Parliamentary Debates

(HANSARD)

FORTY-FIRST PARLIAMENT

FIRST SESSION

2024

LEGISLATIVE COUNCIL

Tuesday, 7 May 2024

Legislative Council

Tuesday, 7 May 2024

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

BILLS

Assent

Message from the Governor received and read notifying assent to the following bills —

1. Electricity Industry Amendment (Alternative Electricity Services) Bill 2023.
2. Residential Tenancies Amendment Bill 2023.
3. Short-Term Rental Accommodation Bill 2024.
4. School Education Amendment Bill 2023.
5. Treasurer's Advance Authorisation Bill 2024.

STANDING COMMITTEE ON PROCEDURE AND PRIVILEGES

Seventy-second Report — Consideration of committee reports—Proposed temporary order — Tabling

THE PRESIDENT (Hon Alanna Clohesy) [1.03 pm]: Members, I am directed to present the seventy-second report of the Standing Committee on Procedure and Privileges titled *Consideration of committee reports—Proposed temporary order* and I have a brief statement to complement that.

[See paper 3119.]

The PRESIDENT: In this final year of the forty-first Parliament, the Procedure and Privileges Committee has observed that a significant number of committee reports remain on the notice paper awaiting consideration by the Council, including 15 reports yet to receive any consideration.

Pursuant to standing order 110(3), a number of these reports may be removed from the notice paper having spent 12 months without a motion moved to note the report. The PPC proposes a temporary order for the remainder of 2024 to assist with the Council's timely consideration of committee reports.

The purpose of a temporary order is to limit the consideration of committee reports to a maximum time limit of two hours; limit speaking opportunities to a total maximum of 30 minutes per member comprising three periods of up to 10 minutes each; and suspend the automatic rotation and postponement of the consideration of a committee report after each hour of debate.

The PPC is of the view that a temporary order will encourage more focused debates on committee reports, and their timely progression before the forty-first Parliament concludes.

Recommendation 1 — Adoption — Motion

HON MARTIN ALDRIDGE (Agricultural) [1.04 pm] — without notice: I move —

> That recommendation 1 contained in report 72 of the Standing Committee on Procedure and Privileges, *Consideration of committee reports—Proposed temporary order*, be agreed to.

[Leave granted for the member's speech to be continued at a later stage of the sitting.]

Debate thus adjourned.

CORRECTIVE SERVICES — INQUIRY

Petition

HON PETER COLLIER (North Metropolitan — Leader of the Opposition) [1.05 pm]: I present an e-petition containing 148 signatures couched in the following terms —

> To the President and Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled. We the undersigned ...
>
> request a parliamentary inquiry into the Department of Justice (Corrective Services WA), including Bunbury Regional Prison. The inquiry will include an investigation into poor staffing (particularly the high level of attrition), high workers' compensation numbers, psychological harm statistics, self-harm and suicide statistics associated with workplace bullying and harassment, costs of litigation proceedings and safety risks associated with staff employed within the Western Australian prisons system. The reasons for the inquiry include the following issues that permeate the WA prison system: - a toxic culture associated with bullying, harassment, and discrimination in the workplace by management; - regulatory bodies such as WorkSafe issued improvement notices resulting in limited change, no compliance and adherence

to the positive duty obligations, mandatory reporting obligations, lack of disclosures of conflicts of interests, amongst other issues; - breaches in the Public Sector Management Act, EEO Act, SDA Act and DDA Act, including issues with recruitment and succession opportunities. We therefore request an independent inquiry into the operations of the Department of Justice (Corrective Services) including Bunbury Regional Prison.

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

[See paper 3120.]

FIREARMS BILL 2024

Petition

HON NICK GOIRAN (South Metropolitan) [1.06 pm]: As I rise to table this petition. I wish to acknowledge former member Rick Mazza who is the principal petitioner. I present an e-petition containing 32 234 signatures, couched in the following terms —

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

1. Support law-abiding owners of firearms in Western Australia; 2. Call on the Government to prioritise its taxpayer funded resources towards those who possess and use unlicensed firearms; 3. Have significant concerns about multiple provisions in the Firearms Bill 2024; 4. Are dismayed that after all the talk and promises of consultation, the Bill is currently with a parliamentary committee whose restricted terms of reference prohibit it from conducting a full public inquiry; 5. Urge the Legislative Council to refer the Bill to the Standing Committee on Legislation for a full public inquiry into the policy of the Bill to assess its impact on the rights and liberties of law-abiding Western Australians and its efficacy at tackling those with a history of showing disregard for the laws of our State.

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

[See paper 3121.]

LANGUAGES OTHER THAN ENGLISH — HIGH SCHOOL

Petition

HON PIERRE YANG (North Metropolitan — Parliamentary Secretary) [1.07 pm]: I present an e-petition containing 1 420 signatures couched in the following terms —

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

note that 1. Enrolling to learn Languages other than English (LOTE) at high schools should be based on fair, equitable and measurable criteria. 2. Currently, there are three main streams of LOTE available at the high school level, a. First Language courses b. Background Language courses c. Second Language courses 3. In Western Australia, currently to be eligible to enrol in any Second Language courses, a student must satisfy all three criteria: “Less than one (1) year in total of formal education (from Pre#primary) in schools where the language is a language of instruction” (Education Criterion) “Less than two (2) years in total of residency and time spent in a country where the language is a medium of communication” (Residency Criterion) “Use of the language for communication outside the language classroom with a speaker/s of the language is not permitted” (Use of Language Criterion) 4. The Education Criterion and Residency Criterion are measurable but not the Use of Language Criterion. 5. New South Wales, prior to their reform in 2023, had a similar Use of Language Criterion for their second language courses. However, in 2023, New South Wales abolished the said criteria citing the following reasons: “…has proven problematic as it is difficult to apply with consistency...it cannot be measured and is open to interpretation. Removing the criterion eliminates scope for subjective interpretation of eligibility criteria and assists NESA in making eligibility determinations. The remaining eligibility criteria provide concrete and measurable guidance in ensuring that students are given the opportunity to study an appropriate course. ...It also brings NSW in line with other states that do not have a specific criterion based on language use outside the classroom. The only exception being WA.” 6. This third criterion in Western Australia has resulted in considerable amount of inequity in our community and caused unfair and discriminatory outcomes to students learning a second language since its inception in 2012/13. And we call on the Western Australian Government to remove the Use of Language Criterion as one of the criteria for permission to enrol in a Second Languages course forthwith to ensure enrolment to learning of Second Language courses are fair, equitable and measurable and bring Western Australia in line with all other Australian states.

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

[See paper 3122.]

STANDING COMMITTEE ON PUBLIC ADMINISTRATION

Forty-first Report — The donation conversation: Organ and tissue donation in Western Australia — Government Response — Statement by Leader of the House

HON SUE ELLERY (South Metropolitan — Leader of the House) [1.12 pm]: I wish to inform the house that the government response to the Standing Committee on Public Administration's *Report 41: The donation conversation: Organ and tissue donation in Western Australia* will be tabled on 28 May 2024. By way of explanation, the government response has required advice from a number of government agencies, including the Department of Health, the Western Australia Police Force, the Office of the State Coroner and the Department of Transport. I apologise to the house for the delay.

UNITED STATES VISIT — INVEST AND TRADE WESTERN AUSTRALIA

Statement by Minister Assisting the Minister for State and Industry Development, Jobs and Trade

HON STEPHEN DAWSON (Mining and Pastoral — Minister Assisting the Minister for State and Industry Development, Jobs and Trade) [1.12 pm]: It is with great pleasure that I stand today to talk about the outcomes of my recent Invest and Trade Western Australia mission to the United States. The mission included engagements in New York, Providence, Houston and Austin, promoted targeted investment and trade opportunities for Western Australia in the US and showcased our state as an incredible place to do business. On this mission, I was joined by 33 Western Australian delegates from five sectors: energy transition, advanced technology and innovation, health and medical life sciences, creative and cultural industries and First Nations entrepreneurship.

In New York, I had the opportunity to visit Newlab, a company that supports startups to accelerate the development of climate tech solutions to ensure a more sustainable future. I also met with representatives from the United Nations' Sustainable Development Goals Fund to discuss areas of alignment and outline how we are supporting the objectives of the fund through our ESG initiatives. While in Providence, I participated in a round table with local investors and representatives from the Rhode Island health and medical life sciences sector to discuss collaboration opportunities. I also had the privilege of witnessing the signing of a memorandum of understanding between the New England Medical Innovation Center and Perth Biodesign. This agreement provides an invaluable opportunity for our innovators and startups to gain entry into the US market and for Rhode Island companies to enter the Australian market through Western Australia.

In Houston, I was joined by members of the Western Australian GreenTech delegation, who participated in a curated program of site visits and engagements focused on innovation, technology and energy. I delivered an address and participated in a panel discussion with Texas industry focused on heavy industry decarbonisation and outlined opportunities for our two states to collaborate on technologies that will support transition to a low-carbon future.

The South by Southwest conference was the centrepiece of the Austin program, enabling our delegates to make meaningful connects with people across the world. The Startup Crawl, hosted by Capital Factory House, provided delegates with an incredible platform to showcase their products and meet potential customers and investors. Capital Factory is the most active investor in Texas, with this event being a flagship experience in the South by Southwest program.

At the Western Australia showcase event, I delivered an address to officially launch the new Invest and Trade Western Australia office in Austin. This event included a speech by Hon Dr Kevin Rudd, AC, and was attended by more than 1 700 people. The showcase featured an incredible joining of cultures ceremony between traditional owners from Texas and Western Australia, as well as performances by Western Australian Indigenous musicians.

Feedback from industry has been overwhelmingly positive, with many citing the experience as invaluable in helping them navigate the US market. This was also our first mission to include a dedicated First Nations stream to showcase and promote opportunities for our Indigenous entrepreneurs and innovators. Thank you to all who participated in the delegation and to those who made the trip a great success, including Invest and Trade WA Commissioner Natasha Monks and her team including Erin, Alex, Peter and Kim. I table an itinerary for the information of members.

[See paper 3123.]

POLYPHAGOUS SHOT-HOLE BORER

Statement by Minister for Agriculture and Food

HON JACKIE JARVIS (South West — Minister for Agriculture and Food) [1.15 pm]: I would like to update the house on the biosecurity response to the polyphagous shot-hole borer. The polyphagous shot-hole borer is a tiny borer endemic to South-East Asia that can severely damage host trees by excavating tunnels in which they cultivate a fungus as a food source. This fungus disrupts the vascular system of the host tree, preventing the transport of water and nutrients. Highly susceptible tree species can die within two years following infestation.

The borer was first detected in Australia in East Fremantle in August 2021 and the Department of Primary Industries and Regional Development, DPIRD, established a quarantine area to help prevent its spread. People

living or working within the quarantine area need to be aware of the restrictions on the movement of wood and plant material from their properties. DPIRD is working closely with local governments across Perth to support community awareness.

In October 2022, the National Management Group, a national biosecurity decision-making body, approved a $41 million three-year response plan that aims to eradicate the shot-hole borer. The seriousness and importance of keeping the borer out of Australia means the cost of the response is shared across all Australian state and territory governments. As the lead agency, the Western Australian government contributes extra resources and funding to the eradication program. To date, DPIRD staff have inspected over 1.7 million host trees across 47 000 properties in the Perth metropolitan area, with over 150 staff working across surveillance, laboratory services, communications, logistics and analysis. The WA government continues to work closely with industry, local governments and the community to conduct surveillance activities and remove or prune infested host trees in accordance with the response plan.

Global research has shown that the damage to the tree's vascular system caused by the borer and the fungus makes it difficult for pesticide or fungicide chemicals to be delivered and taken up by the host tree. DPIRD continues to work with local and international scientists to consider and undertake research into alternatives to tree removal. The polyphagous shot-hole borer has been detected as an invasive species in California, Israel, South Africa and Argentina, where it has particularly affected ornamental street trees and commercial avocado plantations. To date, best practice management of PSHB in California, Israel and South Africa has primarily relied on monitoring and removal of infested branches or trees. The WA government is committed to working towards the eradication of the borer and protecting our valuable horticultural industries and urban tree canopies from this destructive plant pest.

PAPERS TABLED

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

VISITOR — DR SIMON CARROLL

Statement by Minister for Emergency Services

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Emergency Services) [1.20 pm]: I acknowledge in the President's gallery this afternoon Dr Simon Carroll, who reviewed the Chemistry Centre (WA) Act 2007.

STANDING COMMITTEE ON UNIFORM LEGISLATION AND STATUTES REVIEW

147th Report — Firearms Bill 2024 — Tabling

HON DONNA FARAGHER (East Metropolitan) [1.23 pm]: I am directed to present the 147th report of the Standing Committee on Uniform Legislation and Statutes Review titled *Firearms Bill 2024*.

[See paper 3124.]

Hon DONNA FARAGHER: The report that I have just tabled advises the house of the committee's findings and recommendations regarding the Firearms Bill 2024. The bill proposes to repeal and rewrite the Firearms Act 1973 and to deliver reforms that will ensure Western Australia aligns with the nationally consistent approach within National Firearms Agreement 2017 and that follow the recommendations of the Western Australian Law Reform Commission. The bill's overriding objective is to ensure that the use of firearms is subject to the paramount need to protect public safety. The bill's reforms include introducing numerical limits on firearm ownership; minimising the risk of firearm misuse causing harm through health assessments, training, robust storage requirements and preventing those who have committed serious offences or are subject to disqualifying orders from obtaining a firearm authority; improving the system for written authorities from landowners for the use of firearms on their land; clearer firearm licence types; clearer licensing processes; and updated new offences, including for possession or use of autonomous or remote-use firearms.

The bill impacts upon the Western Australian Parliament's sovereignty and lawmaking powers in the following ways. The commencement clause provides that most of the bill will come into operation on a day fixed by proclamation. The bill contains six Henry VIII clauses, and clauses proposing wide, open-ended regulation-making powers leave substantial details to be prescribed by regulation. The minister's response to the committee's questions, attached at appendix 1 to the report, allayed some of its concerns. The committee has made 13 findings and three recommendations regarding these parliamentary sovereignty issues for the Legislative Council's consideration during debate on the bill. I commend the report to the house.

THERAPEUTIC GOODS LAW APPLICATION BILL 2023

Report

Report of committee adopted.

As to Third Reading — Standing Orders Suspension — Motion

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

> That so much of standing orders be suspended so as to enable the bill to be read a third time forthwith.

Third Reading

Bill read a third time, on motion by **Hon Sue Ellery (Leader of the House)**, and transmitted to the Assembly.

ROAD TRAFFIC LEGISLATION AMENDMENT (INFRINGEMENT MANAGEMENT REFORM) BILL 2024

Second Reading

Resumed from 18 April.

HON TJORN SIBMA (North Metropolitan) [1.28 pm]: I remind the chamber that I am the lead speaker for the opposition on the Road Traffic Legislation Amendment (Infringement Management Reform) Bill 2024. We will take the opportunity to speak about transport issues more generally, if that information is of any use to colleagues in the chamber. Like many bills, this bill attempts to do a number of things simultaneously. I will identify the key facets of the bill.

One issue is that it will modernise infringement notices by way of introducing certain payment options to allow those who receive infringement notices to pay them in a way they can afford. The second issue, and probably one of the more interesting technological facets that this bill empowers, is that it will introduce what is described as new enforcement equipment, called "visual detection equipment", to be approved by the Minister for Police for use in the detection of an act or omission by the driver against a prescribed road law offence, including such things as not wearing seatbelts and using mobile phones while driving.

The bill will set the period for commencing a prosecution for road law offences up to a uniform two years, create a new offence for providing false or misleading information in dealing with infringement notices and enhance certain infringement regulation-making powers. This bill will transfer responsibility for the management of infringement notices from the Western Australia Police Force to the Department of Transport.

When we deal with legislation that is ostensibly dry and technical, I think it is important to flesh it out or contextualise the scenario in which it is being submitted for this Parliament's consideration. A trial conducted in 2022 was directly relevant to the introduction of new devices that are referred to rather blandly as VDEs. During the trial period, the VDEs monitored eight million vehicles throughout 94 locations across the state with 66 000 drivers throughout the state detected using their phones. That compares with 4 909 drivers who were detected via conventional technical or police operational processes the year before. That was a substantial increase. The implication drawn here is that the prevalence of the misuse of mobile phones while driving is underreported, undercharged and not dealt with appropriately. One would draw the conclusion that we are not dissuading people. I think it staggers everybody in Parliament that 11 400 people were detected not wearing a seatbelt. The data goes on with an implication that if infringement notices had been issued for those offences, it would have culminated in 120 000 demerit points being issued against drivers.

In the context of what has been a stubbornly difficult policy challenge over decades for governments in Western Australia, the opposition is of the view it should support the bill. I could enumerate the total statistics of road fatalities in Western Australia dating back to at least 2004. I would be less able to read in the statistics of people seriously injured in road accidents, whether they be driving a vehicle, a passenger in a vehicle, a pedestrian crossing a road or someone riding a bike. Unfortunately, Western Australia has one of the worst records, not only in Australia but in international terms, of fatalities per 100 000 people. A range of geographical factors lead to this. There is no mystery to the fact—I provide no further elucidation—that most road fatalities in the state are in regional areas. They are largely single vehicle run-offs.

It is no great secret that this year has been dreadful. The Road Safety Commissioner remarked that the Easter road toll this year was the worst in Western Australia for the last 10 years. Obviously, something is not working and Western Australians are paying the price—in many respects, the ultimate price. It is not well enunciated or expressed, at least in sheer dollar terms, that the 1 500 or so people in Western Australia who are seriously injured in road accidents each year result in $2.4 billion in expenditure on rehabilitation and other costs. It is not only expensive in human potential and health terms, but also exasperatingly expensive in financial terms.

For the better part of the last decade in this jurisdiction, we have had a financial device, a special purpose account, called the road trauma trust account, the management of which has sometimes come to the attention of the Office of the Auditor General. I will read in part of a report issued by the OAD last year because it is directly relevant to the implications of this bill, certainly through the proposed introduction of the new detection equipment. The account was last surveyed in 2012.

Sometimes with issues like this, no-one comes out with a clean scoresheet. I emphasise that I am not seeking at all to politicise what is a very, very serious public policy challenge. It is a challenge probably made more difficult by virtue of our geography—the length and age of our roads, the sparseness of our population and the like. It is disappointing when agencies of state, whether they are at some distance from government or close to the government in an executive empowerment sense, do not seem to be making progress or working on key governance problems that have been identified years earlier. That is a particular frustration. Without extending this debate unnecessarily,

I will read the conclusion on page 8 of the Auditor General's report of 17 October 2023. Two agencies effectively provide advice to the minister on the use of those funds—the Road Safety Council and the Road Safety Commission. I want to get the nomenclature right. That is what is meant by council and commission. The conclusion states —

> The council and commission are not effectively administering the RTTA.

The trust account —

> While some probity measures have improved since our 2012 report, the road toll has not. Better controls are needed to ensure the nearly $100 million released from the RTTA each year complies with the Act.
>
> The Council also needs a systematic approach to recommending and evaluating projects for RTTA monies to be effective in improving road safety and reducing the road toll.
>
> Under the Act, the Minister determines how the RTTA can be used. However, the Commission cannot demonstrate it is complying with this legislated requirement as it has not obtained the Minister's decisions before releasing funds from the account. Each year the Council makes recommendations to the Minister and projects are included in the Commission's annual State Budget submission. However, this is not a substitute for the ministerial approval the Act requires, as Cabinet is an informal association of ministers and its decisions have no legal force except to the extent individual ministers enact them.
>
> The Council and Commission have not established clear priorities to guide the best use of RTTA funds. A lack of planning for funding recommendations was raised in our 2012 report. Clearer expectations would allow the Council to better target improvements to road safety.

[Interruption from the gallery.]

Hon TJORN SIBMA: That might be one of these new machines. It continues —

> Further, funding applications and project outcomes are not effectively assessed and evaluated to inform recommendations to the minister.

The RTTA, as a special purpose account, is not a modest account. The inflows into that account equate to something like, on average, $100 million a year. That is $100 million a year that could be used effectively to not only reduce the road toll but also depress the likelihood or the severity of serious accidents. It is deeply, deeply problematic to me that funding applications and projects funded out of this account have not been effectively assessed and evaluated to inform whether they are worth enacting. I appreciate that there has been a government response, an agency response, to the report, but it would appear clear to me that there are serious structural and capacity problems at the level of the council and the commission. They do not seem to be suffering from a lack of funds. Indeed, the potential inflows of revenue that will eventuate from the rollout of these new cameras, which, in technical terms, have better resolution, can see more and detect more serious misbehaviour, has been estimated to be between an additional $60 million and $70 million each year. We want to be reassured, as an opposition and as a chamber, that the potential increase in revenue that will arise as a consequence of more infringements being detected and fined will be used in a way that is effective, and sustainably so.

[Interruption from the gallery.]

The PRESIDENT: Order! I request that visitors in the gallery either remove themselves and their phones or turn their phones off. No more disruptions, please.

Hon TJORN SIBMA: Road safety and the road toll, like many other issues of abiding, enduring public policy attention, sometimes suffer from the problem being serviced—serviced in political bureaucratic terms—to the degree that the problem is talked about. Great strategies are announced and unveiled, projects and initiatives are deployed, but the core strategic objective always seems out of grasp and out of reach. The *Driving change: Road safety strategy for Western Australia 2020–2030* sets laudable, ambitious goals for the reduction of fatalities and serious injuries. This strategy applies for the year 2020 to 2030 and aims at between 50 to 70 per cent reductions in overall fatalities and injuries over time. But since that strategy was released in 2020, we are now, unfortunately, on the trajectory of recording what might be a record road fatality outcome for 2024. We are already trending horrendously poorly. Part of the intelligence, if I can put it that way, of the strategic design is ensuring that we are giving ourselves absolutely every chance of achieving the objective. When one of the key arsenals to achieve that objective is that the effective and efficient deployment of money out of a dedicated fund is assessed by an independent observer as lacking key professional, transparent and competency—I will put it that way—measures, one should indeed become alarmed. The entirety of the rest of this bill rests on administration and implementation.

I might use the next little bit of this speech to pose some questions that the minister representing can potentially answer in her second reading reply speech. I would not intend to spend much time on clause 1, but we might go there if required. Something needs to be explained around the potential cost of these new VDE units. They are likely standing up. Presumably, they might be acquired or procured on a staged basis. But there might be some reasonable questions that one might pose around the management of these systems. I understand from the briefing that the utilisation of certain AI software will be the large technical backbone. But that will not obviate the need

for infringements that are flagged by this new system to require the assessment of humans to validate whether that AI has picked up something that is not an infringement or actually is an infringement or has picked up something completely circumstantial or irrelevant.

The management of that data is no insignificant public policy issue either. The utilisation of some cloud storage device is owned by who? I would like to enquire into this. The lessons that we have learned, or potentially the Department of Transport has learned, through the unfortunate scenario of some of its employees misusing confidential information on the transport executive and licensing information system is also a matter that requires some examination or at least some reassurance about. Effectively, with the transfer of responsibility from the Western Australia Police Force issuing the infringement—the Department of Transport now will issue the infringement—there presumably will be a cast or a cohort of employees at the Department of Transport who will be designated or effectively deputised to fulfil this sort of quasi-policing role. If it is at all possible to elaborate on the governance arrangements and how that might work, that would be very helpful. I suppose that would be useful at the point at which an officer issues an individual infringement.

What is also important to understand—again, this occurs as a consequence of the bill, not a problematic dimension of the bill; I want to make that distinction very clear—is what particular transfer of responsibility, guidance documents and governance arrangements will provide for the seamless transfer of responsibility from the Western Australia Police Force to the Department of Transport. I understand that in other Australian jurisdictions—I think that New South Wales runs a similar arrangement—the effective standing up of an infringement-processing bureau within the Department of Transport counterpart was not seamless. If this is not done correctly, one risk that we potentially run is that because we have not worked out the transfer, there will be a gap in the infringement processing record. That would undermine the purpose of the bill, which is to dissuade people from wrongful behaviour. If this is not worked out cleanly and clearly, another risk that we run on behalf of the drivers who will receive infringements is the potential for duplicate infringements to be issued. We can contemplate these kinds of scenarios as they play out.

I have previously mentioned the procurement strategy. I might enquire a bit more into that; at least, I underscore my interest in that. I assume that this is not a bespoke platform; this has potentially been utilised in other Australian jurisdictions. I refer to the equipment, the software and the management of the software, the interaction of the contractor arrangements and the procurement strategy, and an appreciation of where responsibility for any system failure or malfunction will lie. It would provide me and some others a measure of comfort to appreciate whether there is effectively a risk management or risk mitigation strategy for the rollout and management of this system, and, indeed, it would be particularly helpful to understand the likely term of contract or term of arrangement.

I also seek clarification from the minister about a couple of key aspects that are outlined in the explanatory memorandum around the setting of a period for commencing a prosecution. I understand that a uniform two years will be applied here. I would like to understand what the current situation is and to what degree this endeavour is novel or useful. I am also curious about the need to create a new offence for providing false or misleading information. I am concerned that there might have been a gap. It is not abundantly clear to me why a new offence needs to be created if there is already sufficient scope within the Criminal Code to deal with this. I seek the minister's advice on that.

In closing—it was never the intent here to labour on unnecessarily—the opposition supports measures that improve road safety. However, I think that nothing improves driver performance more than the obvious presence of police. I hope that the rollout of these units, in whatever quantities at whatever time, will achieve at least in part the government's objective of seriously depressing and deflating the road toll and serious injuries on the road, but I hasten to add that these measures cannot be a replacement for a dedicated police presence, particularly on regional roads, where the majority of fatalities and serious accidents occur. I also hope that this proposed legislation can be considered by the government in a more holistic sense, not only when it comes to the budget announcements this Thursday, but also in the treatment of road trauma generally speaking.

I will finish on this note. A piece of legislation now under the newish Treasurer, Hon Rita Saffioti, concerns itself with the elimination of what is called claims harvesting. Claims harvesting is effectively the scurrilous touting of details of accident victims among certain service providers such as tow truck and insurance companies, personal injury lawyers and the like. To the degree that that practice should be stamped out, the proposed measures or intent of this piece of legislation, which sometimes comes on the notice paper and sometimes falls off it, should be applauded. But to the degree that this piece of legislation will potentially depress the claims of victims of road accidents or effectively channel them into settling claims earlier at a lower amount, I again use this opportunity to caution the government and the responsible minister to think very carefully about what they are doing.

I raise this not through any particular special insight on my behalf, but because this issue has been raised consistently with me for the better part of the last 12 months by notable lawyers in this state from the Law Society and the Australian Lawyers Alliance and a range of King's and Senior Counsels who effectively think that a potential new regime could, if not in principle then very practically, undermine due process and the natural legal rights held by individuals. I acknowledge that this is not to do with this bill, but I want to underscore the importance of dealing

with road toll and road trauma in a wholesome, holistic, strategic sense. We cannot merely set objectives, however ambitious they might be, and do our best to work towards them without seriously understanding how all the pieces fit together. With that, I await the minister's reply.

HON SUE ELLERY (South Metropolitan — Leader of the House) [1.58 pm] — in reply: I will make some preliminary comments in response to some of the issues raised by the honourable member. I will do that, if the honourable member will forgive me, by referencing the uncorrected *Hansard* from the other place while I wait to see whether there are any notes from my adviser. I can provide some information on some of the issues raised based on what the Minister for Road Safety said in the other place. I also thank the opposition for its support of the bill.

I refer to the issues raised around particularly the Road Safety Commission and the Auditor General's report. According to the uncorrected *Hansard*, the minister advised the other place that the Road Safety Commission continues to work with the Road Safety Council and the chair, Katie Hodson-Thomas, who is a former member of the Legislative Assembly, to improve the council to make it more strategic and to implement the Auditor General's findings. They regularly brief the minister on the progress of implementing those recommendations. In March this year, they established a governance charter, setting out the roles of the council, the commission and the commissioner. They also established a framework for the road trauma trust account, which sets out the respective responsibilities for each of the key players. Importantly, they have developed an evaluation framework that specifies the principles and parameters for evaluating the effectiveness of the program and producing a detailed project plan.

In respect of the issues raised by the Corruption and Crime Commission and the use of the transport executive and licensing information system, the minister advised the other place that the department has developed policies and procedures to meet the recommendations of the CCC report and provided explicit guidelines to all system users to ensure a strong awareness of their roles and responsibilities. The program of works associated with meeting the recommendations and improving governance on the use of TRELIS is overseen by the corporate executive integrity committee. As I read the uncorrected *Hansard* of 16 April, the minister also noted that the CCC considered that the Department of Transport had undertaken appropriate steps to address the recommendations and that it considered all recommendations closed.

The third bit I can make some comments on, while I wait to see whether there are any notes for me, relates to the honourable member's reference to the New South Wales experience. On that, I note that the minister told the other place that while the other states jumped headfirst into the technology, WA has been able to learn from the experience. The Department of Transport takes cybersecurity risk and the elements around that seriously.

Hon Tjorn Sibma referred to the procurement process. The minister told the other place that the tender for the enhanced technology closed on 16 April and the contract is expected to be awarded in the second half of the year, with the expectation that the trailers will be delivered by the end of the year so that they can be on the road as quickly as possible. Given that the trailers are not expected to arrive until the end of the year, to our advantage, we will be able to transition some of the existing infringements to the new system and make sure they are bedded down before we start implementing the infringements from the new cameras that will be procured. It is certainly the minister's intention that that happens as seamlessly as possible.

Hon Tjorn Sibma asked whether there will be additional revenue due to more infringement notices being issued and stated that the opposition wants to be sure that the funds will be used for sustainable outcomes. I am advised that following the trial of seatbelt and mobile phone detection in 2022, the Department of Treasury assisted in modelling future infringement revenue from the data from the initial six safety camera trailers. Multiple scenarios were modelled and indicated that infringement revenue in the first full year of operation could range between $18 million and $54 million, and that the increase in infringement notices is expected to be between five and 10 per cent of current volumes. All that money will flow into the road trauma trust account and will be used for road safety outcomes. That will include funding highly successful projects such as improving regional roads with audible edge lines—or so-called rumble strips—which have significantly improved the road toll outside the metropolitan area.

I turn to the costs. The implementation of the new processing system will involve four agencies, with products and services being provided by two vendors. I have some information about the associated costs. The implementation aspect of the infringement processing system is expected to be approximately $5.4 million. The safety camera trailers will be procured as a service, with the cost of implementation forming part of the tender submissions. The cost will not be known until the procurement process concludes. An establishment fee of about $500 000 has been estimated. In 2022–23, $6.9 million was distributed between the Road Safety Commission and the Department of Transport to support the procurement of the new infringement processing system, legislative development, people change and organisational planning for the establishment of the new infringement processing operations at Transport. In 2023–24, project implementation expenditure for the infringement processing system is estimated at $11.1 million.

Hon Tjorn Sibma asked some questions about the security system generally and the cloud. Alcyon—I am not sure how to pronounce it—and related applications and services will be hosted on Amazon Web Services and virtual private cloud environments in the Asia-Pacific region—this includes Sydney—which consists of three discrete

availability zones in Perth, Victoria and New South Wales. AWS is regularly certified as compliant with hundreds of global security, privacy and compliance standards, including the Infosec Registered Assessors Program, and by the Australian Cyber Security Centre, which has certified Amazon Web Services for hosting Australian government data classified up to the protected classification level. The WA government will maintain ownership over all the information stored and processed in the system. The Alcyon solution will have role-based security to ensure that only those who are approved will have access to the information.

Finally, Hon Tjorn Sibma sought clarification on the period set to commence a prosecution, the current situation and whether there will be a potential gap in creating a new offence for false or misleading information. Currently, most offences under road laws have a statute of limitation of 12 months, with the exception of indictable offences that have no limitation and some that are related to heavy vehicles that carry a period of two years. The bill before us will align all non-indictable offences to carry a two-year period of limitation. This will make the period consistent across road laws and address the situations in which people have, if you like, played the system by extending the time to deal with infringements beyond the 12-month limitation.

Hon Tjorn Sibma also asked about the changes that will introduce the offence and penalties in relation to a responsible person for a vehicle giving information known to be false or misleading in a written notice. The amendment will replace "knowingly give information that is" false or misleading with "give information that the person knows to be" false or misleading. The amendment was recommended by our friends at Parliamentary Counsel. They clarified that the relevant knowledge is of whether the information is false or misleading, not whether the information is given. The bill will replace part 5 of the Road Traffic (Administration) Act 2008 in support of electronic or digital services and remove the existing requirement to provide some information in the form of a completed statutory declaration.

That is the best answer I can give without talking to a human being. I will conclude my comments there. I thank Hon Tjorn Sibma for his contribution and the opposition for its support. I commend the bill to the house.

Question put and passed.

Bill read a second time.

Committee

The Deputy Chair of Committees (Hon Dr Brian Walker) in the chair; Hon Sue Ellery (Leader of the House) in charge of the bill.

Clause 1: Short title —

Hon TJORN SIBMA: I have about four or five themed questions that, unless the minister suggests otherwise, are best dealt with at clause 1.

Hon Sue Ellery: That's fine.

Hon TJORN SIBMA: I did not ask about the likely estimated effect of the new visual detection equipment rollout. First of all, will a marketing or communications campaign be launched on behalf of the government to alert drivers to these new and improved measures of detection?

Hon SUE ELLERY: I am advised yes.

Hon TJORN SIBMA: When the Minister for Road Safety gave his second reading speech in the other place, he mentioned —

> Research has estimated that the increased use of mobile speed cameras in metropolitan and rural areas across WA has led to a 5.6 per cent overall reduction in the number of serious casualty crashes.

Would it be possible to elaborate on the degree to which we are talking about fatalities, serious injuries or both, and over what period? Does the government anticipate that these new units will contribute to at least an equivalent depression in the casualty statistics or has there been any modelling to demonstrate that they might actually be more effective in dealing with the road safety task?

Hon SUE ELLERY: To the extent that modelling has been done, the research that has been done to date is pretty old. It goes back to 1981. Generally, it is based on the theory that a 10 per cent reduction in mean speed could result in an approximately 33 per cent reduction in fatal road crashes. There is a strong relationship between the average speed of traffic and road safety, and that is reflected in the numbers of road accidents and injuries. I am not able to give the honourable member anything more precise about what might be anticipated, but the general theory is that if we reduce the speed, we will reduce the number of serious impacts.

Hon TJORN SIBMA: I am assuming here that the VDE units represent a new generation in detection equipment. Are they intended to effectively replace all existing equipment on the roads? Will they be used in conjunction with the fixed cameras on the freeway and other mobile units? I suppose I want to understand what the detection relationship is likely to be and whether the different technological detection means will demand different treatment in the issuing and management of infringements and the like.

Hon SUE ELLERY: I think the best way to describe it—certainly in the immediate sense and probably in the short to medium term—is that it will be an additional tool in a suite of measures used to manage road safety. The VDEs themselves have the capacity to provide a lot more information than just the speed at which a vehicle is travelling, so, to that extent, they add a degree of information that is not available under existing technology, fixed or otherwise. However, those other elements will not stop being used. What will happen in the future remains to be seen, but this is just another tool in a suite of measures that will be used to manage road safety in the short to medium term.

Hon TJORN SIBMA: I thank the minister for that. This might be less of a question and more of a statement. I anticipate that the introduction of technological means of detection that provide greater resolution and the capacity to detect infringements other than just speed, such as whether a person is using a phone or is distracted and looking back at their kids and the like, will be too enticing for authorities to ignore. Would it be likely that in five to 10 years these VDEs will effectively become the dominant means of detection across Western Australia? The detection technology embedded in them will be rolled out to other units, such as fixed-point cameras on the freeway and others. Presumably they will not be used with Multanova cameras, but those cameras might be added to or modified so that they will be able to do this as well. Is a plan in place for this? If so, I would be grateful to know what it might be.

Hon SUE ELLERY: The fair answer is that that policy decision has not been made, but it might be made at some point in the future. I also think that people do not have to be geniuses to look at the development of technology in a whole range of industries and say that technology is changing the way we do business, whether it is how we pay for products at the supermarket or how we manage road safety. Referring to the original point the member made, no policy decision has been made.

Hon TJORN SIBMA: The VDEs have been described as mobile units. I just want to determine that. Is the minister presently able to elaborate on, perhaps with the assistance of those around her, which agency determines the location of mobile units, aside from the fixed cameras, whether they be mobile or Multanova cameras? Is it the Western Australia Police Force, the Department of Transport or some other agency?

Hon SUE ELLERY: I am advised that as of today it is the Western Australia Police Force, with reference to a committee. It is anticipated that in the future a multi-agency committee will be set up to provide advice on placement and other matters.

Hon TJORN SIBMA: An issue away from the deployment, minister, is some of the potential operational costs of the infringement issuing process. Will any economy or efficiency be gained in respect of the Department of Transport taking responsibility for the issuing of infringements compared with WAPOL? Perhaps that can be measured in FTE terms or dollars per infringement issued and the like. Undergirding that, the question I should have asked but did not is: Why the transfer at all? What will be the advantage to government, community and the like?

Hon SUE ELLERY: There are a couple things in that. In terms of the policy driver for why we will bring them together, they are already separate and this is about centralising them. Demerit points and payments are already in the Department of Transport. It is about bringing all the back-of-house processes, if you like, all together. Initially there will be additional costs as that happens. It is anticipated that over time there will be other potential gains by way of being able to manage other infringement-related services out of that process. There is a potential move to greater digital services. Maybe we will not post out infringement notices and the like. Maybe they will be issued digitally.

Hon TJORN SIBMA: I thank the minister for that. I have one sort of core question around the actual AI technology and the interaction between what the program serves up in data on potential infringements and then the human factor at the department that ascertains the validity of the data and rules out false positives. What number of FTEs or what sort of training will be required at a departmental level in order to make accurate determinations in the main around the issuing of this? Has a protocol been established and what dialogue is required between the software and hardware operators and those human beings who make the decision? What is that likely to look like?

Hon SUE ELLERY: There are a couple of things in there. It is important to note that the AI picks up movement. It does not make an analysis of what precisely the movement is and whether that constitutes a breach. There will be two points of verification by human beings for whether it is a valid image of a breach.

In terms of additional FTE, some 65 FTE and comprehensive training will be provided. The training has been crafted from learning the lessons, if you like, from what has happened in other jurisdictions—New South Wales in particular.

Hon TJORN SIBMA: Presently, if someone receives an infringement notice, let us say, from a fixed-point or Multanova camera, there is the provision to contest or dispute the infringement and, largely, I think it is predicated on, "That's not me" or "No, definitely I am adamant that I was not doing that recorded speed." Will effectively the same protocols for disputing an infringement apply or will they be expanded or differ in any way as a consequence of rolling out these VDEs? Is there an experience in other jurisdictions that might inform your answer?

Hon SUE ELLERY: No, there is no change, honourable member.

Hon TJORN SIBMA: The final question from me relates to the potential now for staggering one's payment of an infringement notice. I understand that effectively the only option other than paying the lump sum amount by the due date is to default on the payment. Would the Leader of the House be able to do two things, please? One is to indicate the level of fine defaulting in the past six months or the past 12 months, if that information is to hand, because an individual issued with the infringement has not been able to make a payment by the due date. The second question is: To what degree is there flexibility in nominating a series of repayment options? Will it still be restrained to four quarterly instalments by a certain date or whatever it might be? It would be important to elaborate on the degree to which flexibility is important. Will there be any additional changes to demerit points if one avails themselves of that option?

Hon SUE ELLERY: We do not have information here about the extent of fine defaulting because there are no options. I am happy, though, to raise that with the minister and if he is able to get that for the member, that will be up to him.

The second question was: will there be flexibility in the options? There are three options, if you like: four instalments, six instalments or 10, based on the level of infringement. The demerit point kicks in—that is my technical term—on the first payment that someone makes.

Clause put and passed.

Clauses 2 to 77 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by **Hon Sue Ellery (Leader of the House)**, and passed.

CRIMINAL CODE AMENDMENT BILL 2024

Second Reading

Resumed from 18 April.

HON TJORN SIBMA (North Metropolitan) [2.32 pm]: I rise on behalf of the opposition to speak to the Criminal Code Amendment Bill 2024. From the outset, I indicate our support for the bill. I would like to place on record my appreciation for the support and attentiveness of the Attorney General's staff in dealing with a range of issues that I and my colleagues identified in the bill, insofar as potential loopholes or protections that were not offered to certain classes of individual. I now understand that the Attorney General amended this in the other place so it is reflected in the bill that appears before us in this chamber.

This bill is effectively designed to achieve two main outcomes, that is, to introduce a new offence for assault on retail workers and to remove fine-only penalties for certain stealing offences. In essence, the issue here is to uplift the maximum penalties that would apply to an individual who assaults a retail worker to the degree that that assault is considered to be a serious assault rather than a common assault. The difference there is a maximum penalty of seven years' imprisonment versus—I will say the standard, although I am reluctant to use that phrase—a maximum penalty of three years' imprisonment for a common assault.

To the degree that I had only just dealt with the strategic overlay of the deplorable statistics for road fatalities and trauma in Western Australia in the previous bill, I probably have far more granular information about the way that those convicted of assault are dealt with through the courts. It was timely that I received an answer in the last hour and a half to a question that I submitted at the end of March concerning this very matter. For the benefit of the parliamentary secretary and others, I asked a very simple question in two parts. It is question on notice 1973, which states —

> I refer to the *Criminal Code Amendment Bill 2024*, and noting the bill's intent to raise maximum penalties for assault on retail workers, I ask:
>
> (a) how many convictions for common assault were there in 2023; and
>
> (b) is the Attorney General aware of the penalties which the courts applied in these cases, and will he table these sentencing outcomes?

That is ostensibly quite a simple question, but there are some complexities in providing the information to the degree that one might be curious to obtain. Nevertheless, the Attorney General and his office have been very helpful in furnishing me with the following information: in Western Australia for the calendar year last year of 1 January to 31 December 2023, there were 3 919 convictions under section 313 of the Criminal Code. As members would anticipate, the circumstances of each offence differ in innumerable ways. With some indulgence, I want to read into the record what those sentencing outcomes are.

The reason I am doing this is because over time—frankly, it has not just been a "sin" of a Labor government; I have seen Liberal governments do this as well—when we have dealt with law and order by way of media release, we have come in with the promise of increasing maximum penalties for a specified class of offence. As I have observed more recently, when there is a reduction in the pool of dedicated political journalists there is a diminished understanding of how legislation works and of certain themes, preoccupations and stratagems over the years, and there is a reliance on effectively taking a minister's word for it when the policy is announced. That is before the bill has even been announced, briefed or debated in the chamber.

On the surface, what is being proposed here by the government—effectively providing greater protections for retail workers—is a laudable policy objective. I and the opposition have absolutely no problem with it. Of course retail workers should be protected as they go about their daily work. There is no argument. However, a level of curiosity piques in me when I think about what will actually be the likely outcome. Is it actually a reasonable expectation for me, any other member of the community, any retail worker in the state or any of the officials at the Shop, Distributive and Allied Employees' Association of WA? Again, I am an ex-shoppy union member. It did not hurt my preselection for the Liberal Party, but you know —

Hon Sue Ellery: Did you declare it?

Hon TJORN SIBMA: I will announce it now! Out loud and proud, I have been a shoppy!

Hon Sue Ellery: After you have been preselected.

Hon TJORN SIBMA: No. I have mentioned this in the chamber. It is a matter of public record.

The reason I think these measures are, to a degree, laudable is that many of us, irrespective of where we end up in our careers as adults, have probably spent some time in a retail environment, either during high school, university, TAFE or whatever. It would be my expectation too that my children work at the McDonald's drive-through or whatever as part of the accumulation of skills, the ability to earn income and to deal with a sometimes, unfortunately, very unruly public with on occasion some spectacularly bad individual customers. But the sentiment is just not enough. Let us attempt to really understand whether the full breadth of the sentencing outcomes promised by this bill are likely, or probable, to be given to an offender. Last year, there were 3 919 convictions under section 313 of the Criminal Code dealing with common assault. Of those, 627 people of that nearly 4 000 were given a community-based order, 24 were given a conditional release order, 216 were given a conditional suspended imprisonment order, five were subject to detention, 1 684 were issued with a fine, 604 served a term of imprisonment as traditionally construed by the ordinary person, 193 went on an intensive supervision order, 75 went on an intensive youth supervision order, 18 were issued a juvenile conditional release order with a detention period specified, five were issued a juvenile good behaviour bond, five were dispensed no further punishment under section 11 of the Sentencing Act, one had no order made or penalty imposed, 85 were imposed no punishment under section 67 of the Youth Offenders Act, 12 were imposed no punishment under section 46 of the Sentencing Act, 16 were given no sentence under section 11 of the Sentencing Act, four were given partially suspended imprisonment, one was issued a responsible adult good behaviour bond, 145 were issued a suspended fine, 121 were issued a suspended prison order and 78 were issued with youth community-based orders. On occasion, I imagine there will be a penalty imposed in conjunction with another penalty, but this bill promises to protect retail workers by uplifting a maximum penalty of seven years' imprisonment, or, if dealt with summarily before a magistrate, a penalty of three years' imprisonment and a $36 000 fine. The penalty might increase to 10 years' imprisonment if the offender was armed with a weapon or in the company of one or more persons at the time of the assault. I am very reluctant to compare apples with oranges and different parts of the Criminal Code with one another, but this is something that members of the community ordinarily do. Just taking this snapshot of people convicted under section 313 of the Criminal Code, we saw that there were nearly 4 000 convictions last year for assault of this type, and this eventuated in the imprisonment of 604 people. One-eighth, or thereabouts, of people convicted of an assault ended up serving a term of imprisonment.

Obviously, the object of this bill is not to establish any mandatory minimum sentence, and I understand in general the aversion to these means on behalf of this government, but not in every single case. The first issue I want to identify, or focus on, is that on occasion—and this is understandable—we campaign in poetry but we govern in prose. We often legislate in terms of the media statement or the second reading speech that attends these things and we build up a level of expectation that will in all likelihood never, ever be applied, except for probably the most egregious conceivable offences under this new level of offending. What am I to conclude from that as an individual? Frankly, a lot of false belief is built into these kinds of bills.

The origin of the bill is largely interesting. The Attorney himself has highlighted that since COVID-19, the dedicated state of emergency for which has now passed, violence against retail workers continues at unacceptable levels. I will make the obvious point, not as a parliamentarian, politician or opposition member, but just as a human being, that violence is always unacceptable, and there is no acceptable level of violent offending. I was curious to understand whether there was a tangible indication, a set of objective data, that demonstrates that there has been an uplift since COVID, continuing to now, of offences against retail workers for whatever reason. In the briefing I could not be given information about a particular class of victim.

This is the distinction that I think is being made here. In this bill the government has axiomatically identified—I do not mean this to sound pejorative—a special class of victim. That demands a special kind of protection to the means and the penalties that apply for assaulting that individual. That the bill has not come to the Parliament with the data substantiates that point. We can observe that there has been a general increase in violent crime in the community and against everybody in the last five years, but for a specified class of victim here, for the process of logic, I would like to understand where the escalation is, how it has been codified and how in all likelihood the government could expect a deflation in that kind of offending as a consequence of introducing these new penalties.

The political origin of this bill seems to be conjoined with whatever actual objective evidence there might be—and I am not saying for an instant, parliamentary secretary, that there is no such evidence, it is just that that evidence has not been amassed and made available to me. It has been very clear from the government that much of this originates from a survey conducted by my old union. I will quote directly from the second reading speech. It reads —

> A 2023 national survey by the Shop, Distributive and Allied Employees' Association of WA —

This is a national survey though —

> of its members showed that 87 per cent … said that they had experienced abuse from customers in the last year. Reports of physical violence increased by 56 per cent when compared with the results of the 2021 survey. This is clearly unacceptable.

I agree; it is unacceptable. I do not for one moment dispute that there is an increase and I do not claim that self-reports from members conducted nationally are wrong. However, I would like to see how they correspond with recorded police statistics in this jurisdiction, because we are not introducing legislation to deal with a national problem; we are dealing with the situation as it exists in Western Australia. On the special measures included in this bill, to a degree the government cannot reflect on overall crime statistics, which are bad, for whatever reason, and it has not been able to identify, in a granular sense, the very special threshold or the compartmentalised series of offences conducted against Western Australian retail workers.

This bill will not necessarily provide retail workers with the presumed increased level of protection but, hypothetically, an increased penalty will potentially apply if they are assaulted in the workplace. There is a range of scenarios in which retail workers will be protected, but there might be a series of scenarios commonplace to a person being in the workplace, transiting to and from the workplace or being in an adjacent area or doing an adjacent activity in which they might not be afforded protection. I think this is due to the definition that a person is a worker so long as they satisfy a test that the person performs duties that are part of the day-to-day operations of the business and in performance of these duties, the person is subject to the control and direction of the operator of the business. Furthermore, proposed section 318B(2) states —

> A person commits a crime if the person assaults a retail worker —
>
> (a) while the worker is performing their duties, as a retail worker, in an area of a shop open to the public; or
>
> (b) in consequence of, or in response to, anything done by the worker while performing their duties, as a retail worker, in an area of a shop open to the public.

During the briefing, the parliamentary secretary might recall that we hypothesised a range of potential scenarios in relation to the open-to-the-public test, for example. There are some grocers, whether it is Coles, IGA or another independent grocery market, whereby, perhaps due to the configuration of the shops or the car park, the loading dock is effectively open to the public because access cannot be restricted for whatever reason. There may be a local government by-law or it may be because of the way the shop space interacts with the surrounding environment. Will this proposed protection apply to an individual, a big burly sort of chap, who normally works on the checkout but who has been asked to unload the Steggles chicken truck because somebody is crook that day and the loading dock is partially enclosed and partially open to the public but there is absolutely no public thoroughfare? That worker would be exposed to the broader environment as they undertake a task as directed; however, they are not employed in an area that would ordinarily be construed as being open to the public. To what degree will these protections be task and scenario specific? A person, during the ordinary toing and froing of a day, may in the course of a shift go from undertaking activities for which they are protected to doing something that is ancillary duties for which they may not be afforded protection. I hope that is not the case, but one may contemplate there could be any number of wicked scenarios in which someone moves from a period of protection to non-protection depending on where they are on the floorspace of the individual business and the duties they perform in a shift. Is this too granular a concept to throw out? I do not necessarily think so. Due to staff shortages and the high employment rate, people are multitasking and people call in sick. People might do something they do not ordinarily do and have to walk out.

There is also a dimension that is captured in the second reading speech, the bill itself or the explanatory memorandum. I want to find it. The second reading speech elaborates on the following point —

> Firstly, a person will commit a crime if they assault a retail worker who is performing their duties as a retail worker in an area of a shop that is open to the public.

I wonder whether a shop with areas that are half and half would be protected in all instances. The second point is the one that I want to focus on and seek an answer from the parliamentary secretary. In the second reading speech, the Attorney General said —

> Secondly, a person will commit a crime if they assault a retail worker in consequence of, or in response to, anything done by the worker while performing the worker's duties in an area of a shop open to the public. This will capture assaults that occur in a location other than a public area of a shop, or—

This is a potential part answer to the first question—

> when the worker is off duty, provided the assault was incited by something the worker did while performing duties in a public area of the shop.

I am genuinely curious how that might be interpreted. I might posit a series of binary yes or no questions about this point.

My teenage neighbour catches the bus to work at Coles. He is wearing his Coles uniform. He gets clocked by somebody on the bus and that person makes some kind of derogatory remark about the employer. Would that young worker be considered to have provided the offender with a form of incitement? He is off duty; he is going to a shift. It is not something that that individual has done; it is the association between that worker and Coles. I could make the same claim about Woolworths. In fact, I could change these things around. To what degree must the presumed incitement or provocation be on behalf of the victim of the offence? Perhaps this is just cumbersome legalese, but I find that curious. I dare not do it; I will not insult anybody. I cannot speak for the union movement, but as an observer —

A member interjected.

Hon TJORN SIBMA: Please let me finish. I would say that there is a general ethic that the unions want to protect their members from the moment they leave home to get to their workplace until they are home again—the full daily cycle of the worker, including all the things they need to do to get to their place of employment and back again safely. That would be a fair assessment and a fair perspective. To what degree is an individual retail worker protected from the time they leave their place of abode to undertake their shift? Are they protected in the food court on their lunch break? If someone who works at Woolworths at a major shopping centre, perhaps Karrinyup, has a lunch break and wants to go upstairs to the fancier food court to meet their friends—perhaps they are doing a shift in the school holidays—and they are assaulted there, will the protections afforded under this bill apply to them on level 1 or 2 of Karrinyup shopping centre as compared with when they are working on the shop floor of Woolies on the ground floor? I am attempting to contextualise to find when in time and where in space this law will apply. Will there be gaps?

Another issue that the parliamentary secretary identified early in the briefing—unfortunately this gets a bit definitional—is the definition of "shop". I think it is kept definitionally broad. Can a retail worker be a service provider, or a service provider be a retail worker? There might be protections afforded to a mechanic so long as that mechanic is also selling an item behind the counter.

Hon Kate Doust: Have you been to a tyre shop lately?

Hon TJORN SIBMA: Yes—tyres, jacks, whatever! Will these protections apply to a mechanic in the pits who comes out to deal with an aggrieved customer who wants to dispute the cost, the time taken or a problem with the car seats? Must he be at the shopfront at the counter point where there are items for sale to receive the protections afforded under this bill, or will he or she also be afforded these—quote, unquote—protections when they are in the garage section of that business?

When we first discussed this bill in the briefing, it seemed to occlude or write out a class of worker who was not subject to direction, being the owner–operator of a business. I think that the original clientele in mind when this bill was drafted was not the proprietor of a store, a franchisee or sole trader. I understand that as I alluded to previously, an amendment has now been moved by the Attorney General to ensure that sole traders will be covered under the act. I want to ensure that every class of worker who is likely to operate in a retail space or retail shop, however that is defined, will be covered by these protections, in the hope that they might indeed be protected.

I move to the second dimension of this bill, which deals not so much with assaults in the workplace, but with the manner in which stealing offences will be dealt with. Ostensibly, the purpose of this part of the bill is to introduce greater deterrents for repeat offenders who engage in shoplifting and petty theft and to ensure that an adequate range of sentencing options will be available to courts when dealing with these offenders. It escapes my immediate recall, but I recollect that earlier this year a magistrate reflected upon the fact that he considered himself hobbled in the potential sentencing options that he could apply to those who plead guilty or are found guilty of these kinds of offences. That leads me to these questions: With whom did the government consult before, not after, this bill was introduced? Who had visibility of these provisions in a draft version of the bill before it was introduced to determine whether these measures would be reasonable and effective and consider all the possible options? That

is not to say that I have been the recipient of overwhelming criticism of the bill. I think that the general view of retailers whether organised or unorganised is that this is a step in the right direction, but I think it is important to understand the range of likely outcomes and appreciate the exact definition of a repeat offender.

The bill will remove the fine-only penalty for a person who is convicted of a stealing offence—this includes an attempt at stealing, which I think is an important inclusion; I want to double-check that is included—and has two or more prior convictions for a stealing offence in the past 12 months. These repeat offenders will instead be subject to the higher maximum penalty of two years' imprisonment and $24 000 when dealt with summarily, providing more effective deterrents by opening up the full range of sentencing options to the court, including a potential term of imprisonment. In situations in which repeat offending is related to an underlying problem such as drug or alcohol addiction, this will ensure that the court can order the offender to engage in treatment programs with an improved likelihood of compliance. If offenders do not engage, the court will have the ability to resentence them with a higher sentencing option, such as a suspended sentence or immediate imprisonment.

From that, I ask a number of questions. I leave aside the threshold value of stealing, which I think is set at $1 000. I want to set that aside. On whose advice was it considered the right landing point to determine that two or more prior convictions for a stealing offence should be the threshold for a repeat offender? On whose advice was it determined that the time period of that level of offending should be over the course of 12 months? I think that this gets to the way that repeat offenders are categorised and what constitutes a repeat offence. My unlearned interpretation of this is that an individual might undertake a series of similar offences on multiple occasions on the same day, and that would count as only one strike. There might be some consistency with the way that that is counted across the statute book, but I think it demands greater examination. An ordinary person would think that if a person conducted two, three, four or more like offences on the same day, they would accumulate the corresponding number of strikes, but that does not seem to be the case; that would count for only one. Additionally, a person with a history of offending prior to this bill receiving royal assent could be taken out of the last 12 months of history. Why is the government only focusing on a pattern of behaviour, theft, that occurs in a 12-month period? Why would it not broaden that, particularly in the case of adult offenders? I can see an argument being made to restrict that narrow window to 12 months for juveniles, but for an adult in possession of their senses, one who should know better, why is that period not being extended? Were other options considered and, if so, what were those options?

The phrase that the Attorney General has relied on suggests that the Criminal Code Amendment Bill 2024 will open up a range of possible sentencing options for people who are repeat shop stealers. That invites an examination of the present suite of options. Referrals will effectively be made to a therapeutic service for drug or alcohol counselling. Presumably, financial counselling will be an adjunct to that. To what degree is the parliamentary secretary aware of the judiciary having those kinds of referral options and how many such referral places are there in the state to which such people can be referred?

In summary, the opposition supports the bill. We acknowledge that retail workers should expect to get to work safely, work safely and return home safely, free from assault, but perhaps this represents a missed opportunity to strengthen or uplift the potential sentencing options for common assault across the entire community, because if this bill is designed to provide protection to a certain class of worker, I would argue on the basis of recent crime statistics that the rest of the community requires protection as well. Why was no consideration given to increasing the application across the board? The second of my series of questions about repeat offenders is: why would we not want to clamp down on people who rampage or commit multiple offences on the same day, rather than effectively giving people a leave pass or being very generous in the way we count them?

With that, and with confirmation about the treatment of either sole traders or owner-operators of businesses being defined as a class of worker protected by this bill, I look to the parliamentary secretary's response.

HON MARTIN PRITCHARD (North Metropolitan) [3.14 pm]: I have been in this place for nine years, and it is great that a bill has come before the house on which I might have more expertise than most. My main career before joining the Shop, Distributive and Allied Employees' Association of WA and coming to this place was as a shop assistant. I worked on a shop floor for some 16 years in retail outlets such as Aherns, which was a department store, Woolworths and Coles. I have seen the gamut of major retailers. Aherns was a department store based in Western Australia. The Coles at which I worked was part supermarket, part variety, and the Woolworths store at which I worked was all food. I have some expertise within retail, and I see myself as a retail worker. I was not going to get up and speak, but the previous speaker asked a couple of questions about which I thought I could shed a bit of light for other members in the house. I thought I would take this opportunity to make a short contribution to the Criminal Code Amendment Bill 2024.

Theft within retail has always been a thing—during COVID it got a lot worse—but it has never been as prominent or in the public arena as it is now. When I worked at Coles variety, there would be an announcement that Mr Brown was required at a particular location in the store, and all the young men in the store would run to that location. That is the way we dealt with shoplifting in the past. The employer never said that we had to put our lives on the line to save a particular product. Retail is an area in which many young people get their start; it has a major junior component. It is predominantly a female place of work, although that is certainly changing a lot these days. There had to be

some system in the past to deal with the incidents that occurred. Back then, employers would ultimately say that we were not meant to chase a person who had shoplifted down the street because that could open up issues, such as whether we were covered. That is how shoplifting was dealt with in the past. During COVID, we saw—it was highlighted on TV—some horrendous instances of abuse towards retail workers when stock was not available or someone wanted to purchase a pallet load of toilet paper. Ultimately, shop assistants had to face that abuse. During COVID, supermarkets were not closed like all other places, because they were deemed a necessity; people had to eat. Even during lockdowns, we were allowed to go to the shop to buy food because it was a necessity. During COVID, retail workers were considered essential workers and, for that reason, they put themselves on the line on a daily basis, often dealing with abuse. As I said, that kind of abuse has always occurred but certainly not to the extent that it occurred during COVID. The severity of incidents certainly grew because of perceived or genuine desperation. Some people were prepared to go to extraordinary lengths to intimidate retail workers to get their own way, whether they left the store without paying or purchased more than the allotted allocation given by the employer. To make sure that people did not stockpile items, Coles and Woolworths often put limits on toilet paper and other essential items. As I said, retail workers were the ones who bore the brunt of that because they were required to work. This legislation reflects that. As a shop assistant who has ended up in this place, I am very pleased to see the recognition.

The previous speaker spoke about his Shop, Distributive and Allied Employees' Association membership, and I am glad to hear it. The member is absolutely right in saying that most workers, especially at some point in their early lives, will go through retail, whether it be in fast food, a supermarket or, indeed, other places. It is a good training ground, but it also needs to be recognised that juniors are vulnerable. This legislation is to protect those who are most vulnerable.

I am a proud member of the SDA still. I was a member all the way through my retail work, at whichever store I went to. In this case, the SDA has been working closely with employers. I am very pleased to say that this legislation is supported by all the major employers as well, not just by the union, but certainly the SDA supports it. I am very proud to say that it agitated for some remedies to what it perceived as more violence to its members. The major employers are on board as well, and that is always good to see. They are working jointly. Of course, it needs to be recognised that any real improvement that happens within retail is driven by the SDA and, in this case, supported by the employers. Not just SDA members and major retail places get the improvement; it also spreads across all retail workers within Western Australia. That is good to see.

A couple of questions were raised by the previous speaker. Drawing on experience, I would like to comment on them. The member was talking about the "facing" part of the shop—in other words, whether the person would be covered if they were working in the dock or the place where they receive goods. I ensure the member that all the places that I have seen and worked at are either a very small operation and receive their stock through the front door, which again would be the public area, or they are larger stores and receive stock through the dock, which is deliberately kept away from the public.

Hon Kate Doust: Unless, of course, it is a receiving dock, and you have to collect your product.

Hon MARTIN PRITCHARD: Of course. Actually, that is an innovation after my time, at IKEA and such. Yes, indeed, that is a very valid point, but I would say they would be retail workers in the delivery of goods, just that the counter is at the back of the store instead of the front.

The SDA has agitated for this change. The previous member spoke about the effectiveness of increased penalties. I have to admit, personally, I do not believe a person thinks of the penalty when they perform the criminal act. This bill is part of a general approach and a general education of the public that retail workers should not be taken for granted. They are essential workers, just like other people who are required to work during periods like COVID. This is a situation in which people generally understand that they have to treat shop assistants better. Increased penalties for that purpose are a worthwhile approach. I congratulate the government for taking this on board. I know it is sort of a self-congratulation, but it is a very genuine approach to a real problem that certainly has become more prominent at the current time. Heaven forbid we have to go through another situation like COVID in which shop assistants are again called upon to provide that essential service. I hope that never happens. At least we know that people may now respect shop assistants for the work they do and the things that they assist our community with.

HON KATE DOUST (South Metropolitan) [3.24 pm]: I am really pleased today to comment on the Criminal Code Amendment Bill 2024. It is quite fortuitous that we are actually debating it today; on Saturday, I was shopping in David Jones in Booragoon and saw a man start to berate a shop assistant. He was standing there with his wife and having a red-hot go at the poor woman. I hovered around her, and he walked off and was obviously going to lay a complaint. I could see that she was trying to do everything she could to calm the situation, work through it and try to do her best work in customer service, and he was not having any of it. I went over to her once he and his partner had walked away, and I said to her, "Are you okay?" She was a senior shop assistant at David Jones. Hon Martin Pritchard knows the kind of member who works there. They are very good. She said to me, "Actually, I'm shaking. I'm really upset." I said to her, "Do you think he has gone off to make a complaint?" She said, "Yes." I said to her, "Here is my card. I watched it all. If your manager comes and has a word to you, I am

happy to back you up." Sometimes you cannot walk away from those things. That was just a reminder to me about the types of issues that retail workers have to deal with all the time. My colleague Hon Martin Pritchard and I are probably best served, having dealt with that at the coalface. We both started our working lives in retail. Hon Martin Pritchard obviously stayed a lot longer than I did. Unfortunately, I was sacked by Coles in my first six months. That was because a manager was stealing from the company and covered it up by sacking a number of staff. He lost it all in the last race, I think, on a Saturday and decided he needed to cover himself. I have always thought retail workers are significant workers. They certainly stepped up and demonstrated their importance to us as a community during COVID. When everything else was shut down and locked up, they had to continue working to ensure that we could have access to food and services. The McKell Institute did research that demonstrated that, during COVID, the incidence of violence towards retail workers rose by 38 per cent, which is a significant amount.

During our time, Hon Martin Pritchard and I spent lengthy periods of time as officials with the SDA. I was there for 17 years. Hon Martin Pritchard was probably there for longer in the end.

Hon Martin Pritchard: Twenty-four years.

Hon KATE DOUST: It was 24 years. I will put this on the record because I may not get the opportunity in due course: at the start of the member's career as a delegate for the union, the member was one of my best delegates around, and I was so pleased that the member stepped up and rose to where he did in the union. Like Hon Martin Pritchard, I have been a very proud member of that union and have worked for it both at a state and a national level over my time with it. I am still a member. I have held positions on the executive at state and national levels. I think the work that it has been doing throughout our state branches to afford better protection in legislation for retail workers has been significant and well received by the membership. There will be very few people who work in front-of-house retailing, if you like, who have not experienced some sort of violence, intimidation or harassment in their job from a customer. I know that there are probably others in here who have experienced that. When I worked on the tills in Coles at the age of 16, I had a very significant incident that I still remember very clearly, as though it only just happened. When a customer comes up to you when you are just trying to do your job, and they just let loose, and they are bellowing at you, threatening you and calling you names, it is really hard to shake that, particularly if you are a young worker. I left that day and was very distressed about that. It is something you always remember.

In our working lives as union officials in that sector, we had to deal with some pretty appalling verbal and physical attacks on members. Sadly, not just here in Western Australia but also in other states, it has not been just verbal interactions; we have lost workers due to physical assaults, stabbings and other interactions that never should have happened. Every worker should be able to go to work, feel safe and come home in a safe manner. Unfortunately, because of the role retail workers play, they are often at the coalface in dealing with people who are in a heightened state of stress and frustration, as we saw during COVID. Quite often, the shop assistant at the till or on the store floor might have been the only person they could vent at, so we saw an escalation. I have sometimes seen this in my local Woolies. I remember one night hearing from another aisle a customer having a go at a manager because they did not think that they had received appropriate service.

This legislation is really one step to try to change people's awareness of retail workers' roles and the importance of their work to us. Hopefully, it may act as a deterrent before individuals verbally or physically abuse or intimidate workers. I think that the government has taken the appropriate steps. Some other states have put forward variants of this legislation and how they have tackled these issues, but the Western Australian government has found fairly solid ground with the approach it has taken.

I know that workers in the industry are very pleased that the government has responded to their needs. Part of that is because they feel that they have been listened to. Members will recall that—I think it was earlier this year—I tabled two petitions with several thousand signatures of people working in and around the industry; one was an e-petition and one was a hard-copy petition. As my colleague said, the petitions were fully backed up by some of the major retailers, who presented here at Parliament to demonstrate their support for their employees on this issue. They want to see change. They do not want people coming into their workplaces and causing harm to their employees. At the end of the day, employers know the cost to them if, as a result of this type of action, one of their workers is injured on the job, has to take time out or has a stress-related outcome and cannot function in that role because of what has happened. I must say that I have been very impressed with a number of employers that have stepped up, particularly companies like Woolworths, where retail staff in their stores are predominantly on the floor, have direct customer contact and take the risk of having to cop the brunt of a disgruntled or aggressive customer or somebody who just feels that they want to have a red-hot go. As I understand it, the petition has been finalised because this bill is before us, which is a very legitimate reason to finalise it. I am very pleased that the union had the opportunity to petition on behalf of its members. Ben Harris, the state secretary of the Shop, Distributive and Allied Employees' Association of WA, was the principal petitioner, and he put in a substantial petition to articulate the data for the number of incidents that have occurred traditionally and since COVID to demonstrate the problem and the concern of people working in the sector.

I imagine that very few people in this place do not have a family member or friend who either has worked in or currently works in retail. We already heard from Hon Tjorn Sibma, who started his working life in retail and hopes

his children will work in that space. It is an entry point for the vast majority of people before they start in their more formal or structured working life. People start working in retail in high school and, in some cases, continue through university or whatever form of study. I have a good friend who stayed on as a night filler at Woolworths for about 10 years while they were studying. It can be a very good job. It is a good career. A lot of people underestimate it, but at the end of the day, workers are fully exposed to customers and how they feel on the day. It can be a very quick flick of the switch in how they relate to workers. Their demeanour can change and go from being fairly calm to either verbally abusing them or laying on them with fists. Hopefully, this bill will provide some deterrent. If it does not, it will see penalties imposed for those types of negative actions, so I think that is a very positive change and I commend the government for that.

The second part of the bill deals with repeat shoplifting offenders, and that is a significant scourge in the industry. People become very creative in how they steal from shops. They do not think about the consequences for the retail worker or the retailer. They can also become extremely aggressive during the process of stealing from the shop, and a retail worker could be assaulted in an attempt to prevent theft. I know that we saw that from time to time. I remember being on the top floor of the old Boans store in Cottesloe back in the 1980s and talking to union members. It was the floor on which Boans had the very nice tableware and crockery, and I saw somebody lift a box of crockery and hike it out of the store. It got to the point that retail workers were told not to chase them. It was not worth their while chasing them because they might get belted. Because the workers were women, it was just too risky. They could get done. The trick was—we had to deal with this on a number of occasions—that if a shop assistant or staff member tried to stop the person stealing on their way out of the workplace, they could be done for assault if they laid their hands on them. There were some real problems with that. This bill will try to tighten up the arrangements and act as a deterrent to those activities.

It is a very difficult space. Sometimes when stock is taken from stores, it is not just the little things. Sometimes it is quite substantial, it is very well structured, and it can cost large or small businesses many tens of thousands of dollars. In some cases, it can cause small retailers significant financial damage in how they operate their business. These are some very positive changes.

I am particularly keen on this. Retail workers have probably been a bit overlooked over time. People know they are there and deal with them all the time, but they do not take into account the customer service skill set and think anyone can be a shop assistant, but that is not always the case. People have to have some very good skills to be able to deal with the variety of people who come through retail outlets' doors, deal with their different mannerisms and manage how they interact.

It has not always been the case that specific legislation has been passed to address a need or concern of retail sector workers. Of course, their needs and concerns get picked up under general industrial relations, workers compensation or health and safety legislation. They certainly get discussed when we deal with trading hours debates because their work is at the heart of that, but I think to have something like this is very important. The government has isolated an amendment to deal exclusively with this subset of workers in our community and has picked up on what is happening in other states.

I have spent 40 years in this area. In fact, 16 May will be the fortieth anniversary of my first day as a trade union official. It makes me feel so old! I can still recall going into Coles in Forrestfield with my good friend Bill McIntosh and our new official at the time, Joe Bullock. That was my introduction to organising. I watched the abuse of a shop assistant on the floor that morning, and one of my colleagues deal with it, perhaps not in a manner in which we would in the modern age but at that point in time it was quite interesting. Both Hon Martin Pritchard and I have had substantial work experience in this space. We both have experienced these types of situations in our working lives, and we both have had to represent members who have been distraught, stressed and unable to return to work in some circumstances because of the nature of the action taken by a customer to bully and harass them and lay hands upon them in assault.

I pick up on Hon Tjorn Sibma's comments about "Where does it start and end?" I have always taken the view as a trade union official that everything from start to finish with a working person is the business of a trade union. It is its job to look out for the best interests of that worker from start to finish. The honourable member is correct: quite often, if a person is in the uniform of their company, going to and from work or during their lunchbreak, they can be seen as open game. We just recently saw the incident that tragically happened in the Westfield shopping centre in Bondi in the eastern states where shop assistants going about their business of the day were stabbed. I am not sure whether any passed away, but I know that shop assistants were involved in that very tragic and awful incident. They are different from other workers. They are not tucked away in an office. They are not on a mine site. They are not away; they have full-on customer engagement. They never know who they are going to deal with. A Perspex screen, as was put up during the COVID pandemic, was a welcome barrier for a lot of shop assistants because they could not be spat on. They could not be pointed at and verballed. It gave them some sort of sense of security and protection that had not necessarily been previously available.

This legislation in front of us today will also provide a substantial level of protection and will send a clear message to our community in Western Australia that shop assistants deserve to be treated with respect. They should be

looked after. They should not be assaulted in any way, shape or form, and they should be allowed to get on with their job. This bill means that people who do not abide by those ground rules will cop a deserved penalty for not treating people with respect.

I am really pleased that the Shop, Distributive and Allied Employees' Association has taken the initiative on behalf of its members to pursue this matter vigorously with the government. It has taken some time. It has been an issue of importance to the members because it is something they have engaged with in their workplaces. They have talked about it. They have had people sign the petition. They have had people turn up to a range of events to push this issue along. They have talked to members of Parliament about the issue. I think the government has responded in a very timely manner and has made a proposal that, hopefully, will provide comfort to retail workers and demonstrate support and respect for the role that they play in both the industry and our community. I thank the government for bringing forth this bill, and I look forward to its swift passage.

HON DR BRIAN WALKER (East Metropolitan) [3.43 pm]: I do not think there will be a single person in this chamber or in this Parliament who would conceive of the concept of permitting disrespect to retail workers. That is without question. It was pointed out earlier in the debate on the second reading of the Criminal Code Amendment Bill 2024 that we have made this a special requirement for retail workers, and I can see why; they have been singled out and they feel unprotected. Indeed, they are unprotected. Anyone can walk into a premise where goods are being sold and behave in the most despicable manner; it is absolutely clear. It is also true that we are seeing, anecdotally, more and more in the way of violence in society.

I think, in a similar vein, about my colleagues in the emergency departments. For them, it is not unusual to have bottles of urine thrown at them, to be smeared with faeces, to be threatened with needles and, if a scalpel is nearby, to be threatened with a scalpel. I personally have experienced windows in an emergency department being broken and the broken glass being used to threaten me. I have been sworn at in the most vile manner. I will not repeat those words not only because they are unparliamentary, but also because they would implicate the whole group of people who would feel comfortable using such language, and there is a lot of them.

I also think about the healthcare workers who are being bullied and assaulted not only physically, but also verbally, mentally and emotionally by those who employ them, including the health bureaucrats who demand that they work twice as hard because they have cut the FTEs. The patients keep flowing in, and when healthcare workers fail to do the work of two, they are then blamed and made to feel small. Again, from personal experience, I refer to a male ex-soldier who was promoted, as they usually are, into a place of incompetence and was able to reduce to tears any nurse who dared to come to him for help in managing the difficult burden of working in the healthcare industry on a ward with patients whose lives were at risk. The response was not to help but to bully them, reduce them to tears, make them afraid to come into work, make them cower and reduce them in status to the level almost of a subhuman—a slave working on the ward to meet "my demands". Such action remains entirely unaddressed.

I am thinking about my friends, paramedics, who attend the most horrendous scenes. They try to pick up a dead baby and feel the wrath of a parent who might actually have killed that baby, attacking them with bricks, with knives—occasional weapons. We might expect it of the police who go into the most difficult situations and are assaulted on a regular basis. Then we have the scourge of domestic violence, which is absolutely wrecking the morale of people who accept the need to feel safe in their own home and with their family but who somehow find themselves being attacked physically and verbally in the most vile manner. They are trying to put food on the table for children and being beaten while that happens. When they call for help, no help is forthcoming. But the coronial inquest might well give a few words of advice. Wash and repeat. Wash and repeat because it happens with terrifying frequency.

We see the effect on retail workers. Let us take a bottle shop worker. I think, universally, bottle shop workers are assaulted and abused by the people coming through. Alcohol does that to people. I cannot really understand why it happens in a children's toyshop, but it does with distressing frequency. It is excellent that a bill such as this is being brought in, but I ask myself at the same time: why do we need a bill such as this for a particular group of people? There were words Hon Kate Doust spoke that I entirely agree with. We must treat people with respect. Everyone must be treated with respect. That patently is not really the case, but the number of cases in which we are having disrespect and violence shown to ordinary members of society seems to be increasing.

My colleague Hon Tjorn Sibma asked what the data was. We perceive it. Maybe it is just the media holding onto this and making it appear more frequently in our faces. The sense I get is that such things are increasing, are they not?

Here we have yet another classic example of closing the stable door after the horse has bolted. Someone has actually assaulted someone, and now we are putting in place legislation that may or may not be applied. An example of legislation not being applied is the firearms legislation. The last few cases in which firearms were improperly used were by persons whom, according to the current legislation, should not have had firearms in the first place! They were either on bail or had been apprehended for their violent behaviour, and still, they were allowed to keep weapons. With those weapons, they then committed crimes. We are now seeing legislation brought in to hamper people who legitimately and legally own firearms, obey the law and treat them like a tool. Those people who are illegally accessing and using weapons appear to be immune from legislation. It is shutting the door after the horse has bolted.

The question I put to the government is not that this bill should not be passed, it should; I support it entirely. Let us not look at the superficial problems that we have; there is violence in retail settings, emergency departments and on the general streets—people are walking down the streets and being beaten because someone took an unhappy look at them. We need to look at the underlying causes. I cannot imagine how anyone could think or feel the need to take a knife and enter a shopping centre. I am sure I speak for all in this chamber and Parliament that not a single one of us would conceive of the idea of taking a weapon with us to go shopping. It is abhorrent! It is unnecessary! And yet, we find people doing it. Why? If we could find the cause of why people feel the need to arm themselves and go out threatening other people, rather than dealing with the symptoms after the horse has bolted, perhaps we could then get a reduction in community violence. Would it not make sense to attack the underlying causes from which arise all the other problems?

Would members call me a fundamentalist? I would call myself a fundamentalist. It seems perfectly reasonable and sensible to deal not with the outliers of the problems that are increasing, but to go down to the very source of the problems and deal with those. I am putting out a call here for the government. Yes, it is a good bill, but let us deal with the fundamental underlying problems afflicting our society in which violence is simply another way of expressing oneself. It is a form of communication, is it not? Perhaps clearly expressing one's feelings with words of more than one syllable in an environment in which people are supported and helped could be used instead of someone getting a knife, gun, brass knuckles, iron bar or anything to give them a bit of power over someone else with whom they disagree and can then beat into senselessness or indeed to death to express their distrust, hatred or dissatisfaction with that person or indeed the general feeling that the world is a bad place and that they just want to strike out. Members might then say that is very well a mental health issue, and I would agree entirely.

Bear in mind, I have been accused many times of making philosophical contributions, but I feel I need to do this because there is a philosophical aspect to this, is there not? We need to look at what is actually causing this. If the problem, as I proposed, is one of poor communication, then perhaps we ought to encourage people to learn how to communicate with one another and also with the self. The worst example of that is actually in Parliament, where people shout at each other across the chamber. That is entirely the wrong way of doing it. We need to work together to find solutions to problems, not fight each other. Even the very names in here like "the opposition"—no! We should be working together to serve the people. It is a nice theory. What we see manifesting in this place, albeit in civil terms, is an extension of the problems in society in which confrontation is the norm.

For example, I look to the people who are also being continually assaulted and have no protections whatsoever. I am, of course, talking about teachers. These are people who are trying to teach our children how to actually live in this world, understand what is going on and live as human beings who can respect each other. These people, who are the backbone of the future, are being assaulted: 60 per cent of headmasters have been physically assaulted by parents. Teachers are being attacked by pupils with knives. Violent words are being used online to bully other students. This has become the norm in our society and we must recognise the underlying cause. Although it might take a generation to address, if we do not start addressing it now, in another generation they will be saying, "It will take another generation to fix this", and so on. We must do something now because pressure is increasing in our society. If we fail to recognise the underlying causes as the ones with the responsibility to address the needs of society, then we, colleagues, are in part to blame.

Without casting any aspersions, I simply raise this point: this is an important and sensible law, but it does not go far enough, does it? It does not go far enough, because it leaves swathes of our population unprotected after the horse has bolted. I put it to members that although the bill may be admirable in its intent and I support it, it is but a shadow, a pale imitation, of what needs to happen to keep our society, children, retail workers, healthcare workers, teachers and all of us safe, so that no-one feels the "comfort" of taking a knife with them into a shopping centre for whatever purpose, ever. It is a big task. This bill will not address that. We know this. Each one of us knows this. It is a good start, but colleagues, we must take this further.

HON BEN DAWKINS (South West) [3.57 pm]: What I will say in this debate on the Criminal Code Amendment Bill 2024 is that we have gone to another category of worker for whom we need to protect from assault. The nub of the issue is that all assault is unacceptable. I do not know that we should be breaking it into further categories. This category here of retail workers has arisen because of the Shop, Distributive and Allied Employees' Association of WA—the shoppies union, is it, Hon Tjorn Sibma? I think we are effectively creating categories for which assault is apparently more unacceptable based on political grounds. In other words, because the Shop, Distributive and Allied Employees' Association is aligned with the Labor Party, it now has its own category of assault.

Really, as I have already said and we all know, all assault is unacceptable. Therefore, we should not be doing it any further. The bill suggests that some assaults are worse than others. We already have nurses and police, who have been put into their own categories.

Hon Martin Pritchard: And you don't agree with that?

Hon BEN DAWKINS: Well, I suppose I do not know the history behind those ones, Hon Martin Pritchard. They would appear to be more unique than retail workers.

As I think Hon Dr Brian Walker referred to, once we go to retail workers, we can probably go infinitely through all the occupations. I see this as an unnecessary political distinction. I will vote against the bill, but not because I think retail workers should not be protected from assault —

Hon Sue Ellery interjected.

Hon BEN DAWKINS: They are obviously already protected from assault, Hon Sue Ellery, so this bill seems unnecessary. The bill may score additional points for the Labor Party with its aligned unions, but the distinction does not seem to be valid for the purposes of the law, or of any use to this Parliament. I think the distinction for serial shoplifters is good, so I support that part of the bill.

I will go back one step to the politicisation of the Criminal Code—that is, protecting certain union groups with a specific part of the Criminal Code. Some young person will potentially have the book thrown at them because of an almost political motive in the Criminal Code. The danger here is that with any kind of mandatory sentencing or over-punitive interpretations of, or additions to, our Criminal Code, a person will be over-punished because of these provisions and now there will be hysteria around retail workers. Really, every category of worker is already protected. It will not have any impact on the passage of the bill, but for the principles I have outlined, I will vote against it.

HON MATTHEW SWINBOURN (East Metropolitan — Parliamentary Secretary) [4.02 pm] — in reply: I rise to give the government's reply to the second reading contributions made on the Criminal Code Amendment Bill 2024. I thank members who have put their views on the record. It is disappointing that Hon Ben Dawkins cannot bring himself to support the bill. I think he has completely misunderstood what it will attempt to do and he is caught up in his animus towards the Shop, Distributive and Allied Employees Association of WA and its members. In any event, that is his right, and I do not intend to spend a great deal of time on his contribution.

I thank Hon Tjorn Sibma, who gave a substantial contribution and indicated that the opposition intends to support the bill. I thank the opposition for its support of the bill. For obvious reasons we think this is an important, albeit modest, reform in this area, and it moves the dial towards this Parliament putting on record its disgust and disdain towards people who assault retail workers in their workplace or in connection with their workplace.

I thank Hon Dr Brian Walker for his contribution. As always, he entered into a higher plane than perhaps some of the other contributors, but I will address some of his more specific concerns. I always enjoy the contributions of Hon Martin Pritchard and Hon Kate Doust, my comrades from another union, the SDA. They can only be ex–union officials. They come into the chamber with the passion and care that came from their years of commitment to try to make the working lives of the members of the SDA better. I thank them for their contributions and insights.

I will deal with the issues that have arisen. I understood from most members behind the chair that they do not require us to go into Committee of the Whole House on this bill. I will try to deal with the matters they raised in as much detail as I can. Without being disorderly, they can feel free to interject if they feel I have missed the point they think needs to be specifically addressed, although I have some detailed notes here.

Hon Tjorn Sibma wondered whether the full breadth of sentencing outcomes would be utilised in practice once the bill passes. He noted that around one-eighth of offenders sentenced in 2023 under the common assault provisions in section 313 of the Criminal Code were sentenced to imprisonment. I note in response that a charge under section 313 of the Criminal Code does not require any injury to be caused to the victim. The point I am making here is that what would constitute common assault is quite a spectrum, and therefore a proportion of those people dealt with in the information provided to the member in the question on notice that he read into the record would involve circumstances in which there was no injury caused to the victim. Therefore, we need to be cautious about making a conclusion about the proportion of convictions under that provision and the number of imprisonments. As I say, those imprisonments would have been related to the more serious spectrum of common assault. The honourable member also wondered whether there had been any ongoing increase in assaults against retail workers following the COVID-19 pandemic. In the second reading speech reference was made to an SDA survey. I have a copy of that survey in my file. For the benefit of the record I seek leave to table that survey. That will help provide context to people who might follow the debate at a later date. This document is titled *No one deserves a serve: Survey report 2023* provided by SDA National.

[See paper 3125.]

Hon MATTHEW SWINBOURN: That will provide some context. Some further context for the evidence base for retail workers was alluded to in the contribution from Hon Kate Doust. I will also bring the member's attention to published data from the Australian Bureau of Statistics showing that over the period from 2014 to 2022, violence on retail premises increased by 38.8 per cent in Western Australia. That is quite a significant increase in reported violence on retail premises. When we did the briefing, we might have alluded to the fact that in the statistics that have been provided to us by the courts and police, the status of "retail worker" is not one they keep records of, so it is difficult to provide a level of detail on the breakdown of the proportion of assaults on retail workers that have been charged and successfully prosecuted. One outcome of this bill, and a new provision, I think it is proposed section 318B, will be a new category under which we can look at the number of charges and convictions made

under the provision. That is because it relates specifically to retail workers. Going forward, we will have quite good data on this, but it is acknowledged that, for the reasons I have explained, we do not have a clear database of court and police records.

Hon Tjorn Sibma also stated that there were a number of work-adjacent activities that a retail worker might undertake for which they are not protected by the provisions of the bill, and he gave the example of his neighbour's child who was assaulted on a bus while transiting to work in their Coles or Woolworths uniform. In that instance, it is important to understand that the mere fact that someone wears a uniform or works in a retail outlet does not protect them holus-bolus against assault. It is not a complete circle, if I can put it that way. The nexus is that someone is working in a place that is accessible to the public, and that is the real key here. The retail worker on the bus travelling to work in their Coles uniform would not be afforded the additional protections, if we are calling them that, of the higher penalty that arises from assaulting a retail worker.

I think we need to understand that if we flipped that and there was a circumstance in which that same retail worker had an interaction with a person in the retail space, if I can call it that, covered by this bill and subsequently got on the bus to go home and that person then assaulted them because they saw them on the bus, and that assault was connected to what happened on the floor, then they would be protected by the bill. If we look at the second of the limbs, proposed section 318B(2)(b) states —

> in consequence of, or in response to, anything done by the worker while performing their duties, as a retail worker, in an area of a shop open to the public.

That assault happened on the bus as a consequence of something that the retail worker did in an area of the shop open to the public. There is a connection there, but there is a point at which that nexus is broken and then what is available in terms of dealing with the abhorrent behaviour of a person who assaults another person is covered by a provision that already exists in the Criminal Code. Depending on the nature of the assault and the surrounding circumstances, it could be a charge under proposed section 313 for common assault or the more serious assault provisions if there are aggravating factors or the level of injury goes beyond the lower end dealt with by common assault into wounding et cetera. I think it is important to understand the previous member's contribution that there is a baseline of protection in place already in the Criminal Code for assault. Here we are dealing with a specific range of circumstances for retail workers and we have made a policy decision to ratchet up the penalties. I hope that gives an understanding.

The member gave the example of the back dock. I worked for my nanna in her bookshop, but that might have been called "love work" rather than retail employment. She ran a bookshop in Armadale and did not make a lot of money out of that. I worked for several years as a driver delivering milk to places like Coles and Woolworths. I am very familiar with the back dock. Things have changed in the retail space in the more than 20 years since I delivered milk. Most back docks are not open to the public. The public may gain access to them, but they are not a public place. I would suggest that, with the passage of the work health and safety laws a couple of years ago and their commencement, occupiers of retail-type spaces have become more careful about who gets access to those places because they are not meant for the public. There are hybrid-type situations in which shops receive their goods for sale in the shop and may also dispense goods from the back dock. In those circumstances, if the nexus is that it is a place that is open to the public, then yes, the additional penalty will be available if that worker falls within the definition of a retail worker.

The definition of retail worker is not self-ascribed. For example, it is not a shop assistant who works under the retail trades award, or whatever it is called these days.

Hon Kate Doust: It used to be the old shop and warehouse award 1976.

Hon MATTHEW SWINBOURN: That particular award—being classified as a shop assistant. It is probably the award that the member worked under back in the day.

That is not how that is worked out. Whether someone is a retail worker comes within the definition section of the bill that we have here. I think the member mentioned task and duty. The key issue is whether they are working in a shop and whether they are in a place that is open to the public. As the member said, we could go through granular detail and iteration upon iteration of particular circumstances. I think the fairest thing to say about the possibilities, and later realities is that it will depend on context and circumstances. The police will initially make an assessment before they charge someone, then the courts will make determinations on it. I am not saying that to kick the can down the road or to avoid the answer. Retail spaces are some of the most common places in our society. There are many different set-ups and it will become a question of fact and circumstance of which the courts, and initially the police as the charging authority, will take into account. I can say, "What about this, that and the other", but it will come back to particular circumstances. What else did the member cover? I do not mean that flippantly; I am trying to find my place in my notes.

Hon Tjorn Sibma: If I may assist, the definition of worker is now more comprehensive.

Hon MATTHEW SWINBOURN: I will get to that. I will read in what we have said when we introduce the amendment in the other place to get it on the record here.

The member asked whether service providers will be covered by this offence. The answer to that is a qualified yes. If they are only service providers and do not provide the sale of any goods, then they would not be covered. For example, lawyers and staff who work in a shopfront law firm in a retail space would not have additional protections because they do not sell goods. A more common service-type example in a retail or shop-type setting is a massage parlour. If staff only provide a massage service and do not sell goods, then they would not be covered; however, if they sell oils or gift certificates, then they will be covered. I think it is unlikely that people would not onsell additional products to supplement a service-based business. I am trying to think of other examples. A real estate agent does not sell goods; it sells properties. Agents would not be captured.

The member asked about mechanics or tyre fitters, where there may be a retail space at the front where mechanics sell whatever mechanics sell these days—they might sell a pine smelly thing that goes in the car. We do not see many people selling fanbelts anymore. Fanbelts used to be everywhere you went. They obviously sell tyres. They fall within the category of selling goods, but then there is a space out the back where the servicing is done. In my experience, servicing areas are no longer open to the public. There used to be a time when kids got to ride on the vehicle lifter at the tyre shop or mechanic. None of that happens anymore. They are very cautious; however, there may be circumstances in which the public does enter. If there is an assault on the mechanic, the key question is, is it a space that is open to the public? If it is, they would be covered. There is a tyre place around the corner from my electorate office. Although it is accessible, there is a chain across the driveway that says no entry to the public, but it does have a retail space at the front. If an interaction happened in the retail space, that would be covered, but if a member of the public walked in through the back, into the non-public space and assaults someone, then that additional penalty will not be available. Again, it comes back to the point I made before that context is really important here.

I think that the member also had some questions about the amendment. We thank the opposition for raising the issue in the briefing. We have reconciled from that. The issue was identified. We went back and had a look at those provisions. It was clear that there was a gap in that a sole trader or other business owner might not be covered by this legislation. We formed the view that they would not be covered under our previous drafting. We went back to the Parliamentary Counsel's Office for further drafting and an amendment was tabled and moved. Again, we thank the opposition for that. It might be worth noting for some other members who say that we never amend our bills that that happened. Of course, it was a government amendment, not an opposition amendment, but we got ahead of members opposite; I suspect that if we had not done anything about it, we would be talking about an amendment to the bill at some point. But the issue was investigated, and a decision was made to draft an amendment in the consideration in detail stage in the other place to clarify the policy position, which is that business owners should clearly be included in the definition of "retail worker" for the purposes of this offence.

The amendment redefines "worker" as —

> … a person who performs duties for the business, other than as a contractor of the business who is not subject to the control and direction of the operator of the business in the performance of their duties.

This new formulation required a definition of "contractor" to be added to ensure that employees and subcontractors of contractors would also be included. The new definition of "contractor" is —

> (a) an employee of a contractor of the business; and
>
> (b) a subcontractor, and an employee of a subcontractor, of a contractor of the business; and
>
> (c) a person, and an employee of a person, with whom a subcontractor specified in paragraph (b) contracts;

Taken together, these amendments align with our policy aim, which is to ensure that retail workers are not excluded from the definition by reason of their type of engagement. If they are performing duties for the retail business either as an owner or under the control or direction of the business through a contract or labour hire arrangement, we have ensured that they will be covered. This has resulted in our definition being a little more complicated than that of New South Wales or South Australia, but we think it ensures the fairest outcome.

I think the other issue here is to make a distinction between contractors who are within the control of the business and contractors who are providing services to the business. A refrigeration mechanic going to fix a broken fridge in a local IGA would not be covered by this bill because they would not be a retail worker. That is not the mischief we are trying to deal with here. A refrigeration mechanic is clearly not there to engage with the population at large. They are not there to provide retail services; they are there to do a job. This legislation will not cover them or other contractors in that situation. But we need to make a distinction and bring in those contractors who might work at Myer or David Jones on the perfume counters. They are often not employees of those department stores; they are representatives and employees of the particular —

Hon Kate Doust: House.

Hon MATTHEW SWINBOURN: They are employees of the particular house; thank you, Hon Kate Doust.

Hon Kate Doust: We call them impartial contractors.

Hon MATTHEW SWINBOURN: Yes, but they are retail workers. We understand that they are providing services on behalf of Myer or David Jones, for example, to sell things to the public at large, and under our definition they will still be covered by the additional penalty provisions that we are providing in this bill. I think it is important to make that distinction between different types of contractors—a term that is broadly used—to show where we are going with that.

I am keeping an eye on the time because we are hitting up against question time.

I feel I might have covered off most of the matters that the member raised on retail workers. I will now move on to the part of the bill that deals with stealing. I think the member asked who was consulted on those provisions of the bill. I do not have a temporal way of doing it. We did not consult post–the introduction. Before the bill was introduced into Parliament, the Director of Public Prosecutions, the State Solicitor's Office, the Western Australia Police Force, the Chief Magistrate, the President of the Children's Court and Legal Aid Western Australia were consulted. Obviously, I cannot go into the details of the feedback that we received from heads of jurisdictions about the $1 000 threshold and those sorts of things. However, it would be fair to say that in general terms, the number of convictions and the time frames that are now included—this relates to another question the member asked—were based on the feedback we received from them, or at least some of them, but I do not have any further details about that.

The member also asked about the 12-month period and where that threshold came from. The sentencing options currently available for stealing an item valued at under $1 000 include a fine or suspended fine of up to $6 000, a conditional release order or a community-based order, and, of course, the person also stands to get a criminal record. In most one-off cases in which a person has stolen something of low value like a bottle of Coke or a piece of steak, a term of imprisonment is not warranted. I think that most people would agree with that. I always think about the great irony that our wonderful nation is established on the basis of many people being convicted and transported for petty crimes, so I think that, as a nation, we should always be wary of such a punitive approach. A term of imprisonment is not warranted. An existing range of sentencing options provide for an appropriate penalty to be imposed.

However, we know that some people are not deterred by the existing consequences and continue to offend with blatant disregard for the law and the rights of hardworking business owners. We are targeting those repeat offenders with a higher maximum penalty that includes a potential term of imprisonment. I think there was some publicity around a case early this year or late last year—I cannot remember the timing—whereby some individuals were stealing alcohol from liquor outlets, and a particular individual came before the media and said, "I'll keep doing it, because there's nothing you can do to effectively deter me from doing it." This measure is largely in response to that kind of behaviour and blatant disregard for people's entitlement to not have their property stolen from them.

The criteria of the repeat offender provision of two prior convictions in the last 12 months has been selected to ensure that the reform applies to prolific offenders. Based on 2023 data of those who would be deemed repeat offenders under the proposed amendment, 81 per cent had five or more convictions and 59 per cent had 10 or more prior convictions for stealing in the previous 12 months. I think that shows that we have captured the intended cohort. The reform strikes a balance between targeting cases in which a higher penalty may be warranted and mitigating the impact of the reform on courts, Corrections, legal services, prison populations and Closing the Gap targets, noting that stealing is a particularly high-volume offence, and that the majority of offenders are Aboriginal people.

The member also asked about the sentencing options. I will cover those off. Sentencing options higher up the hierarchy that will now be available to the courts include an intensive supervision order, suspended imprisonment order, conditional suspended imprisonment order and imprisonment. Currently, 79 per cent of stealing convictions in the Magistrates Court result in a fine being imposed, and courts can impose a community-based order whereby a defendant has treatment needs requiring them to engage with a program, complete community work hours, be subject to supervision or all those things. However, courts are often reluctant to impose such an order in situations in which they know the person is unlikely to comply because they have little power to enforce them. If the person does not comply, they are brought back to court, whereby the options upon resentencing remain limited to a fine, conditional release order or another community-based order. Under the reforms, there will be a greater incentive for offenders to engage in orders such as community-based and intensive supervision orders because if they do not, they will be liable to be resentenced to a different option higher in the sentencing hierarchy, which could be a term of imprisonment. This, in turn, may encourage courts to impose more orders in cases in which the offender has identified treatment needs.

The member also queried why multiple offences committed in one day will be essentially treated as one strike. That is to ensure that we are capturing one course of conduct. It is consistent with the other repeat offender provisions across the statute book—for example, for restraining order breaches and home burglaries.

Debate interrupted, pursuant to standing orders.

[Continued on page 1756.]

QUESTIONS WITHOUT NOTICE

POLICE — RESIGNATIONS AND RETIREMENTS

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

(1) How many police resigned in April 2024?

(2) How many police retired in April 2024?

(3) What was the total number of police officers as at 31 March 2024?

(4) Of those referred to in (3), how many were male, female or other?

Hon STEPHEN DAWSON replied:

I thank the Leader of the Opposition for some notice of the question. I have been advised that it is not possible to provide an answer within the required time frame. A response will be provided to the honourable member tomorrow.

POLICE — RESIGNATIONS — STAY SURVEY

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

(1) When was the stay survey introduced by the Western Australia Police Force for officers considering leaving the force?

(2) Exactly when is it suggested to a police officer that they complete a stay survey?

(3) Is it compulsory for police officers to complete a stay survey prior to resigning?

Hon STEPHEN DAWSON replied:

I thank the Leader of the Opposition for some notice of the question. The Western Australia Police Force advises the following.

(1) It was introduced in October 2023.

(2) A stay survey, which is known as a separation discussion, occurs as soon as an officer in charge becomes aware of a pending resignation or is advised of an officer's decision to resign.

(3) No.

BUCCANEER ARCHIPELAGO — MARINE PARKS

362. Hon COLIN de GRUSSA to the parliamentary secretary representing the Minister for Fisheries:

I refer to the minister's response to question without notice 967 asked on 31 August 2023 regarding the recently established marine parks within the Buccaneer Archipelago.

(1) Have the compensation processes under the Fishing and Related Industries Compensation (Marine Reserves) Act 1997 commenced for fishers impacted by the Buccaneer Archipelago marine parks and associated zoning schemes?

(2) If no to (1), why not?

Hon KYLE McGINN replied:

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

(1) No.

(2) Initiation of the compensation processes under the Fishing and Related Industries Compensation (Marine Reserves) Act 1997 is dependent on legislative processes under the Conservation and Land Management Act 1984 and will commence following completion of the relevant processes.

ELECTORAL AMENDMENT (FINANCE AND OTHER MATTERS) ACT

363. Hon TJORN SIBMA to the parliamentary secretary representing the Minister for Electoral Affairs:

I refer to the Electoral Amendment (Finance and Other Matters) Act 2023.

(1) Has the Western Australian Electoral Commission engaged someone to undertake consultation with registered political parties on the implementation of the act?

(2) If yes to (1), who has been engaged and when were they engaged by the WAEC?

(3) What are the terms of this arrangement?

(4) What is the cost?

(5) On which dates and with whom did this consultation take place?

(6) What was the result of this consultation?

Hon SAMANTHA ROWE replied:

I thank the honourable member for some notice of the question. On behalf of the parliamentary secretary representing the Minister for Electoral Affairs, I provide the following answer.

(1)–(6) As part of the in-house design and development of the online disclosure system, the commission has contracted additional resources, including a user experience expert, who has consulted with all registered political party representatives about system design. Workshops were held with each registered political party over the period 22 April 2024 to 6 May 2024, with the exception of the Nationals WA and the Liberal Party, which held a joint workshop. The consultation has proved extremely useful in refining the design of the online disclosure system and including the requests of future system users.

As at 16 April 2024, the commission had spent approximately $210 000 on the development of the online disclosure system.

MENTAL HEALTH — PERINATAL PILOT PROGRAM

364. Hon DONNA FARAGHER to the parliamentary secretary representing the Minister for Mental Health:

I refer to the answer provided to question without notice 475 asked on 11 May 2023 regarding funding for perinatal mental health services provided through Fremantle Women's Health Centre and Radiance Network South West.

(1) Can the minister advise whether funding to continue the two perinatal mental health programs will be extended beyond June 2024?

(2) If yes to (1), what is the total amount of funding that has been allocated to extend the programs and when will the funding conclude?

(3) If no to (1), why not?

Hon PIERRE YANG replied:

The following answer has been provided by the Minister for Mental Health.

(1)–(3) Fremantle Women's Health Centre will continue to receive funding for perinatal services until 30 June 2027. Continuation of the perinatal pilot program funding for Radiance Network is currently under consideration by the Mental Health Commission.

COLLIE–BUNBURY BUS SERVICE TRIAL

365. Hon Dr STEVE THOMAS to the minister representing the Minister for Transport:

I refer to the essential Collie-to-Bunbury bus service trial that ended in January 2024 but has continued operating in a cloud of uncertainty and an information vacuum.

(1) From the trial data, what modelling and analysis has the Public Transport Authority undertaken in relation to the provision of a dedicated bus service for Collie to Bunbury, including required passenger numbers, costs of bus service provision and community value tied to the provision of the service?

(2) Will the minister table the data in the house and outline the decision-making criteria applicable to delivering a permanent Collie-to-Bunbury public bus service; and, if not, why not?

(3) Will the minister now commit to provide a dedicated public bus service for the residents of Collie that will allow them to attend, amongst other areas, TAFE, university, employment, social outings and vital medical appointments?

Hon STEPHEN DAWSON replied:

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

(1)–(3) The Collie bus service is ongoing while the results of the trial are evaluated. A decision about the future of the service will be announced in due course.

PUBLIC SECTOR — SENIOR EXECUTIVE SERVICE — SALARIES

366. Hon NEIL THOMSON to the Leader of the House representing the Minister for Public Sector Management:

I refer to the percentage of public servants employed on salaries of the Public Sector CSA Agreement class 1 and above listed in the public sector five-year comparison, which is available online through the state of Western Australian government workforce statistical bulletins. I note that in 2022–23, 2.3 per cent of the 127 521 public servants received a salary of class 1 and above; and in 2016–17, 1.9 per cent of 110 662 public servants received a salary of class 1 and above.

(1) Given the government's 2017 election commitment to reduce the senior public service by 20 per cent, how does the government reconcile a 39 per cent increase in the number of highly paid public servants since coming to office in 2017?

(2) Why has this growth occurred?

(3) Has the government reviewed the effectiveness of the machinery-of-government reforms?

Hon SUE ELLERY replied:

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

(1)–(2) The government's election commitment to reduce the size of the senior executive service by 20 per cent was met in 2018. The executive salary expenditure limit, which the government introduced in December 2021, limits spending on SES officers and other management executives at 0.9 per cent of the total salaries expenditure for the sector. Agencies are managing their operational requirements within the limit, and the sector overall remains well below the limit, with the percentage for 2023–24 being 0.72 per cent. In 2017, under the Liberals and Nationals, the executive salary expenditure limit would have been 1.4 per cent of the total salary cost, rather than the 0.9 per cent set by government.

(3) The machinery-of-government reforms established a framework for greater collaboration across the public sector to improve the delivery of services to the community and drive operational efficiency. The changes were a starting point for ongoing cultural change within the sector, delivering multimillion-dollar cost savings across government to assist with budget repair and reverse the growth in the fragmentation of the public sector.

HOMELESSNESS — CENTRE FOR NATIONAL RESILIENCE — BULLSBROOK

367. Hon BEN DAWKINS to the Leader of the House representing the Premier:

I refer to media reports about a young family living in a tent with their newborn who have been forced to separate from their other children.

(1) Will the Premier make the Bullsbrook Centre for National Resilience available for families with children this winter as an alternative to living in tents and cars?

(2) If no to (1), why not?

(3) Can the Premier detail the advantages of living in tents and cars with young children compared with living at the Bullsbrook facility during the ongoing housing emergency?

Hon SUE ELLERY replied:

(1)–(3) Eighteen months into the pandemic, the former Liberal–National commonwealth government finally accepted its responsibility for quarantine and announced its intention to build a federal facility in Western Australia. The facility was planned, designed and built by the former Liberal–National commonwealth government for temporary quarantine accommodation. Alternative uses for the facility are decisions for its owner—that is, the commonwealth government.

SHORT-TERM RENTAL ACCOMMODATION INCENTIVE SCHEME

368. Hon Dr BRAD PETTITT to the Minister for Commerce:

I refer to the short-term rental accommodation scheme announced on 9 November 2023.

(1) How many applications have been received?

(2) How many payments have been processed?

Hon SUE ELLERY replied:

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

(1) As of 7 May 2024, there have been 271 applications. Of these, 203 have been completed and submitted and 68 remain in progress. Payments can be made to eligible applicants once a proof-of-tenancy agreement has been provided.

(2) There have been 154 payments processed.

CANNABIS — COGNITIVE FUNCTION

369. Hon Dr BRIAN WALKER to the parliamentary secretary representing the Minister for Health:

I refer the minister to research from Upstate Medical University, Central New York's leading teaching hospital, that highlights a surprising link between recreational cannabis use and a decreased risk of subjective cognitive decline—SCD.

(1) Is the minister aware that cannabis has the documented capacity to increase both neuronal cells and neural connections, thereby providing an opportunity for slowing cognitive decline?

(2) Will the minister commit to working with her colleague the Minister for Seniors and Ageing to ensure that this latest research is considered by appropriate authorities in WA in the hope that it might improve patient outcomes and reduce the instances of SCD in our state?

Hon PIERRE YANG replied:

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

(1) Yes.

(2) I am confident that academic and community clinicians in Western Australia will continue to lead the way in applying contemporary research to best manage the clinical needs of their patients.

FAMILY AND DOMESTIC VIOLENCE

370. Hon SOPHIA MOERMOND to the minister representing the Minister for Prevention of Family and Domestic Violence:

I refer to the current national crisis of violence against women, which includes a spike in the number of cases of women killed by partners and family members this and last year.

(1) How many women have been killed by current or ex-partners in Western Australia in 2024?

(2) How many women were killed by current or ex-partners in Western Australia in 2023?

Hon JACKIE JARVIS replied:

I thank the honourable member for some notice of the question. The following response has been provided by the Minister for Prevention of Family and Domestic Violence.

The Department of Communities has been notified by the Western Australia Police Force of the following family and domestic violence–related deaths.

(1) In 2024, five women in Western Australia were killed in circumstances of intimate partner violence. One woman was killed in circumstances of non–intimate partner violence.

(2) In 2023, six women in Western Australia were killed in circumstances of intimate partner violence. Two women were killed in circumstances of non–intimate partner violence. A homicide is referred to as family and domestic violence related if the victim and alleged offender had a family or intimate relationship.

WHEATBELT DEVELOPMENT COMMISSION

371. Hon MARTIN ALDRIDGE to the parliamentary secretary representing the Minister for Regional Development:

I refer to the Wheatbelt Futures Forum held in Northam on 1 May.

(1) For what reason was the CEO of the Wheatbelt Development Commission unable to attend the forum, despite being advertised as a key speaker at the event?

(2) Has the minister received feedback from the forum that many participants are not aware who holds the office of CEO of the Wheatbelt Development Commission?

(3) Has the minister received feedback from the forum that many participants do not know what role or purpose the Wheatbelt Development Commission plays in the future of the wheatbelt?

(4) Will the minister address these concerns; and, if so, how?

Hon KYLE McGINN replied:

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

(1)–(4) The CEO of the Wheatbelt Development Commission had a personal appointment at that time and was unable to attend the event. The event organisers were notified in advance and the principal regional development officer at the commission represented the CEO both as a speaker and on the panel discussion.

The Minister for Regional Development regularly visits the wheatbelt region and receives positive feedback about the role of the Wheatbelt Development Commission in helping to strengthen and diversify the economy of the region.

The CEO of the Wheatbelt Development Commission has recently recommenced in his role following a 12-month secondment to the Department of Fire and Emergency Services to lead the Kimberley flood recovery, the largest natural disaster recovery undertaken in Western Australia. Since his return, the CEO has been appointed as chair of the ministerial Dry Season Taskforce, established by the Minister for Agriculture and Food to ensure a coordinated approach across government and industry to support farm businesses and rural communities in response to the record high temperatures and low rainfall across large parts of the southern half of Western Australia.

ROAD SAFETY — SOUTH WESTERN HIGHWAY

372. Hon LOUISE KINGSTON to the minister representing the Minister for Transport:

I refer to the RAC's list of dangerous roads published in August 2022, which identified South Western Highway between Bunbury and Walpole as the riskiest road in regional WA.

(1) Since August 2022, what improvements have been made to this section of road?

(2) Are any significant upgrades currently planned for this road; and, if so, can the minister please provide details?

(3) Since January 2019, how many crashes have been reported on this road and, of these, how many resulted in —

(a) serious injury; and

(b) a fatality?

Hon STEPHEN DAWSON replied:

I thank the honourable member for some notice of the question. It has been referred to the Minister for Transport, so I will provide it on behalf of that minister.

(1)–(3) A number of upgrades have been made to the 244-kilometre section of South Western Highway between Bunbury and Walpole. This includes an intersection upgrade at Martin Pelusey Road and Hynes Road; seal widening between Waterloo Road and Wireless Road; replacement of the Weld River Bridge; earthworks and extension of drainage in preparation for pavement widening between Emerald Road and Telephone Road; overlay between Martin Pelusey Road and Waterloo Road; and construction of a new roundabout at Vittoria Road. Widening of the highway between Emerald Road and Telephone Road is set to begin next financial year, and construction of two passing lanes in Yornup is planned.

The safety of our regional roads is a key focus of this government, with over 7 500 kilometres of regional roads upgraded as part of the regional road safety program. A 110-kilometre section of this road between Donnybrook–Boyup Brook Road and Vasse Highway is currently being upgraded as part of the program.

COUNTERING VIOLENT EXTREMISM PROGRAM

373. Hon NICK GOIRAN to the Leader of the House representing the Premier:

I refer to the press conference that the Premier attended alongside the Minister for Police and the Commissioner of Police on Sunday, 5 May 2024, following the death of a 16-year-old male shot by police in Willetton.

(1) How many Western Australians are enrolled in the countering violent extremism program, which the Minister for Police says is designed to deradicalise them?

(2) How many are children and do any have a criminal record?

(3) Are school principals informed if one of their students is in the program?

(4) Are parents of fellow students informed in a de-identified manner that a peer at their child's school is in the program?

(5) Will the Premier table the last briefing note he received about the program?

Hon SUE ELLERY replied:

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

(1) There are eight active participants in the countering violent extremism intervention and support program.

(2) Four are under the age of 18, including one with a criminal record.

(3) Yes.

(4) No. This is due to confidentiality and ensures privacy for the young person and their family.

(5) The briefing was prepared for the Security and Emergency Committee of Cabinet and is therefore cabinet-in-confidence.

BUILDERS' SUPPORT FACILITY — NO-INTEREST LOAN SCHEME

374. Hon STEVE MARTIN to the minister representing the Treasurer:

I refer to the builders' support facility announced 124 days ago.

(1) Noting that applications closed on 30 April, how many applications were received?

(2) If accepting the applications at face value, how many incomplete homes do the applications represent?

(3) If all the applications were approved, how much of the $10 million allocation will be used?

(4) How many payments have been made to date, and at what cost?

(5) Why has it taken 124 days to implement this program?

Hon STEPHEN DAWSON replied:

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

(1)–(5) At the close of applications, 46 applications were received, requesting a total of $8.66 million to support the completion of 153 properties. The first tranche of the builders' support facility loans has been approved, with five businesses to receive loans of up to $707 691 to support the completion of 12 houses. Loan applications continue to be assessed and progressed through the streamlined approvals process.

POLICE — FAMILY AND DOMESTIC VIOLENCE

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

(1) How many FTE officers are allocated to the dedicated family and domestic violence section of the Western Australia Police Force?

(2) How many FTE officers are currently employed in the dedicated family and domestic violence section of WAPOL?

Hon STEPHEN DAWSON replied:

I thank the Leader of the Opposition for some notice of the question. I have been advised by the Minister for Police that it is not possible to provide an answer within the required time frames. A response will be provided to the honourable member tomorrow.

BIOSECURITY AND AGRICULTURE MANAGEMENT ACT — REVIEW

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

I refer to the previous minister's response to question without notice 51 asked on 6 May 2021, regarding the review of the Biosecurity and Agriculture Management Act 2007. Having regard to the extensive delays in commencing the review, what is the status of the review?

Hon JACKIE JARVIS replied:

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

An independent panel has undertaken a review of the Biosecurity and Agriculture Management Act 2007. The panel conducted a comprehensive three-stage process over 18 months, with stakeholder engagement at each stage and the release of a discussion paper in stages 2 and 3. More than 250 individuals, including representatives from 140 organisations, participated in the review, demonstrating the level of community interest and engagement in biosecurity. The panel also undertook its own research, including a comparative analysis of biosecurity legislation used in other Australian jurisdictions, and consideration of the interactions between the BAM act and other legislation in WA and Australia, and key national reviews. The panel considered broader biosecurity system issues beyond legislation, and the review outcomes and recommendations represent a significant opportunity to modernise Western Australia's biosecurity system through a range of contemporary policy and legislative reforms. The panel's recommendations are currently being considered.

RAILCAR MANUFACTURING — ALSTOM — REPORTING

377. Hon TJORN SIBMA to the minister representing the Minister for Transport:

Regarding the Metronet C-series railcar program, I ask the minister to table the most recent six-monthly participation plan report submitted by Alstom.

Hon STEPHEN DAWSON replied:

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

Advice is being sought on the legality, probity and confidentiality issues around the release of this information.

EDITH COWAN UNIVERSITY MT LAWLEY SITE — REDEVELOPMENT

378. Hon DONNA FARAGHER to the minister representing the Minister for Lands:

I refer to the minister's press statement "Community to have its say on planning of ECU Mount Lawley site" dated 19 April 2024, which refers to an initial engagement and survey of surrounding residents and businesses to gauge community views as part of the future planning of the site.

(1) Will the minister list the street locations where residents and/or businesses have been notified of this survey?

(2) Will the minister table the survey?

Hon JACKIE JARVIS replied:

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

(1)–(2) The referenced survey was distributed to all properties within an approximate radius of 1.5 kilometres from the site. I table a copy of the survey.

[See paper 3126.]

SOUTHERN SEAWATER DESALINATION PLANT

379. Hon Dr STEVE THOMAS to the parliamentary secretary representing the Minister for Water:

I refer to the *Southern Seawater Desalination Plant: Compliance assessment report 14 April 2022 – 13 April 2023*, detailing the SSDP's non-conformance and noncompliance with condition 11-1, which states that the SSDP —

> … shall ensure that all electricity used by the plant is purchased from renewable sources, and the associated Renewable Energy Certificates are surrendered.

For each of the financial years 2017–18 to 2022–23 inclusive, what percentage of power purchased by SSDP for plant operation was purchased from renewable resources?

Hon SAMANTHA ROWE replied:

I thank the honourable member for some notice of the question and provide the following answer on behalf of the parliamentary secretary representing the Minister for Water. The answer is in tabular format, so I seek leave to have it incorporated into *Hansard*.

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

Financial Year	**Percentage purchased from Renewable Energy sources**
2017–18	47%
2018–19	105%
2019–20	52%
2020–21	45%
2021–22	67%
2022–23	98%

GOVERNMENT ADVERTISING

380. Hon NEIL THOMSON to the Minister for Finance:

(1) How much has been spent by all agencies on advertising in 2022–23?

(2) How much has been budgeted for 2023–24?

(3) What are the top five spending agencies?

(4) In answer to (3), what are the main campaigns?

Hon SUE ELLERY replied:

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

(1)–(4) This information is provided by agencies in their annual reports.

BIRTHS, DEATHS AND MARRIAGES REGISTRATION AMENDMENT
(SEX OR GENDER CHANGES) BILL 2024

381. Hon BEN DAWKINS to the Minister for Women's Interests:

If a biological man who transitions under the government's proposed births, deaths and marriages legislation becomes a female by visiting her or his GP, will that person be classified as a woman for the purposes of the women's interests portfolio?

Hon SUE ELLERY replied:

I think it is worth noting that responsibility for any legislation about how people might be treated in respect to gender identity does not rest with me; it rests with the Attorney General. Of course, I will always act in accordance with the law.

CLEAN ENERGY CAR FUND

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

I refer to Monday's media statement "Government to expand successful EV rebate scheme" and the government's commitments in both the 2022–23 and 2023–24 budgets to allocate $15 575 000 to clean energy car fund purchase rebates in 2024–25.

(1) Is this $5.2 million commitment in addition to the $15.575 million already committed by the WA government for rebates in 2024–25?

(2) How many zero-emission vehicles in total are expected to receive the rebate in the next 12 months, to the completion of the scheme?

(3) What is the expected total spend on clean energy car fund purchase rebates on its completion in May 2025?

Hon SUE ELLERY replied:

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

(1) Yes.

(2) It is expected to be 4 800 vehicles.

(3) The rebate component is $40.2 million.

BUILDERS' SUPPORT FACILITY — NO-INTEREST LOAN SCHEME

383. Hon Dr BRIAN WALKER to the minister representing the Treasurer:

I refer the Treasurer to my previous questions without notice 286 and 317, asked and answered on 16 and 17 April respectively, about the no-interest builders' support facility loan scheme for the building industry here in Western Australia.

(1) Did the Treasurer announce the no-interest loan scheme as an urgent measure at a media conference in January?

(2) Can she be more precise than to say that loans will be made "as soon as practicable"?

(3) Is she concerned that the number of applications to date indicate that the $10 million allocation to the no-interest loan scheme will be insufficient to fund the qualified applicants?

(4) Is the government prepared to increase the funding for the scheme if there are more qualified applicants than can be accommodated under the initial allocation?

Hon STEPHEN DAWSON replied:

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

(1)–(5) At the close of applications, 46 applications were received, requesting a total of $8.66 million to support the completion of 153 properties. The first tranche of the builders' support facility loans has been approved, with five businesses to receive loans up to $707 691 to support the completion of 12 houses. Loan applications continue to be assessed and progressed through the streamlined approvals process.

ALCOA — BAUXITE — SERPENTINE DAM

384. Hon SOPHIA MOERMOND to the parliamentary secretary representing the Minister for Environment:

I refer to the report published yesterday in WAtoday based on information obtained from a freedom of information request that it was the expert opinion of the environmental regulator that the approval of the Alcoa mine in Jarrahdale in December last year posed a high risk to Perth's water supply.

(1) Is the government aware that the regulator was of the view that the mine posed a risk of large-scale sediment transport to the Serpentine reservoir during and post-mining, which would render water for the reservoir unusable for a period of weeks, months or, in extreme circumstances, years?

(2) Is the government concerned about the risk of Alcoa's mining operation to Perth's drinking water, particularly in light of the well-known fact that the region is drying out due to climate change?

(3) What plans does the government have to manage the risk posed by the Alcoa mine site to Perth's water supply?

Hon DARREN WEST replied:

I thank the honourable member for some notice of the question about an article in WAtoday yesterday. On behalf of the Minister for Environment, I provide the following answer.

(1)–(3) The state government is aware of feedback from the Department of Water and Environmental Regulation on a draft of Alcoa's 2023–27 mine management plan, also known as the MMP. The Alcoa transitional approvals framework has imposed conditions on Alcoa's operations that include limits to the physical areas in which Alcoa can explore, clear and mine; requirements for regular and independent compliance reporting; and requirements for the rapid stabilisation and rehabilitation of critical risk areas. In addition to these conditions, Alcoa has committed to a $100 million financial guarantee to help the government's

response in the unlikely event of an impact to Perth's drinking water dams. The state government has provided funding of more than $10 million to the Department of Water and Environmental Regulation to support the implementation of an Alcoa assurance program that aims to ensure that risks to water resources, including the Serpentine reservoir, are being properly protected by Alcoa. Those additional assurance resources are already on the ground, attending both Willowdale and Huntley mines on an intensive basis.

ENDOMETRIOSIS — REGIONAL SERVICES

385. Hon MARTIN ALDRIDGE to the parliamentary secretary representing the Minister for Health:

I refer to patients diagnosed with endometriosis in Western Australia.

(1) What services are available in regional Western Australia to support patients seeking a diagnosis?

(2) What services are available in regional Western Australia to support patients seeking treatment?

(3) Does the state government financially support the services of Endometriosis WA or Endometriosis Australia in supporting patients?

(4) Is the patient assisted travel scheme available to regional women seeking treatment related to an endometriosis diagnosis, including specialist physiotherapy?

Hon PIERRE YANG replied:

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

(1) General gynaecology clinics are available to rural patients. If specialist intervention is required for a diagnosis, patients are referred to the Women and Newborn Health Service endometriosis clinic or the pelvic pain clinic in Albany.

(2) Patients can be referred to the WNHS endometriosis clinic if treatment options are beyond the scope of the general gynaecology clinic.

(3) No.

(4) Yes.

FIREARMS — BUYBACK PROGRAM

386. Hon LOUISE KINGSTON to the minister representing the Minister for Police:

I refer to the minister's response to question without notice 319 regarding how many firearms have been voluntarily surrendered to the Western Australia Police Force.

(1) Can the minister provide an update on how many firearms have been voluntarily surrendered to date?

(2) How much of the allocated $64.3 million has been expended to date?

(3) Were any of those firearms surrendered pursuant to section 33B of the Firearms Act 1973, "Amnesty for things surrendered to Commissioner"?

Hon STEPHEN DAWSON replied:

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

The Minister for Police has advised me that it is not possible to provide an answer within the required time frames. A response will be provided to the honourable member on Thursday, 9 May 2024.

VICTIMS OF CRIME

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

I refer to the article in *The West Australian* of 23 April in which the Commissioner for Victims of Crime is reported as saying —

> "Any discussions I have with the Attorney-General about proposed amendments to the Victims of Crime Act and the Criminal Injuries Compensation Act would include the issue of siblings being considered for eligibility," …

(1) Has the commissioner now met with the Attorney General about reforming the definition of "close relative", a subject he has known about since November 2019 when the department provided him with its report following my countless previous requests for him to reform this area of law?

(2) If yes to (1), when did this meeting take place, and will he table any documents he received?

(3) If no to (1), is a meeting scheduled for this purpose?

(4) If yes to (3), what is the scheduled date?

Hon MATTHEW SWINBOURN replied:

I thank the member for some notice of the question. The Attorney General has provided me with the following answer.

(1)–(4) The Commissioner for Victims of Crime and the Attorney General have not discussed this issue since publication of the article in *The West Australian* of 23 April 2024. The Commissioner for Victims of Crime and the Attorney General do, however, regularly discuss a range of victim-related issues.

SOCIAL AND AFFORDABLE HOUSING INVESTMENT FUND

388. Hon STEVE MARTIN to the minister representing the Minister for Housing:

I refer to the social housing investment fund, which is now the social and affordable housing investment fund.

(1) How many social homes are currently in stock in WA?

(2) What is the target for the number of social homes to be delivered under the SAHIF this calendar year?

(3) What is the target for the number of affordable homes to be delivered under the SAHIF this calendar year?

(4) What is the target for the number of national rental affordability scheme properties to be spot purchased this calendar year?

Hon JACKIE JARVIS replied:

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

(1) As of 31 March 2024, the social housing stock numbered 44 201 statewide.

(2)–(3) The SAHIF investment—previously the SHIF—now totals $1.6 billion. Funds are drawn down from the SAHIF and then allocated against projects and programs. Affordable housing funding will be allocated across a range of initiatives and will help support a pipeline of affordable housing across priority sites, including projects that will partner with the commonwealth through Housing Australia. The Department of Communities is on track to deliver more than 850 social housing completions for this financial year.

(4) Acknowledging the important role that national rental affordability scheme properties have played in providing affordable rental solutions, the state government will begin a process to selectively spot purchase NRAS properties. Noting that NRAS properties are privately owned and may not be available for sale or the seller may not wish to disclose that the property is under NRAS, predicting how many properties will be purchased and in what location is not possible.

CRIMINAL CODE AMENDMENT BILL 2024

Second Reading

Resumed from an earlier stage of the sitting.

HON MATTHEW SWINBOURN (East Metropolitan — Parliamentary Secretary) [5.05 pm] — in reply: I will try to pick up from where we were before, but I think I had finished my comments on the point about multiple offences being committed in one day. I will now move to the programs that are available to assist people convicted of stealing who have underlying needs. I think that will help to address one of the points that Hon Tjorn Sibma made but perhaps will also go to some of the points made by Hon Dr Brian Walker.

A range of voluntary pre-sentence diversionary programs are available. Depending on the court location, these include the general court intervention program in Perth and the alcohol and other drug diversion program, which is both a metropolitan and regional program. A person can also elect to participate in a therapeutic court program such as the Start Court mental health diversion and support program, the Intellectual Disability Diversion Program Court or the Drug Court. The court can also sentence a person to a community order with a program requirement that is determined based on the individual's needs but may include drug or alcohol counselling. I note that the therapeutic courts are all Perth based; however, a pre-sentence order may be used to accomplish a similar purpose in regional areas. I think that largely covers the points that Hon Tjorn Sibma had about the stealing part of the bill.

I will now move to a number of points made in the contribution by Hon Dr Brian Walker. He made a number of assertions about other classes of people who suffer assaults, more specifically health workers and paramedics. It is important that the member understand that there are special provisions for health workers and paramedics, and I will take him to those. An assault is considered a serious assault under section 318 of the Criminal Code when it is committed against a person in certain occupations, including public officers, passenger transport service drivers, ambulance officers, firefighters, medical staff, court security staff and prison officers. The offence has a maximum penalty of seven years' imprisonment, or three years and a fine of $36 000 if dealt with summarily, or 10 years' imprisonment if committed in company or while armed with a weapon. The member will note that those penalties are basically the same as those that will apply for assaults committed against retail workers under this provision—that is, seven years' imprisonment and the same fine. Retail workers will be treated in a similar manner to those

workers. It also captures medical staff, and the member quite rightly raised concerns about the level of assault. Obviously, with the prevalence in our community of some drugs that affect people's mental health—for example, meth—we have seen some significant assaults in our hospital settings in particular, but also within settings such as the member's setting when he worked as a general practitioner.

It is also important to talk about the areas in which mandatory sentencing applies, because a member suggested that the mandatory provisions would apply under this bill. It is very important to understand that these provisions are not mandatory sentencing provisions. They will increase the penalty available to the court in terms of both the length of imprisonment and the applicable fines, but they will not be mandatory. Depending on the particular circumstance—I am talking about the provisions for retail workers—it may still be the case that there is an assault in a retail work setting. The new provisions would apply but there still may not be a custodial sentence that goes with that because of the particular circumstances of the assault—there might be some mitigating factors, it might be a first offence, the nature of the assault might not have been considered by the victim to be particularly bad and things of that nature. Magistrates will still maintain their discretionary ability with these laws. However, provisions in the Criminal Code that relate to mandatory sentencing still apply to assaults against a police officer, prison officer, youth custodial officer, transport security officer, ambulance officer, firefighter, medical staff or a court security officer when the person assaulted suffers bodily harm. Importantly, that picks up paramedics—ambulance officers. If a person assaults an ambulance officer, they will invariably suffer a criminal conviction and a term of imprisonment. If the convicted person is over the age of 16 but under the age of 18, the court must sentence the offender to at least three months' imprisonment or detention, and it cannot suspend the sentence and must record a conviction. If the person convicted is over 18, the court must sentence them to at least six months' imprisonment or nine months if they were in company or armed, and it cannot suspend that sentence. As I say, although the much broader point about violence in our society has been made, special provisions have existed on the statute book, in the Criminal Code, for a range of different occupations of persons who fill particular roles. The law provides not greater protection but greater punishment, because any person who assaults someone will be subjected to the processes of the criminal justice system.

I do not have anything further I want to add to the debate other than to say that everybody deserves to feel safe at work, including retail workers. Retail workers, as a cohort of people, are all possibly vulnerable. They have to deal with the public at large in their jobs all the time. They are also often young people, people with little other work experience or, alternatively, they can be people who have come back into the workforce after a time away, and they can sometimes work in isolated areas where access to help is not available. Their job also requires them to continuously engage with the public whilst they are performing their work. Notwithstanding the comments made by some people in this place—I am not referring to Hon Dr Brian Walker, by the way—they deserve additional protection and special attention. They are a more vulnerable group. We appreciate the support of the opposition for the bill. I understand that Hon Dr Brian Walker will also support it. I commend the bill to the house.

Question put and passed.

Bill read a second time.

[Leave granted to proceed forthwith to third reading.]

Third Reading

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

PETROLEUM LEGISLATION AMENDMENT BILL 2023
PETROLEUM AND GEOTHERMAL ENERGY SAFETY LEVIES AMENDMENT BILL 2023

Cognate Debate

Leave granted for the Petroleum Legislation Amendment Bill 2023 and the Petroleum and Geothermal Energy Safety Levies Amendment Bill 2023 to be considered cognately.

Second Reading — Cognate Debate

Resumed from 13 March.

HON COLIN de GRUSSA (Agricultural — Deputy Leader of the Opposition) [5.14 pm]: I rise as lead speaker for the opposition on these two bills, the Petroleum Legislation Amendment Bill 2023 and the Petroleum and Geothermal Energy Safety Levies Amendment Bill 2023, which, of course, we are debating cognately, as we have just learnt. From the outset, I state that the opposition supports this legislation and looks forward to its passage. There will be some questions during the Committee of the Whole House stage but it is not intended that it will take too long, although the Petroleum Legislation Amendment Bill is an extensive piece of legislation and there are a number of clauses.

The Petroleum Legislation Amendment Bill will seek to amend existing legislation to provide a framework for the permanent geological storage and transportation of greenhouse gases, as well as provide property rights for greenhouse gas storage, acreage release and exploration, retention and injection licences. The bill will address

injections, closure and long-term liability for onshore and offshore areas. At the moment, the Gorgon project is regulated for greenhouse gas storage under the Barrow Island Act 2003, which is a state agreement act, and the existing legislation will be used as a vehicle for a new regulatory regime due to similar technologies. A number of stringent conditions will be imposed post-injection, and if they are met and there are no adverse impacts, 20 years after injection the state will take over liabilities.

This legislation aims to provide certainty and encourage projects and industrial development as part of the state government's climate change response. One of the other important things this bill will introduce is the concept of prescribed regulated substances, which will enable the exploration and production of naturally occurring hydrogen. This will apply under the existing petroleum framework, with titleholders able to opt in for hydrogen rights as well.

In addition, the Petroleum and Geothermal Energy Safety Levies Amendment Bill 2023, which we are debating cognately, will simply update the Petroleum and Geothermal Energy Safety Levies Act to include provisions for greenhouse gas operations and regulated substances, as outlined in the Petroleum Legislation Amendment Bill 2023.

It is a fact that gas will continue to be a vital component of our energy portfolio in the state and the nation for many years to come. Our national and international trading partners depend on this resource to power their homes and industries, and, indeed, we depend on it for the same reasons—to power our homes and those industries that are the backbone of our economy. The significant interest that has arisen in Chevron's Gorgon carbon capture and storage project is driven, I guess, by the need to find a way to decarbonise this industry, which will have a significant impact on our state for many years to come. If we look specifically at that project, the gas extracted has a concentration of about 14 per cent CO_2, which exceeds the levels acceptable in the gas market, so a substantial proportion of CO_2 has to be removed. This is initially done by separating those gases, compressing and chilling the CO_2 and then transporting and conveying it through pipelines to a site where it will be stored underground. The rock formation where it is stored contains water that must be extracted before the gas can be injected. This is a very complex and intricate process that presents several persistent challenges. Some of those were outlined in an article on WAtoday last year written by Peter Milne. He said —

> Carbon storage at Gorgon is of international interest as it is the largest attempt in the world to bury CO2 to reduce carbon pollution.
>
> Its disappointing record to date is tarnishing the credibility of a technology that some tout as essential to slowing climate change and others damn as an excuse to produce more fossil fuels.
>
> The predicted poor performance in 2023 that will result in more carbon pollution released to the atmosphere was detailed in an annual report to the WA government obtained with a freedom of information request from WAtoday.
>
> As carbon dioxide is injected underground, wells several kilometres away should pump water out of the same formation to ensure the pressure does not become excessive. The water is then injected into a different geological formation under Barrow Island.
>
> However, according to the report, the presence of solids, gas and oil in the water pumped to the surface has made the water difficult to dispose of.
>
> Chevron, which has already spent $3.2 billion on CO2 injection at Gorgon, plans a "significant additional investment" to modify the water wells and do other work to allow 4.6 million tonnes of water a year to be moved to make way for storing carbon dioxide.

Obviously, it is a challenging and expensive system to implement, but it is a vital tool in the toolbox, or in the arsenal, against climate change, and it offers a scalable and sensible solution to reducing emissions from sectors that are pretty hard to abate as we transition to a low carbon economy. Carbon capture and storage plays a crucial role in both state and federal government strategies for reducing emissions. Achieving some of the net zero targets without this technology is not feasible, in fact. There are, of course, environmental advocates who argue that CCS is simply allowing major polluters to continue polluting. There are significant risks to our energy infrastructure if we do not seek to abate the emissions from these projects and allow them to continue. A report last year from the CSIRO showed that the current status of CCS in a global context is that there are 30 operational projects, 11 currently under construction and 153 in the planning stages. That same report also highlighted a 44 per cent increase in carbon capture and storage development over the past year, as noted by the Global Carbon Capture and Storage Institute, and suggests significant potential for Australia, given our vast amounts of geologically stable land, not only to store our own CO_2, but also to serve as a storage solution for other nations struggling to reduce their own emissions.

The report, which is titled *Capturing global attention: Carbon capture, utilisation and storage,* is from the CSIRO website, dated 22 December 2023, written by Scott Walker and Ruth Dawkins and mentions Japan, obviously one of our very longstanding trade partners. In fact, we provide over 40 per cent of Japan's liquefied natural gas, obviously giving it a very big opportunity given its limited ability to capture and store CO_2. Japan is obviously an emitter when it burns gas, and we provide the opportunity to then capture and store. It is not in and of itself the sole answer to reaching net zero, but it is a vital component of our environmental strategy. At the moment we actually lack the

regulatory framework to oversee the development and monitoring of CO_2. Chevron's initiative operates within a specific state agreement framework, as I said earlier. It would be very unlikely that other projects would proceed under those conditions. There is a demand—an urgent demand—from industry and from stakeholders for progress, and that was expressly communicated during consultation on this bill last year. As has become the usual practice of this government, a number of amendments to this bill were introduced in the other place. I ask the Leader of the House whether she can provide a table or document that outlines those amendments, why they were deemed necessary and why they were not originally in the bill. Members will note that both the bills we are dealing with cognately are, in fact, bar 2 bills, which means they were amended in the other place before they came here. We have seen quite a bit of that under this government. It would be good for us to have a clear explanation of why that was necessary and where those amendments came from.

There was another CSIRO report in APPEA Journal last year, co-authored by Mathias Raab and Geoffrey O'Brien, called *Carbon capture and storage's role within Australia's energy transition: Necessary, safe and reliable*. The abstract of that report, quite interestingly, says —

> Globally, the annual amount of carbon dioxide stored via carbon capture and storage (CCS) must increase to 75–100 times the current CCS levels over the next 20 years. Within Australia, the proposed CCS projects offer the opportunity to reduce the nation's carbon footprint by 15–20% whilst encouraging new developments and expanded energy outputs. Any potential barriers to the efficient roll-out of these CCS projects, such as delays in regulatory approvals, must be mitigated as a matter of priority.

Further, it goes on to say —

> There will soon be a significant number of large (multi-Mt) CCS projects under active development within Australia, both offshore and onshore. Most of these projects will be 'new builds', wherein the project proponents will be undertaking a whole-of-life-cycle project process, starting with the assessment of new greenhouse gas (GHG) assessment permits or simply applying for the release of GHG storage acreage. These projects will then extend to the CO2 injection phase over a multi-year or decadal timeframe. These projects will be complemented by a progressively increasing number of small to medium-sized projects, many of which will probably involve repurposing existing but depleted oil and gas facilities and attendant reservoirs as GHG storage hubs.

In addition to a number of private sector projects, the state government actually did a project as well—I think it was called the South West Hub Project. Completed in 2019, that was led by the Department of Energy, Mines, Industry Regulation and Safety and looked at the feasibility of storing carbon dioxide underground as an alternative to releasing it into the atmosphere. DEMIRS has led the investigation in the Harvey and Waroona shires since 2007. The previous Minister for Mines and Petroleum actually advised the Parliament back in February 2019 that —

> The models have been peer reviewed by representatives of the private sector universities, CSIRO and international experts, and have been determined to be robust. Multiple scenarios were considered in the reviews, including "stress" cases that attempted to break the storage concept. The results have bolstered the confidence that the South West Hub project area could meet its specified success criteria of injecting at least 800 000 tonnes of CO2 per annum over 30 years.

Additional efforts have led to the completion of the CCUS hub study by CSIRO and the Global CCS Institute in November of the previous year. That study was supported by a $4.3 million pledge from the state to create a world-class CCUS industry in Western Australia. The $4.3 million commitment, although absolutely welcome, is probably somewhere near the minimum that will be needed to achieve the vision of the Premier and the government. There is a clear opportunity for Western Australia to seize. Based on what experts in the industry cite as necessary precursors to success, there are some challenges, notwithstanding the technological challenges that face proponents.

There will obviously be other challenges, and some of those are coming from Canberra where we see the bureaucracy determined to enshrine these projects with layers of red and green tape to make a cumbersome approval process even worse. But beyond those hurdles, significant physical incentives and infrastructure investments will be necessary. According to the report, we cannot afford to delay; immediate action on design, planning and approvals is essential if we are going to establish even a single hub in the Pilbara by 2029. Industry feedback from the consultation document released early last year was clear; the legislation needs to be enacted without delay. Of course, members on this side of the chamber must also accept that we did indeed introduce very similar legislation whilst in government, and that was not progressed, largely due to concerns that were raised by communities in the south west and the midwest regarding the location of potential storage sites and also the pipelines and corridors that would be required to transport the CO_2.

I do not know that that sentiment has changed. I would think not. I think there will still be concerns around the impact on private property rights and the practicalities of delivering those actual outcomes when the rubber hits the road. As recently as last week, I had conversations with landholders up in the midwest who are not necessarily talking about carbon capture projects but are talking in general about resource projects and the impact on their property rights and also on any compensatory measures that exist. They have perhaps not kept up to date with the

value of primary production in those areas as well. It is an ongoing discussion that will continue for some time. The consultation draft was made available for consultation early last year and 16 submissions were received. I will go through some of the key points made from that consultation. The first is from the Chamber of Minerals and Energy —

> [The CME] urges the WA Government to prioritise the passage of the legislation and fast track the development of the regulations and supporting policy frameworks underpinning the bill.

The Australian Petroleum Production and Exploration Association stated —

> Reaching net zero by 2050 will be "virtually impossible" without carbon capture, utilisation, and storage (CCUS). CCUS needs to be deployed across the Australian economy as a matter of urgency, as emphasised in the ongoing reform of the Safeguard Mechanism.

It goes on to say —

> To achieve the IEA Net Zero Emissions scenario, it will require more than ten new CCUS equipped facilities to be commissioned each month between November 2022 and 2030. It is the view of APPEA that the timelines for developing and implementing the Bill and associated regulations as well as the time required to permit CCUS operations will have a direct impact on the emissions reduction trajectory of numerous Western Australian industrial and energy facilities.

In its submission, Woodside stated —

> [We encourage] the State to consider measures to expedite timelines to help State Government and other WA organisations to achieve their near-term emissions reduction targets.

Chevron stated —

> Deploying CCS at scale in WA will support State and Federal emission reduction targets and have a direct impact on the emissions reduction trajectories of numerous facilities in the energy and other hard-to-abate sectors.

The Environmental Defender's Office recommended —

> The PLA Bill must proceed from a science-based position, being that petroleum activities are to be phased out, and no new petroleum fields will be developed. The legislation must not promote or encourage the use of CCS to sustain the fossil fuel industry. The starting point for any statutory amendments must be that Western Australia must phase out fossil fuel production to ensure a safe climate.

The Conservation Council of Western Australia stated —

> The legislative amendments to allow for the injection and storage of GHG substances will ease the path for big polluters by presenting this as a carbon pollution reduction strategy, when it is not.

The Lock the Gate Alliance also provided feedback, stating —

> CCS is used to justify increased fossil fuel production and that while CCS should be regulated, especially in terms of long-term liability for environmental impacts, CCS should not be supported by government or enabled through regulatory amendments as a key decarbonisation strategy, or to support or enable the further expansion of fossil fuel mining in WA.

There is quite a variety of views, but the view is "Let's get on with it" from those who will need to use carbon capture and storage. A number of technical and other points are made in the submissions, but I am not going to go through those.

We are not navigating new waters here, as there is already one project underway, but a whole bunch of things need to work together to make this legislation work effectively. We all know about the shortage of skilled labour. This is a nascent industry, so I am keen to hear what strategies and legislation will be put in place to try to help with those issues. What discussions have occurred between agencies and industry leaders to ensure that the workforce is ready for this new industry once this new legislation has passed? The government has pledged to prioritise allocating staff resources and developing systems within agencies. What has happened in that space? What additional resources have been allocated for system development and the approval processes? Have the resources been redirected from other areas or will they be new positions?

As I said earlier, carbon capture and storage is one tool in the toolbox to assist in the decarbonisation of some of the state's most significant emitters. When it comes to the transition of our energy mix to incorporate more renewable projects, particularly into the SWIS, there is growing competition for highly productive land in the midwest, the wheatbelt and the great southern. It is an issue that many members in this place will have dealt with. The government cannot ignore the complexities involved in transitioning, such as constructing new transmission lines and corridors on private property. As I said earlier, private property challenges will exist. Clear rules and a well-planned strategy are needed to avoid a random sprawl of infrastructure across some areas upsetting locals.

Additionally, major players like Woodside, Inpex and others are already adopting tree planting initiatives on land that is deemed non-productive. This adds confusion because decisions about what is considered non-productive land

is a matter of perspective. Our farmers are very good at extracting production on what would be considered in many other nations to be very marginal land. That land is still valuable for food production for our state, our nation and the world. We need to be careful that we do not allow that important agricultural land to be taken over by some of those projects. Limited land is available in the south west corner, and it is probably insufficient to significantly offset the emissions of companies in the present and future. There are issues among local governments and landowners about those practices. I am sure the government is thinking of those; I look forward to the minister's response. Many people in those areas remember the days of the federal managed investment schemes or greening projects back in the day that left assets stranded, creating a fire and pest risk, and a lot of that land has been returned to agricultural production at great expense and a great loss to a number of people.

I am sure there will be economic opportunities in this. It is being viewed with caution by many people. Some projects will change the landscape in our prime agricultural areas and need to be considered carefully. We need to ensure that we have all the tools in the toolbox if we are going to decarbonise our economy. The carbon capture and storage methods are one of the tools that should be in the toolbox. As I said before, we on this side of the chamber are supportive of this legislation and look forward to its passage.

HON DR BRAD PETTITT (South Metropolitan) [5.37 pm]: I would like to make a brief response to the Petroleum Legislation Amendment Bill 2023 and the Petroleum and Geothermal Energy Safety Levies Amendment Bill 2023. It is probably worth starting by quoting Hon Sue Ellery in her second reading speech to the Petroleum Legislation Amendment Bill 2023. She said —

> The introduction of greenhouse gas storage and transport legislation is one of a number of options for the state's response to climate change. As part of this response, the bill will provide the legislative certainty to encourage greenhouse gas storage projects and the development of the greenhouse gas storage industry.

As Hon Colin de Grussa mentioned in his comments, I along with many others in the climate and environmental sector are concerned about this. I think they are right to say that carbon capture and storage is something that has proven to be—how do I put this politely?—more hype than outcome. It is too often put up as a solution to the climate crisis, as the Leader of the House said. Unfortunately, we are instead delaying the needed action as we confront what is a growing climate emergency.

It is interesting that this has come up today. We were expecting, as I think many people were, that the government's Climate Change Bill 2023 was going to be debated in the lower house and make its way to us. It was listed first on the notice paper; at the last minute, for reasons I have yet to get to the bottom of, it was pushed back. I raise this because we have two energy bills on the notice paper—the one that we are debating now on carbon capture storage and the other one on emissions reduction. Both of these bills came to the Parliament in late 2023. We need action on the bill that will get emissions down, but that has still not even been debated, and here we are. Looking at the number of people who are going to speak on this, we are going to pass this bill tonight. I raise that because I think that gets to the heart of this concern. We have a bill that is about enabling the continuation of fossil fuels—that is what this bill is fundamentally about—by pretending and often overstating how we can get the carbon bit of these fossil fuels back under the ground. Of course, the context of this for Western Australia is one in which climate change and global warming has got very real for us over the last months. We have had the driest and hottest summer on record, with dead and dying forests in a 1 000-kilometre line from Albany to Shark Bay, across the Perth Hills and in our south west. Just this week, we saw wetlands drying out, leading to mass turtle deaths as the animals left desperately trying to find water and were ultimately attacked by foxes. Of course, farmers across our south west are struggling to feed their animals.

There is only one solution to the climate crisis—that every state in every country reduces its emissions. But this state is the only state in the country that is not doing that. Our state is actually letting the whole country down. We do not have a 2030 target and we do not have any actual plan to get those emissions down. In fact, the government's own modelling shows that this year, we are on track to see our emissions rise to about 91.5 million tonnes of CO_2 equivalent, or 20 per cent above 2005 levels. We are continuing to go up above last year's figures that we have seen published so far.

Another policy that we saw come out last year was the sectoral emissions reduction strategy, which was about how the government was meant to reduce emissions in line with net zero by 2050. I presume that people have read that document. I think it fills us all with little confidence, because, frankly, it is without substance. It does not include many ways of getting emissions down. Unfortunately, it does refer to and in fact emphasises the important role that carbon capture and storage will play in getting WA's emissions down. Climate councillor and energy expert—in fact, former head of BP, from memory—Greg Bourne from the Climate Council calls it out, as we all should. I have a quote from him. He said, according to my notes —

> Let's be honest and call carbon capture and storage out for what it really is—a licence to pollute and ramp up emissions. In fact, we should be calling it for what it really is—emissions dumping!

If it were emissions dumping, I would probably feel more comfortable about it, especially if I thought it would actually work, but this is the real concern. I know that Hon Colin de Grussa talked about this. Members should

remember that Chevron's Gorgon gas project is the largest carbon capture and storage project and is put up as the great example of industry using this technology. After seven years, Chevron is bearing only about a third of the carbon pollution that it committed to at its Gorgon project. That is after spending $3 billion of capital. So far, it can be called only an expensive failure.

Frankly, there is nowhere in the world—not even the Gorgon project, which is the biggest one—where this is working at a scale that is going to actually tackle the climate crisis. This is why we are seeing climate and environmental organisations unanimously calling this out for what it is, which is that CCS is simply an attempt to prolong the life of polluting fossil fuels in our energy system.

We know that Browse, which is an even bigger fossil fuel project run by Woodside—even bigger than Scarborough—is the biggest and most polluting new fossil fuel project in not only Australia, but the whole Southern Hemisphere. It is not consistent with the Paris climate agreement and—surprise, surprise—it relies on carbon capture and storage to justify its pollution offsets. This is just one example of a situation in which a highly polluting project—as I said before, the most polluting project in the Southern Hemisphere—is justifying its approval on CCS, something that we are seeing does not work. A real danger with a bill like this is that it will become an enabler for companies that know their social environmental licence is coming to an end to not transition and to try to eke a few more years out of this under the cover of a promise that they will somehow bury these emissions, when that is highly unlikely to happen.

Documents recently released under freedom of information and published by the Australian Conservation Council show that Woodside secretly sought a variation to its Browse project to incorporate carbon capture and storage but failed to secure it due to the uncertainty of CCS and the significant environmental risks posed by the plan. CCS is expensive and cannot deliver net zero emissions. I think this is where it is so frustrating. We know that, ultimately, the only solution is that we quickly reduce the amount of coal, oil and gas that we burn. I want to be clear on this point because I get extremely frustrated when the Premier and others say that we cannot just turn off the tap. No-one is saying that we should turn off the tap tomorrow. What everybody is saying—the scientists, the environmental and climate organisations and I and the Greens—is that we stop approving big new fossil fuel projects, especially big new ones that depend on CCS to get their environmental approvals. This is actually at the heart of it. We need to stop prioritising CCS over solutions that are more effective and can be done more reliably and quickly. Frankly, we need a climate bill that has a 2030 target and is serious about climate actions, and we need to make sure that we are investing in renewable energy at scale rather than putting more and more investment into these kinds of things.

This legislation, alongside the government's recent investment of $4.3 million towards a carbon capture, utilisation and storage plan, was perfectly summarised in comments by the Premier. He said —

> WA is … perfectly placed to become a world leader in Carbon Capture, Utilisation and Storage.

If this government is serious about climate action, it needs to get on and actually do climate action, not hope and try to extend the life of gas and other fossil fuels through CCS. There is good news in this space. Renewable energy is now the cheapest form of new energy. In fact, even renewable energy with energy storage is still the cheapest form of new energy. Gas is not a transition fuel. I would be happy for someone to explain to me how gas is a transition fuel. What is it transitioning to? Is it transitioning to renewable energy?

Hon Darren West: Ninety-two per cent renewable energy; that's where we are going.

Hon Dr BRAD PETTITT: That is right, but gas is not a transitional fuel to that. We do not need gas to transition to 92 per cent renewable energy. I agree; I think that target is entirely doable. Gas is just the last eight per cent. It is not the transition. Reducing the amount of gas that provides the last eight per cent of energy is not a transition. That is actually a phase-out. This is exactly what we are all calling for. To take Hon Darren West's figure, 92 per cent renewable energy plus eight per cent gas is what we are actually calling for. There is no transition. We do not need to go via gas to get there. Renewable energy is already the cheapest, and renewable energy with storage is already the cheapest. The idea that we need to ramp up gas, when we need it in decreasing amounts, makes no sense in WA. I was just talking about transitioning the south west interconnected system to 92 per cent renewable energy and the small amount of gas needed on rare windless and cloudy days. It makes no sense in Asia either. We keep talking about needing more gas to push our coal in Asia, South Korea and Japan. Those are often the countries that are talked about. Again, gas is not a transition for those two bits either, because the CSIRO report, ironically commissioned by Woodside, is very clear on this. Gas in Asia is not displacing coal, it is displacing renewable energy. The Woodside-commissioned report very clearly states this is what happens in the absence of a global carbon price. We do not have a global carbon price, so that is what is happening. When we push our gas into Asia—partly because, frankly, Japan and South Korea need to get on with their own transition and we are enabling them not to transition—we are actually displacing new renewable energy investment that could and should be ready to go in those places. We are not displacing gas. Our own CSIRO has documented that clearly, and if anyone has evidence to the contrary, I would love to see it. However, the evidence is overwhelming that gas has no place to play there either.

Ultimately, I look forward to us leading that transition. The government's own modelling says we need 84 per cent by 2030, in terms of renewable energy here on our south west interconnected system, and 92 or 96 per cent by 2042—

I think, from what I have read. That is very exciting, but we need renewable energy projects to do that. When was the last large-scale renewable energy generation project that was connected to our south west interconnected system? I ask that question honestly, because I have been trying to get to the bottom of this. Judging by the numbers I have seen, there has been almost no new renewable energy going through our main grid, the south west interconnected system, since 2018. There were a couple of small bits in 2019 and maybe early 2020, but has there been any in this term of government?

Hon Darren West interjected.

Hon Dr BRAD PETTITT: Two years ago? How many kilowatts or megawatts was that?

Hon Darren West: I can find out for you.

Hon Dr BRAD PETTITT: We can find out.

This is not me saying this: the Clean Energy Council says that WA's pipeline of large-scale renewable energy grid-connected projects has slowed to a trickle. Hence, we get why, as Hon Colin de Grussa read out, the environmental and climate groups are really nervous, because while they are seeing renewable energy projects in our south west interconnected system slow to a trickle, we are talking up and funding carbon capture and storage. In fact, I would argue—this is a challenge to Hon Darren West as well—that more kilowatts of new gas went into our south west interconnected system in this term of government than there was of renewable energy. What does that say about a transition? In fact, the Environmental Protection Authority at the moment is quadrupling the Kemerton gas plant's operating hours. This is not even an inefficient old gas plant, but an inefficient open cycle gas plant, quadrupling its hours. Why? Because there are not enough renewables in the system to replace the planned coal closures, so we will have inefficient gas running instead.

That is not a transition. That is a sideways step at best, and potentially a backwards step. It will not be helped by carbon capture and storage. This is my point: we are not taking this seriously. We talk a big talk about climate. I do not know how many climate action advertisements I have seen around. Every time I listen to a podcast at the moment, it has a climate action in WA advertisement. If we were actually delivering a project for every advertisement I heard, we would almost be there, but we are not. I guess why I get nervous when I see a bill like this is that it is about continuation of business as usual, the expansion of gas and fossil fuels, and slowing down the transition that needs to happen. You know what? Ultimately, not that much carbon is being stored.

That is putting aside another whole big bit of the problem, which is methane. Methane is 80 times more polluting in the short term, in terms of its impact on climate. Some would say it is even more than that in the very short term. Recent satellite modelling suggests it is under-reported by about two and a half times in Western Australia. We are suddenly starting to realise that gas may be no cleaner than coal. It is a really clear and live possibility that even with CCS, gas is more polluting and worse for our climate than coal, certainly in the short term, by which I mean in the immediate decades. We at least have to acknowledge that this is incompatible with a safe climate. I think the methane part, the bit that is not being buried, is that it perhaps renders—not perhaps; it does render—gas incompatible with a safe climate as well. I say these things with a sense of concern and warning: we still do not have a climate bill, a 2030 target, or any clear trajectory to net zero in this state, other than a vague promise about 2050.

Hon Stephen Dawson: Honourable member, can I just ask, I didn't hear you say at the beginning, but are you supporting this or opposing?

Hon Dr BRAD PETTITT: We have yet to decide that. I will be interested to hear what your responses are to some of these concerns that have been raised. Certainly, in terms of supporting or opposing, we are probably, on balance, opposing this bill at this stage, unless we can be given some assurances that this is compatible with a safe climate and will not be used to extend the life of fossil fuels. I guess this is at the heart of why I raise this in my speech today, because both of those things fundamentally are, I think, the role of the state. That is it.

I would say in response to that question from the Deputy Leader of the House, Hon Stephen Dawson, that the green thing we have acknowledged is a small place for carbon capture and storage. No-one is fundamentally against that technology. That technology plays a role. The nervousness about this bill, and the nervousness of the climate and environmental organisations that we have been speaking to about this bill, is that it will not be about playing a small role for those couple of projects that will use it, but it will become the basis for the expansion of the gas industry in this state, which is deeply incompatible with climate science and a proper transition to a net zero future. That is why, without those assurances or acknowledging the limits of CCS, frankly, as I highlighted at the start, we see the failure of CCS. They are real reasons why we should not support this bill. But that said, I acknowledge that, in a perfect world, there is a minor role to be played by this bill.

Hon Darren West: There'll be 114 megawatts in Western Australia at the end of the year.

Hon Dr BRAD PETTITT: When was that commissioned?

Hon Darren West: It came in late 2021.

Hon Dr BRAD PETTITT: For *Hansard's* purposes, this the latest renewable energy project?

Hon Darren West: I'm not sure, but it's the biggest in this term.

Hon Dr BRAD PETTITT: No, in 2021. I guess the challenge for us here is to say, in this term of government, what renewable energy have we delivered? Let us keep it to the south west interconnected system. That is my challenge to everyone. I do not want to be in a Parliament that delivers more CCS than it does renewable energy. On that, I will bide my comments and thank the chair.

Sitting suspended from 6.00 pm to 7.00 pm

HON NEIL THOMSON (Mining and Pastoral) [7.00 pm]: I will make my comments on the Petroleum Legislation Amendment Bill 2023 Petroleum and Geothermal Energy Safety Levies Amendment Bill 2023 very brief this evening because I know the matter was addressed at length by my colleague. Firstly, it is a pity we have taken so long to get this legislation in place. I am glad it is here. I want to express my support for the legislation. It is important. It is vital for our carbon reduction strategy that we have carbon capture and storage opportunities in Western Australia. Chevron has copped a lot of negative press over the years, with some of the challenges it has had with its world-leading carbon capture and storage project in the north west. It is all very well for people to criticise but this is world-leading technology. I believe there were some issues with the ability to reinject the carbon and some challenges with grit or sand in the mix that had not been dealt with. Progress is not made without trying. An incredible amount of carbon has been captured through that process, and I think that is very important.

The gas industry is such an important industry in Western Australia. I put on the record that I support, and I know the Liberal Party and the opposition very much support, the natural gas industry in Western Australia. If we are to have affordable energy going forward, we will have to promote carbon capture and storage. This is a vital part of the story that we have in Western Australia. We have unique opportunities to continue to access natural gas because there is this growing demand worldwide for natural gas. Whatever anyone says, the requirement and demand for natural gas will continue to grow. Carbon capture and storage represents a huge opportunity to have early successes in abatement of carbon emitted into the atmosphere, so it is vital that we have the regulatory regime in place. That is why I support this bill.

There is consideration of carbon capture at the Scarborough project. Recently, I attended a conference on carbon capture, utilisation and storage. It was held in Perth about two months ago. I find some of the work that is going on fascinating. It is one area in which we can actually make early inroads and achieve some of that 2.6 per cent carbon reduction safeguard target that industry is having to address. This is it. This is the one area we can utilise to get those big numbers of carbon safely sequestered into geological formations in Western Australia. There is also a huge opportunity for some of those hard-to-abate sectors. For example, we know that companies like Yara are in the area of nitrate production. The emissions from ammonium nitrate production have a very high concentration of carbon. There is a unique opportunity to capture that and put it into geological formations.

I just wanted to make that comment for the record. As I said, I did not want to speak for long on it. I encourage the government to continue to look at the other options we have in terms of some of those common-user facilities, for example. That was an issue that came up in that conference. Many smaller companies will find it difficult to make the necessary investment, like the huge investment by Chevron I mentioned, to get carbon capture and storage systems operating.

In particular, if we do not get the scope 1 emissions, we are not going to make progress on the other emissions. In the time to come, there might be the technology to actually capture some of the other emissions that happen, even at the source. There is a whole range of possibilities there. Let us take those first steps and make sure that we have a regulatory regime in place to do the work on scope 1 emissions and provide opportunities for those hard-to-abate sectors to be abated so that we can actually continue on with relatively low-cost carbon capture, storage and abatement. This is a major economic challenge for Western Australia. It is vital to the Western Australian economy that we have the tools to reduce carbon emissions without breaking the bank. That is something I fully support.

As I said, I just had a brief comment on that. I certainly support the bill and commend the bill to the house.

HON SUE ELLERY (South Metropolitan — Leader of the House) [7.07 pm] — in reply: I thank members for their contributions to the debate. Some members might have noticed that there was an event on in the courtyard during the dinner break. I want to place on the record my thanks for my colleague Hon Stephen Dawson for covering for me. He left notes, which means I am able to provide a reply.

The comments I will make now relate to the general themes that were raised during the course of the debate. We will obviously get into some of those and others in more detail when we get to the committee stage. I will get on to the question of why the government is pursuing carbon capture and storage. We have declared a commitment to mitigate climate change and work with all sectors of the economy to achieve net zero greenhouse gas emissions by 2050. The proposed carbon capture and storage legislation is one of the options that we are progressing to address climate change and emissions reduction. Carbon capture and storage technology complements emission reduction technology by addressing those emissions that cannot currently be avoided, such as carbon dioxide emissions from industrial processes like steel or cement manufacturing.

Pathways to net zero proposed by the Intergovernmental Panel on Climate Change and the International Energy Agency have demonstrated that to achieve net zero emissions targets, carbon capture and storage technology will be required as a complement to other emission mitigation strategies. As Hon Colin de Grussa pointed out, it is one of the tools in the toolbox for decarbonisation, but it is not the only tool; that is why we are investing significantly in renewable projects as well. Carbon capture and storage is not new technology. Injection of carbon dioxide underground has been occurring for over 50 years, since 1972. Injection, for the sole purposes of long-term storage, has been occurring since 1996 in Norway. The Global CCS Institute's *Global Status of CCS 2023* report states that there are 41 carbon capture and storage projects currently operating internationally, with a further 26 under construction and 325 in advanced and early development stages.

In terms of the government's commitment to energy transition and climate action, Hon Dr Brad Pettitt asked about the government's investment in renewable energy. We have committed $3.8 billion to replace the state-owned coal fleet. That is 810 megawatts of new wind generation, or 1 100 megawatts/4 400 megawatt hours of storage. So far, 700 megawatts/2 800 megawatt hours of storage have been committed to projects at Kwinana, operational in October 2024, and in Collie, operational in October 2025, as well as the King Rocks wind farm, with 150 megawatts by late 2026. That is about 35 kilometres north east of Hyden. Other projects are currently under development. In November last year, we committed $708 million to transmission upgrades in the south west interconnected system that will unlock an additional 1 000 megawatts of new renewable energy projects in the network's northern section. The transition investment includes the north region expansion project, delivering a new 330-kilovolt ampere double circuit transmission line between Malaga and Pinjar, enabling massive renewable energy generation projects in the midwest to connect the grid. A further $133 million will be invested towards planning for new lines, reinforcements and upgrades around key industrial areas, including Kwinana and Collie.

There was also a question about the mix of renewable energy and gas projects going into the SWIS. Since 2019, the only new facilities to connect to the SWIS have been renewable facilities and storage, including the first big battery, already operational at Kwinana.

Hon Dr Brad Pettitt interjected.

Hon SUE ELLERY: No new gas facilities have been installed on the SWIS since 2019.

Hon Dr Brad Pettitt interjected.

Hon SUE ELLERY: If I can provide the member with some further information, I will, but we are dealing with a bill that is about something very specific.

How will the department adequately regulate these two new industries? Carbon capture and storage uses many of the same technologies as the petroleum industry; indeed, that is why we are amending that legislation, because it fits neatly within there. Many of the provisions in the bill follow the existing petroleum legislative regime. The synergy with the petroleum industry means that the Department of Energy, Mines, Industry Regulation and Safety has existing staff resources with expertise to effectively regulate these new industries, and has systems processes and documentation that can be extended from petroleum and geothermal to include greenhouse gas and naturally occurring hydrogen. Following the successful passage of the bill, the government will prioritise assignment of staff resources and systems development to ensure effective and efficient approvals processes for both greenhouse gas and naturally occurring hydrogen.

There was a question around property rights. The current regime for property rights for petroleum and geothermal has been replicated for greenhouse gas storage. These provisions are considered fit for purpose, given the expectation that land access arrangements between operators and landholders will be negotiated fairly and equitably. The department has advised of some challenges that occurred prior to 2015; however, I acknowledge the good work that was done through the land access round table working group in WA, which was chaired by Hon Hendy Cowan. This group developed policies and guidelines to ensure fair and sustainable access to land. I am advised that these arrangements are still in place today and working well.

The Gorgon carbon dioxide injection project is the state's only operational carbon capture and storage project and is facilitated under a state agreement. Gorgon is the world's largest capacity carbon capture and storage site, and as at 1 May this year it has safely sequestered almost 9.6 million tonnes of CO_2 equivalent. Although the project has not met its targets, Chevron has commenced the implementation of measures to upgrade the current pressure management system to address this, and the Department of Energy, Mines, Industry Regulation and Safety is currently assessing proposals that will potentially facilitate an increase in the carbon dioxide injection rates to the required levels. Once these works are completed, they are expected to result in a significant increase in carbon capture and storage injection rates over the life of the Gorgon project. Importantly, there have been learnings from that project that will assist government in regulating future carbon capture and storage projects.

I think Hon Colin de Grussa asked if we could table something on the details of the amendments moved in the Legislative Assembly. I am advised that Parliamentary Counsel recommended administrative and minor amendments that went to the proper working of the bill. I have checked and asked whether any of those amendments are policy related, and I am advised that they are not; they are minor and administrative in nature.

I think those were the main themes that were raised over the course of the second reading debate. Again, I thank members for their contributions. I understand that we will go into Committee of the Whole, and I am happy to provide additional information in that process. I commend the bills to the house.

Questions put and passed.

Bills read a second time.

PETROLEUM LEGISLATION AMENDMENT BILL 2023

Committee

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

Clause 1: Short title —

Hon COLIN de GRUSSA: I thank the Leader of the House for in her response speaking to the amendments that she said were requested by the Parliamentary Counsel's Office, and, if I understood her correctly, were relatively minor in nature and did not affect the policy of the bill. How did they come about? Did Parliamentary Counsel observe some issues in the bill and realise there needed to be changes? What was the genesis, I guess, of those amendments?

Hon SUE ELLERY: I am advised that it is a function of the complexity and the fact that they were dealing with three different bills. They were picked up beyond the first draft and addressed. To satisfy the member and make sure that I put it on the record again, I have asked whether the amendments went to any policy matters, and I was advised that they did not.

Hon COLIN de GRUSSA: I thank the Leader of the House. I accept that; obviously, that is the nature of the game with a bill that is this complex; the number of acts will potentially create some challenges going forward. That is a nice little segue into another question, which may be difficult to answer: why was an amending bill chosen as the mechanism rather than a standalone piece of legislation?

Hon SUE ELLERY: As I indicated in my second reading reply, much of the regulatory framework that we will put in place for the new technologies that will be regulated in this way is already in place for petroleum. Rather than create a brand new bill to address just this, although it was a complex effort, it made sense to include all the regulatory functions around those sources in the one piece of legislation.

Hon NEIL THOMSON: I have a quick question about the passage of these bills. Is the minister aware of any projects that might have been delayed as a result of the time taken to get this legislation in place?

Hon SUE ELLERY: No.

Hon NEIL THOMSON: Upon the commencement of the bill under clause 2, has there been any feedback from the agency on the expected number of applications by the proponents? The minister mentioned that Chevron's Gorgon project is under a state agreement act. I assume that a suite of new projects might come forward in the next few months or 12 months. Is there any idea about which companies might put an application forward?

Hon SUE ELLERY: I am advised that the department has not been approached about any particular specific projects. Some associated projects are captured under the commonwealth's frameworks. I understand that they are known, but there are no other specific projects.

Hon NEIL THOMSON: I assume that the commonwealth projects are offshore.

Hon Sue Ellery: Yes; that's correct.

Hon NEIL THOMSON: This is my final question. What will the time frame be before the commencement of the regulatory regime needs to be fully in place to enable a proponent to make an application to begin a carbon capture and storage project?

Hon SUE ELLERY: We are certainly keen to see the framework implemented as quickly as possible. I am advised that the department has already commenced the initial engagement with industry around the regulations, for example. We are keen to be involved in and have input into the development. We will work through those as quickly as possible. I am advised that the aim is to do it within 12 months, but I would not lock that down as the final deadline. It will take as long as it takes, and we want to do the consultation thoroughly and effectively, but that is what we are aiming for.

Clause put and passed.

Clauses 2 to 38 put and passed.

Clause 39: Part III Division 4A inserted —

Hon COLIN de GRUSSA: This clause was amended in the Legislative Assembly. As I understand it, it was amended to revise some proposed sections. If the minister could take us through what the amendment does, that would be great.

Hon SUE ELLERY: I am looking for some understanding. I have explained twice that I do not have a table of the nature of the changes to give the member. They were administrative and minor. They were not policy related. I might struggle to point out every single one of them to the member.

Hon COLIN de GRUSSA: I turn to the response of the minister in the other place when this was amended. His words were —

> This amendment ensures that administratively, the proposed polluter-pays principle applies to all current title holders.

Did it not apply under the unamended version—the bar 1 version—of the bill, and was that change required to ensure that it would apply?

Hon SUE ELLERY: All I can tell the honourable member is what I have been advised already; that is, there were no changes to policy matters. Parliamentary Counsel reviewed the bill as it had been presented, and I am advised that it took the view that the change needed to happen to better give effect to the intention. If we are going to go through this with every one of the 26 amendments, I will have to seek further information because I do not have it here, other than the commitment I have given the honourable member that there are no changes to the policy.

Hon COLIN de GRUSSA: Thank you, minister. I guess we will have to accept that. I do have a number of questions about other clauses, and it would be handy to know exactly what the changes were because, as I said, I have no visibility of what those amendments are, other than what is in *Hansard*. It would be useful to know.

Hon Sue Ellery: Well, that will tell you what they are.

Hon COLIN de GRUSSA: Well, not really, because it does not have the amendment as it was and why and how it came about. Notwithstanding that, I do not intend to press for answers on every one of those amendments. I do have other questions to ask on a number of different clauses, so we will move on from this one.

Clause put and passed.

Clauses 40 to 59 put and passed.

Clause 60: Section 147 replaced —

Hon COLIN de GRUSSA: As I understand it, this clause will replace the existing section 147 in the Petroleum and Geothermal Energy Resources Act 1967. By doing that, it will enable the third-party processing of petroleum with respect to royalty calculations, if I am correct. Therefore, it will allow the minister to approve the installation of measuring devices at the wellhead or another place and allow the use of those devices. Why is this amendment necessary, how will it be practically implemented, and who will bear the cost of those devices?

Hon SUE ELLERY: The amendment will enable the third-party processing of petroleum, otherwise known as tolling. This act is constructed on the basis that a registered holder who finds petroleum will process its own petroleum using its own infrastructure and titles. Therefore, the existing method of ascertaining the quantity of petroleum to calculate royalties is through the use of a measuring device occurring on the registered holder's title. It does not contemplate the use of a measuring device on a third party's title. This act did not contemplate a registered holder utilising third-party infrastructure to process petroleum; however, there is a shifting trend emerging in industry whereby existing infrastructure with capacity is viewed as an option to process petroleum owned by another registered holder. In practice, for the tolling of petroleum to occur, measuring devices are placed along a third-party pipeline to ascertain the quantity of petroleum.

Clause put and passed.

Clauses 61 to 63 put and passed.

Clause 64: Section 152A inserted —

Hon COLIN de GRUSSA: In line with the comments made at clause 1 about regulation development, this clause, "Section 152A inserted", is about approved forms. Do they exist or are they still being developed as part of that regulatory process?

Hon SUE ELLERY: The intent is that when forms need to be changed or standardised, that will be able to be undertaken more easily than the current framework allows. I am advised that some work has commenced, but this is more about ensuring that there is an easier process in the future to develop or change an existing form, as required.

Clause put and passed.

Clauses 65 to 72 put and passed.

Clause 73: Section 5 amended —

Hon COLIN de GRUSSA: This is quite a lengthy clause. This clause seeks to amend section 5 of the Petroleum and Geothermal Energy Resources Act 1967 and includes the definition of "closure assurance period". I think that further back in proposed section 69HW the government arrived at a period of 15 years. Where did that 15 years come

from as a suitable time frame for issuing that site closing certificate? Given that this is a fairly new industry, so we are obviously still learning the science of it, where did that time frame come from? I guess that relates in part to the 20 years for which the government will take on liability.

Hon SUE ELLERY: The member pointed out that we are now in section 5. That is, if you like, the big, chunky bit of the changes. I am advised that the regime around 15 and 20 years was taken from the commonwealth, but similar arrangements and time frames are in place in the European Union and the United Kingdom, so working on the theory that we should go with what they do in places where similar legislation has already been operating, that is the reason for those particular periods.

Clause put and passed.

Clauses 74 to 80 put and passed.

Clause 81: Section 17 amended —

Hon COLIN de GRUSSA: We are getting through this nicely.

As I understand it, this clause seeks to amend section 17 of the Petroleum and Geothermal Energy Resources Act, "Compensation to owners and occupiers of private land", by deleting the words "resources or geothermal energy" in section 17(3) and inserting the words —

> resources, geothermal energy or potential GHG storage formations

Hon Sue Ellery: Can I just check, by interjection, are we on clause 80 or 81?

The ACTING PRESIDENT (Hon Steve Martin): Clause 81, minister.

Hon COLIN de GRUSSA: As I understand it, this will extend this regime to greenhouse gas. What will the compensation be? What will the compensation be payable for, and will there be potential imbalances between the landowner and the company seeking to access the land in the case of some of these regimes?

Hon SUE ELLERY: It will extend the existing provisions that apply. As it exists now, no compensation is to be paid to the owners and occupiers of private land for any gold, minerals, petroleum, geothermal energy resources or geothermal energy known or supposed to be on or under the land. It will extend that to include potential greenhouse gas storage formations as well.

Clause put and passed.

Clauses 82 to 86 put and passed.

Clause 87: Section 30 amended —

Hon COLIN de GRUSSA: Proposed section 30(3) will permit the minister to invite applications for the grant of a permit for GHG exploration and outlines what information will be required for the granting of that permit. As part of that, where are we at with the carbon dioxide geological storage atlas? Is that still down the track a fair way or has significant progress been made?

Hon SUE ELLERY: The greenhouse gas acreage release process will follow the same approach as that taken for the exploration of petroleum but will also include direct access provisions. The identification of a prospective acreage release will be determined by the Department of Energy, Mines, Industry Regulation and Safety's knowledge of the state's geology and through nomination by industry of potential release areas.

To assist both, as the honourable member indicated, DEMIRS is developing a new WA carbon dioxide geological storage atlas that will provide government and industry with a clearer understanding of the potential for the permanent sequestration of CO_2 by providing new data on the reservoir, seal and trap. The atlas will include new geographic areas like state waters and Officer Basin. Interesting terminology is used here; I could practically be a geologist on the basis of the briefings I have had on this bill. The atlas will also include stratigraphic intervals not included in the first atlas—for example, early Permian reservoirs in the northern Perth basin; new and, where feasible, higher resolution depth maps, including major faults; reservoir and seal information from wireline logs; and new analysis in both the new regions as well as those originally investigated.

There has already been a data release through the WA petroleum and geothermal information management system. Honourable member, I am advised that the work on that is expected to continue for the remainder of this year.

Hon COLIN de GRUSSA: Thanks, minister. Is any additional funding required for this process or has that already been allocated? Is there scope for industry to be involved in nominating areas that will be covered?

Hon SUE ELLERY: Industry will definitely be involved in the process. I cannot tell the honourable member whether it is existing funding or whether additional funding has been provided; I do not have that information available to me at the table.

Clause put and passed.

Clauses 88 to 138 put and passed.

Clause 139: Section 66 amended —

Hon COLIN de GRUSSA: Clause 139 will amend section 66 of the Petroleum and Geothermal Energy Resources Act 1967. As I understand it, it will allow for a regime for third-party access to services by means of GHG storage formations, wells, equipment or structures for use in injecting substances in storage formations. Can the minister tell us a little bit about what that means practically and how that might be used?

Hon SUE ELLERY: Yes, I will find out. Third party access has been in place since the inception of the existing regime. For petroleum, it is being used for access to pipelines, and that is expected for greenhouse gases as well. To date, there has been no need for access to platforms and the like, and it is not anticipated that there would be—but this would allow for that if necessary.

Clause put and passed.

Clauses 140 and 141 put and passed.

Clause 142: Part III Division 3B inserted —

Hon COLIN de GRUSSA: I specifically want to talk about site closing certificates. The question is: what happens if a proponent were to enter bankruptcy or somehow fail? How would the recovery of costs be pursued? Who will be responsible for the monitoring and management of the closure of the site?

Hon SUE ELLERY: If the honourable member has the bill in front of him—I suspect my pages are not the same as his—it is proposed section 69HY, "State to assume long-term liability if licensee has ceased to exist". Proposed subsections (1) and (2) set out that the state would have to assume liability. In the event, for example, that it went before the courts and determinations were made, the state would have to assume liability and funds for that would have to come out of the consolidated account. That is the provision that sets out how that would work.

Hon COLIN de GRUSSA: I guess the question then becomes: what safety mechanisms are in place to prevent entities from simply ceasing to exist and therefore passing that liability on to government? Is there also a contingency for built-in budgets if that occurs?

Hon SUE ELLERY: I will say a couple of things to put it in context. In the first instance, it is a commercial enterprise. The government is not sitting there running day-to-day operations. However, it will rely on the diligent application of the regulations, which already exists and will continue to exist. I am also advised that a red flag, if you like, that everything might not be hunky-dory in the financial sense, is whether there are delays or a failure to pay annual fees. That is often a signal that something else is going on. The department is well aware of looking out for that sort of thing.

Clause put and passed.

Clauses 143 to 149 put and passed.

Clause 150: Section 91A amended —

Hon COLIN de GRUSSA: This clause seeks to amend section 91A of the Petroleum and Geothermal Energy Resources Act 1967. I have a simple question. This clause requires a titleholder, where directed by a minister, to take out adequate insurance against expenses and liabilities, including cleaning up or remedying the effects of the escape of petroleum, regulated substances or geothermal energy resources, which will obviously extend to greenhouse gases if this section is amended. What conditions would put a minister in the position of having to direct a titleholder to take out insurance? Is this something that we have seen in other legislation as well?

Hon SUE ELLERY: I am advised that the practical application of those provisions is that the minister directs everyone. It is a requirement of the application process that they need to have insurance. I am also advised that the insurance industry is developing specific insurance for greenhouse gases.

Clause put and passed.

Clauses 151 to 436 put and passed.

Title put and passed.

Bill reported, without amendment.

PETROLEUM AND GEOTHERMAL ENERGY SAFETY LEVIES AMENDMENT BILL 2023

Committee

Bill proceeded through committee without debate and reported without amendment.

PETROLEUM LEGISLATION AMENDMENT BILL 2023
PETROLEUM AND GEOTHERMAL ENERGY SAFETY LEVIES AMENDMENT BILL 2023

Report

Reports of committees adopted.

Third Reading — Cognate Debate

Bills read a third time, on motion by **Hon Sue Ellery (Leader of the House)**, and passed.

PUBLIC EDUCATION ENDOWMENT REPEAL BILL 2023

Receipt and First Reading

Bill received from the Assembly; and, on motion by **Hon Sue Ellery (Minister for Finance)**, read a first time.

Second Reading

HON SUE ELLERY (South Metropolitan — Minister for Finance) [7.55 pm]: I move —

> That the bill be read a second time.

The Public Education Endowment Act 1909 was enacted under the reign of King Edward VII. In September 1909, Hon John Nanson, the then Minister for Education, made the second reading speech for the enacting bill and stated —

> We know that in other States, when times of financial stringency have happened, that one of the first economies made has been in regard to public education.

The minister went on to say that the endowments made would become "increasingly valuable", and —

> … at a later period … of … financial stringency, it will be a great satisfaction … that this provision had been made.

In the lead-up to the introduction of the 1909 bill, promises had been made about the setting aside of land for the purposes of education, apart from the estimates made each year for education purposes. The initial endowment made by the state government was 2 287 acres. The act is part of the early history of education in this state, which commenced legislatively through the Elementary Education Act 1871. Other education legislation followed before the turn of the century, and principally dealt with the governance and funding of state elementary schools and church or assisted schools.

By the Public Education Act 1899, school fees were abolished in state elementary schools for children between six and 14 years old. In 1907, there were 29 679 enrolments at state schools, which at that time did not include a secondary school under state control. In 1907, Parliament debated and identified funds for a state high school— that high school being Perth Modern School. Construction commenced in 1909 and the school opened in 1911. This is the context within which the act was developed, debated, enacted and commenced.

Up to 1914, while the act was fresh in the minds of members of Parliament and responsible ministers, areas of land were set aside as they were opened. After World War I, there began to be some overlap between making provision for school sites and providing additional endowment land. Over the years, the role and operations of the trustees as a separate legal entity with a distinct purpose has been somewhat inconsistent and uncertain. There are several different sections that deal with the question of how trust funds may be applied, which has caused conjecture and interpretation over periods of the trust's operation.

Trustees have strict obligations to which they must adhere. The Trustees Act 1962 provides that trustees must act in accordance with the Trustees Act and general law unless a contrary intention is expressed in the act. Whether parts of the Trustees Act applied to particular actions of the trustees can be arguable and a matter of statutory interpretation. The trustees of the Public Education Endowment Trust, known colloquially these days as PEET, are appointed under the act by the Governor. The trustees who can be appointed are the Minister for Education, the director general of Education and three other fit and proper persons. A quorum is three appointed trustees. All trustees owe a fiduciary duty to the trust and to administer the trust in accordance with the act and applicable law.

In 1970, amendments were made to the act to enable particular education projects to be funded by the trust. In particular, the trustees wanted to fund a residential college for girls at Mount Lawley Teachers College. However, the changes led to some uncertainty and an erosion of the capital base of the trust. In that regard, there have been different positions on whether only income, or capital and income, may be spent and for what purpose. Advice in 1992 from the Crown Solicitor's Office noted that the act was not a model of clarity. In fact, it was seen as a mixed bag of provisions, more complex than it needed to be and less precise than it might be.

More recently, there is also the complexity of interactions of the processes for the purchase and sale of trust land under the act and the Land Administration Act 1997. Unlike when the act commenced, statutory bodies are no longer given legislative authority to sell crown land. Current practices provide for a process under the authority of the Minister for Lands, on behalf of the state, that is administered by the Department of Planning, Lands and Heritage.

It is for these and other reasons that the act, the operation of the trust and trustee arrangements have been regularly reviewed. This occurred in the 1970s, 1980s and 1990s. In 2000, the trustees proposed a redraft of the act. However, this did not come to fruition. In 2014, the government of the day considered the future and purpose of the trust. In the last 10 years, the trust has been all but dormant. It has not obtained any land and has only undertaken administrative transactions necessary for maintaining and reporting on the trust.

The 2022–23 annual report of the trust shows that the total equity of the trust is $19 984 493, which is made up of $13 154 274 cash and cash equivalents, and $6 850 000 in land. The land holdings are located at Knutsford Street

in Fremantle, and this land is defined in the bill as the "Knutsford land". The trust received no income during the reporting period and had expenditure of $38 605 to fund administration expenses, principally the auditing and the preparation of the annual report.

The 2022–23 annual report of the Department of Education states that the total costs of services provided by the government for education through the department was $6.3 billion. The number of enrolments in state schools is now 322 294, an order-of-magnitude increase from 1907. The total equity in land and buildings is now over $19 billion. The department obtains land years in advance for future schools through negotiation with other agencies and entitlements from land developers.

The act has become an anachronism for education funding and for the process of obtaining and selling land for educational purposes. Its original purpose, to set aside land as an alternative source of funding that would guard against times of financial stringency, is no longer relevant. The rigidity of a trust, appointment requirements and strict obligations upon trustees, and the quarantining of small parcels of land are not compatible with current practices and the proper administration of the education portfolio. In comparison with the education budget and landholdings, the trust and its $20 million in assets is insignificant and is not a viable mechanism to supplement funding for education.

The essence of the bill is set out in clause 6, which will provide that, upon repeal of the act, all money standing to the credit of the trustees will be transferred to the consolidated account, free and discharged from any trust. The Knutsford land will vest in the state in fee simple, free and discharged from any trust. Put simply, the assets of the trust will be returned unencumbered to the state.

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

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

[See paper 3127.]

Debate adjourned, pursuant to standing orders.

HEALTH PRACTITIONER REGULATION NATIONAL LAW APPLICATION BILL 2023

Second Reading

Resumed from 21 March.

HON DR BRIAN WALKER (East Metropolitan) [8.05 pm]: It has been some weeks since I began this speech so a little bit of a repeat of what has gone before might serve us so we can understand the context in which I am proposing my speech. Looking at it superficially, the Health Practitioner Regulation National Law Application Bill 2023 is a good bill. We are looking at bringing into unity the way we give power to the Australian Health Practitioner Regulation Agency, the body that supervises all healthcare practitioners from a variety of services. It is a vital service. On that basis, it is a good bill, but the point I was making is that I shall be voting against this bill on a matter of principle. Members might well ask: what is that matter of principle? I will be suggesting that the matter of principle is that we need to have a closer regard to the fact that this very important organisation has no supervision by a parliamentary committee at any level. Members might think it does not need any because it is doing a good job. There are experts there and it is all right and proper. I went through some of the facts regarding what happens in the medical profession because, although someone might have read all the books and listened to the lectures from people in the system, they are not getting the full picture. Very much, they are getting only part of the picture. The systems we have here are actually very conservative. They are conservative because we have status quo thinking because that is the way it has been. That is what is safe and what we have done before. We have proved that is safe enough and therefore we are not going to change. It can take quite a deal of effort for a change to happen in the medical fraternity because, the problem is, if we do it differently and it is not as good, people will suffer or die. I brought the example of Barry Marshall who was pilloried for his unorthodox views. It was only by the grace of being given a Nobel prize that the threat of disbarment from the medical profession was averted. We can take that further. Throughout history, we have had the same example again and again. The whole point of having AHPRA is very valid and important: it is to protect the population and to protect the people. One thing it does not do is protect the healthcare practitioners—it specifically does not. Members of the public are the ones who are to be protected from bad actors, from those who are doing a disservice to the population by doing the wrong thing, doing things that cause damage, or indeed by not doing things and thereby causing damage. That is very right, but note there are two aspects. The active case—I do something that causes harm—or by not doing something, I also cause harm. I will come to that in a short while.

We can look here at the examples of the horrors we saw from the eminent Dr Patel over in Queensland. He was not a surgeon. He was more of a butcher and he caused a great deal of chronic and un-alleviated pain. We noticed how long it took for that particular butcher to be taken away and for the public to be protected. We saw how

difficult it was for the staff to report the misdeeds of that so-called surgeon. We saw how many people suffered as a result because his behaviour carried on unchecked. This was thought to be suitable—why? Why would it be thought unsuitable? This is part of the issue I want to talk about. The opposite can happen. I also mentioned Dr Teo and Dr Fettke, who have done their very best to help those, in Dr Teo's case, who could not be helped anywhere else. They have still found lack of favour with the medical bodies because of complaints against them because a person died who they thought they could be saved. The thoughts were that the operation was done, the patient has died, and therefore the surgeon has failed when, in fact, he was operating on pretty much hopeless cases—the cases that no other surgeon would touch. Those who survived are very happy, but he now has been told not to continue working. The example I gave of Dr Fettke who was a cardiologist—still is—who was almost disbarred from the medical profession because he advised his patients to eat better and stop eating fast food. That way he could reduce the risk of cardiac disease. It was a very basic premise but it caused some trouble with dieticians who, through the back door, managed to get AHPRA to hound him. At a very public hearing, the Australian Health Practitioner Regulation Agency never apologised for trying to get this eminent doctor removed from service for doing his job properly and well and giving patients good advice. No; it wanted to remove him because another organisation found that its crown was being impinged on. That is plainly wrong, and I think all members would agree with that. That is just not tolerable. I am basically saying that it is possible, and I ask members to bear in mind the possibility, that there could be vested interests at play when a point of view can be brought by a group with a vested interest in keeping its patients and then action can be taken against a doctor doing the right thing and he can almost be removed.

That leads to the point that when a healthcare practitioner is given a notification, which is a fancy way of saying that they have been accused of something, the consequence is—I must say this very clearly so that members understand what happens—that the healthcare practitioner is deemed to be guilty until proved innocent. The burden is on the healthcare practitioner to prove innocence, not the other way around. That is a major concern, and I will come to that in a short while. I can speak only on behalf of doctors because I have no particular personal knowledge of the other realms, but there is an immense effect on doctors. In fact, the medical profession has been cowed into silence. I ask members to consider this for a moment. A healthcare professional is not able to speak freely for fear of being persecuted by the body that is charged with the duty of keeping the public safe. Members should ask themselves whether that is a system that gives the best outcomes. I am not going to ask members to come to a decision. I ask members to consider the potential for a system to be dysfunctional, because when doctors have been cowed into silence, they are not then able to do the most important thing as a healthcare practitioner—that is, ask the questions that need to be asked to move a patient forward to wellness. That is the very reason why Dr Barry Marshall was given such a hard time. He thought new thoughts that were not accepted by the medical board.

I can give members a current example. Members will be aware of the concept of attention deficit hyperactivity disorder, or ADHD, but do members know that the current approach by AHPRA is not to accept that diagnosis as valid? In fact, the psychiatrists it has employed to hold court over other psychiatrists believe that ADHD does not exist. From the position of having to prove their innocence, they are then judged by a colleague who has the presupposition that the diagnosis they made is fundamentally flawed. It is an uphill battle for someone to defend themselves against that, especially when they go into the hearing with no legal support on their side, but AHPRA very well has legal support. It is very frightening, and the practitioner is very much at risk of losing their licence, and when they lose their licence, they lose their income, they are at risk of bankruptcy and they are at risk of losing their family. It is a major assault on the freedoms of the health profession to think freely.

There may be one reason why the evidence-based medicine that we need in our society is not actually that evidence-based. Some people have said that perhaps only 70 per cent of medical care is evidence-based, which means that a fair chunk of what happens to people in clinics now is not evidence-based. That is the result of the behaviour of a controlling body restricting freedom of thought, which then has an impact on our own wellness, does it not? As a result, we are then stuck in status quo thinking, which means we are stuck in the past. I remind members that in the 1920s the treatment for the diagnosis of asthma—believe this or believe it not, but it is true—was to give the patient a prescription for tobacco cigarettes laced with a bit of strychnine. There are good pharmacological reasons why a little bit of strychnine would help reduce secretions in someone with asthma, but I put it to members that to do that today would be a grave mistake. It took a while for that to change. It took a while for the doctors to mend their ways as they thought about getting a new approach to managing asthma—they were stuck in the past. We are often stuck in the past with no scientific basis for it.

I just use cannabis as an example. Even now, people claim that cannabis is a narcotic, which from a pharmacological point of view is a complete and utter lie. Yet, in large numbers the medical profession does not shy away from putting forward this lie as medical truth. When we think about doctors being at the forefront of science, let us think again. The systems that we have judging us, holding court over us, are in fact stifling individual freedom of thought. I put it again that this is not what we, as a people, need when it comes to our wellness, because wellness is an ever-changing field that must have excellent results, excellent science and excellent facts to allow us to take steps forward.

I think only of the recent case of glioblastoma in the brain. A doctor working in another field was able to use that knowledge to work with his colleague to develop at a sudden pace treatment that seems very likely to have mastered

this particular glioblastoma, this malignant brain cancer. It is early days. I do not know whether it will work, but the thinking that went into it was wonderful. He had to carry it out on himself; he could not do it on a patient—he was the patient—but it would not be permissible to put that onto another patient because it has not passed the ethics committee. People are probably dying right now who may benefit from the treatment, but we are still waiting for the bureaucracy to catch up with the idea of helping someone indifferently.

I go back to the vested interests I mentioned. We now have here a pattern of bias. I do not mean in my speech today that there is mal intent. We are simply putting out what is actually happening, and the general public, and, indeed, members of Parliament, are not aware of it because it is not part of their daily lives. It is a part of mine. That pattern of bias means that the people orchestrating it are not subject to any oversight, they are not accountable to any of our elected members—at no level, state or federal. There is no accountability for the actions that have been taken. This results then in poor quality of care because the effect on society of the doctors who are being blocked, slowed, held back and threatened is that they will not be able to control in any better way how we can deal with the major problems affecting our population today.

For a start, I mention only the mental health conditions we are facing. In 50 years, the psychiatric approach to managing major psychiatric illness has not improved. We still have the same problems with the medications that we now give, and I can speak personally, having given these medications many times, that they have resulted in things like metabolic syndrome, diabetes, hypertension and, of course, cardiovascular disease, followed by early death. But the patients were not quite as mad as they were before. Are we happy with that outcome?

Poor quality of care means that things are not done that could be done, or it may result in us pulling back. Earlier I mentioned the attention deficit hyperactivity disorder issue. The thing about this is that if psychiatrists are not encouraged to make this diagnosis, and if at the same time the demand of mental health services on psychiatrists is such that there is a large waiting list, and if they cannot then accept patients because there are too many patients and they are not encouraged to make this diagnosis or, indeed, they get into trouble for making this diagnosis, how quickly will a parent be able to get their six-year-old child seen by a psychiatrist to get the diagnosis of ADHD made such that that child can then get an education assistant to help them through their school years? It takes about two years. Even then, they may not get the treatment they need. We are now seeing a child being held back by two years because they are unable to get an education assistant, which leads them down the path of being perpetually unable to catch up and unable to live life to the fullest extent. In fact, we are encouraging the failure of the most vulnerable in society.

People might ask why general practitioners are not able to prescribe medication that might be useful to treat a child with attention deficit hyperactivity disorder. Do members know the answer? I found out just recently. It is because they are frightened of doctors prescribing amphetamines, which is one of the treatments for ADHD, because it might be sold on the street to drug addicts. They did not say, "Doctor, you are 110 per cent over the average for prescribing dexamphetamine. We will have to examine your patients." They did not look at the statistical outliers. They chose to ban all GPs from prescribing this medication, thereby preventing children from getting treatment and exacerbating the problems that we have got. It is a logical consequence of following that pattern of thinking, that we are going to "take control" of this.

I will give members another example. Many years ago in Germany, I had a patient come to me. He was on his way out. He was dying. I had a new practice with almost no patients, and therefore I was looking for patients to come and increase my numbers. He was in his late sixties and had had his fourth heart attack. He was in congestive cardiac failure. He came in with a blue nose, huffing as his chest was filling up with fluid, and was barely able to catch his breath. His blood pressure was 90 over 60. I remember this very well.

He said, "Doctor, help me." I said, "What medication are you on?"—he was on every single drug that mankind knew at that time. I was aware of a new drug that had come out called Captopril, which is a very interesting medication based on Brazilian pit viper venom. It was brought into service to lower blood pressure. This man had low blood pressure. The German pharma companies sent out people who were scientifically trained. Germany is a very scientific country. I knew the biochemistry of how Captopril worked at a kidney level. If members want to know, it is the conversion of angiotensin I to angiotensin II and then a question of sodium and potassium levels and water retention in the body. I thought about that. I thought a bit more. I said, "I will give you a very small dose and add some salt into your soup. We will see how that goes." He did die, nine years later. Since then, we now see that these angiotensin-converting-enzyme inhibitors are one of the primary treatments for congestive cardiac failure. However, at that very same time, in Australia, GPs were forbidden from prescribing ACE inhibitors. Someone could only get one from a cardiologist.

We do not trust our doctors, do we? Allegedly. They have been scientifically trained, but we do not trust them. We are not going to trust them to prescribe dexamphetamine. This lack of trust in doctors is really quite disturbing, is it not? They are either scientifically trained, or they are not. I also recall very well in Merredin Hospital, not too long in the past, when it was said that there could be a problem with children under two years old with a fever. Now, every child under two with a fever who presents to Merredin Hospital will be taken by the Royal Flying Doctor Service to Perth. They were basically saying that they did not trust doctors to be clinically competent and

they were going to send those children to a specialist in Perth, overwhelming the RFDS that might be travelling elsewhere to a snakebite. What do we choose? A snakebite victim, or a child who may be dying of sepsis? One of them is going to die.

My passion is actually wellness and doctors being trained to be doctors, to work professionally and competently, and be scientifically trained. However, we are under an organisation that fundamentally does not trust us and puts in barriers to keep people safe, which at the same time is causing people to suffer. We can look, for example, at pain medication. We know very well that opiates are absolutely contraindicated for long-term pain, but until very recently, opiates were the only thing we could give for effectively managing pain, because cannabis was not allowed. Even now, pain specialists are denying that cannabis works for pain. They are allowed to continue that nonsense because they are supported by the Australian Health Practitioner Regulation Agency, and so patients are suffering, with 800 to 1 200 people dying every year in Australia due to opiates. A lot of them medically originated from being given opiates and, as a result, serious adverse effects have happened—and we think that is good? Let me give another one, which is perhaps a bit closer to the knuckle: endometriosis. It is a very nasty diagnosis that people are reluctant to make. The average time from presenting with a symptom to getting adequate treatment is 10 years. We are allowing a low level of medical courage to make a diagnosis, to try this to see what we can do to fix things right now, but no—10 years. A patient I saw just the other week had waited 15 years with intolerable pain. The system is not working optimally. The system has doctors who are unable to think freely, because of the control exerted from above, and as a result, we have a loss of freedom.

The last experience I have of this regards COVID-19, when we had quite serious concerns about the efficacy of the vaccinations. I will not deny that the vaccines had certain beneficial effects. We can see a reduction of deaths and morbidity, but there are quite significant concerns for possible adverse side effects like, for example, myocarditis. A cardiologist I was speaking with admitted, but asked me not to spread this—I will not say his name—that there was a 300 per cent increase in patients with myocarditis following COVID vaccines being introduced. One of the side effects of myocarditis is that people do not really know that they have it, as half of them are asymptomatic, but there is damage to the lining of the muscles of the heart itself that may then result in sudden cardiac death. The question then comes when a sportsman dies in the field, "Oh, it's nothing at all to do with the vaccination." How do we know? We are not allowed to mention that. I will tell members why. Some while back I asked, "How is it that we are allowing doctors to be forbidden from asking questions?" The very foundation of a scientific endeavour is the ability to ask a question, but AHPRA now demands that we do what AHPRA says, although it is not a repository of science. The people who are actually on AHPRA are not all medically trained, and of those who are medically trained, one could doubt their qualifications because of some of the decisions they have made, but the question needs to be put.

A colleague of mine was asked by a patient, "Is the vaccine safe?" Their reply was, "Well, it's generally safe, yes; but there's a peer-reviewed paper here in a reputable scientific journal that suggests that there may be a problem." The response from AHPRA for showing a patient a reputable peer-reviewed scientific article was to have that doctor removed from practice. Listen to this: for the ability to ask questions and freely do research as a scientifically trained doctor, the punishment was for them to lose their privileges as a doctor. We could then wonder what is actually going on, with questions about how the Therapeutic Goods Administration is 96 per cent pharma owned. That might have nothing to do with it. The fact is that AHPRA has biased vested interests. That may have nothing to do with it; I do not know. The colleagues of mine who have problems are in deep distress because they are being oppressed by a system that has little regard for free thinking, science and serving the population. Their main concern is to keep our backsides safe from being assured and to manage the system so that no-one will jump up and start causing problems. It will oppress them all equally and say, "We're in charge and you're going to know it." That is the impression I get when my contact with AHPRA has been entirely unsatisfactory. There was one time when I was challenged by AHPRA to justify stopping administering a beta blocker to a patient. The reason was that the patient was asthmatic, and giving them a beta blocker could have resulted in sudden death due to bronchial spasm. It took two years for AHPRA to stop deeming me guilty until proven innocent. This is normal. This is what the medical profession—and, by extension, all of the healthcare profession—is facing.

Let it not be said that I am criticising everything AHPRA does; not at all. It performs a wonderful function and it is deeply important to the safety of the population—it is. But we are about to pass legislation—the Health Practitioner Regulation National Law Application Bill 2023—that will give AHPRA a power over all the states in this country, and that power will have no parliamentary supervision. There is no jurisdiction in which it will be held accountable. One could say, "Well, they produce a report every year." Yes, it does, but when was the last time we saw a parliamentary committee examine one of them? One might then say, "Well, the health ministers are managing this, and they're informed." Really? Informed by whom?

Let me tell members a story. I was in the Soviet Union—some members may know that I speak Russian—and I was translating for some friends of mine who were in a gynaecological hospital. Some Canadian doctors had come to visit. I was sitting there in the middle, translating English into Russian and back, and I knew that what I was translating was wrong, because I knew the situation. It was a concrete prefab hospital with live electric wires coming down the stairs. Patients had to bribe the nurses to get the previous patient's bedsheets changed. They had to put

a bucket out the window to get proper food hauled up. Patients were asking me, "Who can I bribe to get the best surgeon?" This is what we were dealing with, but the Canadians left that meeting, with me as translator, thinking that the Canadian and Soviet systems were equivalent, because they were not exposed to the truth. My Soviet colleagues did not dare tell the truth, because they would have ended up in a very unfortunate situation. That was the culture in the Soviet system.

Let us take a look out at the wheatbelt, where the WA Country Health Service holds sway. A minister or MP will come out there and ask some questions, with permission. By the way, I was forbidden permission to visit my old hospital to see how it was getting on. When you are there, visiting the hospital, there will be a senior member of WACHS attending with you, who answers the questions. The health service manager will be there as well, and she is primed to do what she is told. The nurses and doctors are actually forbidden from speaking. They are specifically told: "You will not speak." I came across this in the Soviet Union and it is exactly the same system: do not let them know the truth. You are given information that approximates the truth, but is not the truth. That probably explains why, in the hospital where I was working, 100 per cent of the nurses wanted to resign because they were deeply dissatisfied, but they could not because they did not have any other jobs to go to, there was a drought and their farms were not making money. But the people who came to visit had no idea about that. These same people then go to Canberra to talk amongst themselves, not knowing the truth. Members may ask how I know this; well, I have been there.

The ministers who are charged with making sure that healthcare practitioners are meeting their obligations and discussing them with AHPRA are not being completely informed. One might say, "Well, how about the Chief Health Officer?" This is the same person who advised Parliament that the transmission of COVID and COVID deaths could be stopped with vaccines. He actually told a blatant lie, but he was not lying; he was only passing on the information he had from the pharmaceutical companies, which had hidden their information. When I asked in this place what exactly he had told the government, the response was: "I can't tell you that. That's cabinet-in-confidence." The actual information we got was compartmentalised, and we were unable at a parliamentary level, at a senior medical level and at a junior medical level to actually know what was going on because the truth was being withheld from us. This is a problem.

Because of this, we now have an industry that has made this state the meth capital of Australia because AHPRA has decided that it is far better to test a non-psychoactive substance in the blood, equate that to being high and removing people from their jobs. Okay. Let us go and get some methamphetamine. As a consequence of us following that pathway, we have now caused untold damage by helping the criminals develop their drug systems. That has caused damage in our society to people who are managing themselves abysmally with methamphetamine in our cities and small towns. That has resulted in violence and behaviour that simply does not support a healthy community. This has happened because we have followed what is supposed to be good medical advice, but which is not, but it meets the standards of a body that should be helping us to have high standards. It has patently failed at that.

This problem demands parliamentary oversight. If the federal government will not do this, we at the state level must hold AHPRA to account because we are here to serve the people, and they are not being served by a body that is very good in general, but which has major problems that have caused death and destruction to our people. As representatives of the people, it is incumbent upon us to make sure that the right questions are asked of the right people at the right time and that we hold to account those who are currently not accountable to anyone—not here and not in Canberra. This is a state and federal problem. I ask members to listen to what I am saying. I know full well that this will not come across. No-one will pay attention and this bill will pass, but I will protest it. On behalf of my colleagues and on behalf of healthcare practitioners, I will stand and say the bill should not pass. That is not because the bill itself is bad—it is an excellent bill for what it is—but because we have failed to put in place the right framework to hold the body to account that needs to be held accountable but is not being held to account. We have failed in that, and we must rectify it.

Whatever happens with this bill, I hope and pray that the responsible ministers will take this into account and take matters to a level such that somewhere and sometime someone will see common sense and put in place the provisions to hold an august body like AHPRA formally to account.

HON SUE ELLERY (South Metropolitan — Leader of the House) [8.37 pm] — in reply: I do not have advisers here to provide me with information on Hon Brian Walker's contribution to the Health Practitioner Regulation National Law Application Bill 2023, so I might begin my comments and then perhaps seek leave to continue them tomorrow. That might mean that we take members' statements a bit earlier if that is satisfactory.

I thank the other members who have made a contribution to the second reading debate. The national law sets out the legal framework for the national registration and accreditation scheme for health professions that regulate over 800 000 Australian health practitioners across 16 health professions. Western Australia has participated in the scheme since 2010 by adopting the national law via corresponding legislation. It is important that the national law extends public protections by ensuring that only health practitioners who are suitably trained and qualified to practise in a competent and ethical manner are registered and provides certainty to health professions by delivering a uniform national framework for the regulation of key health professions.

In the contribution Hon Dr Brian Walker began when we were last sitting, he correctly highlighted that a balance needs to be struck between the protection of the public and the protection of health practitioners. In 2017, an independent report commissioned by the Australian Health Practitioner Regulation Agency found that vexatious complains accounted for fewer than one per cent of notifications received. Recommendations from the report informed a framework to identify and deal with vexatious notifications, which has been in use since 2020 by the Australian Health Practitioner Regulation Agency and regulatory decision-makers. But decision-makers do not always get it right. This is true in all aspects of life, and it is why we have the hierarchy of courts and systems of appeals in our judiciary. The same can be said of the regulatory bodies making decisions under the national law. On inspection of the national law, members will find that all regulatory processes under the national law adhere to the principles of natural justice and an appeal mechanism is available. At the end of the day, as Hon Dr Brian Walker said in his initial comments, the monitoring and registration of health practitioners throughout Australia is an essential service, and this bill upholds WA's commitment to that essential service.

National scheme reforms are necessarily subject to an extremely rigorous development, consultation and drafting process that is scrutinised by all participating jurisdictions. Hon Louise Kingston asked a relevant question regarding the consultation that is undertaken when amending the national law. WA is involved in every stage of review and reform of the national scheme, through participation on the ministerial council with other Australian health ministers, who collectively decide and prioritise the necessary reforms; interjurisdictional committees, which develop policy and undertake nationwide consultation to assess how reforms can be implemented; and the Australasian Parliamentary Counsel's Committee, which drafts amendments to the national law to effect reforms. By the time a bill amending the national law is before the Queensland Parliament, WA will have taken part in several levels of consultation in the development of the bill. During the bill's scrutiny in the Queensland Parliament, WA can make submissions, as can any member of the public. Consultation was also raised by Hon Dr Brian Walker. Consultation undertaken as part of the development of each of the national law reforms that will be adopted for the first time in the passage of this bill included consultation with Dr Walker's colleagues from the Australian Medical Association and the Royal Australian College of General Practitioners, just to name a couple of the many stakeholders involved. The explanatory memorandums for the 2018, 2022 and 2023 amendment bills tabled in the Queensland Parliament during the passage of those bills in Queensland and tabled in the Legislative Assembly when this bill was introduced summarise the extensive consultation that took place for each of these reforms.

This bill will bring WA up to date with the latest reforms to the scheme. The most significant of these involves greater protections for people who access health services, and more adequate processes for punishing serial offenders. The most recent reform this bill will adopt protects the title of "surgeon"—an important step in regulating the cosmetic surgery industry that WA is currently missing. Reforms enacted in 2022 also include a range of measures to improve the governance and operation of the national scheme. Adopting these 2022 reforms and enabling the timely adoption of future reforms via this bill will ensure that WA practitioners have the benefit of improvements to the scheme's processes.

Not only is WA's voice represented throughout the process of review and development of reforms to the national scheme, but part 3 of the bill also provides a means for modifying the national law to suit WA's needs. The majority of the part 3 modifications replicate departures from the national law that WA enacted in its corresponding legislation. To reiterate, these departures have already been through the process of consultation, review and parliamentary scrutiny. In particular, the exclusion of mandatory reporting reforms maintains WA's position since the scheme was introduced in 2010, which supports an unimpeded pathway for practitioners and students to seek the necessary treatment without fear of being the subject of a mandatory report to the Australian Health Practitioner Regulation Agency, or AHPRA. Importantly, trading practitioners in WA remain able to exercise their professional discretion to make voluntary notifications to AHPRA about practitioners in their care based on ethical or moral concerns or in the public interest. Further, the maintenance of this modification does not affect existing mandatory obligations to report child sexual abuse under the Children and Community Services Act 2004.

Another important part 3 modification will remove the limitation period for serious offences under the national law, enabling better protection for the WA public, as serious offenders can be appropriately punished for all their offending, and not only offending within the previous 12 months. This modification also ensures that WA will be in line with other jurisdictions with limitation periods for these offences.

I might take a deep breath there.

Debate adjourned, pursuant to standing orders.

House adjourned at 8.44 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

PORTS — KIMBERLEY MARINE SUPPORT BASE

1912. Hon Dr Brad Pettitt to the Leader of the House representing the Minister for Ports:

I refer to the Kimberley Marine Support Base (KMSB) proposal approvals and economic analysis at the Port of Broome, and I ask:

(a) has a works approval been issued to KMSB for a floating jetty;

(b) if no to (a), when will it be advertised;

(c) who in government would be responsible for ensuring the engineering design for the floating jetty would be safe and robust enough to withstand the extreme tides and cyclones that occur in this area;

(d) in question on notice 1603 (Port – Kimberley Marine Support Base), the Minister states that he has not undertaken an economic analysis of the project. If the development was to fail, would the Government remove the floating jetty or seek to run it at a profit as a state entity;

(e) if the Government was to choose to remove the floating jetty, has the Government estimated how much this would cost to taxpayers;

(f) in question on notice 1603 (Port – Kimberley Marine Support Base), the Minister states that KMSB has finalised the design and engineering elements of the proposed new facility. Will the Minister table the report(s) that detail the design and engineering elements of the facility;

(g) if no to (f), why not;

(h) has KMSB received cultural heritage approvals under the *Aboriginal Heritage Act* for the work conducted to date;

(i) if yes to (h), when did they receive this;

(j) under the *Aboriginal Heritage Act*, agreement is required from the landowner by a party conducting work to be able to apply for a Section 18 permit. As the landowner, has the Port of Broome agreed to KMSB applying for a Section 18;

(k) if yes to (j), when did the Port of Broome agree to this;

(l) if yes to (j), will the Minister table the document that shows evidence of this; and

(m) if no to (j), why hasn't the Port of Broome done this?

Hon Sue Ellery replied:

(a) No.

(b) This process does not require advertising.

(c) Kimberley Ports Authority (KPA).

(d) The members question pre-empts an outcome and is therefore hypothetical.

(e) N/A

(f)–(g) The report is the property of KMSB

(h) KMSB received approval from Yawuru Prescribed Body Corporate.

(i) 16 April 2020

(j)–(m) KPA has provided authorisation for KMSB to submit a notice under section 18 of the Aboriginal Heritage Act 1972.

BUSHFIRES — LAKE MUIR AND MYALGELUP LAGOON

1966. Hon Dr Brad Pettitt to the Parliamentary Secretary to the Minister for Environment:

I refer to the Lake Muir fire in December 2023, and I ask:

(a) when did the Myalgelup Lagoon fire, adjacent to Lake Muir, first ignite;

(b) what was the cause of the ignition, and how was it detected;

(c) what actions were taken by the Department of Biodiversity, Conservation and Attractions to extinguish this fire, or to minimize its impact;

(d) what was the cause of the reignition of this fire (denoted Lake Muir fire on Emergency WA) on 24 December 2023;

(e) what actions were taken by the Department of Biodiversity, Conservation and Attractions to extinguish the reignition, or to minimize its impact;

(f) what is the extent (area in hectares) of burnt and damaged peatlands and wetlands due to this fire; and

(g) will the impact of this fire and loss of biodiversity in this area affect the status of the Muir–Byenup System as one of 67 named Ramsar Wetlands in Australia?

Hon Darren West replied:

(a) The fire (Donnelly Fire 8) was first ignited on 2 December 2024.

(b) The fire was caused by a lightning strike and was detected by a nearby landowner.

(c) Fixed wing water bombers, ground crews and firefighting machinery were despatched to suppress the fire through a combination of direct and indirect attack methods.

(d) Smouldering organic soils within the fire boundary reignited causing a flare up of several unburnt paperbark trees which sent embers over the fire boundary which became Donnelly Fire 13.

(e) Fixed wing water bombers, helitacs, ground crews and firefighting machinery were despatched to suppress the fire, again using a combination of direct and indirect attack methods. Mechanical trenching within the wetlands was also undertaken to minimise spread of burning organic soils.

(f) The total extent of the area burnt by Donnelly fires 8 and 13 is 1960 hectares. Approximately 630 hectares of this area is wetland that contains organic soils including peat.

(g) I am advised by the Department of Biodiversity, Conservation and Attractions that it does not consider that there will be any change to the status of the Muir Byenup System as a Ramsar Wetland.

LEGAL AFFAIRS — HIGH-RISK SERIOUS OFFENDERS ACT

1967. Hon Dr Brad Pettitt to the Parliamentary Secretary to the Attorney General:

I refer to the disproportionate impact on Aboriginal and Torres Strait Islander peoples of the *High-Risk Serious Offenders Act 2020*, and ask:

(a) what is the breakdown of Aboriginal and Torres Strait Islander versus non-Aboriginal and Torres Strait Islander people subjected to 'continuing detention orders' and supervision orders, as defined under the Act, for the period in which the Act has been in operation; and

(b) with reference to the statistical breakdown in (a), what portion of those orders are for 'serious offences' as defined by the Act, broken down into:

  (i) subject to orders:

    (A) continuing detention orders; and

    (B) supervision orders?

Hon Matthew Swinbourn replied:

(a) The premise of the Member's preamble to the question is rejected. The *High-Risk Serious Offenders Act 2020* (the Act) commenced on 26 August 2020. Between 26 August 2020 and 14 April 2024, 101 distinct offenders were subjected to a Continuing Detention Order or a Supervision Order under the Act. Of those 46 were Aboriginal and 55 were Non-Aboriginal.

(b) Only offenders who have committed a 'serious offence' as defined by the Act may be subject to these orders. Of those 101 distinct offenders in Answer (a), 42 were subjected to a Continuing Detention Order, and 81 to a Supervision Order. *Table 1* provides the breakdown by Aboriginality. An offender may have been subjected to both Continuing Detention and Supervision under the Act in the period, in which case they are reported under both order types. As such the sum of the individual figures may exceed the provided totals.

Table 1. Distinct Offenders Subjected to a Continuing Detention or Supervision Order under the *Act* between 26 August 2020 and 14 April 2024, by Aboriginality.

Act Order Type	Aboriginal	Non-Aboriginal
Continuing Detention	24	18
Supervision	34	47
Total	**46**	**55**

SURGERIES — CANCELLATIONS

1968. Hon Nick Goiran to the Parliamentary Secretary to the Minister for Health:

I refer to the surgical waitlists in hospitals in Western Australia, and I ask:

(a) in the final quarter of 2023, how many booked surgeries were cancelled on the day of surgery due to bed availability in Western Australian hospitals; and

(b) in the final quarter for 2023, how many surgeries were cancelled the day prior to surgery due to bed availability in Western Australian hospitals?

Mr S.A. Millman replied:

Booked surgeries can be cancelled on the day of, or the day prior to surgery due to "bed unavailable" in a range of circumstances, including where emergency elective surgery admissions are higher than anticipated, or where other patients deteriorate and remain in a bed longer than the planned discharge date.

(a) In the final quarter of 2023, 80 booked surgeries were cancelled on the day of surgery with a reason indicated of "bed unavailable".

(b) In the final quarter of 2023, 65 booked surgeries were cancelled on the day prior to surgery with a reason indicated of "bed unavailable".

ELECTRICITY — OUTAGES — HARVEY

1969. Hon Dr Steve Thomas to the Parliamentary Secretary to the Minister for Energy:

I refer to the extended power outage in Harvey on 21 February 2024 from approximately 11:15am to 8:00pm, and I ask:

(a) what was the deemed cause for the power outage in Harvey and the surrounding areas on the above date;

(b) why did restoration of power supply take so long;

(c) why did backfeeding from the Wagerup Feeder, which was still on and feeding power to half of Harvey already, not occur once the fault had been located and isolated, even if it was only to the core businesses in the main street whilst the power feed from Marriott Rd was being repaired; and

(d) is Western Power going to compensate Harvey businesses for losses occurred that day, and if not, why not?

Hon Darren West replied:

(a) On 21 February 2024, relative humidity was recorded at up to 100 per cent. Pole top fires can occur when moisture in the air combines with a buildup of dust and dirt on insulators. Crews were dealing with more than 90 incidents on that day, of which, more than 50 were classified as hazards, including 31 reported pole top fires.

(b) Power supply interruptions impacted around 13,000 customers in the Harvey area on 21 February 2024. 12,400 (95 per cent) of the customers were restored on that day.

Fourteen Western Power crews responded to faults directly related to this event. Western Power's operating procedure requires that all hazards must be managed before any attempts of restoration can occur. In some instances, restoration may not be possible until the damaged equipment has been repaired or replaced.

When Western Power crews respond to pole top fires, they have to liaise and co-ordinate with DFES as the area needs to be made electrically safe before fire fighters can extinguish the burning pole.

The elevated number of hazards on the network and the coordination with various parties contributed to restoration times.

(c) Back feeding cannot occur safely into protected sections until all reported incidents have been validated and managed in line with Western Power's operating procedures.

(d) No. Western Power recognises the inconvenience of weather induced outages on small businesses and the community. Western Power aims to provide a reliable and high-quality service to customers; however, some outages will always occur. Customers have lost power for more than 12 hours may be eligible to receive an Extended Outage Payment.

BUSH FOREVER — HECTARES

1970. Hon Dr Brad Pettitt to the minister representing the Minister for Planning:

(1) How many hectares of Bush Forever sites are there in Western Australia now?

(2) How many hectares of Bush Forever sites have been added in every Financial Year (FY) since 2017?

(3) How many hectares of Bush Forever sites have been cleared every FY since 2017?

(4) Why has the State Government not pursued new Bush Forever sites?

Hon Stephen Dawson replied:

(1) There are currently 74,201 hectares of land in Bush Forever sites.

(2) There were 304 hectares of land added to Bush Forever sites between 2016–17 and 2022–23.

(3) Data is not collected in the manner requested, however the outcomes of the Bush Forever audit (2021) demonstrate a 99.5 per cent vegetation retention rate on Bush Forever sites.

(4) The Bush Forever program is ongoing and the State Government continues to add land parcels to Bush Forever sites.

LEGAL AFFAIRS — CRIMINAL INJURIES COMPENSATION SCHEME — REVIEW

1971. Hon Dr Brad Pettitt to the Parliamentary Secretary to the Attorney General:

I refer to the report on the findings of the review of the Criminal Injuries Compensation Scheme in Western Australia (the Report) tabled in Parliament on 11 February 2020. Given the passage of time which has elapsed since the tabling of the Report, will the Attorney now advise:

(a) what steps, if any, have been taken to develop a business case for implementation of the Report's recommendations;

(b) does the Government intend to amend the *Criminal Injuries Compensation Act 2003* to implement the Report's recommendations;

(c) if yes to (b), when will a draft of that legislation become available;

(d) if no to (b), what steps will the Attorney General take to implement the recommendations of the Report;

(e) is the Attorney General aware the amount provided for in section 23 of the *Criminal Injuries Compensation Act 2003* for interim payments (currently $2250.00) is no longer adequate to pay for most specialist medical reports required to progress a claim for criminal injuries compensation;

(f) is the Attorney General aware the Report recommended an increase in the amount provided for in section 23 of the *Criminal Injuries Compensation Act 2003* for interim payments of up to 75% of the maximum amount of compensation that could be awarded if the application were for compensation for a single offence;

(g) is the Attorney General aware section 39 of the *Criminal Injuries Compensation Act 2003* precludes any compensation being paid to an applicant who was committing a minor unrelated offence at the time of their injury for which compensation is claimed;

(h) is the Attorney General aware the Report recommended the repeal of section 39 of the *Criminal Injuries Compensation Act 2003* and that it incorporated into section 41;

(i) is the Attorney aware the Report recommended section 10 of the *Criminal Injuries Compensation Act 2003* be amended to allow assessors a discretion to order disbursements incurred prior to the death of an applicant be paid;

(j) if yes to (i), what steps have been taken to implement this recommendation;

(k) is the Attorney General aware the Report recommended special funding be given to community legal services for assisting victims of crime to apply for criminal injuries compensation; and

(l) if yes to (k), what steps has the Attorney taken to implement this recommendation?

Hon Matthew Swinbourn replied:

(a)–(l) The Attorney General is aware of the contents of the Report on the findings of the review of the Criminal Injuries Compensation Scheme in Western Australia. The Government is currently considering what further actions to take with respect to the recommendations contained in that report. The timing of any future legislative changes, and the form and substance it might take, is a matter for cabinet.

ALCOA — KWINANA REFINERY

1972. Hon Dr Brad Pettitt to the minister representing the Minister for State and Industry Development, Jobs and Trade:

I refer to the closure of Alcoa's Kwinana bauxite refinery, and ask:

(a) will the Government be allowing the export of unrefined bauxite;

(b) does the Government know what the estimated remediation costs are for this site;

(c) has the Government been made aware of a remediation plan and timeline;

(d) if yes to (c), when can we expect remediation of the site to begin and when is it planned to be completed; and

(e) what assurances does the Government have that Alcoa will remediate the site?

Hon Stephen Dawson replied:

The premise of the question is incorrect. Alcoa has advised that it is curtailing production at their Kwinana facility. The site is not closing and will remain in care and maintenance.

(a) No.

(b) Government has not requested this information as Alcoa has advised that it is curtailing the site, not closing the site. The site will be maintained in accordance with its obligations under the State Agreement and the requirements of the *Environmental Protection Act 1986* (EP Act) and the *Contaminated Sites Act 2003* (CS Act).

(c) As per answer to (b), this is not required, as the site is not being closed.

(d) Not applicable.

(e) The Alcoa Kwinana Alumina refinery is classified under the CS Act as 'Contaminated – Remediation Required'. The CS Act and classification set out a range of legally binding responsibilities on parties who are responsible for the investigation and remediation of contaminated sites. Where a party does not discharge its obligations to investigate or remediate a site requiring either investigation and/or remediation the CS Act allows for the Department of Water and Environmental Regulation (DWER) to issue a statutory notice to require actions to be taken to investigate or remediate. Further, the EP Act provides additional powers, such as closure notices and environmental protection notices which can also be used, if required, to compel owners or responsible parties to take specified actions as part of a closure activity or to mitigate a risk to the environment.

CRIMINAL CODE AMENDMENT BILL 2024 — SENTENCING — COMMON ASSAULT

1973. Hon Tjorn Sibma to the Parliamentary Secretary to the Attorney General:

I refer to the *Criminal Code Amendment Bill 2024*, and noting the bill's intent to raise maximum penalties for assault on retail workers, I ask:

(a) how many convictions for common assault were there in 2023; and

(b) is the Attorney aware of the penalties which the courts applied in these cases, and will he table these sentencing outcomes?

Hon Matthew Swinbourn replied:

(a) For the period 1 January to 31 December 2023, there were 3919 convictions under section 313 of the *Criminal Code.*

(b) For the period 1 January to 31 December 2023, penalties imposed for offences under section 313 of the *Criminal Code* are as follows:

s313 Convictions – Penalty	**Total**
Community Based Order	627
Conditional Release Order	24
Conditional Suspended Imprisonment Order	216
Detention	5
Fine	1,684
Imprisonment	604
Intensive Supervision Order	193
Intensive Youth Supervision Order	75
Juvenile Conditional Release Order (Detention period specified)	18
Juvenile Good Behaviour Bond	5
No Further Punishment—s11 Sentencing Act	5
No Order Made or Penalty Imposed	1
No Punishment Imposed—s. 67 Young Offenders Act	85
No Punishment S.46 Sentencing Act	12
No Sentence s11 Sentencing Act	16
Partially Suspended Imprisonment	4
Responsible Adult Good Behaviour Bond	1

Suspended Fine	145
Suspended Imprisonment Order	121
Youth Community Based Order	78

FIONA STANLEY HOSPITAL — CARDIOTHORACIC UNIT

1974. Hon Peter Collier to the Parliamentary Secretary to the Minister for Health:

I refer to the cardiothoracic surgery undertaken at Fiona Stanley Hospital, and I ask:

(a) does the cardiothoracic unit have a full compliment of surgeons:

(i) if no to (a), how many surgeons is it short;

(b) how many patients are currently on the waitlist;

(c) what is the average wait time to see a cardiothoracic surgeon as of today's date; and

(d) how many patients have been removed from the waitlist due to death occurring before surgery could be performed, between 11 March 2023 and 19 March 2024?

Mr S.A. Millman replied:

(a) Yes.

(i) Not applicable.

(b) 189 as of 12 April 2024.

(c) The median wait time for cardiothoracic surgery of Category 1 is 77 days, Category 2 is 151 days and Category 3 is 221 days.

(d) Three patients have been removed from the waitlist between 11 March 2023 and 19 March 2024 with a reason code 'deceased'. Where a patient is removed with a reason code 'deceased' the cause of death is unknown to Fiona Stanley Hospital. It is therefore not possible using existing data sources to attribute deaths which occur while a patient is waiting on elective surgery to the underlying condition requiring treatment.

TRANSPORT — DRIVERS' AND VEHICLE LICENCES

1975. Hon Steve Martin to the minister representing the Minister Assisting the Minister for Transport:

I refer to Western Australian drivers, and I ask:

(a) how many individual Western Australian drivers licence holders are there in Western Australia, as of today, by licence type;

(b) how many individual vehicles are registered in Western Australia, as of today, by type;

(c) for each of the following years, how much revenue was generated from the receipt of motor vehicle licence fees:

(i) 2023–24 (to date);

(ii) 2022–23; and

(iii) 2021–22;

(d) for each of the following years, how much revenue was generated from the receipt of compulsory motor insurance fees:

(i) 2023–24 (to date);

(ii) 2022–23; and

(iii) 2021–22;

(e) for each of the following years, how much revenue was generated from the receipt of motor drivers' licence fees:

(i) 2023–24 (to date);

(ii) 2022–23; and

(iii) 2021–22;

(f) for each of the following years, how many motor vehicle licences expired, or were cancelled, due to failure to pay fees:

(i) 2023–24 (to date);

(ii) 2022–23; and

(iii) 2021–22; and

(g) for each of the following years, how many motor vehicle drivers' licences expired, or were cancelled, due to failure to pay fees:

(i) 2023–24 (to date);

(ii) 2022–23; and

(iii) 2021–22?

Hon Stephen Dawson replied:

(a) As at 2 April 2024 there were 2,034,087 distinct Western Australian driver's licence holders:

(i) extraordinary licences: 997

(ii) ordinary licences: 1,963,248

(iii) provisional/probationary licences: 70,088.

A driver can hold more than one entitlement, and therefore have more than one licence.

(b) As at 2 April 2024:

(i) motor car not rotary: 1,804,401

(ii) motor car rotary engine: 1,515

(iii) motor wagon: 610,834

(iv) omnibus: 3,775

(v) motor cycle: 132,477

(vi) motor carrier: 19

(vii) caravan: 121,614

(viii) trailers: 441,666

(ix) plant trailer: 11,946

(x) tractor: 26,442

(xi) tractor plant: 27,409

(xii) tractor prime mover: 20,600

(xiii) mobile crane – no hire: 654

(xiv) mobile crane – hire: 940

(xv) semitrailer: 46,290

(c) (i) to 31 March 2024: $946.372 million

(ii) $1.205 billion

(iii) $1.120 billion

The increase in revenue reflects the increase in the number of transactions.

(d) (i) to $893.904 million

(ii) $1.159 billion

(iii) $1.100 billion

Motor injury insurance includes Compulsory Third-Party insurance and the Catastrophic Injury Support Scheme. The Department of Transport collects the premium payments in the vehicle registration on behalf of the Commission.

(e) (i) to 31 March 2024: $44.727 million

(ii) $58.201 million

(iii) $56.140 million

Motor driver licence fees are determined based on cost-recovery principles applied to recover the administrative costs incurred by the Department of Transport in issuing driver's licence renewals, producing the driver's licence cards, processing driver-related payments and maintaining the register of drivers.

The recent population increase has seen a general increase in the number of transactions.

(f) The database used does not allow for accurate or reliable historical reporting of this type of data

(g) (i) to 3 April 2024: 16,994

(ii) 39,834

(iii) 39,406

TRAINING AND WORKFORCE DEVELOPMENT — CONSTRUCTION VISA SUBSIDY PROGRAM

1976. Hon Steve Martin to the Parliamentary Secretary to the Minister for Training and Workforce Development:

I refer to the Construction Visa Subsidy program, and I ask:

(a) how many skilled workers have entered Western Australia and began work as a result of the subsidy to date;

(b) how many payments under the Construction Visa Subsidy program have been made to employers, to date, for:

(i) Milestone 1;

(ii) Milestone 2; and

(iii) Milestone 3;

(c) how many payments under the Construction Visa Subsidy program have been made to offshore skilled migrants, to date, for:

(i) Milestone 1; and

(ii) Milestone 2;

(d) how many payments under the Construction Visa Subsidy program have been made to onshore skilled migrants, to date, for:

(i) Milestone 1; and

(ii) Milestone 2;

(e) what methods are being used to advertise the Construction Visa Subsidy program to the general public;

(f) when did advertising for the program commence;

(g) what is the total amount spent so far on advertising the Construction Visa Subsidy program;

(h) how much in (g), has been spent on each advertising medium (TV, radio etc); and

(i) what is the total budget intended for spending on advertising the Construction Visa Subsidy program?

Hon Matthew Swinbourn replied:

As at 1 May 2024:

(a) 114 Skilled workers

(b) (i) 289 employers have made claims for 772 skilled migrants

(ii) Of those, 95 employers have made claims for 179 skilled migrants

(iii) Of those, 68 employers have made claims for 114 skilled migrants

(c) (i) – (ii) 0

(d) (i) – (ii) 0

(e) The CVSP commenced on 1 July 2023 and was designed in close collaboration with construction peak industry groups and employers. To support the launch, the Department of Training and Workforce Development (DTWD):

Developed website content including detailed digital promotion kits online; and

undertook direct communications with key building and construction sector stakeholders.

In July 2023, the Construction Migration Office (CMO) commenced operations. The CMO provides comprehensive support for building and construction sector employers in Western Australia looking to hire skilled migrants, and for migrants seeking to move to WA to work in the sector. Many employers engaged by the CMO are small employers who have never engaged a skilled migrant through the Commonwealth visa system.

The CMO uses promotional resources and campaign assets to promote the CVSP to employers and skilled migrants across Western Australia through the coordination and hosting of forums to connect employers, migration agents and prospective migrants.

In December 2023, the State Government commenced the Build a Life Construction Visa Subsidy Program (BAL – CVSP) campaign.

The BAL – CVSP campaign aims to:

encourage eligible employers and workers to apply for the CVSP;

raise awareness of the support available through the CMO; and

encourage employers and individuals to engage with ancillary services provided through DTWD's Migration Services Western Australia.

(f) 1 July 2023

(g) The campaign budget for the BAL – CVSP is $555,000

(h) 0

(i) No paid advertising is planned.

SUMMER OF FREE PUBLIC TRANSPORT — FINES

1977. Hon Dr Brad Pettitt to the minister representing the Minister for Transport:

I refer to the Government's 'Summer of Free Public Transport' only being offered to holders of Smart Riders, and not travellers who choose to purchase their tickets with cash, and I ask:

(a) is a traveller using cash to purchase a ticket being discriminated against when they are declined free public transport offered to Smart Rider users;

(b) with regard to this practice, did the Minister receive legal advice regarding the legality of preventing cash paying travellers access to free public transport;

(c) with regard to this practice, did the Department of Transport receive legal advice regarding the legality of this practice of preventing cash paying travellers access to free public transport; and

(d) why did transit guards continue to fine passengers during the free transport period, amounting to a total of $400,000 in fines?

Hon Stephen Dawson replied:

(a)–(c) The State Government's *Summer of Free Public Transport* was a cost-of-living relief measure that encouraged use of our world-class public transport system and provided free transport for thousands of people who used a SmartRider.

SmartRider use provides a number of benefits to passengers, including better on-time running of bus services, and faster and more convenient boarding for passengers. It also provides Transperth with essential passenger data required to better plan services to meet the needs of the community.

Ever since it was introduced 17 years ago, SmartRider use has attracted a discount – this initiative was no different.

(d) Passengers always require a valid ticket to travel on Transperth services, unless stated otherwise. The condition for free travel during the *Summer of Free Public Transport* was the use of a SmartRider.

FORESTRY — ECOLOGICAL THINNING

1978. Hon Steve Martin to the Minister for Forestry:

I refer to the Minister's answer to question without notice 189, answered on 19 March 2024, in relation to forestry, and I ask:

(a) will the Minister please provide a list of operators that have been engaged, so far this calendar year, to undertake ecological thinning;

(b) will the Minister please provide a list of areas that have undergone thinning so far;

(c) will the Minister please provide a list of areas that will be further thinned this calendar year;

(d) what is the estimated amount of timber that will be available for commercial use as a result of thinning; and

(e) have 2024 contracts been established for firewood suppliers, sawmills, and other buyers yet:

  (i) if no to (e), when will they be established; and

  (ii) why has/is it taking so long, given that the new Forest Management Plan began at the beginning of this year?

Hon Jackie Jarvis replied:

(a) South West Haulage, Plantation Logging Company, Southern Forestry Services

(b) Ecological thinning for forest health in Forest Enhancement Areas have commenced in Warren 06, Gordon 01, Sutton 07/15

(c) The Department of Biodiversity, Conservation and Attractions (DBCA) are in the process of planning more Forest Enhancement Areas.

(d) Ecological thinning for forest health is not driven by a commercial timber outcome and the amount of recovered timber will vary between sites. All recovered timber from areas will be made available.

(e) High value recovery logs will be available through auctions and contracts with offers currently being evaluated for contracts following a Request for Proposals. Firewood contracts have been offered.

(i) Not Applicable.

(ii) Both the Department of Biodiversity, Conservation and Attractions and the Forest Products Commission have been working as quickly as possible to plan and implement activities under the new FMP, which are significantly different to activities carried out under previous FMPs.

PRIMARY INDUSTRIES AND REGIONAL DEVELOPMENT — ADVERSE AUDIT RESULTS

1979. Hon Steve Martin to the Minister for Agriculture and Food:

I refer to the *Financial Audit Results State Government 2022–23* from the Office of the Auditor General, and the unprecedented adverse controls opinion against Department of Primary Industries and Regional Development, and I ask:

(a) the Minister has indicated in answer to question without notice 191, asked on 19 March 2024, that "the Department of Primary Industries and Regional Development is working with the Office of the Auditor General to address the areas of concern raised in the report". What steps are being taken, or have been taken, to address the following areas of concern:

(i) inadequate cash control practices;

(ii) significant weaknesses in general computer controls;

(iii) inconsistent preparation of monthly reconciliations for cash, property, plant and equipment, accounts receivable, accounts payable and payroll;

(iv) no bank reconciliation prepared at all for five months; and

(v) fraud risk presented by ability to record commercial fishing fees received, even if not received;

(b) given the unprecedented nature of the finding and the issues identified, why has the Minister refrained from providing a public response to the Auditor General's report; and

(c) why did the Minister not outline any specific steps taken to address the areas of concern as identified in question without notice 191?

Hon Jackie Jarvis replied:

(a) (i)–(v) Steps taken by DPIRD include:

Implementation of finance and payroll system improvements and automations to support improved business processes.

Recruitment of resources to support ongoing improvement.

Increased reporting and oversight at the executive level.

Improved general computer controls.

Initiation of meetings with OAG in respect of planning for the 2023–24 audit process.

(b)–(c) DPIRD and the government have responded to enquiries through various forums appropriately when required. The OAG has acknowledged that DPIRD is working diligently to address identified shortcomings and implement remediation measures and assurance processes to improve its audit position for the 2023–24 reporting period.

GOVERNMENT REGIONAL OFFICERS' HOUSING — VACANCIES

1980. Hon Steve Martin to the minister representing the Minister for Housing:

I refer to question on notice 1787, asked on 30 November 2023 and which the Minister provided an answer to on 19 March 2024, in relation to Government Regional Officer Housing (GROH) numbers, and I ask:

(a) what data collection changes have occurred in:

(i) 2017; and

(ii) 2021;

(b) why is "data from 2018 onward not directly comparable to years previous";

(c) is it incorrect to conclude from the answer provided in question on notice 1787 that there were less GROH houses in total as at 30 June 2023 than as at 30 June 2017; and

(d) if yes to (c), what other possible conclusion could be drawn?

Hon Jackie Jarvis replied:

(a)–(d) The data changes referred to by the Member occurred in 2018 and 2021, not 2017, noting this was an inadvertent error included in the previous response. The stock numbers provided in that response are correct.

Department of Communities (Communities) routinely assesses its housing stock, including vacant GROH properties to ensure utilisation. Where appropriate, GROH properties that no longer have client agency demand are considered for use as public housing or disposal. For example, in 2021–22 and 2022–23 there were 49 properties transferred from the GROH portfolio to the public housing portfolio.

Communities' property management system is a live system utilised by staff in day-to-day work. In order to improve the tracking and validation of GROH data, a new end of month report was created in February 2018, and this reporting method continues today. Previously, reports were compiled by extracting data from the live system, ad hoc, to capture point in time data. As a result of this change, data prior to February 2018 is not comparable or verifiable.

Prior to 2021, counting implemented by the previous State Government included 'handback' properties as part of the GROH portfolio despite these houses no longer being available for agency use. 'Handback' properties are those which have outstanding administrative tasks to be resolved, such as settling outstanding payments or liabilities to property owners. The change to remove these properties means the data now reflects only useable properties actually available for tenanting and therefore the figures are not directly comparable with previous data which included homes that were in the process of being handed back.

The portfolio is naturally expected to fluctuate due to the leased properties in the portfolio. As at 31 March 2024, there were 5,286 homes in the GROH portfolio.

MINISTER FOR STATE AND INDUSTRY DEVELOPMENT, JOBS AND TRADE — OCEANIA RESOURCES PTY LTD — MEETINGS

1981. Hon Dr Steve Thomas to the minister representing the Minister for State and Industry Development, Jobs and Trade:

I refer to the Minister, his staffers, departmental staff and governmental representatives' meetings with the Director of Oceania Resources, Mr Dev Sindhu, on 7 November 2022 and 9 February 2023, and I ask:

(a) during the period encompassing 10 February 2023 to 18 March 2024, has the Minister, his ministerial staff, departmental staff or any Government representative met with, or communicated with in any format, with Mr Sindhu or any Oceania Resources representatives;

(b) if yes to (a), who engaged or attended said meetings or discussions, and on what dates and in what formats; and

(c) if yes to (a), what records, notations, minutes, recordings, documentation of discussions and follow-up actions were compiled during the meetings, engagements or discussions?

Hon Stephen Dawson replied:

(a)–(c) As stated in the response to Legislative Council Question Without Notice 611 on 14 June 2023, a meeting between the Minister for State Development and various Griffin Coal stakeholders was held on 23 March 2023, of which Mr Sindhu was an attendee.

The Minister has had no subsequent communications with Mr Sindhu or any Oceania Resources representatives, and is not aware of any of his agencies or staff having any interactions with Mr Sindhu or any Oceania Resources representatives over this period.

GOVERNMENT REGIONAL OFFICERS' HOUSING — STOCK

1982. Hon Steve Martin to the minister representing the Minister for Housing:

I refer to Government Regional Officer Housing (GROH), and I ask, how many more GROH houses in total are there in each of the following regions as of 30 June 2023 compared to 30 June 2017:

(a) Great Southern;

(b) South West;

(c) Goldfields;

(d) Midwest/Gascoyne;

(e) Pilbara;

(f) West Kimberley;

(g) Wheatbelt; and

(h) East Kimberley?

Hon Jackie Jarvis replied:

(a)–(h) As advised in Legislative Council Question on Notice 1980, improvements to the GROH property management system made in 2018 and 2021 mean that data is not comparable with previous figures. As at 31 March 2024, there were 5,286 houses in the GROH portfolio. The below table provides a breakdown across all GROH regions.

Region	Stock
South Metro	24
East Metro	2
Great Southern	291
Southwest	236
Goldfields	817
Midwest/Gascoyne	603
Pilbara	1430
West Kimberley	847
Wheatbelt	609
East Kimberley	427

PUBLIC TRANSPORT — SMARTRIDER UPGRADE PROJECT

1983. Hon Steve Martin to the Minister for Emergency Services representing the Minister for Transport:

I refer to a Government media statement, dated 29 September 2023, entitled *New payment options for public transport one step closer*, which indicated a two-month pilot program, and I ask:

(a) what are the results of the trial pilot program;

(b) how many of the "around 30" new payment systems (validators) were installed, and will the Minister please table a list of the locations;

(c) when will the new payment options, including credit cards, mobiles, and wearable devices, become available on those new payment systems;

(d) will the new payment option will be rolled out across the full Transperth network:

(i) if yes to (d), when; and

(ii) if no to (d), why not;

(e) if yes to (d), how much has been budgeted to launch that rollout in full; and

(f) how much of the $57.8 million budgeted for the modernisation project has been spent to date?

Hon Stephen Dawson replied:

(a)–(f) The SmartRider Upgrade Project pilot was successful, and new-generation SmartRider readers are now being deployed across the Transperth network.

In total, 73 new validators were included in the Pilot at Warwick, Glendalough, East Perth, Claisebrook and Perth rail stations – and on 30 buses operating from Beenyup Bus Depot in the northern suburbs.

New payment options will be enabled by the end of 2024, once the rollout of the 4,000 new readers across the network is complete, ensuring that Transperth continues to operate as a fully-integrated public transport system.

ELECTRICITY — OUTAGES — EMERGENCY RESPONSE GENERATORS

1984. Hon Martin Aldridge to the Parliamentary Secretary to the Minister for Energy:

I refer to the January power outages following a severe weather event, and I ask:

(a) was an emergency response generator deployed to Lancelin, and if so for what purpose was it deployed;

(b) were any of Western Power's emergency response generators deployed for the purpose of supplying power to electric vehicle charging stations; and

(c) if yes to (b), what locations benefited from an emergency response generator for the purpose of electric vehicle charging?

Hon Darren West replied:

(a) A 300kVA generator was deployed to 129 Rock Way, Lancelin from 21 December 2024 to 22 December 2024. The generator was deployed to provide community services while the supply to Lancelin had been disrupted due to a bushfire.

(b)–(c) No. While the deployment of the above may have supplied an EV charging station in Rock Way, this was incidental to the purpose to provide community services by supplying the retail outlets located on Gingin Road between Rock Way and Vins Way.

MENTAL HEALTH ACT — INVESTIGATIONS

1985. Hon Dr Brad Pettitt to the Parliamentary Secretary to the Minister for Health:

With regard to the *Mental Health Act 2014*, a referral for examination under Section 26(2) of the Act is because it is suspected that the person requires 'involuntary admission' for treatment of a mental illness. The referral requires that the five criteria contained within Section 25 are fully met to make this referral lawful. In completing the referral, the medical practitioner or authorised mental health practitioner must then sign a declaration that all of the criteria have been met, and I ask:

(a) who is responsible for investigating a practitioner who refers someone who does not meet the criteria for a referral; and

(b) what actions can be taken if an investigation finds the patient failed to meet the criteria for referral?

Mr S.A. Millman replied:

(a) The *Mental Health Act 2014* (the Act) requires all mental health service providers to have a procedure in place for investigating any complaint. The Act also details responsibilities of the Health and Disability Services Complaints Office (HaDSCO) as the independent Statutory Authority responsible for providing an impartial resolution service for complaints referred to them in regard to mental health services. HaDSCO may in some cases refer the case to the WA Police Force.

(b) Actions can include negotiated settlement, conciliation, investigation, or requiring a health service provider or person to take remedial action(s) specified by the Director of HaDSCO, such as an apology to the consumer, refund of fees, further investigation, or service improvement to prevent issues from reoccurring (for example, staff education and training or the introduction of new policies and procedures).

If the investigation finds that an offence has occurred, WA Police Force may undertake prosecution of the offences.

MENTAL HEALTH ACT — INVESTIGATIONS

1986. Hon Dr Brad Pettitt to the Parliamentary Secretary to the Minister for Health:

With regard to the *Mental Health Act 2014,* I ask:

(a) who is responsible for the investigation and prosecution for breaches of the Act with specific reference to:

(i) Section 253 – Duty not to ill-treat or willingly neglect patients;

(ii) Section 229 – Bodily restraint must be authorised; and

(iii) Section 231 – Seclusion must be authorised; and

(b) what actions must they take in relation to each of the breaches in (a)?

Mr S.A. Millman replied:

(a) (i)–(iii) *The Mental Health Act 2014* (the Act) requires all mental health service providers to have a procedure in place for investigating any complaint. The Act also details responsibilities of the Health and Disability Services Complaints Office (HaDSCO) as the independent Statutory Authority responsible for providing an impartial resolution service for complaints referred to them in regard to mental health services. HaDSCO may in some cases refer the case to the WA Police Force.

(b) Actions can include negotiated settlement, conciliation, investigation, or requiring a health service provider or person to take remedial action(s) specified by the Director of HaDSCO, such as an apology to the consumer, refund of fees, further investigation, or service improvement to prevent issues from reoccurring (for example, staff education and training or the introduction of new policies and procedures).

If the investigation finds that an offence has occurred, WA Police Force may undertake prosecution of the offences.