recommendations that are relevant to regional WA, particularly around vulnerable people. We have a high concentration of vulnerable people in regional WA. I will focus on a couple of the findings, in particular finding 5. It states —

> Although the Corruption and Crime Commission currently has access to every use of force report submitted to internal WA Police Force systems, it appears to limit its review of use of force reports to those matters where an allegation is formed or otherwise reported.

I avail myself of the government's response, which, I understand, was lodged in late 2021. The government's response states —

> The Commission continues its regular engagement with ALS to ensure the Commission is responsive to the needs of their clients. These meetings are held every six months at the request of ALS.

I want to pause there. Tom Price does not have a separate courthouse; we have a courtroom inside the police station. Court is held once a month, and the Aboriginal Legal Service travels up in a charter flight from Carnarvon to conduct the court and represent the needs of its Indigenous clients. I want to thank the Aboriginal Legal Service for all the work it does in representing Indigenous clients right across regional WA. If people are not familiar with the service, the ALS has plenty of information on its website, and I have some of its flyers in my electorate office. The ALS does a fantastic job in representing the needs of Indigenous clients, and it is great to see that recommendation 5 references the ALS.

Further on in recommendation 5, it says —

> The Commission has participated in two scheduled Ombudsman WA Regional visits in 2021to increase awareness and visibility of the Commission with particular emphasis on vulnerable persons:

It was pleasing to see that a forum was held in the Pilbara on 31 May last year as well as number of forums up in the Kimberley. Forums were held in Kununurra, Warmun and Halls Creek. Further visits were also scheduled in Broome, Derby and Fitzroy Crossing. It is great to see that there were a number of visits across regional WA.

It continues —

> In March 2021, the Commission created a new attribute on its Case Management System … to assist in the identification of a matter where it involves a vulnerable person —

As Hon Klara Andric outlined already —

> A *vulnerable person* includes … Aboriginal, TSI, youth/child, mentally impaired, from a CALD community, disabled, LGBTQI —

Which was of particular note to me —

> or homeless.

I also want to touch on finding 6, which states —

> Around 12 per cent of all misconduct allegations made against members of the WA Police Force relate to excessive use of force. The number of excessive use of force allegations decreased slightly during 2019–2020.

The government's response states —

> The Commission has always and continues to focus on the needs of Aboriginal people in WA. The Commission has:
>
> - Participated in Regional WA visits with the Ombudsman to increase awareness and visibility of the Commission with particular emphasis on vulnerable persons
> - Enhanced its case management system to assist in identifying vulnerable people (to include aboriginal people) so matters known to involve vulnerable people as the reporting person or victim of alleged excessive Use of Force can be readily accessed and searched.

I think this is great when complaints are being investigated. It continues —

> - Continued its regular engagement with ALS to ensure the Commission is responsive to the needs of their clients.

I note that my time is somewhat limited, so I want to also talk about finding 10. It states —

> Most excessive use of force allegations requiring action are referred back to WA Police Force for action with the Corruption and Crime Commission monitoring the outcome.

The government's response states —

> The Commission continues to actively seek engagement with Aboriginal people and other diverse groups in Western Australia.
>
> A significant barrier has been a lack of regular engagement by ALS and their reluctance to report matters to the Commission in a timely manner.

It is great to see that the commission is actively engaging the ALS in that space.

I will leave my contribution there. Again, I wanted to associate my remarks with the remarks of Hon Klara Andric and Hon Dan Caddy. If members have not yet read the report, I encourage them to do so.

Hon JACKIE JARVIS: I also rise to speak on the second report titled *If not the CCC … then where? An examination of the Corruption and Crime Commission's oversight of excessive use of force allegations against members of the WA Police Force*. I probably will not use the whole 10 minutes, but I want to speak about the collection and release of data. Data can be amazing, but it can also be quite troubling, particularly when we are talking about the hardworking members of the Western Australia Police Force. Hon Nick Goiran has spoken about the release of data and the release of numbers. I take the opportunity to refer to the original report—the fifteenth report—that was done during the fortieth Parliament by the Joint Standing Committee on the Corruption and Crime Commission. It is a 137-page report and although we are not focusing on it, it does provide some background and some history.

It was noted in the report at the time that the sheer number of allegations made against police required a triage process. That report notes that police already have a refined and improved internal oversight, and there is now certainly a more robust way that we are dealing with these types of allegations. It is interesting that in the 2020 report it was noted that the progressive rollout of body-worn cameras for police was proving invaluable and was significantly reducing the number of allegations that went through a full report inquiry. That in itself says that the type of work that police do makes them susceptible to claims that are perhaps not always truthful. They are dealing with a particular cohort of people who sometimes have a grudge against the police, so the release of raw data and raw numbers can sometimes be deceiving.

It was noted in the 2020 report that only between 11 per cent and 13 per cent of all misconduct allegations against the WA Police Force related to the use of excessive force. Between 2013 and 2019, a total of 7 124 use of force reports were generated, and 2 444 allegations of excessive force were made. The report contains significant data, and it is worth looking at it. The Police Union noted at the time that the increased reporting of these incidents was due largely to the increasing number of violent offences fuelled by an increase in substance abuse in the community; violent offenders taking up a much greater part of the workload of police; increasing levels of family and domestic violence; the growing percentage of the population with high or very high psychological distress that is often untreated; and the proliferation of dangerous weapons and their potential use, which creates a greater risk of injury to frontline officers. At that stage, up to 2019, there had not been enough use of body-worn cameras to enable the data to demonstrate a clear benefit. The report noted that it was anticipated that by October 2020, approximately 4 254 body-worn cameras would be deployed statewide. The subsequent report that we are discussing today has shown that that has reduced the number of allegations against police.

It was noted also that in the period 2013 to 2019, fewer than five per cent of excessive force allegations were sustained. Given that that number has again decreased since 2020, based on the use of body-worn cameras, I would urge caution in calling for the mass release of data, because it might create the false impression that there is a large number of reports against the police when it might just be the case that a larger number of people are willing to make allegations without substance. I will leave my comments at that.

Hon PIERRE YANG: I wish to continue from where I left off on my previous contribution by mentioning an incident that involved a congressional candidate from Florida. This will be brief, and it is absolutely pertinent to the point I wish to make, which is about the use of body-worn cameras. That is also a major theme in the report that is listed next for consideration, the third report of the Joint Standing Committee on the Corruption and Crime Commission, *A good year: The work of the Parliamentary Inspector of the CCC*, which we will go to in less than 14 minutes.

In that incident, which occurred on Valentine's Day on 14 February 2022, Mr Martin Hyde was stopped by police officer Julia Beskin. One of the first things Mr Hyde said to police officer Beskin was, "Do you know who I am?" Obviously he was a well-known figure in that locality. He then threatened to call her superior, and also the police chief in that county, the City of Sarasota. The police officer in question remained respectful, but firm, in asking him for his driver's licence and his vehicle registration certificate. All those interactions were captured by the police officer's body-worn camera. That provided not only transparency, but also protection, which proved to be very important for what happened afterwards.

I wish to touch briefly on the interaction between Mr Martin Hyde and police officer Beskin's superior, and also with the police chief, all of which was captured. The first thing the police sergeant asked officer Beskin was, "Do you know who that was?" I make no judgement, but it seems to me that Mr Martin Hyde was a very influential figure

in that city. If my memory serves me correctly, when the police chief arrived, Mr Martin Hyde asked the chief whether he had to have it on, referring to his body-worn camera, and he said yes, he had to. Those interactions proved very valuable in providing evidence about police officer Julia Beskin's interaction with Mr Martin Hyde, and the later review, and for the public support for officer Beskin and the universal condemnation of the behaviour of Mr Martin Hyde.

I turn now to the situation in Western Australia. Page 39 of the fifteenth report states in box 3.3 —

> The newly introduced means of capturing use of force events will provide the WA Police Force with new opportunities to improve service. In 2019, the WA Police Force commenced liaison to provide the CCC with access to all body worn camera data, a move that will complement its existing access to all internal investigations and use of force reports.

That is followed by recommendation 3 of the joint standing committee, which states —

> The CCC should regularly interrogate WA Police Force data in order to identify trends and conduct analysis of at-risk areas or officers—and any other such activities that would assist in identifying a particular officer or cohort exhibiting problematic behaviour.

As we know, the government has provided a response that supports recommendation 3. That response reads —

> The WA Police Force is a strategic theme and a Commission priority. The Commission engages in activities, both proactive and reactive by using the Commission's intelligence gathering capabilities and investigate techniques to identify WA Police Force employees who are at risk of undertaking acts of serious misconduct. These activities includes the interrogation of data from multiple sources including data sourced from the WA Police Force holdings.

We can see from that incident in Sarasota, Florida, and various other incidents around the world and also in WA, that body-worn cameras are very important in providing evidentiary support for victims or people who are subjected to excessive force. At the same time, they are also very important in providing support and protection for police officers who are just doing their job and carrying out their duty to protect the community. The gentleman in question, Mr Martin Hyde, was driving at 57 miles an hour in a 40-mile-an-hour zone. Forty miles an hour is about 60 kilometres an hour, so he was well over the speed limit for a suburban neighbourhood, traveling at 70 or 80 kilometres an hour in a 60-kilometre-an-hour zone, which can be very dangerous. The police officer was very respectful. The whole incident was recorded.

Coming back to Western Australia, we talked about the latest developments, announced this morning by the outgoing Commissioner of Police, Chris Dawson, for live streaming of certain incidents, which is a welcome development to ensure accountability and transparency in both ways—protecting the general public as well as the police officers who are doing their job on behalf of the public. I also wish to echo the sentiments of Hon Dan Caddy and Hon Peter Foster about the incoming Commissioner of Police, Col Blanch, on his appointment as the new commissioner, which will commence very soon.

I will leave my remarks there, in case other members want to make a contribution, or perhaps the chair can put the question. I will leave it there.

The CHAIR: Members, the question is that the report be noted. Before putting that question, I remind members that we have a very long list on our notice paper of 13 reports to consider.

Question put and passed.

Joint Standing Committee on the Corruption and Crime Commission — Third Report — 'A good year': The work of the Parliamentary Inspector of the Corruption and Crime Commission

Resumed from 24 February.

Motion

Hon Dr STEVE THOMAS: I move —

> That the report be noted.

This is the third report of the Joint Standing Committee on the Corruption and Crime Commission, and it is effectively a reprint of the report of the Parliamentary Inspector of the Corruption and Crime Commission. It focuses on two areas in particular. Members will be aware that the parliamentary inspector is a legislated overseer of some of the actions and functions of the Corruption and Crime Commission. Over the past year, that role has been taken up by the current inspector, Matthew Zilko, SC, and this is his report that the committee wishes to make available to members of the chamber.

This report deals primarily with two areas. The first is, under the functions of the Corruption and Crime Commission and the parliamentary inspector, how the public is informed about the outcomes of an investigation, particularly ones that do not proceed. Members may be aware that, for a long time, investigations that have originated through

a report from the public or from a department—we are looking particularly at matters from the public in this report—will be looked at by the CCC to determine whether the matter is within its jurisdiction and whether an investigation should occur. In many circumstances, the CCC will say that the matter does not fall within the parameters of the Corruption, Crime and Misconduct Act, and therefore it will not proceed. However, there has been no mechanism to inform people that that was the outcome of their complaint to the CCC. In recent times, there has been a change to the way this process has been undertaken. An increased number of responses have come from the CCC to tell people that it is unable to investigate a complaint for a range of reasons. The most recent iteration of this advice includes a paragraph to the effect that if the person is unhappy with an outcome, an option available is to contact the Parliamentary Inspector of the Corruption and Crime Commission to relay their concerns. This has meant that many people who think that they have been poorly treated, and that the area of corruption they are outlining is serious and they are a victim, will see this line and immediately take their issue to the parliamentary inspector. This has resulted in a significant increase in the number of matters that have come before the parliamentary inspector. In finding 1 of the report, Mr Zilko writes —

> In 2020–21 the office of Matthew Zilko SC, Parliamentary Inspector of the Corruption and Crime Commission, investigated 98 new matters. This was a 72% increase on matters investigated in 2019–20.
>
> 59 of these matters were complaints from the public about an aspect of the Corruption and Crime Commission's assessment of their complaint. This was a 79% increase in these complaints since 2019–20.

Making the public and the complainant aware that the next step that they might undertake is to refer the matter to the parliamentary inspector has resulted in the parliamentary inspector receiving a greater number of requests to change the direction of the CCC. I am certain that we can guarantee that in the vast majority of cases, the parliamentary inspector will be ultimately telling these people that the CCC's position as related to them is correct, and that either the CCC does not have the jurisdiction to examine this matter or the matter has been examined to the satisfaction of both the CCC and the parliamentary inspector, but it occupies an enormous amount of time. In this report, the parliamentary inspector identifies that this is creating a significantly increased workload. I will read the only recommendation of the report, which appears on page 6 —

> That the Attorney General direct the Department of Justice in its review of the Corruption, Crime and Misconduct Act 2003 to review if legislative change is required to prescribe or clarify whether the commission is authorised to disclose information which demonstrates that the complaint has been dealt with in an appropriate way.

I think the parliamentary inspector is simply saying that if there were a capacity within the CCC to explain why it cannot investigate a particular matter or why it is not within the jurisdiction of the CCC, or that the matter has been determined not to be an issue of serious misconduct, for example, rather than just saying that it has decided not to look into the matter, it can say that it has looked into the matter and determined that it cannot proceed under the legislation for these reasons. This would seem to be a fairly simple and relative easy change, but, like most things, what it seems to be and what it actually is are a little different. There are immense complications with the functions of the CCC, particularly in the description of corrupt activity. It would be difficult in many cases to give a fulsome explanation of why somebody's view of official corruption was not supported by the definitions under the act or under the purview of the CCC. This is one of those areas in which I have some sympathy in both directions. The parliamentary inspector is getting handballed many of the people who are dissatisfied with the result and the outcome. By the same token, I also understand that the CCC is somewhat limited in its ability to respond.

The recommendation is worthy of support, and obviously there will be a government response to this in the fullness of time, but I think it is appropriate for the Department of Justice to look at the legislation that underpins the CCC and work out a system that manages this in the best interests of everybody. I can guarantee that at the end of that process, there will still be a lot of people who are unhappy. A lot of people make complaints, and, in some circumstances, those complaints are either not justified, not real, or do not reflect corruption. I think this will be the case. There will still be plenty of unhappy people, but we need a solid process to work out how people who have made a complaint are appropriately informed that their complaint is not able to be investigated, or has been looked at and determined that it cannot be investigated. It is appropriate that the Department of Justice, under the auspices of the Attorney General, looks at this. I recommend that the government considers that recommendation.

The second part of the report is a bit of a success story for the parliamentary secretary; that is, Mr Zilko had a strong view on the use of body-worn cameras by the police force. It is also something that the Joint Standing Committee on the Corruption and Crime Commission took an interest in. Western Australia is the only jurisdiction in which the removal of a firearm automatically turns on the body cameras worn by police. It is only in circumstances that the firearm is drawn that body cameras are automatically turned on. They can be turned on at almost any other time. In some jurisdictions they are basically on permanently. Some police officers choose to leave them on, effectively, most of the time. Most turn them on and off. Mr Zilko believes, in particular, that the withdrawal of a taser should also automatically switch on the body-worn cameras. Body-worn cameras have provided significant evidence about interactions between police and the public. There was some concern among police that this would eventually become a witch hunt and that their every move would be watched, assessed and determined. The reality is that the

evidence that has been collected far and away demonstrates that police have acted appropriately. I have seen vision identifying the horrible behaviour of people who then say that they were assaulted by the police. Without a demonstration of the previous behaviour, that would have seemed absolutely inappropriate. I understand a reluctance among some police officers to being filmed all the time—nobody likes that—but the reality is that it has been a good outcome for the police service and prosecutions and for removing some fake accusations. The committee absolutely supports body cameras being used as much as possible to provide evidence that police are doing the right thing. The encouragement of the Parliamentary Inspector to enhance that use has been picked up by police and police are taking a far more active role and cameras are being turned on more often with the support of the police executive.

Hon PIERRE YANG: I talked about the use of body-worn cameras in the consideration of the last report and I want to continue that in my contribution on the third report of the Joint Standing Committee on the Corruption and Crime Commission, *A good year: The work of the Parliamentary Inspector of the Corruption and Crime Commission*. We heard from Hon Dr Steve Thomas, the deputy chair of the committee, about when body-worn cameras are automatically switched on. It is important to be aware of the policies. I am particularly encouraged by the passage on page 12 of the report about the drawing of a taser, which states —

> WA Police advised the committee that it is working on a technical fix which is quite expensive to enable this capacity. As at November 2021, the trigger for a taser is not compatible with the BWC system —

That is, the body-worn camera system —

> but the next generation of tasers will be compatible.
>
> WA Police said there was an '80 per cent body-worn camera available and activated' in a use of force context, which includes the use of taser. If a police officer does not activate a BWC in this context, the police question why not.

These are very encouraging words because when a taser is drawn, it is generally a very tense situation. If the police officer in that scenario did not turn on the body-worn camera at the beginning of that interaction with the general public, in the heat of the moment it might not be turned on by the officer. A more automatic system ensuring that when a taser is drawn the body-worn camera is automatically switched on would provide that safety net to ensure that the evidence is captured by the body-worn camera for interactions in a use-of-force incident, so that not only is the general public protected, but also evidence is provided for the protection of the officer in question. It is good to know that when there is a use-of-force incident and the body-worn camera is not turned on, the police officer is then questioned. It is important for any police force to have that internal measure—that is, internal procedures for investigation so that officers go through the necessary process to ensure that their use of force complies with the relevant regulations and rules. I am hopeful of an update in the near future so that when a taser is drawn, the body-worn camera is automatically switched on. That would be a much better situation for all involved.

I will touch on finding 3 in my last few seconds. Hon John McKechnie described body-worn camera footage as "very, very useful" and "a very significant misconduct prevention measure".

Point of Order

Hon NICK GOIRAN: Acting President, I note that time has expired and that you are due to report to the house. The government was due to respond to this report by 24 May, but that has not happened. Will that information be reported to the house?

The ACTING PRESIDENT (Hon Peter Foster): One moment; I will seek some advice. Leader of the House?

Hon SUE ELLERY: I give the honourable member my commitment that I will follow up on what has happened to that.

Consideration of report adjourned, pursuant to standing orders.

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

ESTIMATES OF REVENUE AND EXPENDITURE

Consideration of Tabled Papers

Resumed from 14 June 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 BRIAN WALKER (East Metropolitan) [2.10 pm]: First off, I would like to give thanks because an awful lot of work has gone into this budget and there is much to be appreciative of. What I am going to say in my following remarks is not going to be at all critical but hopefully supportive of the government's work. There are, of course, areas that need work in this budget. There is a huge reserve and this is an excellent situation to be in—excellent work. Reversing the deficits that we had under previous governments is an amazing task, whichever government does it. That can set the tone for the next years. The question I have is whether we have chosen wisely. Yes, to a large degree, but is it completely perfect? The answer, of course, is no. I note the words yesterday from

Hon Peter Collier. I have long been mentioning the governmental hubris because in our democratic system, in this house of review, we do not really have the capacity to review. Certainly, we can comment and, certainly, we can put across our point of view, but it does not get reflected in the legislation coming through. That means we are saying that the legislation created by the Parliamentary Counsel's Office and brought on by the government is perfect from beginning to end and that, clearly, is not the case. In every case, there is always room for improvement and no improvements have been taken on. This governmental hubris could be a millstone around members' necks in the future.

Leading on from that, our huge budget reserves are largely attributable to our resources, which have led the way. Our resources are an asset that is being sold to China, among many other countries. These resources will last a long time but they are not an indefinitely sustainable option so we have to look at what the future could bring to us. We have our resources in front of us and they are very easy to use, if you are a billionaire, but focusing solely on them leads to a loss of self-sufficiency because we have resources that someone else needs. We give it to them but when we no longer have them or when the other country no longer needs them, we will be in dire straits. I wonder whether that is the best thing for Western Australia. It leads to a loss of self-sufficiency as we disproportionately depend on exports. To a degree, we are neglecting our agricultural resources that are depleted by modern agriculture with the chemical industry that is changing the landscape, the climate change that we are experiencing and the questions of foreign ownership. These issues need to be reflected on with a sensible, calm look at how we could regulate our Western Australian economy for the benefit of Western Australians.

One of the problems we all face is that, when it comes to bureaucracy, red tape seems to be disproportionately present. We ought to be looking at how we can reduce red tape. I am reminded of someone who might have a minister for reducing red tape. That would be a fine task to have. Going on, remembering the resources and how we are treating our land, look at the recent damage to Indigenous land. I am not referring to Juukan Gorge. I am referring to Wittenoom, with the most egregious destruction that is lasting many decades into the future. I am looking at water mismanagement in the Pilbara. I saw there is 20 gigalitres of water that could be better used than flowing into rivers. It could be used for irrigation. It could be used for restoring the quality of land to the Indigenous population. There is possibly a miscommunication within the offices of the larger businesses that deal with water. I heard this from consultations. The topic of water is divided amongst three offices that are not speaking to each other. That leads to inefficiencies in operations and inefficiencies always cost the bottom line. These are areas in which we might work at improving how we manage our finances. The bottom line to the state budget is always detrimental to every single Western Australian. I do not see how we are going to look at wastage mirrored in the budget. I encourage this to be looked at in greater detail.

We now also have the upcoming stresses to ordinary Western Australians. In recent years and looking today at the red appearing on the stock market and how billions have been removed from funds and pension funds are losing value, people are looking at existential questions. The cost of living is going up. The cost of housing is becoming unaffordable. What I see in particular in my practice is that mental health problems are increasing. These all lead to a sense of a loss of quality of life in our state, something we should be looking at very closely. This leads to the question of post-COVID life, which requires navigating. I mentioned the mental health damage that is being suffered. On a regular basis, when I am not in Parliament but am doing my general practice clinic work, I see the amount of stress that people are experiencing. I also see partly the financial losses they are experiencing and I am hearing from my constituents about a loss of trust in government as a result of the sense of life not being as well is it might be.

Trust is a matter of leadership. Leadership was needed and good leadership has been offered but it needs to be led by pulling people along, not pushing people; not forcing people. That is the way of a despot. Great leaders will encourage leading from the front, getting people to follow by dint of their personality and their charismatic behaviour. Part of that leadership has to also depend upon being known for telling the truth—the truth in all areas. This is a very important thing to do. Cults do this as well. They insist that the truth that they tell is the only truth there is and everyone else is actually lying or misinforming people. This is a very easy to trap to fall into. We have to be aware of what truth is being told. I despair when I remember on television hearing for the first time from the mouth of the press secretary in the USA about "alternative facts". It was another way of saying they were lying through their teeth but they were going to call it truth and people were going to believe it and people did. We have all seen the consequences. We need hard facts and good science. Leading with good science is something that the Premier himself does. He has said we need to follow the science.

I am going to divert here a little bit and talk about my personal experience when driving along the road and seeing a road under repair sign, 40 kilometres an hour. Of course, I slow down and go along at 40 kilometres an hour. There is not a worker in sight. There are maybe a few cones and two kilometres down the road a sign that says I can go back to my normal speed. I think: why did I slow down to 40 kilometres an hour? The next time I come across a 40 kilometres an hour sign, I slow down and, lo and behold, there are still no workers on the road. The sign is up but the work is not being done. There is no need for the sign to be there. By the third time I come across this sign, I begin to realise these signs do not actually mean what they say. They are put up and left there. They do not mean we have to go 40 kilometres an hour. They have not bothered to remove the sign or they have put it up but have not got to work yet. The next time we see that sign, we may not slow down to 40 kilometres an hour when we should.

We may take it for granted because it is a case of the boy who cried wolf. That is when accidents happen because we do not slow down. We have to be aware of replicating that behaviour when we play loosely with the facts. It has huge implications for public buy-in.

Mentioning governmental hubris again, it is detrimental to public buy-in when facts are put out that are not actually facts. We heard yesterday, again from Hon Peter Collier, about the claim that an Indigenous lady was assaulted by police. It was claimed 5 000 documents had been leaked when, in fact, if it had been by this person at all, it was maybe six documents. We begin to look at these things coming out and think: I cannot really believe what is being said. When we cannot believe what is being said, we lose trust in the person saying it, we lose trust in the government, we lose trust in the process of government, and we lose trust in politicians in general. That is terrible because, as people who are supposed to lead this country, we need to be seen as trustworthy when we speak that our words are true. Yesterday, we heard a very nice talk, which I heartily approve of, from Hon Dan Caddy about how words are important and meaningful. It is essential that words are given with meaning and intent, and are correct and believed to be true.

With that in mind and having set that tone, we are looking at the health system. I am referring here to the budget, of course. How can we make additions to the budget? I am not asking for more money; I am asking for more attention. Long COVID did not really feature in the budget much. Moneys were being given to general COVID, but long COVID is something that has long concerned me. It is not very sexy as a topic. When people with COVID are dying in ICU, and 16-year-olds are among the many 90-year-olds and 100-year-olds who are dying, we can make people afraid and traumatise them. "There is COVID coming. We are going to die." Now, we have the vaccine and hospital services, maybe we are going to have a better outcome. What about long COVID? Here, I see a greater risk to our bottom line from people who suffer the effects of a viral infection that has longstanding consequences—not just for a month or two but possibly eight months, possibly a year and a half, or maybe even longer. I see this regularly in my practice. People come to me after viral infections that they had maybe 18 months or five years previously, and they are still suffering from chronic fatigue syndrome. They have been put from pillar to post, but the problem is actually the result of an infection that caused their own immune defences to be less responsive and less helpful. I think long COVID will be a major problem. It will have an impact on us because if people are no longer able to get out of bed, they will lose their jobs, they will no longer contribute to society, the tax revenue will go down and the costs of looking after such people will go up. This is something that has to be calculated.

Looking at transparency and governmental hubris, I noted that I asked back in January to have an audience with the Chief Health Officer and was denied. I wondered why someone would not want to share information with me. I wrote to the Minister for Health, asking for some basic information. The bottom line was that people had reported to me—I have no idea whether it was true or not because I am not working there and I am not involved in this—that women who had been vaccinated and were in the early stages of pregnancy had a 70 per cent chance of early pregnancy loss as against the normal 10 per cent. We look at that and we say, "No way! No, that is not possible." However, a very sensible, reasonable and rational colleague of mine said that he had had direct communication with people at the hospital involved, and this was the fact. As a medical practitioner and a member of Parliament, how am I supposed to find out the facts? I cannot go to the hospital and ask what their stats are like. Maybe, I could ask a question without notice in Parliament. Maybe, I could ask a question on notice, but I chose to write to the Minister for Health. I said, "This is of concern. Can you please give me information? I would like to speak to the Chief Health Officer." Bear in mind that, apart from Hon Dr Steve Thomas, I am probably the only one who can understand what the Chief Health Officer is saying if he gets into the full flow of medical language. I also referred a peer-reviewed paper from a pretty standard journal that suggested there were issues with the vaccination. After five weeks, I got a reply that basically said that I was not going to see the Chief Health Officer. The second part of the reply was a handwritten note that insulted me for putting forward information that was not true and stated I should know better as a doctor. I thought that was fine, coming from a journalist.

When doctors have a problem, one thing we do first is check with a colleague: "Hey, have you heard this? What is the go? What is your knowledge of this?" If they cannot give any information, we will then go to other colleagues. We will check the resources and check the literature. If we cannot get that, we will see who is doing a study, what research is being done in the area and what is the newest understanding. I am a full-time member of Parliament and a part-time general practitioner, working fairly hard. I do not have time. I have asked my colleagues, and some colleagues are very much on the side that, yes, this is a problem. Others agree with the government and say that, no, it is absolutely fine and there is no problem. There are two points of view. Which point of view could I believe? The papers are coming out, and some are saying yes and some are saying no. Writing to the Chief Health Officer via the Minister for Health was my medical way of saying, "Listen, can I get the facts, please? Can I see what is actually going on because I do not know?" The answer I got back was an insult: I should know better. I was writing to them and asking them because I needed to know. I think that is also governmental hubris. I do not understand why it is necessary to behave like that.

What we then have is a fear-based situation of treating COVID. There is a cost. I look at the budget to see how much it has cost. I am not criticising it all. I have been through this. I have seen it from the beginning, and I very much understand what the government has done to try to control a pandemic within the borders of Western Australia,

and I congratulate the government for doing an excellent job. However, just at the last sitting of Parliament, we had a question about extending the emergency procedures. I put across the point, which was not accepted, that we do not actually have an emergency at this moment. We have a situation. An emergency is when it first arises and people are wondering what to do about it: What forces can be mobilised? How can we bring this front and centre? How can we control this? How do we put in place the things that we need to do? I gave the example of a patient who came in in extremis, at death's door; that was an emergency. As we sorted that out, we discovered what was going on, we put the pieces into place and help was coming. That was no longer an emergency; it was a situation that we were managing. Yes, she might have died, but that was simply because it was unavoidable. Once the emergency had been diagnosed and the procedures had been put in place, the emergency had ceased to exist. What I suggested was that we ought to have a pandemic centre and a pandemic-specific body. An example, of course, is in Victoria, where they have introduced a framework specific to pandemics in their Public Health and Wellbeing Act 2008. I thought that was a wonderful idea. We must do this because there will be another pandemic, but this is something I do not see reflected in the budget papers. If we had another pandemic, it could be around the corner. We have multidrug-resistant bacteria now, and it does not take great deal of thinking to imagine that these could escape our control—vancomycin-resistant enterococci, the multidrug-resistant staphylococcus aureus or, my particular fear, the multidrug-resistant tuberculosis, which is not too far away from us right now but in very small amounts. I think having proper preparation would be a good idea, and I do not see that reflected in the budget.

We could go on and speak about the boosters and vaccinations. I will leave that to one side because there are medical questions about this. I have to preface this by saying that, in medical terms, things are never as simple as we might imagine. Just the simple fact of having a cold—why does one person have a cold and the person living with them not get the cold? What are the factors involved in that? What are the factors involved with vaccination and immunisation? Can we apply one measure to all people? No, we cannot. What are the figures like? That was another question I asked of the Minister for Health and was rebuffed quite vehemently. The facts are not available to me.

I have figures from credible papers, including from Elsevier, that show major concerns. There is a 38 per cent to 48 per cent efficacy of preventing infection and between 37 per cent and 73 per cent efficacy of preventing severe disease. That is okay, but it is not great. It is absolutely clear that the extent of the damage caused by COVID is lessened with good vaccination. Absolutely. Deaths go down. Severe disease goes down. Is it perfect? The answer is that I do not think so. Can we find something better? I sincerely hope so. The example I give is that the last tetanus I saw was in 1977; vaccination for that is an absolutely well-founded and effective vaccine. We could be investigating the South Australian–developed vaccine. Could that be any better? Could we put some funds into that to get a better result? Apparently—again I have no figures to support this, but it is my understanding—the figures from Iran suggest that the efficacy is improved and the adverse effects are down. Why have we not invested in that? I think those are sensible things that we could do without painting any particular devils on the wall. We need to look at this with an open mind, a clear mind, a scientific mind and a fact-led mind.

I look again at the health service and paragraph 11 on page 312 of budget paper No 2 about reducing the pressure on, and expanding emergency care into, the waiting room. I was quite surprised at this, because basically a waiting room will have people who are drunk, drugged up and suffering from minor illnesses, and extra nurses will be triaging people in the waiting room to see who needs to be presented more urgently. The trouble is that the loudest voice will get heard first. My experience at the Armadale Health Service ED is people walking into the ED who are drunk or on drugs and who are loud and causing a whole lot of trouble go through almost immediately. It is the ones who are quiet we want to watch out for. Doctors learn this in triage. With motor vehicle accidents and multiple injuries, staff go to the ones who are quiet; they leave the ones who are shouting alone. Staff look at the quiet ones first. It is very easy to get distracted by loud voices. Why are the loud voices there in the first place? They are presenting in a chaotic and disruptive manner, and their violence is viewed as a danger to others, and they mask the quiet ones who do not make a noise but who need more urgent care. Then we have the Karens! I can give members stories about the Karens in ED. I know members are shaking their heads over my use of the word. It is a useful word, but I do have Karens who are friends—very different.

As a topic, it is interesting to look at ambulance ramping, for example. If we had another 100 ambulances on task right now, would there be less ramping? No. If we added 100 ambulances into the fleet and they were active right now, would there be less ramping? There would not, because the issue is not the ambulances ramping outside the hospital; it is the inability to move patients through the hospital. That is where the problem is. It is self-evident to any health practitioner. It has to be said in Parliament very clearly that the problem is not the ambulance service, although there are probably problems to be dealt with there, I will not deny. By the way, the Standing Committee on Public Administration produced an excellent report, thank you, Hon Pierre Yang, but ramping is not solely a problem of the ambulance service. If we had more real medical input—I am sure there has been consultation—from people at the front line, not the bureaucrats who carry the title of doctor or nurse, we would get better information.

I refer to paragraph 11.2 and the use of shared real-time data. I do not know whether anyone here has actually used the health service's IT. I can think of no better way of wasting nurses' time than using the IT within the emergency department. It is slow, cumbersome and difficult to use. It often blocks staff. If we extend that to this real-time virtual technology to see what needs to be addressed 24 hours over every day, that is a good idea but the practicalities

of the IT in my experience so far have been dire. Let us find the actual problem and what is actually going on in EDs rather than putting a layer of technology on, which is open to failure as well. That again is not a bottom-line problem. If we are not looking after the emergency department and taking people through in a timely manner, people will suffer and people will die, and the technology there, which is open to failure, will not be anything more than a burden round our necks. At least that is my experience, but I am happy to be proved wrong in the future.

I refer to another point about preparing a business case to provide centralised point of care for 24/7 oversight of system-wide operations over two years. That is very bureaucratic. It is not something I think will bring us any immediate return. Yes, we can look at that, but so far in health service IT, the department has built a lemon. It is good that that investment has been made, so full marks for that and I am very happy for that.

However, I now speak about the elephant in the room that is being ignored—primary healthcare services, general practitioners and the Medicare system. Yes, I know it is a federal issue, but we need to stand up for GPs. The bottom line is that bulk-billing as it is practised now is not sustainable for excellent health care. Let me say that once more very clearly: the bulk-billing system is not sustainable for excellent health care. We have six-minute medical facilities that reduce the doctor to a semiskilled nurse. There is a doctor working in my clinic just now who is an excellent doctor in training. I strongly encouraged her to leave our practice and go to another practice where she will see how bad general practice can be. It is very typical that people do not really care about the patient. The patient is in for six minutes: "Here's your referral—out you go." Things get missed very easily. They get a living wage by pushing people through as quickly as possible. There will be misdiagnoses and doctors will be unable to manage the complex cases.

As a general practitioner, I am a specialist. Patients who come to me and doctors like me should expect that when they have a problem with renal function, we can organise a test and assess that, and when we have found out what is going on, we can refer to a specialist for more specialised care. The same goes for cardiology. I remember sitting in the cardiology outpatient department as a cardiologist discharging 95 per cent of patients back to the general practitioner because that is where the medicine ought to be done. The GP should check their lipids, the renal function and their cardiac capacity, rather than referring them on to the specialist in a six-minute medical consultation, as was the case. Doctors need to be able to sit down and listen to their patients, because GPs are the gatekeepers to the health service. When the government ignores what general practice does, it makes the whole system work slower. We should have access to testing for MRI nuclear medicine, which is allowed to be bulk-billed. We need specialists to work as specialists. The Australian Medical Association and the Royal Australian College of General Practitioners, nice as they are, are not working on behalf of GPs. That is not our experience as GPs.

We ought to look at what we can do to effectively improve how the medical service at GP level can be managed, involving, for example, nurse practitioners, allowing doctors to work as doctors rather than semiskilled nurses. The cost of medical care can only rise if we neglect primary care. For example, with joint injections, I used to inject joints, but no longer because I no longer get paid for that. Patients have to go to a specialist for that and rather than paying $60 to a GP, they pay $600 to a specialist, on Medicare, for the imaging and the injection. That is fine but it is far cheaper, far better and far quicker to be done by the general practitioner, who knows where the joints are.

I refer to reading ECGs. I used to be trained as a cardiologist. I no longer get remunerated for reading an ECG. How does this help? Off the patient goes to a cardiologist, blocking beds and access to a cardiologist for things a GP could easily manage. The cost is rising and efficiency is falling. The reason I mention this to government is that the costs of medicine are rising, and the government is bound to increase those costs. We see that costs are increasing year on year. Proudly, the government is saying that it has given more than the previous government and it is adding more money into the health system, but the benefits are reducing. This means as a business model it must fail. At some stage, one or other of the governments is going to say that the system is falling apart and it cannot manage any more. They will try and blame the other side, but everyone is involved. We are adding more money into a system that is failing, and it will fail. The government will add more money until it can no longer afford to put the money in and then it will wonder what on earth to do. Let us fix the problem now. Let us have a close look at what is happening. Let us rethink how we are managing our health services. Let us tackle incompetence—there is enough of it going around. Let us tackle inefficiency and wastage. Let us put preventive medicine at the forefront. It is really great that the government has put excellent dental care into the package; it is fantastic. Let us look at nutrition. We can mandate vaccines and clean food. Let us look at access to ancillary services. All over, it is difficult to find, for example, a psychologist to deal with mental health issues. There is education with anti-smoking and anti-vaping as well.

Members will think me remiss if I did not mention cannabis—so I will. Cannabis and indeed the psychedelics is an area of intense interest to me. I was on a program this morning with some very eminent people looking at how much more efficient psychedelic and cannabis medicine is in managing mental health. It has shown astronomically improved benefits, which also reflects in an astronomically improved income to the government through revenue because people are returning to meaningful lives rather than killing or harming themselves or finding themselves stuck in the house unable to move because the medication they are getting is ineffective. Trust me, as a doctor, the medication is not that good. Psychedelics and cannabis, however, are able to do marvellous things at a fraction of

the cost. What happens when that is done? It will decrease the cost to the community and improve the treatment rates of alcoholism and drug addiction. These rates will go down, crime will fall, and suicides decrease. This is all of benefit to the government. I also note that legalising cannabis would remove cannabis from the criminal environment, and the bonanza that would fall to the government coffers as a result of that is huge.

I note that at paragraph 29, on page 315 of budget paper No 1, the government is looking at Serpentine–Jarrahdale and the Byford Health Hub, and I think this is fantastic—excellent. Much of the budget is like this. I can find much to praise, but there are areas where I want improvements. I look forward to a briefing from the Chief Health Officer. It is only right that I get access to the Chief Health Officer. If I am denied that, people will have to ask: why is the only medical officer in the upper house not allowed to speak with the man who holds the keys to the information we need? Where is the transparency? Is it like pea and ham soup, or can we say, "We now have the information that this MP needs to reassure his patients and his electorate that all is well"?

These are the areas where emphasis can be placed, and it is my contention that doing so would significantly decrease expenditure and increase revenue. I encourage the government to look to such areas to ensure increased revenue through revolutionary approaches to thorny problems.

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

CRIMINAL APPEALS AMENDMENT BILL 2021

Committee

Resumed from 14 June. The Deputy Chair of Committees (Hon Peter Foster) in the chair; Hon Matthew Swinbourn (Parliamentary Secretary) in charge of the bill.

Clause 4: Part 3A inserted —

Progress was reported after the clause had been partly considered.

Hon MATTHEW SWINBOURN: Last night, when we were dealing with this matter in committee, Hon Nick Goiran was pursuing a line of questioning regarding self-represented offenders, and particular reference was made to their exclusion under proposed section 35D(1)(b). I would like to pick up on that point and make a number of points about those provisions.

I had confirmed that a self-represented offender would not fall within the definition in proposed section 35D(1)(b) as no lawyer would be representing the offender. The reason for this policy is that a self-represented person has full control of their case and makes all decisions themselves, whereas this may not be the case for a person who is being represented by a lawyer. The provision is designed to protect offenders from lawyers' incompetent or negligent failure to tender evidence, for which no fault lies with the offender. Plainly, if the offender were self-representing, the fault would lie with them.

If we compare the wording in proposed section 35D(1)(b)(i) to that in the definition of "new evidence" in proposed section 35D(2), we will note that they are the same. Proposed section 35D(1)(b) essentially takes a very specific situation that would have been regarded as new evidence and deeming the situation to be fresh evidence so that it has a lower evidentiary hurdle. This does not mean that the self-represented offender is disadvantaged by the provision, for two reasons. Firstly, the provision itself is an exception to the definition of new and fresh evidence. It is more accurate to say that the provision works to the advantage of an offender who had an incompetent lawyer, which is not something that would happen often, I am sure. It also bears mentioning that it is unlikely that an offender would be unrepresented on a matter that proceeded on the indictment. Nevertheless, it is possible.

Secondly, the fact that an offender was self-represented would be taken into account when considering whether the evidence is fresh evidence in the first place. Latitude would likely be extended to an accused in determining what evidence, by reasonable diligence in their own interest, they could have been able to produce at trial. This is because an accused will often be disadvantaged in intellectual terms or in terms of financial and legal resources in the conduct of the case. Where a self-represented offender wants to utilise evidence to support an appeal that was not tendered and with reasonable diligence could have been tendered, that would be new evidence under proposed section 35D(2). This is one of the safeguards to avoid victim re-traumatisation, as an offender is expected to present available evidence in their defence at their trial.

The requirement for the exercise of reasonable diligence reflects the principle that there must be an end to litigation and recognises that the pursuit of perfect justice can come at too high a price if it prolongs litigation, with its attendant costs, inconvenience and uncertainty. But it also prevents parties who have gone to trial underprepared being rewarded for their lack of diligence with a second chance before another jury, since a trial is not a dress rehearsal for a second trial or for a rehearing in an appellate court with additional evidence. Whether reasonable diligence was exercised is a matter for the court to determine in the circumstances of the particular case. If the appellant in such a situation cannot overcome the innocence test, the offender could still approach the Attorney General of the day for the exercise of the royal prerogative. However, and without wanting to pre-empt any such decision, the chances of a successful petition in those circumstances would not be promising.

Hon NICK GOIRAN: Thanks, parliamentary secretary. That is a good, comprehensive explanation for the distinction in proposed section 35D(1)(b) and proposed section 35D(2). The parliamentary secretary is simply indicating that the reason we are elevating one scenario into the category of fresh evidence, which would otherwise need to meet the new-evidence test, is that it has the extra element of incompetence or negligence by the offender's lawyer.

As I indicated yesterday evening, when we almost managed to complete our scrutiny of this matter, I have very few remaining questions with respect to clause 4. The only other matter that I will have questions on, after this clause, is clause 6, and, as the parliamentary secretary is aware, my questions there are quite brief.

Having dealt with the scenario with respect to section 35D, the parliamentary secretary will be aware that we are now inserting at 35D a statutory definition of "fresh, new and compelling evidence". The concepts of fresh evidence and new evidence are not new. Indeed, from time to time they are referred to in our own common law. To what extent are we changing the ordinary interpretation of "fresh evidence" or "new evidence"? To what extent are we amending it by this statutory definition?

Hon MATTHEW SWINBOURN: As an aside, it was a little amusing to me when the member said that the concepts of fresh evidence and new evidence were not new, because of the peculiar nature of this language. The member is in fact correct. They are in themselves not new concepts because they are reflected in the common law and courts have dealt with them, if we can now call these concepts of fresh and new evidence as "first appeals" rather than second or subsequent appeals. I will explain that. That is just a little side point.

I have explained the special types of evidence relating to lawyer incompetence. This is not part of the common law, as that would ordinarily be regarded as new evidence. Outside of this exception, the definition of "fresh evidence" at proposed section 35D(1)(a) is that evidence is considered fresh —

> if, despite the exercise of reasonable diligence, the evidence was not and could not have been tendered at the trial of the offence or any previous appeal;

This definition conforms with that developed under the common law in Western Australia and aligns with that used in similar legislation in South Australia, Tasmania and Victoria. The recent Western Australian Supreme Court of Appeal case of Houghton v the State of Western Australia [No 2] [2022] [WASCA] 7 provides a useful definition of "fresh evidence" at paragraph 195 of the judgement —

> Fresh evidence is evidence that either did not exist as at the date of the trial or could not, with reasonable diligence, have been obtained or discovered for use at the trial.

The member will see that the definitions are almost entirely the same. The definitions do not vary, other than the exclusion of lawyer incompetence and negligence, which does not form part of the common law of fresh evidence. On the definition of "new evidence" in the bill versus the common law definition, the definition of "new evidence" at proposed section 35D(2) is that evidence is considered new —

> … if the evidence was not tendered at the trial of the offence or any previous appeal but, with the exercise of reasonable diligence, could have been tendered at the trial of the offence or any previous appeal.

This definition conforms with that developed under common law in Western Australia.

Again, in the recent WA Court of Appeal case of Houghton v the State of Western Australia, a useful definition of "new evidence" at common law was provided at paragraph 195. In that judgement at paragraph 195—I am sorry, Deputy Chair, can you ask the chamber to quieten down? I am having trouble concentrating.

The DEPUTY CHAIR (Hon Jackie Jarvis): I again remind members that Hansard reporters are not in the chamber and if the parliamentary secretary cannot hear himself, the Hansard reporters will not be able to hear either.

Hon MATTHEW SWINBOURN: Thank you, deputy chair.

The definition provided by the WA Court of Appeal at paragraph 195 was that new evidence is evidence that could, with reasonable diligence, have been obtained or discovered for use at the trial. As the member can see, the court's very recent definition of that conforms with the definition provided in the bill. I note, however, as I mentioned in my answer to one of the member's questions yesterday, that the bill adopts a different test that the offender must satisfy to be successful in an appeal on the basis of new evidence. As stated in Houghton v the State of Western Australia at paragraph 196, the common law provides —

> An appellate court will not allow an appeal against conviction, on the basis of new as distinct from fresh evidence, unless the new evidence establishes that the appellant is innocent or the new evidence raises such a doubt that the court is satisfied that the appellant should not have been convicted.

The test in the bill again creates a higher bar than the common law principles for initial appeals based on new evidence, as the bill asks only whether the offender is innocent and not also whether the offender should not have been convicted. It emphasises that second or subsequent appeals, particularly those based on new evidence, are not to be allowed lightly. Does that make sense to the member?

Hon NICK GOIRAN: Yes, it does. I thank the parliamentary secretary for reciting the common law definitions of fresh and new evidence. I note that the most recent judgement that the parliamentary secretary referred to from 2022 simply recites the definitions, from what I can see, going back as far as Beamish v The Queen in 2005. The series of cases since then have continued to repeat that common law definition. It is important for there to be an appreciation for the distinction between that definition at common law and what will now be enshrined by this bill. In either case, will it be necessary for the court to make any finding of fact about whether reasonable diligence was exercised in order to then admit the fresh or new evidence?

Hon MATTHEW SWINBOURN: The answer is yes, that would need to be considered as a finding of fact. If the member has further follow-up questions, we can probably explore that further.

Hon NICK GOIRAN: Will having made a finding of fact that there was an absence of reasonable diligence, and that one of the reasons that reasonable diligence was not exercised was that evidence was not tendered, eliminate the prospect of that evidence being tendered?

Hon MATTHEW SWINBOURN: No. If it falls within the definition of "new evidence", it can be tendered. It depends. If it does not satisfy that first test, it is possible that it could satisfy the second test in those circumstances.

Hon NICK GOIRAN: In other words, a finding of fact by the court is necessary on whether reasonable diligence has been exercised, because if reasonable diligence has not been exercised, is the only way in which that evidence might be able to be entered or considered by the court via the new evidence pathway?

Hon MATTHEW SWINBOURN: The member is correct, but the point we would like to make about the court determining a matter like this when an appellant pleads their case on the basis of fresh evidence and, in the alternative, new evidence, is that the court would consider the matter in its entirety. Obviously, if an appellant pleaded only fresh evidence and could not satisfy the reasonable diligence test, leave probably would not be granted or, on the determination of the merit of the matter, it would be dismissed. But, as I say, a good lawyer representing a person in those circumstances would plead in the alternative, so long as there was a factual basis for doing so, to ensure that they were not going to get knocked out at that stage for failure to satisfy the reasonable diligence test.

Hon NICK GOIRAN: Therefore, for evidence to be accepted by the court under this scheme as fresh evidence, does the appellant have to demonstrate, or obtain a finding of fact, that reasonable diligence was exercised?

Hon MATTHEW SWINBOURN: I do not quite remember the member's question, but I get the thrust of it. Clause 35D(1)(a) deals with fresh evidence. It states —

> if, despite the exercise of reasonable diligence, the evidence was not and could not have been tendered at the trial of the offence or any previous appeal …

There would be some circumstances in which no amount of diligence could result in the evidence being tendered at trial—for example, a change in the state of the law with respect to a certain thing. I suppose that is covered off in the "could not" rather than the "was not" in relation to that because of the impossibility of that. There may be some circumstances in which a person has proceeded with the case without any diligence, for example, but a change in the law meant that they could not have possibly presented the evidence at that time even if they were as diligent as anybody could possibly be—if the member can catch my drift on that one.

There is that sort of notion. But that is obviously something that, because of a change in either the law or what is accepted in evidence—which, as I say, some people might have argued for at a different stage, but until it is accepted or adopted by either the courts of a change in Parliament—no amount of diligence is going to change.

Hon NICK GOIRAN: I ask the parliamentary secretary to consider page 3, line 21, of the bill and the use of the word "and". I am trying to test here whether we are satisfied that it should indeed read "and" or the word should read "or".

At the moment, this first, new statutory definition of "fresh evidence"—putting aside the second definition of fresh evidence involving the negligence of the lawyer—refers to evidence that was not and could not have been tendered at the trial of the offence. I compare that with the common law definition that the parliamentary secretary kindly read out earlier. There it says that fresh evidence is evidence that either did not exist as at the date of the trial or could not with reasonable diligence have been obtained or discovered for use at the trial.

Are we satisfied that we want to be what I would describe here as narrowing further the definition of fresh evidence in contrast to the common law definition by making it a mandatory component that one must demonstrate that the evidence not only was not tendered at the trial, but also could not have been tendered at trial? And if we are satisfied that that is in fact the intention of the government, to narrow that definition in contrast to the well-established common law definition, then I take it that we can move on. I just want to make sure that we are very clear that we are deliberately using the word "and" here and not "or".

Hon MATTHEW SWINBOURN: The first thing to say at the outset is that the advice I am receiving at the table is that the "or" in the common law definition does not do the same work as the "and" in the statutory definition.

To be very clear, the overall effect of the definition in the new bill is the same overall effect as the common law definition. This is on the parliamentary record of debates. If there is argument at a later date, reference can be made to this.

Hon Nick Goiran interjected.

Hon MATTHEW SWINBOURN: That is the intention, yes. To break that down a little further, the definition states that the evidence was not, as a matter of fact, tendered at either the trial or a subsequent appeal and—the conjunctive—could not have been tendered. Without exhausting the circumstances in which it could not have been tendered, the most obvious are that the evidence did not exist at the time of the trial or, even with the exercise of reasonable diligence, people were not aware of the existence of the evidence, which could have been due to misconduct on the part of the prosecutors or the police because it was not presented or because it just never came forth, or anything of that kind, or that as a matter of either case law or statutory law, it was not permitted to be entered into evidence because those things were excluded after the law changed and it happened at a later date. I hope that clarifies that matter.

Hon NICK GOIRAN: That was very helpful. It is important that we get this right. I take it that the government's position, which it has asked Parliament to agree to and get on the record, is that the common law definition of fresh evidence has been recited many times in Western Australian judgements. That definition comes in two parts. The first part is that the evidence did not exist as at the date of the trial and the second is that it could not, with reasonable diligence, have been obtained or discovered for use at the trial. The government is saying, in asking Parliament to agree on the record here, that the first of those scenarios would be considered to be a subset of the second; that is, if evidence did not exist at the date of the trial, it follows that it could not have been obtained previous to the trial. For that reason, the government and parliamentary counsel have chosen to use the words on page 3 at lines 18 to 23, and the very express intention of the Parliament is that both those scenarios are captured here: firstly, the scenario that evidence that did not exist as at the date of the trial—we say that is captured by this definition—and, secondly, that evidence could not, with reasonable diligence, have been obtained or discovered for use at the trial. It is important to get that clear on the record.

Hon MATTHEW SWINBOURN: Thank you, member; that is correct.

Clause put and passed.

Clause 5 put and passed.

Clause 6: Act amended —

Hon NICK GOIRAN: This is the only further clause I wish to examine. This is the start of division 1, within part 3 of the bill. It informs us that the bill will amend the Bail Act 1982. I know that the Attorney General yesterday made an announcement about proposed reforms to the Bail Act. It is not for us in this place to consider matters that are currently on foot in the other place, so I do not want to ventilate that issue, but I would like some clarification or confirmation from the government on whether the reforms announced by the Attorney General yesterday will have any impact on any provision of this bill. If they will not, we can move on; if they will, to what extent will they create any transitional issues?

Hon MATTHEW SWINBOURN: The short answer is no; they will not have any impact. By way of elaboration, the current Bail Act provisions will continue to apply in the same way as they do for appeals under part 3 of the Criminal Appeals Act 2004. For completeness, I draw the attention of the member to the provisions in the Bail Act in clause 4A of part C of schedule 1, which states —

> In deciding whether or not to grant bail to an accused who is in custody waiting for the disposal of appeal proceedings, the judicial officer shall consider whether there are exceptional reasons why the accused should not be kept in custody, and shall only grant bail to the accused if satisfied that —
>
> (a) exceptional reasons exist; and
>
> (b) it is proper to do so having regard to the provisions of clauses 1 and 3 or, in the case of a child, clauses 2 and 3.

The next clause of the schedule, clause 5, states that clause 4A does not apply to appeals under part 2 of the Criminal Appeals Act 2004—that is, appeals from courts of summary jurisdiction. The proposed amendments do not apply.

Clause put and passed.

Clauses 7 to 14 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

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

STANDING COMMITTEE ON PROCEDURE AND PRIVILEGES

Recommendation 1 — Adoption — Motion

Resumed from an earlier stage of the sitting.

HON SUE ELLERY (South Metropolitan — Leader of the House) [3.19 pm]: I refer to the recommendation set out in the sixty-seventh report of the Standing Committee on Procedure and Privileges seeking access to the documents in possession or under the control of the Select Committee into Cannabis and Hemp. It seems to me that the recommendation itself is a procedural matter. The information that is before the house is a request from the most senior committee of this house, and I am happy to support that on behalf of the government.

The PRESIDENT: Members, that motion has been moved by the Deputy President, and the Leader of the House has spoken to that motion. The question is the motion be agreed.

HON NICK GOIRAN (South Metropolitan) [3.20 pm]: I rise briefly to add my support to the house approving that recommendation. As the Leader of the House has just indicated, it appears that this motion is of a procedural nature. I share with the Leader of the House a desire to assist the committee and facilitate its inquiry. Members will note that at paragraph 1.3 in this very short report, under "Terms of reference", the committee specifically states that in order to facilitate its inquiry, it recommends to us that we agree that it have access to documents in possession or under the control of a select committee. That is a little peculiar, President. The difficulty for members at this point—even though I will be supporting the recommendation, and the government has indicated that it will be doing so as well—is that we do not have an explanation before us as to why the Standing Committee on Procedure and Privileges has made this recommendation. All we have in front of us is this one-page report, which reminds us that the genesis of this matter was a matter of privilege raised by the honourable Leader of the House on 19 May, when regrettably I was away on urgent parliamentary business. The report outlines the first two terms of reference that have been agreed to by the committee. It then, in the third term of reference, asks us to agree with this recommendation in order to facilitate the committee's inquiry. There is no explanation as to why it is necessary for the procedure and privileges committee to have access to the documents in possession or under the control of the Select Committee into Cannabis and Hemp.

I do not quibble with that request, because the five hardworking members of that committee have obviously considered this matter and thought it sufficiently important to make this request, and, like the Leader of the House, I would like to facilitate that request and add my support. This is perhaps a matter for the committee, but can I respectfully suggest that in future some elaboration or explanation be provided as to why the committee has made this somewhat peculiar request. There is nothing irregular about it. The committee can ask for whatever it likes, and the house can agree to whatever it likes. However, it is somewhat peculiar for this committee to ask for possession and control of documents that are with a select committee.

I note what the Leader of the House said on 19 May. This is something on which I do not completely agree with the Leader of the House. According to the uncorrected proof *Hansard* of that day, the Leader of the House said —

> It is not the case that inability to attend a particular committee trip deems any member unable to fulfil their duties. It is not the case that inability to attend a particular travel trip requires any member to resign. There are no standing orders, conventions or practices that enforce travel on any member of a committee.

I understand why the Leader of the House said that on that day. I must say that when this matter was first reported in the press, I also, like the Leader of the House, raised my eyebrow about how that matter had been reported. This matter will be under inquiry, and I commend the committee to its work. However, I draw to members' attention that notwithstanding what the Leader of the House has said, standing order 159 may apply in certain circumstances. I am not saying it does apply, because I simply do not know the facts in this matter. Members may be interested to look at standing order 159(2), which states —

> A Member shall be discharged from a Committee —

It then lists two scenarios —

> (a) by motion on notice; or
>
> (b) if the Member fails to attend 3 consecutive meetings of the Committee, unless leave of absence has been granted to the Member by the Committee or the Council.

I simply note that notwithstanding the fact that I associate myself with the remarks of the Leader of the House, when we think of committee travel, a committee might go on a conference or something of that sort, and that might not involve any meetings of the committee. In that case, I would agree with the Leader of the House that inability to attend a particular committee trip would not deem a member unable to fulfil their duties. I would go further to say that nor should it. Having said that, I do not know anything about this particular select committee and what meetings it might or might not have organised. I simply make the observation that I do not think that what the Leader of the House said on 19 May fully captures what the standing orders actually say on these matters. For all those reasons, I think it is good that the standing committee is looking into this matter, and I commend the committee on its inquiry and support the recommendation.

HON MARTIN ALDRIDGE (Agricultural) [3.25 pm]: I rise to speak in support of my motion—that is, to seek the support of the house for recommendation 1 of this report. Obviously, I do so reluctantly because speaking as a member of the Standing Committee on Procedure and Privileges on a report of this nature is somewhat troublesome, in that in investigating or considering a matter of privilege we do not want in the same breath to create a matter of privilege. Therefore, I will do so carefully.

I draw members' attention to the recent circumstances that have led to this brief report. That is obviously the matter of privilege raised by Hon Sue Ellery on Thursday, 19 May 2022, and the ruling that was made by you, President, yesterday, which was that, in your view, this is a matter of substance that should stand referred to the procedure and privileges committee. The President said in that ruling —

> The Leader of the House submitted that Hon James Hayward had misrepresented to a court the practices and rules of the Legislative Council and that this conduct had the potential to bring this Council into disrepute.

In closing, the President said in her ruling —

> Whilst acknowledging from the outset the practical issues that such an investigation may face, I refer the matter to the procedure and privileges committee.

Members would be aware that in considering the matter of privilege raised by Hon Sue Ellery and also the ruling by the President, that this matter does relate in some respects to the conduct of the select committee; therefore, the Standing Committee on Procedure and Privileges seeks the concurrence of the house in support of this motion to allow the committee to examine documents in possession or under the control of that select committee in the course of its inquiry, and I ask for the support of the house in doing so.

Question put and passed.

SOIL AND LAND CONSERVATION AMENDMENT BILL 2021

Second Reading

Resumed from 24 March.

HON COLIN de GRUSSA (Agricultural — Deputy Leader of the Opposition) [3.28 pm]: I rise to make some remarks on the Soil and Land Conservation Amendment Bill 2021, and I indicate from the outset that I am the lead speaker for the opposition on this bill. This is a relatively small bill, but it seeks to make some quite significant changes to aspects of the Soil and Land Conservation Act 1945. Nevertheless, we do not intend to take too long in debating this bill.

I want to take this opportunity to talk about one of the most interesting aspects of my farming career, and that was the management of the soils that we farmed. I am sure that many other farmers have the same experience. Soils are the lifeblood of our farms. The management of those soils is something that evolves all the time, and it certainly did over the time that we were farming. In fact, the minister did say in her second reading speech that there is not only a growing understanding of the need to prevent or reduce land degradation, but also a strong desire to address issues relating to soil health more broadly. Ever since I began farming—certainly, when my father was farming, that was always the case—we have always been looking to try to find ways to better manage the soil in which we grew our pastures and crops, because that was the lifeblood of our business, and it also meant the business would be sustainable into the future. I remember back in the 1970s—I was only a little tacker then—the south coast region of Western Australia, in particular that Esperance region, had very fragile, light sandy soils. I would get up on those cold mornings when the fronts would come through, usually at the end of autumn or early June. It would still be a bit dry at that time of year. Back then everything was ploughed and ripped up. I would get up and I could not see; it was like a fog, but it was sand. All the wonderful topsoil that we were trying to grow our crops and pastures in was drifting away and ending up over the neighbour's fence. In fact, I remember seeing fences with the posts sticking a couple inches out of a pile of sand about a metre or so high. That was just the way it was back then, but obviously people saw that and made the decision that they wanted to do something to try to manage the loss of soil on their farms.

I think it was about the end of the 70s when my dad, in particular, and neighbours of ours also looked at this issue. They made the decision that they were not going to follow the traditional method of cultivation that had always been done, regardless of where people farmed. They moved to a direct drill, as it was called then, eventually becoming no till later on, towards the end of the 80s and early 90s. I think that kind of transition was hard because nobody had really done it before. It meant changing practices—buying a boom sprayer for a start, which was not something that everybody had back then—and learning how to handle herbicides and other chemicals. It was all quite different, but the change was stark in terms of the management of the soil. At that time there was a big push to look at how we protect soils from wind as well. There were a lot of concepts such as alleyway planting of trees and all sorts of different methods for managing that aspect of wind and water erosion to try to better manage the soils on all those farms in that area and in other areas, too. I am speaking from my experience on the south coast.

The other thing I give credit to my dad for was that he certainly saw the value of native bush on the farm and he spent a considerable amount of time fencing off a lot of it to protect it from livestock. It was never grazed or cropped

or anything like that as long as we were on that farm. There was a magnificent piece of bushland through the middle of the farm where Bandy Creek runs through on the way down to the Ramsar Convention on Wetlands of International Importance–listed wetlands in Esperance. They were great places to visit and have a look at the native wildflowers that went mad through that area.

Hon Alannah MacTiernan: How wide was your corridor?

Hon COLIN de GRUSSA: It varied from probably a minimum of at least 200 metres, probably wider. The creek itself would have been at best two or three metres wide at the widest areas. It was a very wide corridor and was probably at least five kilometres long on our property; my uncle's farm was next door and he had the same thing.

Hon Alannah MacTiernan: And you saw co-benefits from that planting?

Hon COLIN de GRUSSA: We did not actually plant it; we just did not clear it.

Hon Alannah MacTiernan: No, but from that corridor?

Hon COLIN de GRUSSA: Absolutely; no doubt. The obvious benefit was that by having that native vegetation there obviously we got the wildlife and the birds, which we saw a benefit from in terms of insects and other potential problems. The other thing we saw was the benefit of preventing erosion. With those creek lines, if we got a heavy rain and the headwaters all come in through that narrow creek line and there was no vegetation around those areas, they just become a disaster area of eroded sand, salt and soil, and does damage that is almost irreparable. That was a really good plan back in the 70s. It was not really thought of as anything particularly special then. It was just something that dad did because he thought it was a good idea.

As we moved on towards the 1980s, or the end of the 80s in particular, there was a seminal event in our little area, in Neridup. We had a very wet end of 1989, a heck of a lot of rain fell and did a heck of a lot of damage, eroding a lot of soil. Even though all these things had been put in place—tree covers and so on—there was a real problem managing the surface water at that point. Out of that, a little group down there was formed called the Neridup Soil Conservation Group, which is still going today. That group was, I believe, one of if not the first landcare group in WA. It was a very early one anyway. My dad was involved with that, as were many of our neighbours. One of the things that came out of that was a lot of research into how, as a catchment, people can work together to manage the issues with surface water and other things across the whole catchment, rather than just doing it as an individual. Through the 1990s there was a great movement of landcare, with the Natural Heritage Trust funding doing a lot of work in that area. That group did a lot of planning and a lot of work to manage the catchment-wide drainage to ensure that we did what we could to protect our soils from erosion and other things.

At the same time, there was a great shift through the late 80s and 90s in Western Australian agriculture—across the world too—into no till as it was called, or zero till, or minimum tillage, depending where the farm was. There were a lot of different names essentially meaning a similar thing, which is minimal disturbance of the soil in the planting of a crop. A lot of that research was done in the United States and Canada. They were very big on it over there. I remember dad got involved with one of the people in Canada when he was chair of the Western Australian No-Tillage Farmers Association, and he made a couple of trips over there. It was a lady named Jill Clapperton. I am not sure whether other members have heard of Dr Jill Clapperton. When we look at our soil, we have the physical and chemical aspects of soil. Dr Jill Clapperton was very interested in the biological aspects of the soil. Of course, the word "biological" conjures up all sorts of images in people's minds. Immediately, some people would automatically turn to thinking about organic farming, but that is not what it is about. The soil is a biological system and Dr Jill Clapperton was one of the pioneers globally in looking at that biological system. Her particular field of interest was something that I know the minister is also interested in—that is, *vesicular arbuscular mycorrhizal* fungi. She had a lot to do with talking to a no-till group here at the time, WANTFA, about that, and the group went over to where she was based in Lethbridge, Alberta to talk to her about those sorts of aspects and what minimum tillage did for those aspects of the soil.

Hon Alannah MacTiernan: What institution?

Hon COLIN de GRUSSA: She was in Lethbridge, at the university there. She is not anymore. She is now in Montana and runs her own consultancy. I think it is jillclapperton.com or jillclapperton.org; I cannot remember the website address. Dr Clapperton visited Western Australia a number of times. She was instrumental in getting our heads around thinking about all the different mechanisms that make our soils work to produce an optimum crop or pasture, or whatever it is you are trying to do with it. I think that is one of the aspects, when you look at soil it has so many different components. There are, obviously, the physical components, the chemical components and then there are the biological components. Getting them to work in harmony is one of the real challenges.

A lot of research has been done by the department. It has been going on forever and a day because I remember a lot of trials on our farm back in the 1990s. I have spent a lot of time in the past couple of months scanning a lot of my dad's old slides. He loved to take photos on 35 mm slides, so I have thousands of those to go through. There are heaps of photos of trials and all sorts of things. It is very interesting to look back through the 90s and see all the different methods of seeding with no till, and the different soils through the research of people such as David Hall, Jeremy Lemon and Rob Sudmeyer, who conducted a lot of different trials on our farm. I do not know about Jeremy,

but most of those guys are still involved in the area. Those sorts of trials were always happening on the farm and I guess that is what piqued our interest in managing the soil on our land to make sure we produced the best possible crop we could, and also look after the soil. The important thing about this legislation is soil conservation. That means a lot of things to a lot of people, but essentially it means looking after the asset in every possible way to make sure we can produce a quality product, and continue to produce that quality product into the future and that the nutritive value of the soil is not lost through the effects of erosion or wind, and so on.

It was through the 1990s and 2000s that a lot of that work was happening. With the Western Australian No-Tillage Farmers Association we talked to no-till organisations in other countries to trial things such as summer cropping and different types of crops that had not been done before, such as cover cropping, to try to improve the organic matter in the soil. From the 1970s right through to the time we stopped farming we tested the soils every year. It was an annual event. We would go out and do the soil tests and see what had occurred, what had improved and how we could manage that. The aspect of managing that very important asset, the soil, was instilled in me as a young bloke by my dad who was always interested in the technical aspects of what he did as a farmer, and he really liked to ensure that we did everything we could to preserve that soil. That is one of the main things that drove him so passionately into the no-till movement. We are certainly growing our understanding of what constitutes healthy soil, and that is changing. Through those early years, first it was more about the physical aspects. Obviously we were using fertilisers, so there was some management of the chemical aspects, but it was really the physical aspects that were the biggest issues early on in the 1970s and 1980s when we saw erosion occurring. We gradually got on top of that and moved to looking at more of the chemical aspects of soils and managing the nutrient levels. We then looked at the organic and biological aspects of the soil, yet they are probably the oldest parts of the soil and are very important. We know that biological activity can have a tremendous impact on the growth of crops.

I do want to talk about the bill. I guess I should not talk forever about soils, although I could. As I said at the outset, I really enjoy learning about what makes the crops and pastures grow and how we can do that better, and whether that is by trying things that are looked at as unusual or different, or perhaps even frowned upon, there always needs to be people who try something different to find out what works.

The bill deals primarily with amending the Soil and Land Conservation Act 1945 to encompass the addition of a new make-up of the council. That is probably the biggest change in the bill and the one that, for some, is a little controversial. The bill will change the make-up of the council from essentially mandated representatives of producer groups and so on to being appointments by the minister, albeit with expertise in certain areas, which we will come to discuss during Committee of the Whole. No doubt the minister was as surprised as I was to read that the committee had not been formed between 2003 and 2019. That is a long time, over many governments, and a real failure on the part of those previous governments not to keep that committee formed. We know that the issues the committee deals with are important to the future of agriculture in this state. However, we are here to debate the bill before us, which proposes changes to the make-up of the council. In particular, the minister will have the ability to appoint up to nine members who between them will have expertise and experience in agricultural production, environmental conservation, land management, local government and planning, the management of pastoral land, soil conservation and soil science. On the face of it, that does not sound too bad, although it is not necessarily mandated that any one of those will come from the producer groups that used to be on there. The opposition will ask some questions about that in the committee stage.

Another aspect of the bill is the repeal of the Landcare Trust, which was wound up in 2002. That makes sense. It is not a significant change. It surprises me to this day that even though legislation has been through this place relatively recently, how often it contains ancient terminology that does not reflect a contemporary society. It is good to see those sorts of proposed amendments. While we have the bill before us we may as well make it better in every aspect that we can and make the changes needed to improve it.

The Western Australian soil health strategy was launched at the end of last year. This bill ties in nicely with that. The Soil and Land Conservation Council will oversee the Western Australian soil health strategy. It will be interesting to see how that is delivered and what it means for the health of soil, as well as agriculture, in the state and how we can all work together to make sure we get the best out of our soils and ensure that they are sustained for future generations.

I have a couple of questions that I will ask during the committee stage. I note my colleague the Leader of the Opposition wanted to make some remarks, but I will continue while he is not here.

Essentially, some of the aspects of this legislation are around the appointment of the members to the committee, which we will come to in the committee stage of the bill. I do not envisage that will take long.

The opposition does not oppose this bill. We have some concerns, which I will come to during committee, around the appointment of some of the members of the committee. We think that the management of our soils, which I have been talking about for some time, is incredibly important and is something we all need to take a keen interest in because it is the very future of our agriculture industry. Indeed, any industry that produces food needs a medium in which to do it, and that is generally soil. It is a very big challenge to understand the complexities of soil science and the various things that can be done to improve soils. One of the concerns I have heard from industry is that, within the soil strategy and in the management of some of those aspects of our soils, we do not see options taken off the

table. We have done a lot of different things to try to ameliorate problems with our soils, such as clay spreading for fixing non-wetting. On the face of it, it looks like a very pretty destructive and violent thing to do but the result is vastly improved soils, which then can continue to improve. We have also done things like turning back to the very old way of mouldboard ploughing on a strategic basis in order to make sure that, similarly, it fixes a bit of non-wetting but also loosens up the soil and continues to improve the production of that soil. We saw dramatic improvements in production by the strategic use of mouldboard ploughing. Notwithstanding that, it does cause significant issues if you do not get it right. We do not want to see these sorts of strategies that are used to manage the physical aspects of soil potentially become more difficult. We would not want to see those sorts of options taken off the table because there is a whole variety of different things we can do to improve soils that need to remain on the table. I talked about clay spreading and mouldboard ploughing, which has been used in a number of different areas, and there is deep-ripping and lime spreading—all those sorts of different things we use to continually improve our soil and make sure that we keep it sustainable in the future.

Hon Alannah MacTiernan: Surely you agree that some things should be off the table, like DDT, for example?

Hon COLIN de GRUSSA: I am more talking about the physical things that we can do. In terms of chemicals, DDT is off the table.

Hon Alannah MacTiernan: Yes, but your proposition was that nothing should be taken off the table. I agree that —

Hon COLIN de GRUSSA: I mean nothing that is not off the table.

Hon Dr Steve Thomas: We are not suggesting Agent Orange!

Hon COLIN de GRUSSA: No. Well, we do use one component of that. What I am really talking about is that the option farmers are using now often get tried and trialled before they are necessarily refined. When we did the mouldboard ploughing trial on the farm, I could have done a hectare but we chose to do 60 hectares and it was the paddock right next to the house. I spent about two months living in town because I could not stand getting up in the morning and seeing that cloud of dust I remembered from the 1970s blowing over the house. It was because we did not get the timing right, but we learnt from that and did not do it again. That is the key. On the face of it, one might look at that situation and say it is destructive and we should not be doing it to our soil, but the end result was vastly improved production and soil quality.

Hon Alannah MacTiernan: What was the technique used?

Hon COLIN de GRUSSA: It was mouldboard ploughing, a very old-fashioned technique but it can do a lot in some situations. It is not something we could use everywhere.

Hon Alannah MacTiernan: I suppose one of the challenges is to calculate whether it gives you a short-term gain or it is effectively an exercise in mining. What was it doing to your natural capital? How sustainable is that technique?

Hon COLIN de GRUSSA: It had a long-term benefit for our natural capital in all the trials we did. It was one of those one-off things that we did very significantly, but it did a number of things all in one operation: fixing non-wetting, fixing compaction and varying weed seeds. All those different things got dealt with in one operation. The production off that particular area, the crop yield, that very year was monumentally bigger than we had had forever and it continued to be that way.

There is always going to be experimentation in agriculture. That is the nature of the beast. With farming, we are always trying new things and trying to learn different ways of doing things. There probably are better ways to do things. I just want to be clear that those sorts of options should be able to be done. I am not necessarily thinking that it is the intent of the Soil and Land Conservation Council to prohibit these sorts of things, but it is worth making sure that these practices are not outlawed simply because of what may appear to be quite damaging in the short term. Clay spreading is similar in many respects. A big pit is dug and clay is spread across a paddock at 7 500, 200 or 400 tonnes per hectare, which is a tremendous amount of material. On the face of it, it can look quite destructive but the net result is a much longer term benefit and it does not have to be done again. Sure, there are other ways to do things. Farmers are always looking to innovate and we are always looking to improve the management of our soils so that we can continue to produce food and fibre for our state, our nation and globally and that we can do that in an efficient and sustainable way. We are always looking to innovate and always looking to try different things. I look forward to getting into the Committee of the Whole stage of this bill. I do not imagine we will take a particularly long time. As I said at the outset, the opposition is not opposing this bill. I will leave my comments there for the Leader of the Opposition.

HON DR STEVE THOMAS (South West — Leader of the Opposition) [3.56 pm]: As a fully paid-up member of the soil science fan club, I take great joy in being able to address the bill before the house today, the Soil and Land Conservation Amendment Bill. The bill itself is not one of great technical detail or soil science but I want to talk about some of the joys of things it might look at because I think it is particularly important. The Minister for Agriculture and Food and I agree that soils and soil science are critical parts of not just our understanding of nature as it exists at the moment and not just in relation to its underpinning of agricultural production, but also its potential underpinning of the future of not just Australia, but probably the planet.

One of the things that we have to address is the extraordinary lack of knowledge of what happens in our soils that we have as a group, as a species almost, as a world. The level of knowledge we have about the interactions in our soils is rudimentary at best. We understand a small amount about some of the bacteria, fungi and other protozoa and microorganisms that exist in the soil. We understand even less about the ultimate interactions of many of the nutrients. We kind of understand, to some degree, that when we put on so much nitrogen, it roughly relates to so much growth of pasture and it roughly relates to so much growth of stock, for example. Using the example of soil to pasture to animal to protein to humans, in fact we probably know the most about how much growth in humans it represents at the end of that because that is where the most research occurs—right at that far end of the digestive chain. That is the bit we know about. We overeat and we know how much weight we are going to put on and we have that pretty well measured. We have very little understanding of the steps that go along the process. Anything that the government and the minister can do to increase that knowledge is worthy of support. I think that is critically important. I suspect over the next 100 or 200 years, we will start to understand a lot more about how soil operates, how it is supported and its structures so we can improve soils over time. Some of it seems quite simple but the interactions are quite complex.

I give members this example, because the explanatory memorandum mentions climate change as it relates to soil science, which I think is remarkably interesting. Western Australia in particular has very low levels of organic carbon in most of its soils. There are huge swathes of soils in Western Australia where the organic carbon level is one to two per cent. There is a lot of desert out there that does not have much organic carbon in it. It is the organic carbon that provides the basis for life. It also generates the retention of water. When we look at rich, loamy type soils with eight, nine or 10 per cent organic carbon sitting in there, it is a rich environment in which to operate. For many years, we probably have not understood even that well enough to be replenishing some of it. Some of those richer soils have rich loam to a great depth—for example, the Darling Downs in Queensland potentially has 25 to 30 metres of topsoil. Some places have probably never been fertilised, because the amount of nutrient that sits in those soils allows the land to be harvested and stripped for a very long time. When we compare that with areas that have one to two per cent of organic soil carbon, we realise we are stripping out the nutrients. It is not just organic carbon; I am using that as the starting point. There is so much more we do not know about how it operates with soil. We have an opportunity to boost soil. For example, we can boost soil carbon. The explanatory memorandum refers to climate change. We have the capacity to put millions of tonnes of carbon back into the soil. That has a biosequestration component. As we biosequestrate, we also increase the soil fertility, but not if there are other restricting nutrients. We really have to understand that stuff. There are not many soils where the restriction is limited to one part. Organic carbon is only one part of this. In the climate change debate, people have often made the statement that climate change does not matter because trees will grow more rapidly to absorb all the carbon. It is a statement I have to deal with quite often. The proponents of that have never understood that carbon, and organic carbon in particular, is one limiting factor in a plethora of limiting factors in the soil. The statement is right if the soil is so rich that there are no other limiting factors, so there will be additional growth because additional carbon has been added. That has been proven absolutely to be the case in greenhouse experiments around the world, but only if there are no other limiting factors as a component. For most soils, and even for most environments, the atmosphere is the source of carbon. That is the case for most trees. I will not draw out the whole photosynthesis equation that we should have all learnt in primary school or early high school. Carbon in itself is not the general limiting factor; there are a plethora of limiting factors. That is why knowledge of all the components of soil, or as much as we can learn about them, including bacterial interactions, the arthropods, the insects and everything else that plays a role in the health of soil, is critically important to Western Australia's agricultural and natural future.

The government has great potential to get more active in the soil science debate about the gradual stripping of nutrients out of the soil. Members will know that I spent many years as a vet and I am still a registered vet. Milk fever in cattle is a disease of low calcium. Calcium is a highly underrated nutrient. People do not realise how much calcium we strip from the soil in primary production. I will give members some rough figures. I will use cattle as an example, because I know the numbers off the top of my head better than I do the numbers for sheep. If someone is producing and selling a 400-kilogram calf every year off their property and that calf contains 20 kilos of calcium as a minimum, and some will contain 40 kilos of calcium, they are taking five to 10 kilos of calcium off every acre of their property. After 50 years, a lot of calcium has been stripped out of the soil and unless they are putting that back, they will start to see the impacts of that. From my perspective, I have seen milk fever in a Hereford cow on a hill, and that animal had no right to be exhibiting that disease, but it was an old farm and calcium had not been put back onto that hill. That is just one example of the limitations we have because we do not understand this nutrient interaction in soils anywhere near enough, but we keep trying. Some of our research is good, but it has yet to be scientifically evaluated.

There are a couple of good movements around that are working on this. Members might be aware of the slow water movement that started in the eastern states and has some value—it slows water movement across a property. Rather than have water run through the property quickly so it can be accumulated, the fact that it slows down hopefully increases moisture in the soil, allowing particularly microbial growth to start. Microbial growth is carbon-fixing. This will allow soil to become more valuable and more fertile. That system is out there at the moment. I do not know that it is adequately studied or quantified, but all across Australia, including Western Australia, I know of farmers in particular but wider landowners engaged in some pretty interesting experiments about how they can

improve the quality of their soil. The hard bit will be to quantify it, and even coordinating these studies is a fairly difficult prospect. The fact that we will have a reinvigorated and revamped group of people driving that on behalf of the state of Western Australia surely has to be a relatively good thing. Hopefully, a re-enthused council will start to look at these sorts of key issues.

The explanatory memorandum states —

> The Soil and Land Conservation Act … is the principal legislation … relating to the conservation of soil and land resources and to the mitigation of the effects of erosion, salinity and flooding.

I could happily spend a long time talking about soil conservation and soil quality, but I have probably made my point that we simply do not know enough about it and the more we do, the better the outcomes will be.

I will comment on a few other things, such as erosion, particularly around flooding. I know that Carnarvon and a few other places have had some interesting issues with this, and it is an issue across the board. I have been on farms where the flooding and erosion mitigation process is 80 or 90 years old. It was done by the early settlers with shovels and picks. I have been in manmade gullies that were taller than me—I know that is not setting a hugely high bar!—that were dug by hand for kilometres to control water. Again, that is not new. The issue is the scale at which we try to do these things. Certainly, in terms of flood management, flooding around the Busselton and Capes region has been an issue for a long time and there are flood mitigation processes and structures in place—retaining walls and dams that are supposed to slow the flow of water through that area, so that too much water does not come in in one hit. But there is much more to do on that.

A critical issue that we do not talk a lot about today, but which we certainly talked a lot about 15 or 20 years ago, is salinity, particularly dryland salinity where rising watertables bring salt up to the surface, which has a major impact on land. It is not just groundwater that is causing this. Those members who have been around for a time will be aware of the Wellington Dam debate and that 15 years ago we were concerned when the salinity level there reached 1 000 parts per million, mostly out of the East Collie River. I understand that the current measure is now over 1 300 parts per million, so salinity continues to creep up. It is probably coming from underground sources, but there is a flow point through to the Wellington Dam, to the point that a farmer who purchases water out of the Wellington system has to calculate how many tonnes of salt per hectare of year they are putting on their property when they use water from the Wellington Dam. It remains an issue. It is interesting that the government's softwood plantation process is looking to replace the blue gum plantation process in areas east of Collie, particularly in the West Arthur, Williams and Boyup Brook shires. There are going to be a lot of pine trees out there. The theory is that it will drive down the watertable, which may well be true. That will be a useful outcome or dual purpose. There are concerns around the whole process, but if used carefully to drive down watertables, a good synergistic effect is capable of being achieved as part of that process.

I spent some time in my early years as a member of Parliament looking at deep drainage and channelling processes around salinity. There will always be issues if saline water is drained and there is no place to put it. That is always the issue. The early drains were largely experimental. If people shifted the saline water from their property to the next property, they would make an enemy. Even putting it into salt lakes and reserves changed their ecosystems. That is not to say that there is not still a place for some deep drainage, carefully used, to control saline water movement, because I think there is. The ag department used to do a lot of work on this; I think it does much less now. There is a place for it, but how it is managed is obviously a critical issue. We need to make sure that the impact is not simply to transfer a high saltwater body from one area to another and cause the second area to suffer as a result. It is hard to find a spot.

It would be easy if we talked about desalinating some of the salty water bodies to get a synergistic dual effect. We looked at that many years ago with Wellington Dam. Desalination experiments have occurred at Wellington Dam. I can remember debate around whether Wellington Dam could be desalinated, because it is not all that salty—it has one-fiftieth the salt of seawater, for example. There were debates about whether the drop from the Wellington Dam wall could be used as an adequate force to desalinate the water in its own right, so that it would be a power-neutral process. None of the proper engineering works that I have ever seen came close to doing that. The problem, of course, is that, ideally, a drop of a couple of hundred metres is needed, but by the time that has occurred, it is so far down the river that it has lost a great part of the power of the hydrology that would in theory drive the process, because it is trying to drive an osmotic process at that point. There has not been an option to do that under those circumstances. There are probably not great options for using hydrology to generate energy with sufficient efficiency to be able to desalinate the water. The government is looking at hydro storage for energy; it will be interesting to see how the engineering figures look and how that will add up, because I suspect the new energy policy announced by the government yesterday will not be quite as easy as it thinks. Let us see where that lands.

I have seen some very good projects involving the desalination of highly salty groundwater based on using solar panels. I have to say that some of that is very good. Some of those projects are in wheatbelt areas not too far out of the Perth metropolitan region, with individual businesses able to provide enough water for a nursery or a business based on solar panels desalinating water that might be 15 000 parts per million total dissolved solids. That is a great use of a salty resource. The more of that that we can do, the better the outcomes will probably be. I would love this

group to look at the combination of salinity and solar energy rather than to focus on being able to use a hydrological drop to power that process. Perhaps one of the secrets of doing that might be one of the secrets of renewable energy as well. This is one area on which I probably disagree with the current energy minister—that is, I would like to see a much more distributed model rather than a centralised model. The minister and I have a lot of things in common in terms of power generation, but I think he wants centralised solar farms and wind farms and those sorts of things while I want to see a much more distributed model where those things are distributed throughout the community as much as possible.

I think the same capacity should probably exist for the desalination of water to improve water capacity. I think a distributed model would be far more efficient, if for no other reason than a lot of businesses would be able to invest in it themselves. Obviously, there would have to be the groundwater component—they would have to be sitting over a fairly saline aquifer with plenty of volume—but that is generally not that hard to find. There are saline aquifers throughout Western Australia. To be honest, we need only look at the northern Yarragadee; we do not have to go that far. The joy of the southern Yarragadee is that it is a very low salt environment. The northern Yarragadee is much saltier. That is a big resource in itself, but there are plenty of other resources all the way out to the Officer Basin—I say that as I wave grandly to the east—which is a fair way out. The reality is that all these assets have the capacity to make a contribution. Again, they would have to be very carefully managed.

The biggest issue we have is a lack of knowledge about how all this goes together and the interactions within it. These are the sorts of things that I think the group the minister will put together should be engaged in and hopefully have some fun with. There is an opportunity to do this much better. Again, the proof will be in the pudding as to the operations of the council. To some extent, that will depend upon the people appointed by the minister and, obviously, the direction of the minister and the government. I am confident that this minister will look at some things that I strongly agree with, such as the need for research into what soil actually is and how it contributes. We may have some differences around salinity, but I suspect that if we looked at a distributed model, we might find that we had a closer policy position than might first appear.

In terms of the capacity to store carbon as part of soil science, I think that is a major opportunity for the state of Western Australia. I will happily run the risk of raising the ire of a couple of lobby groups when I say that my view is that we should never restrict a landowner's capacity to invest in and make use of the storage of carbon as a marketable part of their operations. From my perspective, if that is the only part of their operations, good luck to them! I actually believe in the free market. If someone can run a pastoral station purely on the capacity to store carbon, all the more power to them and good luck to them; I hope they pay their taxes. I reiterate that that is an opportunity for all of Western Australia, not just the agricultural or south west regions. The issue with the south west is that a lot of areas are already highly forested and might be more limited in what they can store, but pastoral regions in particular have a massive capacity for storage in both soil and plant carbon. Some encouragement of that would ultimately be a good thing.

We have had this debate in the house before. The tough part is the measurement of how long carbon is stored—that is, whether it is permanent storage or temporary storage of carbon. I note that in the south west, a few places are claiming massive carbon storage results by simply not mowing and removing the chaff from around their trees or their vines, for example. The question is always about how permanent that is in relation to the storage of carbon. These rules have to be worked out over time. I am confident that one day they will. The world has changed dramatically in the last 10 years, and it will change dramatically again. The question in my mind is purely about the time frame. We will eventually get to the stage where that will occur, but I think there might be a bit more involved than simply mowing the grass and leaving it to sit on top of the soil. That obviously does ultimately have some carbon emissions benefits, but measuring the permanency of it will not be easy. The opportunities for better knowledge about soil science in this state are absolutely fantastic. The opportunity to do this better should be grabbed with both hands. I am a long-term fan of more knowledge in soil science and getting more active in the area. The bill before the house does not guarantee that any of that will happen. All of that comes with the council and the work that it does, and where the government invests its money. I see no reason to oppose the bill before the house, which is simply the administrative component. We want to see the measure of results at the end of this process.

The joy of soils, as with most landscape issues, is not measured over months, days or weeks; it is generally measured in years, and preferably decades, and occasionally centuries—in which case we will all be pretty old members of Parliament by the time we see the results of what might be done in the short term. But it is good to make a start and to have a debate in which we acknowledge the importance of the issue, and it is good to see where we can get to on a target. Again, the minister and I may well have different targets that we think should be the focus, but that is part of a healthy debate. I look forward to ongoing debates in this area, when we can debate those differing targets, accepting that the platform we have at the start is probably what we all agree upon. As I do with the Minister for Energy, I say let us debate the differences, because that is the fun part that probably delivers best in terms of political debate in Western Australia.

I have no problem with this bill. I simply look forward to the debate, and monitoring the minister on what might be delivered in soil science in the future. There is a great opportunity to be grabbed, as long as it is done in the right way. Heaven knows, we might actually move heaven and earth to deliver some good outcomes here.

HON DARREN WEST (Agricultural — Parliamentary Secretary) [4.23 pm]: I support this wonderful Soil and Land Conservation Amendment Bill 2021. I thank the minister for putting our industry back into the forefront of government. That has been a refreshing change since the minister took on that role. Nothing is more important than soil. The soil is what sustains us all. For too long we have not treated our soils with the respect and care we might have, and it is time to change that. It has been refreshing for me to see priority put on agriculture and the soil. This bill will also, as has been pointed out, modernise the Soil and Land Conservation Council, and that can only be a good thing. We need progressive people on the council who want to look into the twenty-first and twenty-second centuries, and not back the other way. I thank the minister on behalf of the agricultural sector. I know she has her detractors—do not listen to them. Some media outlets, even the ABC, will sling off and have a crack at any opportunity they get over trivial issues, but this is at the core of agriculture. The general farming community is in total agreement with what the minister is trying to do. It is trying to diversify and change farming systems, and generally appreciates the efforts the minister has been putting in. I thank the minister for bringing this bill on. It will be supported, though there may be debate about some of its points. This is good for agriculture, and that is great.

HON ALANNAH MacTIERNAN (South West — Minister for Agriculture and Food) [4.25 pm] — in reply: I thank members who have, or have had, firsthand experience in agriculture to bring to this debate on the Soil and Land Conservation Amendment Bill 2021. I appreciate their broad-ranging comments that really enforced the need for us to see soil and land conservation at the very heart of agriculture. When I took charge of this portfolio, we had a fairly depleted resource to begin with. I was looking at the Commissioner of Soil and Land Conservation and the Soil and Land Conservation Council, and I was stunned to find that the council had not convened. There had been a plan going right back to 2003 to abolish the council. There was a view that there are now landcare groups and we did not need the council. We also found that the Commissioner of Soil and Land Conservation had been reduced to quite a junior level within the department, whereas it should be a fairly senior role. It is one of the few positions within the public sector that reports not only to the director general, but also directly to the minister. That is a really important distinction, because it highlights the fact that the Commissioner of Soil and Land Conservation has a very distinct stewardship role, which is not necessarily defined by practice in the department.

All members have spoken on the importance of soil to agriculture, and I appreciated the stories and the references. I had not heard of Dr Jill Clapperton, as mentioned by Hon Colin De Grussa, but I will certainly follow that up. In return, I highly recommend one book, John Kempf's *Quality Agriculture*. It is a series of interviews, and it is an excellent book in its practice and science across the whole field of soil biology and the interlinking of water retention in soil. I highly recommend that very readable book to anyone who really wants to understand. As Hon Dr Steve Thomas said, we are really just scraping the surface of understanding the biological systems at play in the soil, and the biological systems more generally that are on display, and we need to properly understand and harness them if we are to have sustainable agriculture to meet the targets that most of the enlightened people in the farming community—with a few exceptions—understand. Our markets demand of us that agriculture meets net zero emissions, and to do that we need to harness in a much more profound way the understanding of the biological systems at play.

The PRESIDENT: You have one more minute, minister.

Hon ALANNAH MacTIERNAN: All right. In that regard, I note Hon Dr Steve Thomas's reference to what he calls the slow water movement—I think that may be how I have heard natural sequence farming described—its absolute importance and the ability it has to change our landscapes and the ability of the soil to regenerate with minimum effort. I recommend that members look at the property of Rod O'Bree at Yanget, some 50 kilometres out of Geraldton, and the work that he has done in introducing those principles and the regeneration that has occurred across his creek lands on his landscape without planting a single thing.

Debate interrupted, pursuant to standing orders.

[Continued on page 2811.]

QUESTIONS WITHOUT NOTICE

COLLIE FUTURES INDUSTRY DEVELOPMENT FUND

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

I refer to the Collie Futures industry development fund announced in May 2019 and the Collie Futures fund announced in September 2017. In the three and five years respectively that each of these funds has been in operation, how many permanent full-time jobs has each created? This is question 600.

Hon ALANNAH MacTIERNAN replied:

I thank the member. The question that I have is 600, and I will give the member this answer.

I am aware that the member has submitted other questions seeking a detailed breakdown of jobs created through government investment in Collie, and I will provide that data in response to those questions. Effectively, the member has doubled up and asked for the same information in the other questions.

FINANCIAL MANAGEMENT ACT — SPECIAL PURPOSE ACCOUNTS

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

It feels like a Thursday! I refer to my questions without notice 295, 346 and 524, answered on 7 April, 10 May and 14 June 2022, on special purpose accounts.

(1) Can the Treasurer confirm that question without notice 295 asked how many special purpose accounts were operational "as at 4 April 2022" for all parts of the question?

(2) Can the Treasurer confirm that the government's answer to question without notice 295 included the line, "As at 4 April 2022, there are currently 24 TSPAs", and the line, "As at 4 April 2022, the balance of the 24 TSPAs is $19.1 billion"?

(3) Can the Treasurer confirm that question without notice 346 asked specifically for the list of 24 special purpose accounts referenced in the answer to question without notice 295?

(4) If yes to (1), (2) and (3), why did the answer to question without notice 524, asked yesterday, indicate that the answer given to question without notice 346 included only special purpose accounts in existence as at 30 June 2021?

(5) Did any of the accounts listed in question without notice 524 asked yesterday, especially the digital capability fund, the softwood plantation expansion fund and the climate action fund, exist as at 4 April 2022?

(6) If yes to (5), why has the government misled the house?

The PRESIDENT: Just before I give the call to the parliamentary secretary, I might just take this opportunity to remind members of standing order 105, which requires that questions be concise.

I give the call to the parliamentary secretary on behalf of the Minister for Emergency Services.

Hon KYLE McGINN replied:

Thank you, President. I answer on behalf of the minister representing. I thank the member for some notice of the question. The following answer has been provided to me by the Treasurer. It is very succinct.

(1)–(6) The Treasurer has addressed the member's queries in relation to the Treasurer's special purpose accounts on multiple occasions, as well as in the budget estimates process. If the honourable member has any further genuine questions, the Treasurer will endeavour to provide a response.

CLADDING — FIRE RISK

529. Hon COLIN de GRUSSA to the minister representing the Minister for Commerce:

I refer to reports that the safety of residents of nine Perth apartment buildings remain at risk due to the presence of dangerously flammable cladding material similar to that which contributed to the Grenfell Tower disaster in the United Kingdom.

(1) Has any minister or acting minister been briefed on how the government might assist owners of these apartments to ensure their properties are safe from flammable cladding?

(2) In circumstances in which companies that should carry the liability no longer exist, will the government step in to ensure the safety of residents?

(3) Has the minister requested the Department of Mines, Industry Regulation and Safety and Building and Energy WA to consider further local testing of cladding products being imported into Western Australia, given current supply chain issues?

(4) Is a review of housing indemnity insurance underway; and, if not, will DMIRS consider housing indemnity insurance in the context of apartments and strata complexes?

Hon ALANNAH MacTIERNAN replied:

I answer on behalf of the minister representing. In light of the complexity of the question, the Minister for Commerce has not been able to provide an answer. I will see whether we can get an answer by tomorrow.

ENVIRONMENTAL PROTECTION (COST RECOVERY) REGULATIONS 2021 — FEES

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

I refer to the fees charged for part IV environmental assessments under the Environmental Protection (Cost Recovery) Regulations 2021.

(1) As at the end of May, what was the total value of fees invoiced by the department?

(2) As at the end of May, what was the total value of receipts received by the department?

Hon KYLE McGINN replied:

I answer on behalf of the minister representing. I thank the member for some notice of the question. I hope that someone is watching because it is not in the file.

CHILDREN IN CARE — WHEREABOUTS UNKNOWN

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

I refer to the minister's answer to my question without notice 350 asked on 10 May 2022 in which the house was informed that five children in the care of the CEO were recorded in the placement type "unknown", and that one had been reported to the WA Police Force as missing.

(1) Have these children been found?

(2) For how many days have each of the children had their whereabouts recorded as unknown?

(3) How many other children who are in the care of the CEO have their whereabouts currently recorded as unknown, and how many have been reported to WA police as a missing person?

Hon SUE ELLERY replied:

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

(1)–(2) All the children referred to on 10 May 2022 are no longer recorded as placement type "unknown".

(3) As of 15 June 2022, there are currently eight children recorded in the placement type "unknown". One of these children has been reported missing to the WA Police Force. The term "whereabouts unknown" or language such as "found" may lead to the assumption that every child with a placement type of "unknown" is a missing person, not in contact with caseworkers and unable to be supported by the Department of Communities. This is not always the case. Although a child is recorded in a placement type "unknown", they may still be in contact with their caseworker or other safety networks.

MOTHER BABY UNITS

532. Hon DONNA FARAGHER to the Leader of the House representing the Minister for Health:

I refer to mother baby units that provide specialist perinatal support and treatment services.

(1) In the 2019–20, 2020–21 and 2021–22 financial years, what was the total amount of funding provided by the Department of Health to deliver this service at the following hospitals —

(a) King Edward Memorial Hospital for Women; and

(b) Fiona Stanley Hospital?

(2) For each hospital referenced in (1), what is the total amount of funding that has been allocated to deliver this service in the 2022–23 financial year?

Hon SUE ELLERY replied:

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

(1) The Mental Health Commission funding for the mother baby units is in tabular form. I seek leave to have that incorporated into *Hansard*.

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

Service	Funding 2019–20	Funding 2020–21	Funding 2021–22
(l)(a) King Edward Memorial Hospital	$3.077	$3,329	$4,570
(l)(b) Fiona Stanley Hospital	$2.887	$2.925	$4,592

(2) The Mental Health Commission is currently finalising the 2022–23 funding allocation.

GNANGARA GROUNDWATER SYSTEM

533. Hon PETER COLLIER to the minister representing the Minister for Water:

I refer the minister to his media release of 3 June 2022 titled "Plan to rebalance precious groundwater resources released".

(1) How many public submissions were submitted during the extensive stakeholder engagement?

(2) Were all members of the public who made a submission provided with either an acknowledgement or feedback; and, if not, why not?

(3) Were any changes made to the Department of Water and Environmental Regulation's recommendations as a result of public submissions?

(4) If yes to (3), what changes were made?

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question. The answer that has been provided by the Minister for Water is as follows.

(1)–(4) Two publicly available reports detail the public consultation for both the Gnangara groundwater allocation plan and changes to sprinkler rosters for garden bore users. I table both reports.

[See paper 1343.]

CORONAVIRUS — V-CHEK COVID-19 ANTIGEN SALIVA TEST

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

I refer to the state government's free RAT kit distribution program.

(1) Is the government aware that a significant number of community members have experienced the V-Chek RAT kit to be inaccurate or unreliable?

(2) Is it possible that community members are not using the V-Chek RAT kits correctly, thus resulting in a significant number of false negative tests?

(3) Will the government consider a mass communication campaign to better educate the community on the most effective use of the V-Chek RAT kits?

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

Hon SUE ELLERY replied:

(1)–(2) All rapid antigen tests supplied in WA are approved for use by the Therapeutic Goods Administration and must have a sensitivity of 80 per cent or above.

If administered appropriately, the V-Chek COVID-19 antigen saliva test has a very high sensitivity, with it approved by the TGA as having clinical sensitivity greater than 95 per cent.

All V-Chek COVID-19 antigen saliva tests come with instructions as to how to accurately administer the test. People are encouraged to refer to this information when using the tests.

(3) Information relating to how to administer RAT tests, including FAQs and videos, are available from the HealthyWA website.

(4) Not applicable.

LAVERTON HOSPITAL

535. Hon WILSON TUCKER to the Leader of the House representing the Minister for Health:

Can the minister please update the house on the expected completion date of the new hospital in Laverton?

Hon SUE ELLERY replied:

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

Construction commencement is not yet known. The WA Country Health Service continues to work with the Department of Health to develop a strategy to enable the project to be released to market.

HOUSING — CO-OPERATIVES — SENIORS

536. Hon SOPHIA MOERMOND to the Leader of the House representing the Minister for Housing:

Witchcliffe Ecovillage is a sustainable development as part of the Kyloring Housing Co-operative, which aims to provide affordable co-housing for seniors. Given the rising costs of living, which disproportionately affect older single women in retirement, I ask —

(1) What funding is the government providing to incentivise new senior co-housing projects, particularly those aimed at women?

(2) Given the unique legal structure of senior co-housing projects, what red tape can the government cut to make it easier for those projects to move forward?

Hon SUE ELLERY replied:

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

(1) The state government is investing in several housing programs that are proven to boost the community housing sector. For example, the $39 million—I will check that, Hansard—Social Housing Economic Recovery Package's new-build program includes nearly one-third of projects that will provide senior housing, including for women at risk of or experiencing homelessness. This is part of our $2.4 billion investment in housing and homelessness over the next four years.

(2) Cooperatives are registered under the Co-operatives Act 2009, which is administered by the Minister for Commerce through the Department of Mines, Industry Regulation and Safety Consumer Protection division. Cooperatives legislation is nationally uniform and a national working party reviews issues arising under this legislation.

POLICE — SEARCH POWERS

537. Hon Dr BRIAN WALKER to the minister representing the Minister for Police:

I refer to comments attributed to the minister in an ABC article by Rebecca Trigger, published online on Tuesday, 24 May 2022, in which he is reported to have said that the proposed new warrantless search powers would be specific in nature and that "They're not going to be necessarily randomly stopping people".

(1) If the powers were not necessarily a result of random stop–searches, is the minister admitting that they could nevertheless conceivably be used in such a manner?

(2) If such use is not the minister's intention, what checks and balances does he propose to put in place to ensure that WA police are not permitted to use the proposed powers as the fullest definition, as happened with the G2G PASS data and the SafeWA app?

Hon KYLE McGINN replied:

I answer on behalf of the minister representing. I thank the member for some notice of the question. The following information has been provided to me by the Minister for Police.

(1)–(2) The McGowan government is considering a number of initiatives to keep the community safe by combating serious and organised crime in Western Australia. Strict adherence and oversight measures will be considered as part of any new legislation. I can assure Parliament and the public that the only people who should be concerned about the proposed new laws are criminals and outlaw motorcycle gang members.

The PRESIDENT: Hon Dr Brian Walker is seeking the call and, further to conversations behind the chair, I have agreed to give him the call to ask a question on behalf of another member who would ordinarily be in the rotation.

DOMESTIC GAS SUPPLY

538. Hon Dr BRIAN WALKER to the minister representing the Minister for State Development, Jobs and Trade:

I rise to ask the following question on behalf of Hon Dr Brad Pettitt, who is out of the chamber on urgent parliamentary business. It has been redirected to the Minister for State Development, Jobs and Trade representing the Minister for Energy.

(1) Can the minister please list which gas plants have supplied gas to WA's domestic market in the most recent 12-month period?

(2) How much gas did each of the facilities in (1) supply to WA's domestic gas market in that 12-month period respectively?

(3) What percentage does that domestic gas supply represent of those projects' total production in that 12-month period respectively?

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question. I answer this in my role representing the Minister for State Development, Jobs and Trade.

The Department of Jobs, Tourism, Science and Innovation has provided, in response to (1) and (2), detailed lists of the projects and their volume. I seek leave to have the response incorporated into *Hansard*.

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

(1) For the 12-month period 1 June 2021 to 31 May 2022, the gas plants include: Beharra Springs, Devil Creek, Gorgon, Karratha Gas Plant, Macedon, Pluto*, Varanus Island, Wheatstone and Xyris. *Includes Pluto pipeline gas production, excludes Pluto domestic LNG production.

(2) For the 12-month period 1 June 2021 to 31 May 2022, the gas plants supplied:

Beharra Springs: 43.0 PJ

Devil Creek: 355.1 PJ

Gorgon: 359.7 PJ

Karratha Gas Plant (North West Shelf): 1,107.9 PJ

Macedon: 599.0 PJ

Pluto*: 21.4 PJ

Varanus Island: 803.0 PJ

Wheatstone: 198.8 PJ

Xyris: 25.9 PJ

*Includes Pluto pipeline gas production, excludes Pluto domestic LNG production.

(3) For those projects that are domestic-only projects—that is, Beharra Springs, Devil Creek, Macedon, Varanus Island and Xyris—it was 100 per cent.

Production values for the four projects that also export gas—Gorgon, Pluto, Wheatstone and North West Shelf—are not available for the stipulated time period as these are subject to a calendar year reporting cycle.

CORONAVIRUS — STATE OF EMERGENCY — EXTENSION

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

I refer to the Extension of State of Emergency Declaration signed by the minister on 30 May 2022, which extended the state of emergency until 12.00 am on 17 June 2022.

(1) What advice or briefing material was provided to the minister that informed his view that a state of emergency continued to exist on 30 May 2022?

(2) On what date did the minister leave Australia on official business?

(3) How many directions currently rely upon the emergency powers available following a state of emergency declaration under the Emergency Management Act 2005?

(4) Which minister is currently receiving advice on the extension of the state of emergency and which minister will decide whether or not to extend prior to 17 June 2022?

Hon SUE ELLERY replied:

I answer on behalf of the Minister for Emergency Services. I thank the honourable member for some notice of the question.

The answer is not available today, but it will be provided on the next sitting day. For the information of the house, I think four questions of the Minister for Emergency Services are outstanding. I have made arrangements for those answers to be provided tomorrow.

LAVERTON HOSPITAL

540. Hon NEIL THOMSON to the Leader of the House representing the Minister for Health:

I refer to the Laverton hospital replacement/rebuild development, which has been ongoing for some time.

(1) What is the status of the proposed hospital build?

(2) If actual construction has not commenced, when will it commence?

(3) Will the minister commit to improving consultation to keep the community informed?

(4) If yes to (3), what form will that take?

Hon SUE ELLERY replied:

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

(1) There is currently an allocation of $23.5 million for the new Laverton hospital project, of which $16.8 million has been allocated by the commonwealth government via the commonwealth's Community Health and Hospitals Program. Due to current building market conditions, there is a significant shortfall in funding. The WA Country Health Service is working with the Department of Health to develop a funding strategy and approach in seeking the additional funding required to enable the project to be released to the market.

(2) Construction commencement is not yet known, pending resolution of the funding strategy.

(3)–(4) Full consultation and community engagement is pending resolution of the funding strategy. However, I understand that the WA Country Health Service provides a monthly update on progress to the Shire of Laverton chief executive officer and that it is also in communication with the Pakaanu Aboriginal Corporation in Laverton about the management of Aboriginal heritage on the proposed construction site. Once the funding strategy is confirmed, additional forms of communication will be utilised including signboards, community updates and site visits.

COLLIE FUTURES FUND

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

I refer to the $20 million Collie Futures fund.

(1) What is the balance of unallocated or uncommitted moneys remaining in the fund?

(2) What projects have received funding from the fund and to what value each?

(3) What new full-time, part-time and casual positions have been created within each project funded in (2)?

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question.

(1) To date, projects to the value of $15.4 million have been committed under the Collie Futures industry development fund and the Collie Futures small grants program. Together, those programs amount to $20 million. To date, $15.4 million has been committed and we are currently assessing another 18 projects that are seeking a total of $14.9 million of funding. They are currently under assessment.

(2)–(3) The information is in tabular form and I seek leave to have it incorporated into *Hansard*.

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

Collie Futures Industry Development Fund and Collie Futures Small Grants Program

Program	Applicant	Project	Funding Approved
CFIDF	WesTrac	Autonomous Technology Training Facility	$2,000,000
CFIDF	Bluewaters Farm Holdings (Piacentini Family Trust)	Autonomous Training Operations	$777,650
CFIDF	Renergi	Bio-economy waste project	$2,000,000
CFIDF	JTSI	Fund Administration	$450,000
CFIDF	National Trust	Roundhouse	$998,532
CFIDF	Collie Ridge Motel	Collie Ridge Motel Expansion	$589,825
CFIDF	Cannaponics Limited	Commercial cultivation, extraction, processing & distribution facility for Medicinal Cannabis in Collie	$2,000,000
CFIDF	Holista Colltech Ltd	Producing Collagen for Medical-Grade Applications	$501,250
CFIDF	International Graphite	WA Collie Micronising Plant	$2,000,000
CFIDF	Magnium Australia	Magnium Refinery – Feasibility Stage Should this project prove feasible and be implemented modelling indicates around 350 ongoing FTE's in the longer term.	$280,000
CFIDF	Sunshot Energy	Collie Big Battery Project	$1,050,000
CFSGP	Collie Synfuels	Fuel Cell Vehicle h2 Infrastructure	$50,000
CFSGP	Collie Synfuels	H2 Export Option	$50,000
CFSGP	Plan West	Collie Distillery Project	$90,000
CFSGP	Quantum Filtration Medium Pty Ltd	Quantum Filtration Water Research and Development Project	$99,745
CFSGP	Frontier Carbon Pty Ltd (trading as Frontier Impact Group)	Collie Renewable Diesel Project	$100,000
CFSGP	Leschenault Catchment Council	Danju Jobs	$75,000
CFSGP	Smargiassi Superfund Trust	Rezoning Assistance for Lot 51 Patstone Road	$43,500
CFSGP	Global Marketing	Collie Hay Pressing Plant	$80,000
CFSGP	Dam Fish	Demonstration Marron Farm	$75,000
CFSGP	WA Hemp Grower's Co-op Ltd	Processing Facility Business Plan	$35,000
CFSGP	Lupin Foods Pty Ltd	Research and develop protein isolate and soluble protein manufacturing	$98,000
CFSGP	Collie Electrical Services	Electrical Hardware Store	$100,000
CFSGP	Living Legacy Forest Pty Ltd	Wellington Dam Legacy Forest expansion project	$30,000
CFSGP	DC Two	Modular data centre	$200,000
CFSGP	Harris River Estate	Winery Expansion	$40,000
CFSGP	Collie River Valley Marketing Inc	Black Diamond Tourism Feasibility	$70,000
CFSGP	Collie Cycle Club	Cycling Classic	$8,000
CFSGP	TraaVerse	Tracks Trails and Adventures (providing services to Collie's recreational tourism)	$85,550
CFSGP	The Humble Horse	Outback Horse Trails	$20,780
CFSGP	CI, JI & LA Riley	Collie River Trails Stay (Farm stay accommodation)	$45,400
CFSGP	Donnybrook Regional Tourism Association	Connecting to Collie-Preston	$50,000
CFSGP	Collie Retired Mine Workers Association	Pit Pony Bronze Sculpture and Collie Tourist Underground Mine Upgrade	$100,000

CFSGP	People & Parking Pty Ltd trading as Kiosk at the Dam	Kiosk at the Dam Extension	$100,000
CFSGP	Australian Heritage Academy	Heritage Skills Project	$100,000
CFSGP	Neil Fraser Family Trust	Hydrothermal Weed Control	$41,900
CFSGP	Collie Cycle Club	2021 Collie Labour Day Festival	$50,000
CFSGP	The Moloney Family Trust Trading as Toscas Boutique	Redevelopment of Tosca's Boutique	$45,800
CFSGP	Tahi Trading Trust	Federal Hotel Kitchen Redevelopment	$75,325
CFSGP	Collie Cycle Club	2022/23 Labour Day Festivals	$90,000
CFSGP	Shire of Collie	Celebrating Collie's History and Future (125 Years)	$100,000

Job creation figures will continue to vary based on the dynamic nature of employment and as data is provided from proponents.

CORONAVIRUS — PUBLIC SECTOR — SENIOR POSITIONS

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

I refer to senior leadership roles assisting government during the pandemic. Since the state of emergency started in 2020, how many people have been —

(a) Acting Minister for Emergency Services;

(b) acting Chief Health Officer;

(c) acting Vaccine Commander;

(d) acting Commissioner of Police; and

(e) acting State Emergency Coordinator?

Hon SUE ELLERY replied:

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

(a) In accordance with the Interpretation Act 1984, the Governor approves acting ministerial arrangements. Acting ministerial arrangements are published in the *Government Gazette*.

(b)–(e) It is not unreasonable for public servants to access their industrial entitlements, such as sick or annual leave. Due to the limited time available, this information is unable to be provided today. If the member decides to put the question on notice, the Premier will endeavour to provide a response.

If I may, as Leader of the House, I indicate again that if the member wants a lot of data—if he wants the leave and the time taken for leave by public servants for over two years —

Hon Colin de Grussa interjected.

Hon SUE ELLERY: But that is why someone is acting in that position. It is going to take more than four hours to provide that material for the member.

METRONET — ARMADALE RAIL LINE — SHUTDOWN

543. Hon TJORN SIBMA to the Leader of the House representing the Minister for Transport:

I refer to the planned cancellation of train services on the Armadale line for an 18-month period to permit Metronet works.

(1) Has the cost of this cancellation been calculated?

(2) If yes, what is the overall estimated cost and how has this figure been calculated?

Hon SUE ELLERY replied:

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

(1)–(2) An amount of $60 million has been allocated in the 2022–23 state budget for Armadale line replacement services.

CRAWFORD V QUAIL

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

I refer to the answers given during budget estimates for the Department of Justice on 21 October that revealed that in excess of $274 000 of public money had been incurred in covering the legal costs of President Quail's defence in the matter of Crawford v Quail.

(1) What was the final total cost incurred in covering President Quail's defence?

(2) Which line item in the 2022–23 budget papers captures the expenditure relating to President Quail's defence?

(3) Did Magistrate Crawford apply for her costs to be reimbursed?

(4) If yes to (3), how much was applied for and how much was approved for reimbursement?

(5) Which line item in the 2022–23 budget papers captures the expenditure relating to Magistrate Crawford's costs?

Hon MATTHEW SWINBOURN replied:

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

(1) The amount was $489 551, inclusive of GST.

(2) An amount of $87 692, inclusive of GST, is recorded within the 2020–21 actual in the income statement under the "Grants and subsidies" line item, which corresponds to the "Legal Costs on Behalf of the State" line item in the "Details of Controlled Grants and Subsidies" table on page 455. The remaining amount will be reflected within the 2021–22 actual in the income statement under the "Grants and subsidies" line item in the 2023–24 budget papers.

(3) No.

(4)–(5) Not applicable.

METROPOLITAN CHILD DEVELOPMENT SERVICE — WAIT TIMES

545. Hon DONNA FARAGHER to the Leader of the House representing the Minister for Health:

I refer to the metropolitan Child Development Service. What is the current average wait time to access a paediatrician through this service for children in the primary years of schooling?

Hon SUE ELLERY replied:

I thank the honourable member for some notice of the question. The metropolitan paediatrician wait-time data for the most recent quarter, January to March 2022, is only preliminary due to recent upgrades to the record system. Preliminary data indicates a median wait time of 15.9 months for paediatrician services for school-age children.

ST JOHN AMBULANCE — SERVICE DELIVERY — POLICE

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

(1) Since 1 July 2021, have any police been dispatched to attend medical-related tasks when St John Ambulance has not been available?

(2) If yes, on how many occasions?

Hon KYLE McGINN replied:

On behalf of the Minister for Emergency Services, I thank the member for some notice of the question. The following information has been provided to me by the Minister for Police.

(1)–(2) The Western Australia Police Force advises that the agency created a job description "St John Ambulance Medical Task" for use from 23 May 2022 and refers to tasks when St John Ambulance has requested police attendance at a medical—non-police—task as either the primary response unit in lieu of ambulance attendance or a driver–assistant for an ambulance crew. Tasks for which police may have been dispatched to attend medical tasks when St John Ambulance was not available prior to the job description becoming available on 23 May 2022 are not readily identifiable. Additionally, tasks that are police related or when St John Ambulance is attending but request police assistance are excluded. Since the creation of the St John Ambulance medical task on 23 May 2022, the WA Police Force has had 23 dispatches recorded.

GST — COMMONWEALTH GOVERNMENT AGREEMENT

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

I refer to the GST deal with the commonwealth government.

(1) Following the election of Anthony Albanese as Prime Minister, will the Premier publicly call for a firm commitment that WA's GST deal will not be changed?

(2) Considering the pressure from other state Labor Premiers to change the GST deal, is the Premier confident that WA has enough influence within the federal Labor Party to defend WA's GST share?

(3) What options does the Premier have to prevent the GST deal being changed?

Hon SUE ELLERY replied:

(1) The Prime Minister has publicly stated that there will be no changes to Western Australia's GST deal, unlike the federal Liberal leader, who refuses to make such a commitment.

(2)–(3) It was the McGowan Labor government's efforts to campaign constructively to the commonwealth that won a fairer share of the GST for Western Australia and it is the McGowan Labor government that will continue to protect Western Australia's fair share against threats such as those from the Premier of New South Wales, who recently stated that giving WA more GST this year was totally unjustifiable.

ALTERNATIVE LEARNING CENTRES

548. Hon WILSON TUCKER to the Minister for Education and Training:

I refer to the 10 alternative learning settings across the state.

(1) Are any of the ALSs at capacity?

(2) Are any of the ALSs running at reduced capacity; and, if so, why?

(3) What is the current average waiting period for placement at an ALS?

(4) Since the program's establishment in 2019, how many students have been placed at an ALS?

Hon SUE ELLERY replied:

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

(1)–(3) The alternative learning settings were established to provide a separate learning environment for students who demonstrate violent or aggressive behaviour where students can learn self-regulation skills to cease these behaviours. The settings aim to address the needs of the students who are excluded or at high risk of exclusion from school for violent or aggressive behaviour but have capacity to re-establish positive behaviour and transition back to school or another education placement.

School leadership teams and education regional offices work with excluded students and their families to determine how and where to continue a student's education, including discussing the potential of a referral to an ALS when appropriate. ALS associate principals and school psychologists meet with regional offices to discuss and progress identified referrals for placement. The settings are flexible and student-centred in their very nature. The ALS at Kununurra is not yet at full capacity as suitable premises are yet to be finalised. There is no waitlist. Each case is assessed and prioritised on individual need and students are placed as soon as possible, which is often immediately.

(4) There have been 306 student placements since 2019.

MINING ACT — EXPLORATION LICENCE APPROVALS

549. Hon Dr BRIAN WALKER to the parliamentary secretary representing the Minister for Mines and Petroleum:

I ask this question on behalf of Hon Dr Brad Pettitt, who is out of the chamber on urgent parliamentary business.

I refer to Odessa Minerals' application for an exploration licence for tenement 04/2697 that encroaches into the Windjana Gorge National Park.

(1) Can the minister detail what procedures are in place to meet the requirement in the Mining Act 1978 to consult with the responsible minister before approval for mining in a national park can be given?

(2) Can the minister indicate what procedures are in place to meet the requirement in the Mining Act that before a mining or general purpose lease is granted for mining in a national park, both houses of Parliament must, by resolution, consent to it?

Hon MATTHEW SWINBOURN replied:

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

(1)–(2) The application is reviewed against coexistent tenure, including national parks, to identify any requirement for ministerial consent. If the applicant intends to undertake mining within the national park, the Department of Mines, Industry Regulation and Safety, under delegations, writes to the Minister for Environment seeking concurrence to mining being carried out in the national park. The application is then submitted to cabinet, together with schedules of conditions and resolutions seeking the consent of each house of Parliament. The minister, or his representative, then presents a resolution to each house by way of notice of motion and obtains their consent thereto.

MINISTERS OF THE CROWN — ACTING MINISTERIAL ARRANGEMENTS

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

I refer to the absence of several ministers from Parliament this sitting week.

(1) Which ministers are currently absent from their ministerial duties?

(2) Of those identified in (1), which minister is acting on their behalf in their absence and for what period?

(3) Of those identified in (1), which ministers are currently outside of Australia; and, if so, in which country are they currently located?

(4) Did the Premier personally approve the absence of all absent ministers during a joint sitting week of Parliament?

Hon SUE ELLERY replied:

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

(1)–(4) In accordance with the Interpretation Act 1984, the Governor approves acting ministerial arrangements. Acting ministerial arrangements are published in the *Government Gazette*.

Two ministers are currently outside Australia conducting ministerial business. This is unlike the former National Party leader Brendon Grylls, who as a minister in the previous government travelled to Bali for a private holiday during a parliamentary sitting week and was absent for question time.

ENVIRONMENT — ECOLOGICAL THINNING

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

I refer to the Department of Biodiversity, Conservation and Attractions' explanatory note on ecological thinning that focuses on ecological thinning at the stand or patch scale as opposed to landscape scale.

(1) What is the scientific basis for the department's decision to limit ecological thinning to the stand or patch scale when it is well documented that to achieve biodiversity conservation outcomes, ecological thinning should occur at the landscape scale?

(2) Did the minister or the government direct or suggest to the department that ecological thinning should be restricted to the stand or patch scale?

Hon KYLE McGINN replied:

On behalf of the Minister for Emergency Services, I thank the member for some notice of the question. The following answer has been provided to me by the Minister for Environment.

(1) The explanatory note recognises the significant variation in forest structure, composition and condition across landscapes, and that the on-ground application of ecological thinning will need to vary at the patch or stand scale to reflect this diversity.

(2) No.

CROP INSURANCE — GRAIN PRODUCERS

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

I refer to crop insurance for grain producers.

(1) Is the minister aware of reports that insurers may be unwilling to offer bushfire cover in some local government areas of the state?

(2) Is the minister further aware of potential reductions in the size of the insurance pool and also increases in premiums as a result of factors external to Western Australia?

(3) Has the minister received advice on potential impacts of these issues for Western Australian producers, and can the minister table such advice?

Hon ALANNAH MacTIERNAN replied:

I thank the member for some notice of the question.

(1)–(3) Yes, we certainly are aware that crop insurance has become more challenging, particularly this year. We know that it is re-insurance driven and buffeted through global capacity. We are part of an international risk assessment process. There has been increased demand for crop insurance across Australia this year as a result of the record cropping areas and the high yield forecasts, as well as high global prices. Insurance cover is based on statistical risk and it is often determined that we take the global factors and Australian factors and then drill down into local government areas. Some insurers will want to limit their exposure in any one area, which is a commercially prudent thing to do. It means that this situation will result, given that in some areas more farmers now want it than the insurance companies deem is prudent. The government was advised that the farmers who were insured last year are likely to be able to get coverage again and they will be given priority, but it may well be that some of those who are seeking cover for the first time, or who did not have it last year, may be affected. They may struggle to find that insurance. This situation is not unique to Western Australia or to bushfire-affected areas. It has long been said by people warning about climate change that one of the first challenges that would emerge would be insurance because insurers are looking at the risks of drought, fire and change in rainfall patterns. A better understanding of the insurance risks and coverage issues is being worked on. We hope in the next few weeks to have a fuller picture.

MENTAL HEALTH — PERINATAL AND POSTNATAL DEPRESSION
KING EDWARD MEMORIAL HOSPITAL — CHILDBIRTH AND MENTAL ILLNESS SERVICE — STAFF
HEALTH — GESTATIONAL TROPHOBLASTIC DISEASE

Questions on Notice 737, 742 and 751 — Answer Advice

HON SUE ELLERY (South Metropolitan — Leader of the House) [5.06 pm]: Pursuant to standing order 108(2), I inform the house that the answers to questions on notice 737, 742 and 751 asked by Hon Donna Faragher to me as the Leader of the House representing the Minister for Health; Mental Health will be provided on 9 August 2022.

NATIVE FOREST — MANAGEMENT

Question without Notice 513 — Answer

HON KYLE McGINN (Mining and Pastoral — Parliamentary Secretary) [5.07 pm]: Yesterday, Hon Dr Steve Thomas asked the four-part question without notice 513 to the Minister for Environment. Unfortunately, on behalf of the Minister for Emergency Services representing the Minister for Environment, I provided only the answer to part (1). Therefore, I would now like to provide an answer for parts (2) to (4).

(2) No.

(3)–(4) The nature, location and extent of the ecological thinning to be undertaken will be determined through the process to develop the next forest management plan 2024–2033.

ENVIRONMENTAL PROTECTION (COST RECOVERY) REGULATIONS 2021 — FEES

Question without Notice 515 — Answer

HON KYLE McGINN (Mining and Pastoral — Parliamentary Secretary) [5.08 pm]: I would also like to provide an answer to Hon Tjorn Sibma's question without notice 515, which I believe was also the question asked today. I seek leave to have the response incorporated into *Hansard*.

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

(1) $3,116,800

(2) $1,395,200

SOIL AND LAND CONSERVATION AMENDMENT BILL 2021

Second Reading

Resumed from an earlier stage of the sitting.

HON ALANNAH MacTIERNAN (South West — Minister for Regional Development) [5.08 pm] — in reply: I appreciate the support for the cause of soil and land conservation, and the support generally for the work the government has done in again bringing to life this statutory body and, indeed, the work that has been done with the Commissioner of Soil and Land Conservation, Cec McConnell, who is doing a very good job.

A couple of further issues were raised. We are very keen to hear that Hon Colin de Grussa understands the co-benefits that come from strategic alley plantings and integrated pest management. I note that that was an idea that he and his father understood back in the 1970s and 80s. The member has a little bit of education to do with a few prominent members of staff at a particular organisation who struggle with this notion that we could get the co-benefits of protection from wind and water erosion, the slowing down of the water and all the benefits and enhanced nutrients that that can have. Another important co-benefit is that those precincts are important areas for colonisation of the micro-rhizobia, protozoa and the beneficial bacteria that we want. Hon Dr Steve Thomas talked about the complexity of soil and reflected that an incredible combination of species exist in the soil. In fact, in terms of volume, 95 per cent of the world's species exist beneath the soil. The development of a strong micro-rhizobia can actually help a plant mine for the nutrients and the value in soils. How is it, with such depleted soils—supposedly valueless and gutless—that we can see great stands of jarrah growing on this marginal land? It all comes back to the capacity of micro-rhizobia to mine what exists in phosphorus et cetera.

Hon Dr Steve Thomas: Banksia country is usually the weakest.

Hon ALANNAH MacTIERNAN: Look at the amount of plant life that is on them.

Hon Dr Steve Thomas interjected.

Hon ALANNAH MacTIERNAN: Still, banksias have a lot of vegetative matter in them. The member is quite correct that we have so much to learn.

Having reinvigorated the position of the Commissioner of Soil and Land Conservation and the commission, we are seeing some more action. We prefer, obviously, to be educating farmers on soil and land conservation and promoting good practice but, from time to time, if we do not back that up with infringement when infringement has occurred, the system is too reliant on goodwill. It has a negative impact on those people doing the right thing.

They often see their neighbours taking shortcuts and depleting the systems. The Leader of the Opposition mentioned Carnarvon, which is a bit of a case in point in that area. The latest review we did post the 2021 flood clearly indicated that quite a few growers in the area were affected at the town end of the plantations. The growers who really lost the most soil were planting in the areas where the guidelines on what should be planted where were being ignored. One of our responses to the flood has been to create a new position for the next three years, so a project officer will be out there ensuring that this practice is understood. It is simply unacceptable to not plant the right things in the right place and for the growers, who lose a lot of soil because they are on a floodplain and it floods, to insist that the government replace the soil. Of course, it is getting harder and harder to find the soil to replace. As I said, we are not being just punitive. We are going to employ a full-time officer in Carnarvon for the next couple of years to really ensure there is an absolute understanding of these guidelines. Unfortunately, one of the consequences of the hollowing out of much of Ag by previous administrations was that these things were not attended to. I am always very proud when I go to out to the Carnarvon research station now and see what was a dilapidated facility when we got into government is now thriving and prospering with a lot more staff. That process is underway.

It was important to bring this back into light, and it was important perhaps to ensure that we had the best skills available to do the job and give us sound advice. The format of the body is probably commensurate with practice when the legislation was developed in the 1940s. It was very much a board made up of representatives. We want to ensure that it is very much skill-based, and we have itemised the skill set areas that we want to see. Currently, the body is chaired by Dr Hayley Norman. I am sure members would know Dr Hayley Norman. She is a fantastic CSIRO research scientist. Are members familiar with her? She has done some extraordinary work with the Gillamii Centre and certainly is a leader on saltbush restoration. We have Dr Richard George, who is the principal research scientist in the department—a highly acclaimed scientist. We have Ms Natarsha Woods, who has a background in natural resource management, and Bob Nixon, a farmer from Kalannie who is a highly respected progressive representative of farming. We also have Mr Chris Wilkins, who is an agronomic farm adviser. They are the only ones who exist on the committee. If this legislation passes, it is my intention to add to that committee so that we have a great cross-section of pastoralists, farmers and scientists. I am hoping, if we can get the right person, perhaps from Main Roads, who has a real understanding of roads in the rural areas and the rain shadows that can be created in roadbuilding. I think that is a really important issue that we need to take into account. If we can get a person like that from Main Roads, we would like to appoint them.

Again, I thank the members for their support at least of the concepts of the Soil and Land Conservation Commission and their interest and support for the cause of understanding and protecting our soils more thoroughly.

Question put and passed.

Bill read a second time.

Committee

The Deputy Chair of Committees (Hon Dr Brian Walker) in the chair; Hon Alannah MacTiernan (Minister for Agriculture and Food) in charge of the bill.

Clause 1: Short title —

Hon COLIN de GRUSSA: In the second reading speech, the minister referred to the lapse of the Soil and Land Conservation Council between 2003 and 2019 and the subsequent re-establishment of the council. How was that lapse discovered in the first place? How did the minister realise that had happened and why did no-one see that before?

Hon ALANNAH MacTIERNAN: I had probably seen it a year or so before, because I was interested in the operations of the Commissioner of Soil and Land Conservation position, which, as I said, was occupied by a very worthy but relatively junior person given the powers of that commission. I wanted to have a look at how the commissioner was appointed and the status of the position in the legislation. As part of that, I was looking at strengthening our capability and whatever levers we could have in this area with the Soil and Land Conservation Council. In the short term, I set up a ministerial advisory body on soil and land conservation to go through the act and make some recommendations about what we should do. Coming out of that was a recommendation that we change the membership of the council and also the objects. We have not changed the objects in this bill, because my idea at the time was to get this bill through quickly—not that we can ever get anything through quickly—so we could at least get the new people on board. There will need to be a real modernisation of the legislation, but hopefully, once we have a really good skills-based council in place, we are more likely to get a good reflection of that. I want to thank those people who joined the ministerial soil advisory committee and effectively filled a role.

Hon Colin de Grussa: Who was on that advisory committee?

Hon ALANNAH MacTIERNAN: I remember that Bob Nixon was a member. I will make sure that we provide the member with a list of people on the council tomorrow.

Hon COLIN de GRUSSA: The minister referred to the ministerial soil advisory committee and that she will endeavour to get the names of committee members to us at some point, which I would appreciate. That committee made recommendations around the membership of the council, and the bill obviously attempts to bring into force those recommendations. What other recommendations did that committee make?

Hon ALANNAH MacTIERNAN: I am not sure I have all that information with me, but my recollection is that one of the recommendations was to modernise the objects of the act. The reason I have not gone down that path is twofold: firstly, I was very keen to get the new skills-based committee up and I thought it would be easier to do that if this bill was a relatively simple drafting task; and, secondly, there is also benefit in appointing this new body and getting it to make further recommendations.

Hon COLIN de GRUSSA: In terms of the time line for the implementation of this change, the minister mentioned that the existing members of the council will continue, and I note that provisions in the bill will allow that. They will continue on as members of the newly constituted committee and the minister will then appoint other members.

Hon ALANNAH MacTIERNAN: That is not quite correct. A number of members' positions lapsed in March, and I listed the members whose membership expires on 30 June. We will have to seek reappointment of a variety of people, but that has not been the subject of any final decision. They are not automatically kept on but obviously we anticipate that some of those people will be reappointed.

Hon COLIN de GRUSSA: Once this bill is passed, what does the minister anticipate the time line will be for everything to be in place and for that new committee to be appointed? Is the minister already looking for those members and how will she call for membership?

Hon ALANNAH MacTIERNAN: We have been doing some work and we are obviously keen to get this moving quite quickly as we want an element of continuity. We are conscious that we need to get moving on this. We do not want the thing to lapse again. An advertising process will take place seeking expressions of interest to serve as a member on the council. We will obviously also be talking to universities and grower organisations et cetera.

Clause put and passed.

Clauses 2 to 7 put and passed.

Clause 8: Sections 9, 9A and 10 replaced —

Hon COLIN de GRUSSA: The purpose of this clause is to replace sections 9, 9A and 10 in the existing act and to insert new provisions to establish the new council. Under proposed section 9A, "Membership of Council", subsection (1) provides that the council will consist of up to 10 members.

Was other wording considered there, and why has "up to" been chosen to be used? Is that to indicate there can be fewer members on the committee? Why is that necessary?

Hon ALANNAH MacTIERNAN: It is very clearly up to nine members, plus the commissioner creates the tenth position. Probably in the first instance, we would not appoint that many members. Sometimes I find that it is probably better to have a tighter group in committees so that we are more likely to get a crisper decision-making process. It is likely that in the first instance we will look at perhaps having seven or eight appointees, but if from time to time a specialist need emerges or a specialist skill set makes itself known to us, I think it is a good idea to have some flexibility to add a person at that point.

Hon COLIN de GRUSSA: The minister just mentioned that the commissioner becomes a member of the council, so effectively there will be a maximum of 10 members on the council. Is there a requirement for the commissioner to have the experience mentioned in proposed section 9A(4) or to be experienced in any of those particular areas?

Hon ALANNAH MacTIERNAN: We do not necessarily have people totally familiar with the act, so just one moment. Nothing in the legislation requires the commissioner to have specific skillsets, but it is a very senior appointment that is made by the Governor. The current Soil and Land Conservation Commissioner is Cec McConnell, who is a scientist very experienced in hydrology and salinity. Although those skill sets are not necessarily specified, I think the fact that the position requires going through the Executive Council tells the member that the position is considered to be very senior. One hopes that governments of the day will ensure that the persons whom they appoint have the power and authority to do a good job.

Hon COLIN de GRUSSA: Proposed section 9A(4) states that the "Minister must ensure that the Council members have, between them, expertise or experience in the following" and it lists various areas of expertise. Is it the intention that the collective committee would have experience in all those areas? Some members may have experience in one or two of those areas. Is it intended that the committee will then consist of people who consider those various areas completely or not necessarily, or might that be changed depending on what the council is considering at the time?

Hon ALANNAH MacTIERNAN: Some areas would be absolutely imperative, like having people with experience in agricultural production, soil science and environmental conservation. I think this was an inclusive class, and there are clearly some areas in which it would be completely nonsensical not to have some people with expertise. I refer to the degree to which local government and planning experience, for example, might be a necessary requirement or how that is interpreted. As I said, it seems to me that one of the biggest issues in local government is roadbuilding and its impact—whether it is done at a Main Roads level or a local government level—on the flow of water across the landscape can be quite extreme. I would be looking for someone who has some expertise in that area of road

planning, not necessarily from a local government perspective. However, local government has an impact in that area of roadbuilding. If we can get people who have a diversity of skills that can cover a number of these requirements, that would be fantastic, but we are not going to go through and say "That person has that experience, that person has that experience" et cetera. We will look for people and, hopefully, we can get a number of them who can cover a few of these areas.

Hon COLIN de GRUSSA: Further, what will that process involve in terms of reviewing qualifications? What are the checks and balances there to make sure that the bases are all covered?

Hon ALANNAH MacTIERNAN: We will have an advertising process. We will also be talking to industry, talking to all our connections and look out for people of the highest quality. If the member has any suggestions of people who really would make a contribution, we will be looking for those people who have the ability to make smart and sensible contributions, rather than just occupying the crease—people who are genuinely interested in the issue and who we can take forward.

Clause put and passed.

Clauses 9 and 10 put and passed.

Clause 11: Part II Division 2 Subdivision 3 inserted —

Hon COLIN de GRUSSA: This is a very simple question. With regard to "Disclosure of material personal interests", could the minister provide some examples of what council members must disclose when they are considering matters in which they have a material personal interest?

Hon ALANNAH MacTIERNAN: In respect of the issuing of soil and land conservation notices, that is not generally a determination by the council, but there may be reports to the council on those matters. If there is a potential conflict of interest for one of the members—for example, they may be the neighbour or cousin of someone who is being considered for having a determination made—one would expect them to announce that. It may well be that someone has an interest in a particular project for which it falls within the role and functions of the council to supervise soil and land conservation programs. There might be someone on that body who is actively consulting. Potentially, any of those standard conflicts of interest in which information is being made available might affect the position of the commissioner. It is fairly standard stuff.

Hon COLIN de GRUSSA: These are obviously all new provisions being inserted into the act, and the reason for that is, as the minister said, that we are modernising the act so that it is more contemporary. It is now normal practice for such arrangements to have those clauses inserted.

Hon Alannah MacTiernan: Yes, that's right.

Clause put and passed.

Clauses 12 to 15 put and passed.

Clause 16: Part 7 inserted —

Hon COLIN de GRUSSA: This clause inserts part 7, which is transitional provisions related to the proposed Soil and Land Conservation Amendment Act 2021. For how long will these provisions be in place, and what is the purpose of them? It seems to me that it looks to continue the council in some respects. Perhaps the minister could explain how long it is intended for these provisions to be in force, and what they will effectively do.

Hon ALANNAH MacTIERNAN: This is a provision that would have had an impact had members' terms not been expiring in June. The idea was that if there were people who were on the board and had been appointed for a longer time, their appointments would continue over to the expiration of their tenure. As we have it at the moment, my understanding is that the tenure of all existing members will expire on 30 June, so in effect this will not have a practical impact.

Hon COLIN de GRUSSA: I thank the minister for that explanation. In that situation, are we going to arrive at a point at which we actually do not have a council for some period while we effectively find new members? We have only a couple of weeks until the end of June.

Hon ALANNAH MacTIERNAN: Obviously I will have to work out what decisions I am going to be able to make, but it may well be that we will be able to have a core of people appointed so that the work can continue.

Clause put and passed.

Clauses 17 to 22 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by **Hon Alannah MacTiernan (Minister for Agriculture and Food)**, and passed.

TRANSFER OF LAND AMENDMENT BILL 2021

Second Reading

Resumed from 18 May.

HON SUE ELLERY (South Metropolitan — Leader of the House) [5.47 pm] — in reply: I had one minute to begin my reply to the second reading debate when the house last considered this bill on 18 May. I had already thanked Hon Neil Thomson for his contribution and for his indication of the opposition's support for the Transfer of Land Amendment Bill 2021. There was a theme running through the issues raised by the honourable member in his comments. The first issue was whether there was benefit to the consumer. This bill is about bringing conveyancing into the twenty-first century, further enabling the Western Australian land titles register to operate in an electronic environment and simplifying the handling procedures for the property industry, which includes the associated benefits being passed on to individuals and families who are transacting on land.

The amendments will significantly reduce the time frames associated with settlement, greatly benefiting the consumer, with electronic transactions allowing for the registration of documents in mere seconds. During consultation on the bill, stakeholders indicated support for the bill on the basis that the amendments were all seen as being essential to supporting electronic conveyancing and achieving efficiency moving forward. The bill also provides for greater flexibility when registering counterpart documents, and removes the unnecessary administration associated with the production of lost duplicates of titles, resulting in further efficiencies that are passed on to the consumer.

The member also made comments on what he described as "privatisation"; in fact, it was a commercialisation of Landgate's systems that occurred in 2019. That is an interesting point of view for him to have, but it is actually not relevant to this bill, which is about improvements to facilitate the electronic administration of the land titles system. The member also raised the issue of PEXA and interoperability. Again, this bill will amend the law to enable administration of the Torrens title system, and interoperability for electronic conveyancing is separate from this bill.

The bill will make changes to three key areas of the current Transfer of Land Act. Firstly, it will modify the definition of counterpart documents to improve the processing of mortgages electronically. Secondly, it will enable notices served under the Transfer of Land Act to be served electronically. Thirdly, it will remove the requirement to issue and produce duplicate certificates of title, resulting in a greater ability to conduct land transactions in a fully electronic environment. It will also ensure safety in electronic land transactions, so that digitising processes associated with land transactions will not impact on the security of those transactions. The introduction of the verification of identity practice in 2012 provided a safer mechanism to transact land, with parties to the transaction required to verify their identity and their rights to deal with that land. The VOI practice reduces the opportunity for successful land title fraud as a result of identity theft or other improper dealings. It has to be noted that no system of land administration is completely immune to fraud or improper dealings. However, this risk is carefully managed through ongoing process improvements. The electronic environment provides multifactor identification and is more secure.

With respect to duplicate certificates of title, the nature of the existing act is that it is very prescriptive and process-oriented. There are numerous references to "duplicate title" in the existing act, and the majority of the amendments contained in the bill before us will remove those references. Duplicate certificates of title were historically issued as a record of what was in the central land title registry at the time the duplicate was issued, and, historically, a duplicate certificate of title, if issued, would need to be produced by the owner to transact on the land subject to that title. After the Transfer of Land Act was amended in 1996, which paved the way for a digital land register, issuance of a duplicate certificate of title has been optional. Ninety-seven per cent of new mortgages registered in 2020 opted to have no duplicate certificate of title registered with mortgagees, as they were confident that they did not need a duplicate of the title. This amendment forms part of the government's priority to cut red tape to simplify and streamline approvals, and has the potential to deliver time and cost savings for landowners and mortgage holders across the state. It is important to note that duplicate certificates of title will not be removed immediately upon passage of the bill. A public education campaign focusing on the removal of duplicates will be rolled out to raise community and industry awareness, reassure stakeholders of the security of their digital certificate of title and resolve common misconceptions that the duplicate certificate of title is essential to proving land ownership. The education campaign will be supported with industry information sessions, frequently asked questions, information sheets and social media content describing the role and function of duplicate titles and what the changes mean. At the six-month point, Landgate will assess the level of acceptance and determine whether it is appropriate to remove duplicate titles at that point by proclaiming the relevant sections of the legislation.

I am pleased that this bill has cross-party support, as did the previous iteration. This bill has been developed through consultation with stakeholders and has received wide support for developing electronic options for land transactions. The bill will deliver reforms to land conveyancing that have been in development for some time. Members, I am happy to commend the bill to the house.

Question put and passed.

Bill read a second time.

Committee

The Chair of Committees (Hon Martin Aldridge) in the chair; Hon Sue Ellery (Leader of the House) in charge of the bill.

Clause 1: Short title —

Hon NEIL THOMSON: I thank the minister for clarifying some matters, which has assisted me. I was busily putting some notes together on that. I still have some questions. I will start with the issue of the duplicate certificate of title. Clearly, only a small proportion of agents still use those duplicate certificates of title; from what I can tell, the minister said that 97 per cent of people do not have a duplicate title when there is a settlement. I suppose we are aiming to socialise those conveyancing agents—I assume I am getting this right—who still require or utilise those duplicate titles for some reason. The minister mentioned the education program, which gave me some confidence. I think it was a good clarification of the six-month process that will be undertaken. I have one question on that: will it be the minister's decision to proclaim the part of the act that will remove those duplicate titles?

Hon SUE ELLERY: The Registrar of Titles will make that decision.

Hon NEIL THOMSON: The minister mentioned the education program. I assume that will be carried out in consultation with the industry and peak bodies, along with broad communication among all licensed settlement agents.

Hon SUE ELLERY: Yes; I am advised that there will be broad consultation on that.

Hon NEIL THOMSON: I understand that some agents—we are talking about a small number from what I can gather—are worried because they see duplicate certificates of title as helping to defend themselves against identity theft. The minister mentioned and clarified the other provision that was introduced in 2012. My understanding—I am not disputing that—is that the issue of identity theft was resolved through other amendments. I guess there might be some need to communicate, because some people are still concerned about whether the duplicate title provides some control over identity theft. That may be because people like to have something physical. How does the registrar intend to engage on that specific issue with those few people? I would imagine that those agents who are still operating within that environment could be identified pretty readily; I assume there is a list of people who are still operating with a duplicate certificate of title.

Hon SUE ELLERY: The best answer I can give the member is that that will be incorporated in the education that will be provided. It is also important to recall what I said in my second reading reply, which is the six-month point. It is not an automatic decision at the six-month point; it is an assessment of how the stakeholders are dealing with the changes. An assessment will be made at that point about whether that is the right time to metaphorically flick the switch.

Hon NEIL THOMSON: If constituents, for example, were to raise concerns with a member of this place, how would that be conveyed? Clearly, there will be an education process to reach out to the community and, again, we are dealing with a minority. Will there be some way that anyone in this place, as a member of Parliament, can provide feedback and maybe provide this place with a report on that to satisfy that element within their community who are not satisfied with this process?

Hon SUE ELLERY: I am the representative minister; I am certainly not going to give the member a commitment that the government will provide a report back to Parliament. That is not included in the legislation. As a member of Parliament, as is his right on any issue, he can contact the minister's office and seek assurances, briefings or information if that is what he wants to do. The minister is a helpful minister and I am sure that he will facilitate that if that is what the member needs.

Hon NEIL THOMSON: I assume that the 97 per cent relates to existing transactions that are currently underway.

Hon Sue Ellery: It relates to new mortgages.

Hon NEIL THOMSON: Correct. That is the current practice. I assume that in people's safes or drawers are a bunch of duplicate titles. What will happen to all those when the act is proclaimed?

Hon SUE ELLERY: I am advised that they will be held securely and then destroyed in transactions.

Hon NEIL THOMSON: What does that mean? Can the minister help me here? Who will hold those titles—the physical duplicates? Who will be responsible for ensuring that they are destroyed at the time that they are required to be destroyed and how will that process be managed?

Hon SUE ELLERY: The duplicates will be held by the landowner. As they transact the land, they will hand over the duplicate to the settlement agent, the lawyer or whoever is representing their interests and they will destroy the duplicate certificates.

Hon NEIL THOMSON: So those documents will effectively stay in the system for as long they —

Hon Sue Ellery: Hold the land.

Hon NEIL THOMSON: There is no transaction on the land and this is all about the transaction. The people who have duplicates now will continue to hold those duplicates. Will they have any legal value after the promulgation of the act?

Hon SUE ELLERY: They will have no legal standing.

Hon NEIL THOMSON: That makes a lot of sense. As part of the education program, I assume that some sort of reassurance will be given to those people who might be wedded to paper and think that the duplicate provides them with assurance. Will some sort of communication with the people with duplicate titles be included in the government's campaign?

Hon SUE ELLERY: The education campaign will occur, but the member has to put himself in the shoes of the ordinary landholder who will not pay any attention to this if they are not contemplating transacting the land. There will be some people who, despite the best and most widespread social media or public education campaign, will miss this because it is not pertinent to their life right now. That is human nature. That is how we tend to engage; if it does not matter to us right in the moment, we pay no attention to it no matter how widespread the campaign might be, but it will be done with the best intentions. There will be a public campaign and material will be made available for people so that they can understand the change and what is happening.

Hon NEIL THOMSON: I will not pursue that issue anymore because it is clear. I appreciate the feedback. I am sure that a small number of people might desist. I hope that those who raise concerns are able to engage in the reform process, which we support, and engage with Landgate to have those processes outlined if they need further information. As the Leader of the House mentioned—I used this term in my second reading contribution—there are horror stories pre-2012. The Leader of the House also said that this will have absolutely no bearing on the security. I may be verballing the minister, but I think she said that there is absolutely no bearing on the risks associated with property fraud. Because those duplicate titles will have no value after the promulgation of the act and will have no legal standing, for the record, it is important to get a message through to the community that the security of the system will in no way be affected. Perhaps this is a statement, but I hope that that can be clarified with the promulgation of the act.

Hon SUE ELLERY: I will provide a response. The whole point of this exercise is for members to make a second reading contribution, during which they raise a series of issues, and the minister with charge of the bill responds. Only five minutes ago, I set out a response to the issues the member raised. It is on the record. I have made the points about that. Clause 1 is a finessed debate, but it is not a repeat of the second reading debate. I have responded to the issues raised by the member and they are on the record.

Hon NEIL THOMSON: That is understood.

Another point that the Leader of the House mentioned—I am at risk of getting the same response—is that this has absolutely no bearing on the electronic conveyancing process, for example, PEXA.

Hon Sue Ellery: This is all about the electronic conveyancing process.

Hon NEIL THOMSON: Sorry, should I say the use of PEXA?

Hon Sue Ellery: Yes.

Hon NEIL THOMSON: I want to go into that a bit more. The minister outlined in her commentary in response to my contribution to the second reading debate the benefits that will flow from the proclamation of this bill. The minister's comments were all around the time frames for settlement, including that the registration would take mere seconds and this would achieve efficiencies, putting aside the counterpart documents. So that I am clear, because we are saying that 97 per cent of people do not have counterpart documents already, will these benefits apply to all transactions or just to the three per cent of transactions that are currently done manually?

Hon SUE ELLERY: The amendments will apply to all transactions however they are conducted.

Hon Neil Thomson: The amendments?

Hon SUE ELLERY: Yes, the changes that are before us now.

Hon Neil Thomson: I am asking about the benefits.

Hon SUE ELLERY: The benefits are in the amendments to the act that are in the bill that we are debating right now. If I can help the honourable member —

Hon Neil Thomson: Please.

Hon SUE ELLERY: Please do not get cross at me; I am trying to help you.

Hon Neil Thomson: I won't. We will be friendly today.

Hon SUE ELLERY: Okay. The member will frustrate ministers —

Hon Neil Thomson: We are supporting the bill, by the way.

Hon SUE ELLERY: I know the opposition is.

The member will frustrate ministers if he just repeats questions and asks me to repeat the assurances that I gave him in my second reading reply. If the member wants to canvass how the bill might be improved by amendments or by some technical elements, that can be done broadly in clause 1 and then clause by clause. But, honourable member, I will not keep standing up and repeating what I said when I finished my second reading reply just before five past six. I am not going to repeat it.

Hon NEIL THOMSON: I thank the minister. Just to be clear, I am unlikely to want to go through this clause by clause. We will deal with this in clause 1. To the greatest extent possible, I will not duplicate or repeat anything I have asked, but there may be a need for clarification because these are technical processes. I mentioned in my contribution to the second reading debate that I am not an expert on them, and I am sure the minister is in the same boat. Neither of us is an expert on these technical matters. We have the experts here today, which is great.Just so that I am clear, will all transactions, including those 97 per cent that are currently operating within the electronic conveyancing system, have their processes shortened considerably by the proclamation of this bill? Maybe the minister could help me by explaining how that will occur, because this is a technical part of the bill and I want to understand it. Excuse me for not understanding how that will actually work in a technical sense.

Hon SUE ELLERY: The parent act, the Transfer of Land Act, sets out the framework. The reference I made in my second reading reply to the 97 per cent is at a point in time—now, before this bill has passed—in which 97 per cent of people transacting new mortgages chose not to have a duplicate certificate. Once these changes come into effect, everyone going forward will operate under the new system. The 97 per cent was to explain to the member that right now, under the existing law, 97 per cent are choosing not to have a duplicate certificate. So 97 per cent do not go forward with having a duplicate certificate. The 97 per cent is the percentage of people who have chosen at this point under the current rules how they want to operate, and they have chosen not to have a duplicate certificate.

Hon NEIL THOMSON: I thank the minister. Is it true that this bill will not impact on the 97 per cent?

Hon Sue Ellery: That has already happened.

Hon NEIL THOMSON: This is important for me. If the minister could bear with me for just a moment. Have all the benefits of the electronic system already been captured by whomever is being captured for that 97 per cent?

Hon SUE ELLERY: The 97 per cent is those people at a point in time who have chosen not to have a duplicate certificate. Going forward, there are other elements of the bill in front of us now. Perhaps some of those 97 per cent will make another land transaction and someone who is not among the 97 per cent and who has never transacted land before will make a transaction, and this will occur to them under the new regime. To understand this, I think the member has to forget about the 97 per cent. It was used as an illustrative point to say to the member that up until this point people were choosing with their feet, if you like, not to have a duplicate certificate. Going forward, everyone wanting to transact land will do so under the new regime, which includes other things in addition to the requirement to no longer have a duplicate certificate.

Hon NEIL THOMSON: I think that is clearer for me. I suppose the purpose of my questioning comes back to the issue of the economic benefits of this. We talked about faster transactions. What the minister said to me—again I am paraphrasing the minister—is that 97 per cent are already gaining the benefit by not requiring duplicate titles, but they will get other benefits from this. Those other benefits are outlined in the bill. I raised some issues that the minister responded to, including the issue of the economic benefits. We were talking about financial benefits. This comes back to the matter I raised about the cost of conveyancing for the consumer, but the minister said that that was not relevant. That is my understanding of it. The minister said it was not relevant to this at all.

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

FEDERAL ELECTION — KRISTY McSWEENEY

Statement

HON SUE ELLERY (South Metropolitan — Leader of the House) [6.20 pm]: I want to respond quickly to a matter raised in members' statements last night by Hon Peter Collier. He advised the house that a former member, Hon Robyn McSweeney, asked that he read a statement into *Hansard*. Essentially, the message in that statement from Hon Robyn McSweeney was that in addition to being very proud to be awarded an Order of Australia, she was upset by a speech made by Hon Klara Andric about her daughter who ran as a candidate in the recent federal election. I know Hon Robyn McSweeney very well. I am very fond of her. She and I disagreed on many occasions on policy matters, but we held the same portfolios, and I like her. She is good company. I also understand how upsetting it can be for family members when comments are made publicly about other members of their family. Members of my family do not like all the things that are said about me. I understand that she would be upset by that. However, one of the points she made in the statement read in by Hon Peter Collier was that Hon Klara Andric chose to tell people where she lived. She considered that to be offensive and suggested that when she was a minister, she received threats and she did not particularly want people to know where she lived. I went back and read the *Hansard* of what Hon Klara Andric said. She referred to Hon Robyn McSweeney living in Bridgetown. In her inaugural speech, in her valedictory speech and in the media coverage of her being awarded an honour in the last week or so, references have been made publicly to the fact that Hon Robyn McSweeney lives in Bridgetown. That was not a revelation. During my time with her in Parliament she referred regularly, and with pride, as she should—Bridgetown is a beautiful town with a great community—to the fact that she lived in Bridgetown. Although I can understand that she was upset with someone having a go at her daughter—I understand that completely—to suggest that information was revealed that put her at risk by identifying where she lived is a bit disingenuous and is stretching it a bit. She frequently told people where she came from, where she lived. Indeed, in the media coverage this week of the appointment, including in the *Manjimup–Bridgetown Times* published today, she is referred to as a Bridgetown local.

FINANCIAL MANAGEMENT ACT — SPECIAL PURPOSE ACCOUNTS

Statement

HON DR STEVE THOMAS (South West — Leader of the Opposition) [6.24 pm]: It gives me no pleasure to rise tonight to point out the complete lack of accountability this government applies to question time and the lack of answers we receive, and the arrogance of the government that refuses to answer fairly simple questions. If I were that government, I would be embarrassed by the lack of performance. I will raise a couple of issues tonight. First and most importantly, I received an answer to a question today that is a follow-up to a series of questions on special purpose accounts. On 6 April I asked —

> (1) As at 4 April 2022, how many special purpose accounts are currently operational?
>
> …
>
> (3) As at 4 April 2022, what was the balance of all current operational special purpose accounts?

That question was not answered that day because the minister could not find the answer. He found the answer the next day, 7 April. The answer states that as at 4 April 2022, there were 24 Treasurer's special purpose accounts and in part (3) it states that as at 4 April 2022, the balance is $19.1 billion. In question without notice 346 on 10 May I asked for a breakdown of those special purpose accounts, which the Minister for Emergency Services supplied. That was fine. Having examined that, I asked why the digital capability fund, the softwood plantation expansion fund and the climate action fund, which were all announced in the September 2021 state budget, were not included on the list. The list says—I am happy to provide a copy of it—that it is "as at 4 April 2022". Why were these funds left off? The answer was that the list of the Treasurer's special purpose accounts provided in Legislative Council question without notice 346 on 10 May 2022 was at 30 June 2021. I asked how many accounts there were as at 4 April 2022 and what was the balance as at 4 April 2022. That answer came back. I would give the government a little slack on this if the answer had just said that there were these many accounts, and this was the balance. But that is not what the answer says. The answer to question without notice 295 provided the next day, 7 April, states that as at 4 April 2022 there are currently 24 Treasurer's special purpose accounts and as at 4 April 2022 the balance of that is $19.1 billion—as at 4 April. Why did the answer come back then to give me the balance as at 30 June 2021?

I followed that up and I asked specifically why there were missing accounts in that area. I asked quite specifically today in questions without notice whether any of the accounts referred to in question without notice 524—the digital capacity fund, the softwood plantation expansion fund and the climate action fund—existed as at 4 April 2022. I would like to know whether the Treasurer, who is the Premier, in my view accidentally, or deliberately, misled the house. This is an answer provided by the Treasurer. He was asked specifically what accounts existed at a certain date and what was the balance. He responded by saying that at that date the accounts were "24 of these and the balance was this". I then asked why accounts were missing. He came back and said, "Well, as it turns out, the answer was provided as at 30 June." He says in his answer that it was as at 4 April 2022. He says in his next answer that it was as at 30 June 2021. I would have thought that a fairly simple question that could have been answered was, "Why is there a difference?" Why is there a difference in the answers that the Treasurer provided in two questions so close together? Surely that would be fairly simple: Did these accounts exist as at 4 April 2022 when I asked the question? Were they still coming? They were announced back in September last year. I thought that would have been a fairly simple answer.

Do members know what this government does—this government that committed to a gold standard of transparency back when it wanted to become the government? Part (5) of the question today asked whether any of the accounts existed. The answer, with arrogance dripping from it, was that the Premier had addressed my inquiries in relation to the Treasurer's special purpose accounts on multiple occasions as well as in the budget estimates process and that if I had any further genuine questions, the Premier would endeavour to provide a response. There is a genuine question: did these accounts exist at 4 April 2022 when the Premier provided an answer as at 4 April 2022? If they existed, why would the Premier not say that yes, they existed? If they did not exist, he is completely exonerated. Surely he would say that they did not exist at that point; that the government announced them in September 2021 but did not put them together until May 2022. It has been a bit tardy and the shadow Treasurer would go, "Oh well, you're a bit tardy, but whatever." It could have been pretty simple.

The refusal to answer the question and provide the information is arrogant in the extreme. It means that this government has something to hide because it cannot answer the question. Tomorrow, I will ask a follow-up, which will be a very similar question. It has already been lodged that I intend to ask a question that says quite specifically: "Did the digital capacity fund, the softwood plantation fund and the climate action funds exist as at 4 April 2022; and, if yes, when were they opened?" Do members think I can get an honest answer out of the government of Western Australia—the Treasurer who would be the Premier—or is this another one of those "just ignore it" cases? When it gets uncomfortable, when they do not want to give us the answer, they display their arrogance in full force and just come up with the kind of rubbish that I received today. Let us see whether there is a little courage of their convictions. If I were the minister who had to give that response, I would be ashamed to give it. I actually miss the Minister for Emergency Services because, on occasions, he will say he is not satisfied with an answer and will send it back to get a better one. I do not blame the parliamentary secretary who gave the answer; it is not his fault.

He gave the answer he was given to give. He is probably not in a position to go to the Premier who is the Treasurer and say, "That's pretty poor. I'd actually prefer to give an answer." I was pleased today because he missed a bit of an answer yesterday, but followed it up today and it was very good. He is trying to do an honest job and I appreciate it. It is pretty hard though when the answers he gets given are the kind of arrogant filth that we heard today.

There has to be a better answer to parliamentary questions because we are suffering the contempt of a Treasurer who seems to think that he is above and beyond Parliament. I asked a second question today around the jobs created in the Collie Futures fund. I asked this question in September last year and the Minister for Regional Development provided me a fulsome answer, including the jobs that were expected to be developed. Even though I thought there was a lot of money for very few jobs, at least I managed to get an honest answer. I asked exactly the same question six months later—today—and I got a similar list of projects but, guess what? Any reference to jobs or how many jobs were expected to be created were very carefully removed. When I asked six months ago, I got jobs created to date and anticipated jobs. The minister was not ashamed to tell us exactly what the answer was then. Part (3) of the question today was —

> What new full-time, part-time and casual positions have been created within each project funded in (2)?

There was no answer; there are no jobs. When this government is ashamed of its performance, it just does not answer the questions. Let us try to pick up the standard a little bit.

RSLWA — JOHN McCOURT

Statement

HON DAN CADDY (North Metropolitan) [6.33 pm]: Last weekend, I had the very real honour and privilege to represent the Premier and give a speech on his behalf at the annual congress for RSLWA. The highlight of the morning for those present was definitely a speech by the Governor, Hon Kim Beazley, AC. Speeches were also given by Mia Davies, MLA, Leader of the Opposition, and Hon Matt Keogh, MP—his first speech in his new capacity as the federal Minister for Veterans' Affairs. Each of these speakers, including the chair of the RSLWA board who spoke as well, made a special point of singling out the outgoing CEO of RSLWA, Mr John McCourt, and the outstanding job he has done over the past six years in leading the organisation. Tonight, I want to recognise the contribution that John has made to RSLWA and to the wellbeing of veterans and their families over this time.

John McCourt took up his appointment as CEO of RSLWA in August 2016 after 24 years of service in the Australian Defence Force. That was after a career he already had in business and media. As a member of the Royal Australian Air Force, John saw deployments to Iraq, Afghanistan and East Timor. John's military service also included officer in charge of the Air Force Public Affairs Specialist Reserve; commander, joint information bureau for the search for Malaysia Airlines flight MH370; staff officer, headquarters joint operations command; communications adviser for the visit to Australia by US President Barack Obama; and specialist officer, ADF strategic commitments branch. In recognition of his service, John was awarded a Chief of Defence Force unit commendation for active service. John also has an MBA. He is a fellow of the Australian Institute of Management and a member of the Australian Institute of Company Directors. I believe he is a proud life member of Surf Life Saving WA and he is also a practising justice of the peace. It is fair to say that his life has been full but also, he has given much to the broader community during his life to date.

I want to concentrate tonight on the outstanding job John has done as CEO of RSLWA. The most obvious legacy left by John is the development of the new Anzac House on St Georges Terrace. The building is impressive but what is even more impressive, and certainly more important when we consider veterans and their families, is the creation of Veteran Central. Members have heard me talk in this place before about Veteran Central and the program. Veteran Central is the centrepiece of the recent initiative central to the development of Anzac House and the concept of a veterans' hub and virtual services that place veterans very much at the centre of service delivery. It uses many doors leading to the right service model. It is a one-stop shop model that provides medical, mental health, dental, counselling, wellbeing, legal, and financial support and a host of other services all in one place. Although there are many who worked hard to make this a reality, no doubt John McCourt, during his time as CEO, was the main driver of this. Much of the credit for the creation and success of this belongs to him.

Since the election of the McGowan government in 2017, I have worked closely with John as part of RSLWA and the state government working together to get the best possible outcomes for our veterans. In my inaugural speech, I spoke about the importance of constantly improving the way we look after our veteran community and that there were some individuals extremely committed to this continual improvement. I used the line in my inaugural speech "incredible individuals doing extraordinary things for our veterans and their families" in reference to a small group of people that included John McCourt. John has not only overseen the day-to-day operations of RSLWA in his capacity as CEO. He has, as I mentioned, driven the construction of the new Anzac House. When we first met in 2017, RSLWA did not even have the land that the building stands on and Veteran Central was simply a concept—an exceptional one at that, but no more than an idea. John should be extremely proud of his time leading RSLWA. He should be extremely proud of the new Anzac House. He should be immensely proud of the now functioning Veteran Central model. He should reflect that his time as CEO has seen an enormous net benefit for RSL members and all veterans and their families in this state. I thank him for his service on behalf of all members of this chamber.

SUGAR

Statement

HON SOPHIA MOERMOND (South West) [6.38 pm]: Tonight's statement is about sugar. We all love sugar. It comes in a variety of tastes, colours and textures these days. Sugar is made up of one glucose molecule and one fructose molecule and is known as a disaccharide, meaning two molecules. Fructose, sucrose and galactose are the most common sugars that we consume. Complex carbohydrates or polysaccharides are simply long chains of glucose molecules, which is why carbs can make people gain weight. The average person globally consumes about 24 kilograms of sugar each year, which is a massive amount. North and South Americans consume up to 50 kilograms per person a year and African people consume below 20 kilograms a year. In Australia, it sits at about 23 kilograms a year, which equates to 70 grams to 100 grams a day of sugar. There are different sources cited on the internet for that. When looking at the various causes of death in Australia, sugar consumption comes up as a contributing factor to many of them. Education and regulating industries around sugar could make a huge difference to hospital admissions and mortality. The causes of death that can be attributed to sugar include cardiovascular disease, in particular the waist to hip ratio; type 2 diabetes; type 3 diabetes, which is associated with Alzheimer's disease and cognitive decline; and type 4 diabetes related to insulin insensitivity and Parkinson's disease. We are here on World Elder Abuse Awareness Day, and members who have ageing parents will know that some of these conditions are quite common, which is a shame.

One of the interesting effects of sugar on the body's immune system is the slowing down of white blood cells. We have 10 different white blood cells that aid immunity: macrophages, which translates into "big eater" is well known and is one of the main ones. When we have a high sugar meal our white blood cells slow down. It is really important that we do not put our white blood cells into a sugar coma, because when someone has a compromised area of the body, say a cut on their hand, and they have a high sugar meal their blood cells are slow getting to that area and the bacterial pathogen in that wound has more time to replicate. It is the same with the lungs. When we look at respiratory diseases, including COVID, a low sugar diet could make a difference because it will allow the immune system to function properly. A sugar coma lasts for about five or six hours—different studies have shown different things. When we look at the average eating regime of Australians, at about 7.00 or 8.00 am we have our first lot of sugar. It might be cereal, coffee, tea or whatever and then we pretty much eat every three to four hours. If we have a high sugar diet, our white blood cells do not come out of their sugar coma until about 2.00 am and the whole cycle starts again at about 7.00 am. As I said, we can focus on this and prevent the inhibition of the immune system. One component for white blood cells is to fight disease pathogens like viruses and bacteria, spirochetes, lung disease and that sort of thing. Another thing that we produce on a daily basis are cancer cells. I had an amazing teacher when I was studying naturopathy called Sheila. She had pretty much seen everything in pathology that could ever be shown. She was very knowledgeable and she taught us that we produce about 30 cancer cells a day, which are mopped up by our white blood cells. If our white blood cells are continuously struggling to get to damaged areas of someone's body, their risk of cancer becomes higher as well.

I have heard sugar for children compared with cocaine for adults. Quite a few members have children and they might have noticed that sugar seems to rev up their behaviours.

Also looking at COVID and associated comorbidities, most relate back to metabolic syndrome. All metabolic syndrome diseases like diabetes and cardiovascular disease are affected by sugar. The simplest action I can see that a government can take to preserve health and reduce hospitalisations and the load on Medicare is simply by regulating our sugar intake. Interestingly enough, our sugar intake has gone down, especially in children, so we are becoming more educated about that. I feel this is a massive space in which we can make a huge difference by regulating sugars in soft drinks, biscuits and other junk food. If we tried to reduce our intake of those products, we would all live much longer and get to an older age, hopefully without experiencing cognitive decline, diabetes, and Parkinson's.

FEDERAL ELECTION — WESTERN AUSTRALIAN RESULTS

Statement

HON DARREN WEST (Agricultural — Parliamentary Secretary) [6.44 pm]: Last night I made a member's statement regarding the inequality in accessing voting for Aboriginal people in communities with over 65 people. I pointed out that that inability to equal access to voting would cast a shadow over the election of candidates. During the conniptions that caused among the opposition, I failed to mention one of our fabulous candidates in the election last year. Despite being written on my list, I failed to include her in my speech. Just so this was a fully inclusive speech, I give a special shout-out to Amanda Hunt, Labor's amazing candidate for Canning, and her campaign team for the great job they did at the election. I acknowledge them and apologise profusely for leaving them out last night.

House adjourned at 6.46 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

SCHOOLS — HOME EDUCATION MODERATORS — SOUTH WEST

716. Hon Dr Steve Thomas to the Minister for Education and Training:

I refer to the oversight of home-schooled or home-educated students by the Department of Education in Western Australia, and I ask:

(a) was there a call for applications to be appointed as a Home Education Moderator for the South West region in 2021;

(b) if yes (a), when was it made and by whom;

(c) if yes to (a), was a selection panel formed and, if so, who was appointed to the selection panel;

(d) did the selection panel deliver a report, and will the Minister table that report;

(e) if yes to (a), how many applications were received, how many of those applications met the selection criteria, and how many Home Education Moderators were appointed;

(f) were Home Education Moderators appointed under this process given specific jobs or appointed to a pool;

(g) was the selection process called in 2021 put on hold and, if so, why; and

(h) have any full-time Home Education Moderators been appointed to the South West since the call was made in 2021 and, if so, how many and under what circumstances were they appointed?

Hon Sue Ellery replied:

(a)–(h) A call for applications to an appointment pool for Home Education Moderators in the South West Region was advertised on jobs.wa.gov.au in October 2021 by the Coordinator Regional Services. A selection panel was formed, consisting of 3 staff: a Coordinator Regional Services, a Coordinator Regional Operations, and a Home Education Moderator. 30 applications were received, of which 28 met the selection criteria and were appointed to the pool. 3 applicants were appointed from the pool to specific positions. The selection process was put on hold from 22 December 2021 to 21 January 2022, due to school holidays and staff being on leave. Since the call, one full-time appointment from this pool has been made to the South West for a five-week period backfilling other home education moderators on leave.

ENVIRONMENT — PERTH AIR QUALITY MANAGEMENT PLAN

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

(1) When was the current Perth Air Quality Management Plan (AQMP) introduced?

(2) Was this AQMP reviewed in 2007?

(3) Has the Perth AQMP been updated in line with recommendations in the 2007 review:

  (a) if yes to (3), when; and

  (b) if no to (3), why not?

(4) Does the Government plan to extend the Perth AQMP to the Peel Region in the near future:

  (a) if yes to (4), when; and

  (b) if no to (4), why not?

(5) Is the Government aware that there are serious air quality issues in the Collie, Bunbury, Busselton airshed associated with elevated levels of fine particles in the air?

(6) In regard to (5), is the Government planning to develop an air quality management plan for the Bunbury, Collie, Busselton airshed:

  (a) if yes to (6), when; and

  (b) if no to (6), why not?

(7) Does the Government intend to extend the application of the National Environmental Protection (Ambient Air Quality) Measure to regional centres such as Bunbury and Port Hedland that have emerging air quality problems?

Hon Stephen Dawson replied:

(1) The Perth Air Quality Management Plan (AQMP) was released in December 2000 as a whole-of-Government planning and management strategy with a 30-year horizon.

(2) Yes.

(3) (a)–(b) All of the recommendations of the 2007 review that were supported by the then Government have been implemented.

(4) (a)–(b) The AQCC is currently redrafting the AQMP to include the Peel region for the Government's consideration.

(5) The Government has monitored fine airborne particles (less than 2.5 micrometres in diameter; $PM_{2.5}$) in Bunbury and Busselton for more than 15 years; since October 2021 fine particles have also been measured in Collie. Airborne particles less than 10 micrometres in diameter (PM_{10}, which includes $PM_{2.5}$) has been monitored in Collie for more than 14 years. The 2020 Western Australian air monitoring report, published on the Department of Water and Environmental Regulation's website, shows there were 11 days during 2020 when $PM_{2.5}$ concentrations in Bunbury exceeded the National Environment Protection (Ambient Air Quality) Measure 24-hour standard.

Of these 11 exceedances, seven were due to smoke from prescribed fire hazard reduction burns, two to smoke from wood-fired domestic heaters, one to smoke from both a bushfire and prescribed fire hazard reduction burns, and one to smoke from a local burn. At Busselton, there were five days during 2020 when PM2.5 concentrations exceeded the National Environment Protection (Ambient Air Quality) Measure 24-hour standard, all due to smoke from prescribed fire hazard reduction burns. At Collie, there were five days during 2020 when PM10 concentrations exceeded the National Environment Protection (Ambient Air Quality) Measure 24-hour standard, all due to smoke from prescribed fire hazard reduction burns.

(6) (a)–(b) The Government does not consider that air quality management plans for the Bunbury, Busselton and Collie airsheds are necessary at this time.

(7) The National Environmental Protection (Ambient Air Quality) Measure applies throughout Western Australia. On 15 October 2018, the Government endorsed recommendations of the Port Hedland Dust Management Taskforce including that an ambient air quality guideline for 24-hour PM_{10} of 70 micrograms per cubic metre continues to apply to residential areas of Port Hedland.

EDUCATION AND TRAINING — GOVERNMENT WORKER ACCOMMODATION — KIMBERLEY

725. Hon Neil Thomson to the Minister for Education and Training:

I refer to the availability of Government worker accommodation in the Kimberley, and I ask, what is the cost of private rental subsidies for eligible public servants for the following financial years:

(a) 2019–2020;

(b) 2020–2021; and

(c) 2021–2022 (to date)?

Hon Sue Ellery replied:

The Department of Education does not pay private rental subsidies. Housing is provided to the Department of Education through the Department of Communities GROH program.

The cost of private rental subsidies for North Regional TAFE are:

(a) $999 609

(b) $954 568

(c) $862 905

EDUCATION SUPPORT CENTRES — ENROLMENTS

732. Hon Donna Faragher to the Minister for Education and Training:

For each Education Support Centre operated by the Department of Education, please advise:

(a) the number of students currently enrolled; and

(b) the current total enrolment capacity?

Hon Sue Ellery replied:

(a)–(b) Enrolments are as of Semester 1, 2022 School Census and include full time and part-time students.

Current education support centre capacity is based on the typical range of class sizes from 8 to 10 students and the number of rooms at the centre. Capacity is expressed by a range as class sizes will vary from year to year depending on the needs of individual students. The principal may determine that smaller or larger classes are required.

School Name	Enrolment	Capacity
Albany Secondary Education Support Centre	64	80–100
Armadale Education Support Centre	78	80–100

Avonvale Education Support Centre	30	32–40
Beldon Education Support Centre	56	48–60
Belridge Secondary Education Support Centre	127	136–170
Canning Vale Education Support Centre	48	40–50
Cannington Community Education Support Centre	128	104–130
Cassia Education Support Centre	26	24–30
Cloverdale Education Support Centre	78	64–80
Coolbellup Learning Centre	48	40–50
Creaney Education Support Centre	55	64–80
Cyril Jackson Senior Campus Education Support Centre	43	40–50
Dianella Secondary College Education Support Centre	116	104–130
East Victoria Park Education Support Centre	35	32–40
Eastern Goldfields Education Support Centre	47	56–70
Endeavour Education Support Centre	45	56–70
Esperance Education Support Centre	18	32–40
Geographe Education Support Centre	48	64–80
Gwynne Park Education Support Centre	76	80–100
Halls Head College Education Support Centre	57	56–70
John Tonkin College Education Support Centre	37	40–50
Joondalup Education Support Centre	116	128–160
Kalamunda Primary Education Support Centre	69	56–70
Kalamunda Secondary Education Support Centre	48	48–60
Koorana Education Support Centre	42	40–50
Leda Education Support Centre	71	64–80
Leeming Senior High School Education Support Centre	145	128–160
Maddington Education Support Centre*	56	48–60
Manjimup Education Support Centre	27	40–50
Meadow Springs Education Support Centre	73	72–90
Merriwa Education Support Centre*	77	72–90
Mount Hawthorn Education Support Centre	23	32–40
Newton Moore Education Support Centre	68	64–80
O'Connor Education Support Centre	47	40–50
Riverside Education Support Centre	66	80–100
Riverton Education Support Centre	38	40–50
Rockingham Beach Education Support Centre	60	64–80
Rockingham Senior High School Education Support Centre	79	96–120
Roseworth Education Support Centre*	62	56–70
Shenton College Deaf Education Centre	36	40
South Ballajura Education Support Centre	65	64–80
South Bunbury Education Support Centre	62	72–90
Spencer Park Education Support Centre	34	40–50
Warnbro Community High School Education Support Centre	95	96–120
West Coast Secondary Education Support Centre	97	112–140
Westminster Education Support Centre	74	80–100
Wirrabirra Education Support Centre	52	40–50

SCHOOLS — VAPING

736. Hon Donna Faragher to the Minister for Education and Training:

(1) I refer to an article in the *Kalgoorlie Miner* titled "Principals want total vaping ban in place" on 8 April 2022, which states "Education Minister Sue Ellery had launched a review into ways to tackle the vaping scourge", and I ask, can the Minister confirm the Department of Education has commenced a review in relation to this issue?

(2) If yes to (1), when did this review commence and when is it expected to be completed?

(3) If no to (1), when is the review anticipated to commence?

Hon Sue Ellery replied:

(1) Yes.

(2) On 10 June 2022, I announced the first phase of the State Government's action plan to tackle vaping among school-aged students. The strategy is aimed at educating students, families and school staff on the significant health risks and impact of these devices. It is targeted at secondary schools in particular, but the resources will be useful for all schools and made available to the public and non-government sectors.

(3) Not applicable.

GREYHOUND RACING — GREYHOUND INJURY FULL RECOVERY SCHEME

747. Hon Dr Brad Pettitt to the minister representing the Minister for Racing and Gaming:

(1) When a greyhound is entered into Racing and Wagering Western Australia's Greyhound Injury Full Recovery Scheme (GIFRS):

(a) what kennels is the dog placed into; and

(b) is the property attended by at least one person at all times?

(2) Given the Government's intention to privatise the TAB, will the Minister identify:

(a) who will be responsible for the "no worse off clause" once the TAB is privatised; and

(b) what conditions are anticipated to apply to that clause?

(3) If no to (2), when will this information be publicly available?

Hon Stephen Dawson replied:

(1) (a) Greyhounds transitioning through the GIFRS are transferred to the program's veterinary service provider. Subsequently they may be in one of the following kennel locations: within the veterinary clinic utilised by the scheme or rehabilitation kennels or in the Greyhounds as Pets kennel facility.

(b) All kennels utilised by GIFRS have provision for an after-hours attendant, who, aside from reasonable absences, provides oversight of greyhounds outside of ordinary business hours.

(2) (a) The WA Government is working closely with RWWA to determine a suitable funding model to replace the TAB revenue stream should a sale proceed. The Government has publicly committed that the sale, and by extension the funding model that follows from the sale, will not proceed unless it is in the long-term interest of the racing sector.

(b) Not available.

(3) The funding model will be announced after it has been approved by Cabinet.

LEGAL AFFAIRS — SUPREME COURT AMENDMENT RULES 2022

753. Hon Nick Goiran to the parliamentary secretary representing the Attorney General:

I refer to the *Supreme Court Act 1935 (Supreme Court Amendment Rules 2022*, and I ask:

(a) what was the catalyst for bringing about these amendments to the rules;

(b) who was consulted prior to these amendment rules being finalised;

(c) did any person consulted raise any concerns;

(d) if yes to (c), what were these concerns;

(e) have the finalised amendment rules addressed these concerns; and

(f) if no to (e), why not?

Hon Matthew Swinbourn replied:

(a) The Supreme Court Amendment Rules 2022 contain minor amendments to the Rules of the Supreme Court 1971, namely to Orders 81F and 81FA.

The catalyst for the amendment to Order 81FA was the establishment of a *Criminal Property Confiscation Act 2000 (CPCA)* 'Directions List' which removed the need for an applicant to file a summons for directions as required by Order 81FA rule 7(1).

The amendment to Order 81F was made to bring the Rules in line with current practice. It removed an outdated prohibition on applications under the *Proceeds of Crime Act 2022* (Cth) (PoCA) from being filed electronically since most applications under PoCA were already being filed with the Court electronically.

(b) Internal consultation within the Supreme Court Judiciary occurred with regards to the establishment of the *CPCA* 'Directions List' and the subsequent amendment to Rules of the Supreme Court 1971.

(c) There were no concerns raised after consultation occurred in relation to the establishment of the *CPCA* 'Directions List' and amendment of Orders 81 and 81FA of the Rules of the Supreme Court 1971.

(d) N/A.

(e) The finalised amendments addressed the need to reconcile the discrepancy between current court practice and the regulations.

(f) N/A.

LEGAL AFFAIRS — FAMILY COURT AMENDMENT REGULATIONS 2022

754. Hon Nick Goiran to the parliamentary secretary representing the Attorney General:

I refer to the *Family Court Amendment Regulations 2022*, and I ask:

(a) what was the catalyst for bringing about these amendments to the regulations;

(b) who was consulted prior to these amendment regulations being finalised;

(c) did any person consulted raise any concerns;

(d) if yes to (c), what were these concerns;

(e) have the finalised amendment regulations addressed these concerns; and

(f) if no to (e), why not?

Hon Matthew Swinbourn replied:

(a) The Family Court of Western Australia informed the Department of Justice that consequential amendments to the Family Court Regulations 1998 were needed to accord with new provisions of the *Family Court Act 1997* (WA) brought about by the *Family Court Amendment Act 2021*, and the new Family Court Rules 2021.

(b) As these were consequential amendments, the Principal Registrar of the Family Court of Western Australia was consulted about this proposal and agreed the amendments were necessary.

(c) No concerns were raised during this process.

(d) N/A.

(e) N/A.

(f) N/A.