



# Parliamentary Debates

(HANSARD)

FORTY-FIRST PARLIAMENT  
FIRST SESSION  
2022

LEGISLATIVE COUNCIL

Wednesday, 26 October 2022





# Legislative Council

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

## PARLIAMENTARY SITTING DATES 2023

*Statement by Leader of the House*

**HON SUE ELLERY (South Metropolitan — Leader of the House)** [1.02 pm]: I rise to inform members of the parliamentary sitting dates for 2023.

Several members interjected.

**Hon SUE ELLERY:** Looking forward to it, are you?

Next year, 20 sitting weeks are scheduled for the Legislative Council, with one of the autumn sitting weeks to be vacated for budget estimates hearings. As is usual practice, the dates are divided into autumn and spring sittings. Generally, the house is scheduled to sit for two or three weeks, followed by a one-week or two-week recess, including breaks around scheduled school holiday periods.

For the Legislative Council, autumn sittings will commence on Tuesday, 14 February 2023, and conclude on Thursday, 29 June 2023, including a week for Legislative Council estimates hearings. I thank the Chair of the Standing Committee on Estimates and Financial Operations for his cooperation.

There will be a five-week break midyear. Spring sittings are scheduled to take place from Tuesday, 8 August 2023, to Thursday, 30 November 2023.

For the information of members, I table the 2023 parliamentary sitting dates.

[See paper [1770](#).]

## TRANS-TASMAN MUTUAL RECOGNITION (WESTERN AUSTRALIA) AMENDMENT BILL 2022

*Statement by Leader of the House*

**HON SUE ELLERY (South Metropolitan — Leader of the House)** [1.04 pm]: I wish to make a correction to the second reading speech on the Trans-Tasman Mutual Recognition (Western Australia) Amendment Bill 2022 that was provided to the Legislative Council yesterday.

It is correct that pursuant to Legislative Council standing order 126(1), the bill is a uniform legislation bill and will give effect to an intergovernmental agreement to which the government of the state is a party. However, the bill will “continue” a uniform scheme not “introduce” a uniform scheme. Therefore, the second reading speech should have read as follows —

Pursuant to Legislative Council standing order 126(1), I advise that the bill is a uniform legislation bill. The bill will give effect to an intergovernmental agreement to which the government of the state is a party, and will continue a uniform scheme.

I table an updated copy of the second reading speech and apologise to the house.

[See paper [1771](#).]

## PAPERS TABLED

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

## ROYALTIES

*Motion*

**HON WILSON TUCKER (Mining and Pastoral)** [1.05 pm]: I move —

That this house —

- (1) notes that —
  - (a) due to high commodity prices, resource companies are making windfall profits;
  - (b) despite the super profits made by private interests, the royalty paid to Western Australia is comparatively low; and
  - (c) the immense wealth generated through the extraction of Western Australia’s finite natural resources should be shared equitably with the people of this state.
- (2) calls on the government to increase the royalty rate of commodities, ensuring a more equitable royalty is paid during periods of higher commodity prices.

I raise this motion with a level of frustration because this is an area I care about. I raise this issue not on behalf of the Daylight Saving Party or on behalf of Hon Wilson Tucker and my vested interests. I raise this motion on behalf of the Western Australian people, who, right now, are getting a raw deal for the sale of the commodities from the natural resources that rightfully belong to the people of this state.

A number of extraordinary circumstances that we are seeing around the world—we are still going through this pandemic and war is still raging in Europe—are contributing in a very large way to these high commodity prices. The majority of multinational companies operating in Australia and in WA are enjoying these windfall profits that they are making right now. These profits are far outstripping the operating costs and far exceeding the royalties that have been paid back to the people of this state.

The heart of this motion is calling for the government to put in place a windfall royalty regime to capitalise on the high commodity prices. This motion is asking for the government to investigate a mechanism by which royalty payments can be made to the Western Australian people while these companies are profiteering from these exceptional circumstances. I moved this motion in the hope that this government will acknowledge the opportunity that exists right now. This is an extraordinary opportunity. Due to extraordinary circumstances, we are seeing sky-high commodity prices and sky-high profits for resource companies. That is contributing to the inequality that we see with the existing state agreements and the existing commercial arrangements that are not giving an equitable payment to the people of this state.

The resources belong to the Western Australian and Australian people. This is a very important point to make, and I think sometimes it is really lost in translation. The ownership of these resources is enshrined at the constitutional level—at the federal level. As a party to this and at a jurisdiction level, WA owns the resources that are within its jurisdiction, be that offshore or onshore. The government does not own the resources. BHP, Shell, Rio Tinto, Woodside and Fortescue Metals Group do not own the resources. The people of Western Australia own the resources. The future generations of Western Australians own the resources. The government's role is to act as custodians. It should be going in to bat for the people. It should be trying to secure the best possible deal and produce the best possible outcomes for the people of this state.

I challenge any minister here today to please stand and tell me, hand on heart, that the current commercial arrangements in place are producing the best possible deal for the people of Western Australia. I pose a question to the Minister for Emergency Services, and I do this with the greatest respect. The minister is a fellow member for Mining and Pastoral Region. His electorate office is in South Hedland. I believe that Hon Stephen Dawson is a very capable minister and a very capable human being.

Several members interjected.

**Hon WILSON TUCKER:** And hardworking, I am sure! Can the minister honestly tell me, when he goes to South Hedland and walks around his electorate, which has one of the highest crime rates in Western Australia, a high rate of social inequality, and, to be frank, a level of abject poverty, that the current arrangements for the resource companies that operate out of the Pilbara are producing the best possible result for the people of Western Australia? Within spitting distance of South Hedland are iron ore trains that carry immense wealth from the mines to the port of Port Hedland, the largest bulk export port in the world, and also one of the largest iron ore ports in the world. That immense amount of wealth is slipping through the fingers of the people of Port Hedland and also through the fingers of the people of Western Australia. There is a massive opportunity to capitalise on these extraordinary circumstances. This motion is asking the government to acknowledge the extraordinary circumstances and opportunities that exist right now and to capitalise on that.

Fossil fuels are, funnily enough, called fossil fuels because they are made from fossils. They comprise plant and animal matter that has been decomposing for millions of years. The opportunity to capitalise on the sale of these fossil fuels, which belong to the people of Western Australia, will exist for only as long as these resources exist. The other point is that these resources are economically viable to extract, export and sell for only as long as the global markets demand. That is a point that we tend to forget, certainly in Western Australia. The prevailing assumption is that Western Australia is a big sandpit full of an endless amount of iron ore and an endless amount of oil and gas. The truth is that at some point we will run out of these resources. These resources are finite. It has taken millions of years to produce these resources. However, given the current time line and the amount of resources that we are extracting, it will take only decades to deplete them. There is a window of opportunity here. We are seeing a greater social conscience from the business community. It has seen the science and is moving away from the use of fossil fuels.

The writing is also on the wall for the coal industry. Coal is a more carbon dioxide intensive fuel source than other members of the fossil fuel family. The writing is on the wall as we are moving away from coal. The same applies to oil. With the advent of hydrogen and battery technologies, the vehicle manufacturing and automotive industries are moving away from oil. The same applies to gas. Gas has been heralded as a transitional fuel source. It is reliable and comes onstream quickly for electricity generation. There is certainly a very high demand for gas. However, there is a finite window, for only as long as these resources are in demand, to try to capitalise on the sale of these resources.

I want to state that I am not arguing that taxes should be raised in perpetuity or across the board. I am not suggesting that taxation is necessarily good. There is certainly a lot of commentary from economists that taxation can be bad. If we look at the example of income tax, raising income tax comes with a cost. We might charge an additional \$100 per person in tax, but that could cost the economy and the government \$130 per person from the lost opportunity for people to participate in our economy. I am not saying that taxes are necessarily good. I am saying that the current regime for royalty payments from these resource companies is very soft. Given the sky-high prices for commodities right now, there is an opportunity to capitalise by taking some of the profits off the top to give back to the people who own these resources.

My understanding and interpretation of the role of government is that it is not necessarily to first and foremost run the Western Australian economy like a business and constantly keep it in the black. The government's role is to raise the living standards of the people who live in its jurisdiction. That is the lens that the McGowan government, and all governments, should be seen through. When seen through that lens, the government is failing to maximise the opportunity that currently exists to raise the royalty rate for commodities.

I refer to a recent article that quoted some comments by the Premier. For once, I found myself agreeing with the Premier. I thought his comments were very poignant and true. The Premier talked in that article about investing money in Telethon. He said that in making that generous donation, it was not the government's money and it was not his money; it was the money of the people of Western Australia. He said also that the people of Western Australia would have him make that donation to a very worthy charity that all Western Australians should be very proud of. In this way, the Premier was reflecting the will of the people. The truth that the Premier spoke when making this investment, on behalf of the people of Western Australia, to this worthy charity does not stop at Telethon. It extends to the role of government in investing money across the board in our economy and in thinking long term and strategically and trying to futureproof this state for the time when we will not have these resources that we are blessed with. Their time will eventually come. The government needs to seize this opportunity, which is worth tens of billions of dollars, rather than continuing with the status quo and not acting. Inaction is an action in itself. Future generations will judge this government on its inaction to futureproof this state's economy by not seizing this opportunity that currently exists.

For the remainder of my time, I will focus on the gas industry. Australia has been one of the largest gas exporters in the world, and I believe it still is. There is certainly a very strong reliance on gas. I refer to a report that was produced recently by the Australia Institute. I encourage all members to read it. It is titled *Gas-fired robbery*. The report highlights the inequality that exists in the royalties paid by the gas industry to this state. The report states that in 2021, 47 million tonnes of gas was sold, with sales revenue of \$27 billion for multinational corporations like Chevron, ExxonMobil, Shell and Woodside. I expect that those profits will be much higher because of the current supply chain disruptions, which are forcing gas prices sky high. The prediction is that energy prices in the gas sector will rise by 56 per cent in the next 18 months. There is a window of opportunity here, but it will close out.

The report also highlights that the LNG companies operating in Western Australia and Australia are 95.7 per cent foreign owned. The profits made by these companies are not staying in Australia. They are going offshore. According to this report, the LNG industry accounts for one per cent of our state budget—just one per cent. In 2020–21, this industry paid royalties of \$425 million. This is not nothing. However, relative to every other industry, it is a tiny amount. To put this in other terms, 99 per cent of the government services that members and I enjoy are funded by everything except LNG. The Premier is quick to talk about jobs. When we talk about LNG, he talks about jobs, jobs, jobs. It could be argued that the LNG industry does not attract the royalties back to the state that it should, but it does create jobs, which is a good thing. I am not against jobs, but the LNG industry accounts for less than one per cent of jobs. As a capital investment—money in and job creation out—it ranks as the worst performer. If someone were to put money into any other industry, they would get more job creation out of that than the LNG industry, which is heavily subsidised and accounts for less than one per cent of the state budget. Those numbers are actually falling. For the last 10 years, the majority of the revenue collected from LNG has been through the North West Shelf grants scheme. Two-thirds of gas—every other platform that operates outside the North West Shelf—does not attract any taxation or provide any royalties. There is certainly favour at the federal level for the petroleum resource rent tax, and it has been acknowledged that it will potentially be overhauled. But given the sorts of agreements that we have in place and that two-thirds of the gas exported from Western Australia is given away for free, there is certainly scope to tighten that regime when profits are high and we will not be impacting businesses or jobs, to ensure a fairer and more equitable payment back to the people of Western Australia. That is what this motion is calling for.

In the time remaining, I would like to talk about what other jurisdictions are doing in this space. We have recently seen a windfall tax in the United Kingdom, which acknowledges that companies are profiteering from the war in Ukraine and the massive disruption to the supply of gas. The demand for gas continues and these companies are enjoying bumper profits right now. This UK tax acknowledges that these resources belong to the people of the UK and they should be sharing in that wealth. This tax is expected to generate \$8.5 billion in the first year for the people of the UK. The Norwegian sovereign fund is worth close to a trillion dollars. Norway taxes oil and gas companies about 50 per cent for those deposits. That is a strong acknowledgement that as the owner of those

resources, it is entitled to a large proportion of those funds. The Norwegian sovereign wealth fund, which is expected to generate over \$200 billion this year, was set up to ensure that when those finite resources are no longer available, the Norwegian government will be propped up and futureproofed. WA has a sovereign wealth fund worth a billion dollars. I do not think that we could argue that we have futureproofed the Western Australian government for when these finite resources have gone. I have a few suggestions about how we could spend that money. We currently have an inflationary environment and we certainly do not want to overstimulate the economy. As is done with the Norwegian fund, I suggest that additional royalty windfall profits should be put into the sovereign wealth fund and used to try to diversify the economy and really break us out of the boom-and-bust cycle that we find ourselves in. I understand that the current sovereign wealth fund uses some of its money in diversification grants, which is a good thing; however, those funds are comparatively low when we talk about really making an impact and scaling up other industries to smooth out our economy and futureproof WA. Another idea would be to offset some of the cost-of-living pressures that we are experiencing right now. We are in an inflationary environment. Despite the massive gas supply agreement that we enjoy in Western Australia, we are still locked in an inflationary spiral. Using some of those funds to offset some of the commodities that come from outside our jurisdiction, such as petrol, could help to reduce some of the cost-of-living and inflationary pressures in Western Australia.

I will leave my contribution there. I am curious to hear from other members on this topic. Again, this motion is not about taxation for the sake of it. I understand that we have had a very good year with these commodities. As Hon Dr Steve Thomas, the Leader of the Opposition, has said, we have recently enjoyed a big windfall from iron ore. As the honourable member said, it is a once-in-a-lifetime opportunity to use those profits and the revenue to the state from iron ore. We know that the operating costs for a lot of producers is about \$US20 a tonne. Last year, the price of iron ore was over \$US200 a tonne. This also extends to other industries, and especially the gas industry, with prices forecast to increase by about 55 per cent next year. There is a finite window in which the government could stand up to big business and try to side with the people for a change by ensuring that a fairer and more equitable payment is made to the people of the state.

**HON STEPHEN DAWSON (Mining and Pastoral — Minister for Emergency Services)** [1.25 pm]: I indicate from the outset that the government will not be supporting Hon Wilson Tucker's motion today, which calls on the state government to increase royalty rates for the resources sector. I intend to outline in detail to the chamber why the government does not agree with that motion. Essentially, the key points are that royalty revenue is strong and now is not the time to make changes. Royalties are important, as is the resources sector, to Western Australia. The McGowan government has used a range of strategies to turn Western Australia's budget into the envy of the nation, including stable, responsible management and economic diversification. In any case, the McGowan government will not be making financial policy decisions on the floor of the Legislative Council in response to an opposition member's motion.

**Hon Dr Steve Thomas:** Crossbench.

**Hon STEPHEN DAWSON:** A crossbench, opposition, non-government member's motion. The state government is very proud to have had a stable and responsible budget and stable and responsible budget management, combined with strong management of the COVID-19 pandemic. That has led to Western Australia having one of the strongest economies in the world. Our resources sector in particular has been extremely profitable in recent years. The state government received about \$11.1 billion in royalties in 2021–22 and about \$12.2 billion in royalties in 2020–21. This was a significant increase from the \$6.7 billion in royalties received in 2018–19. These temporary windfall gains in revenue have been used responsibly to address the challenges of today, including through massively investing in our health system, preparing for and responding to the COVID-19 pandemic, and providing cost-of-living relief to Western Australian households, as well as preparing us for the future by investing in economic diversification and climate change, and reducing debt. Royalties are stronger due to higher commodity prices, but we would not have been in a position to benefit if our economy had not remained open over the past two years. This government's management of COVID-19 allowed the resources sector to remain operational for the entire course of the pandemic, unlike many of our competitors around the world.

Aside from royalties, the resources sector contributes significantly to taxation revenue. The three big iron ore companies, Rio Tinto, BHP and Fortescue Metals Group, paid an estimated \$21.5 billion in company tax in 2021–22 and about \$22.5 billion the year before, in 2020–21. This, again, is a large increase from the estimated \$9.9 billion paid in the 2018–19 financial year. Other states have also benefited significantly, with billions of dollars in royalties effectively transferred through the GST. As Hon Wilson Tucker would know, given that he represents the Mining and Pastoral Region and the vast majority of the mines happen to be in our electorate, the resources sector is an important employer in Western Australia. About 9.4 per cent of total employment in Western Australia is linked to the mining sector. It is also the largest contributor to payroll tax collection in the state. Efforts to keep the mining sector operating over the past couple of years were vital in supporting not just the Western Australian economy, but also the nation, as billions of dollars in additional tax collection were delivered to the commonwealth.

We have had a longstanding three-tiered royalty system in Western Australia that is considered to be transparent and simple. It generally provides a stable and consistent return to our community. Under this system, Western Australia has developed into a world-leading jurisdiction for mining investment and development. We know that the global

financial outlook for 2023 is worsening. The International Monetary Fund, the World Bank and the Organisation for Economic Cooperation and Development, amongst many others, are predicting that the world's major economies will either stall or enter into a recession in the near future. Moody's Investors Service has rated us, with Queensland, as the states that are best positioned to manage this predicted economic slowdown in 2023. It is therefore clear that now is not the right time to make changes to royalties, which could impact investment in the state, potentially leading to the loss of jobs. The Fraser Institute's 2021 global mining survey has shown that Western Australia is the world's most attractive jurisdiction for mining and mineral exploration investment. Its annual survey rates the policy attractiveness of each jurisdiction, including regulations, taxation and political stability, as well as the geological value of investment. I also want to refer to the *Mineral royalty rate analysis: Final report* that was released in 2015. It was commissioned by the previous government. The report noted that an overwhelming requirement of the royalty system was for it to be stable and predictable so that it could continue to help attract investment in the sector.

When we first came to government, the Western Australian budget relied heavily on the ups and downs of the resources sector. Since 2017, as a state government, we have embarked on a significant agenda of economic diversification, which has considerably strengthened the state's finances and is a key economic policy. The 2022–23 state budget includes more than \$1.3 billion to diversify our economy using our financial success to build the initiatives and industries of tomorrow, whether it be in lithium, local manufacturing, hydrogen, future battery industries, medical research or ICT—another of my portfolios. We have invested in additional support for the tourism and international education sectors, including money to attract blockbuster events to Western Australia and to develop new tourism experiences here. We have invested to accelerate the recovery of the international education sector. We are expanding export markets and supporting the development of priority sectors, including an additional \$80 million boost to our industry attraction fund on top of the \$100 million that was previously announced. We are spending more to double the size of the industrial land development fund from \$50 million to \$100 million. We are spending more on agriculture, with \$25 million for the Western Australian Agricultural Research Collaboration.

We are expanding our international trade offices around the world so that we can be on the ground overseas selling Western Australia, Western Australians and all that we have to offer—the amazing innovation that starts off here in this state. We are spending \$12 million for the WA-Array program to identify new resources hidden below the earth's surface. We are spending more on the space sector, including the continuation of \$11 million in grants to support that sector in Western Australia. It is pleasing to hear that the University of Western Australia recently signed an agreement with the University of Arizona. We are now doing work here on behalf of that university because of where we are located and because of our strengths in the space sector. We are spending more on the WA health and medical life sciences industry strategy. Again, that is to grow opportunities for local entrepreneurs and researchers to make positive changes to the health and innovation systems. We are spending more on the Minerals Research Institute of Western Australia. We have also given a 50 per cent royalty rebate to support the development of the potash industry.

We are investing more in major ports and road upgrades to support regional development and regional industries. Some of those investments include a significant amount of \$332 million for a major upgrade at Geraldton port. We are spending \$250 million for the Pinjarra heavy haulage deviation. We are spending \$120 million to upgrade the road from Moorine Rock to Mt Holland to support the Covalent Lithium mine. We are upgrading the infrastructure at Lumsden Point in the Pilbara. We are also spending about \$50 million for the construction of a supply base to support oil and gas operations in the Browse Basin. We are spending more on roads in the north west of the state—those roads that carry our significant minerals. We are spending more on freight networks in the midwest and the great southern. This follows more than \$1.7 billion invested in economic diversification initiatives in the previous 2021–22 budget and midyear review, which included major investments to support Perdamans's \$4.5 billion investment in the Pilbara for its proposed urea project. I previously mentioned the investment attraction fund and our industrial land development fund. We are spending more to upgrade parks, reserves, visitor facilities and tourism infrastructure across the state. We are doing lots, and much of that money has come in from royalties from the mining sector.

It is often the case that the opposition says in this place that the improvement of the state's finances is all due to GST and iron ore revenues. However, the commentary from independent experts says otherwise. Our fiscal discipline has been described by Standard and Poor's as "continued budget outperformance compared with domestic and global peers" and having "exceptional fiscal metrics". I can compare that with how the same agency described the previous Liberal–National government, saying it lacked the political will to make the difficult decisions to control spending. We lived through that through our first few years in government.

I mentioned the Langoulant review in a debate last week. It found that the problem of the previous government was not revenue, but that it spent too much. We made the challenging decision to repair the structural deficit and pay down the mountain of debt we were left with. Unlike the previous Liberal–National government, we did not spend on the assumption that our GST share would be magically fixed, nor have we spent on the basis of elevated iron ore prices. We are spending only what we can afford as we go, noting the view out there amongst rating agencies and international organisations that 2023 is going to be a tough year around the world and may lead to recession in some places.

Hon Wilson Tucker was not in this place when we previously dealt with the issue of royalty rate increases and what happened in 2017–18 when the state government tried to change the gold royalty payment. This was introduced as one of our budget savings measures because we recognised that all sectors needed to contribute to budget repair. We believed the gold royalty changes were fair and reasonable. The change was a 1.25 percentage point increase in the royalty rate when the gold price was above \$A1 200. That change, at the time, was listed in the budget papers as providing around \$400 million in revenue to the state. That was at a time when the previous Liberal–National government had left us with \$33 billion worth —

**Hon Dr Steve Thomas:** Thirty-two billion dollars.

**Hon STEPHEN DAWSON:** It was \$33 billion worth of net debt. What happened? The Liberals, Nationals and crossbench disallowed it. There was absolute uproar from members opposite. Despite campaigning on a super royalties tax for the mining sector during the 2017 election campaign, the former Deputy Leader of the Nationals called it a “cash grab for the gold sector”. Former member of the crossbench Aaron Stonehouse—someone I believe Hon Wilson Tucker knows very well—described the move by saying —

Not content with one destructive tax increase, this budget includes a drastic increase to the gold royalty rate.

He went on to say —

When I was elected, I made the commitment that I would never vote for an increase in taxes or a reduction in liberty.

I have to say, and I have said it before, that often in this place, the hypocrisy of members opposite is appalling. Then Liberal member my good friend Hon Simon O’Brien, who has moved on from this place, said at the time —

Quite frankly, this gold tax will have no material benefit for the deficit or the debt. It is an absolute fraud to suggest otherwise and it is similarly a fraud to say the things that the government has been saying.

If the government had been able to introduce that new gold royalty, Treasury has told me that it would have been worth around \$800 million in revenue over the past four and a half years. Western Australia essentially had a referendum on the issue of a super profits tax for large resources companies during the 2017 state election. Some of us in this Parliament will remember when the then Leader of the National Party, Hon Brendon Grylls, made it a central election theme of his re-election campaign to put in place a mining tax on big resources companies such as BHP and Rio Tinto. It was decisively rejected by the electorate and even resulted in Hon Brendon Grylls losing what was a safe seat in the Pilbara.

I take this opportunity to give something in my own portfolio a plug. This morning I had the pleasure of announcing a new international challenge at the AusBiotech conference, a conference in Perth of some of the smartest people from around Australia and, indeed, around the world. We are undertaking a global search for a cutting-edge solution to enhancing health care in the Pilbara. We are asking applicants to think outside the box. The best solution from the challenge will win a \$5 million prize. We have a credible partnership with and support from BHP and Rio Tinto, which have contributed \$1 million to the competition. Hopefully, this will provide a new way of treating significant healthcare issues in the Pilbara region among the Aboriginal population, in particular, because what we have done for a very long time when we have tried new things has not worked. We are asking the smartest and best people from around the world to help us out—to help us close the gap. We would not be doing that without companies like BHP and Rio Tinto. Hon Wilson Tucker mentioned that I am in Port Hedland and I am very pleased to acknowledge the fine contribution and support that BHP in Port Hedland and Rio Tinto in Tom Price and Karratha provide to local communities. When we compare our schools in the Pilbara to schools elsewhere and the significant support we have in our classrooms, we see that it really makes a difference, whether it is science programs, new community centres or fire stations in Tom Price or Paraburdoo, or new school halls or co-partnering with state government for hospitals in those towns that are mining based, those companies put money on the table. They are keen to partner with us and they want to make sure that those communities are more liveable and that their workers and the families of their workers in those towns have significant services, and certainly services that are similar to those that are available in the metropolitan area that has a much bigger population.

Yes, it is a crying shame that there are people in the Pilbara or regional communities in Western Australia who suffer, but we cannot say that more royalties is the solution. Sometimes the sad reality is that we cannot make parents parent. Getting more royalties out of those mining companies will not guarantee that parents parent, and that is the sad reality of the situation in the north west of the state.

It is bizarre timing for Hon Wilson Tucker to propose changes to royalty rates right now. When Brendon Grylls proposed the super profits tax, the budget was a mess. When this government proposed the gold royalty changes, we had only just embarked on our journey to budget recovery. Now, when our state budget is the envy of the nation because of the McGowan government’s fiscal discipline and responsible budget management, is not the time. The government will not support this motion today and we urge other members of this place not to support it because if we start messing with the royalty rates now, when the headwinds of 2023 start approaching many Western Australians will be out of work, and that is not good for anybody.

**HON DR STEVE THOMAS (South West — Leader of the Opposition)** [1.44 pm]: As the opposition so often agrees with the Minister for Emergency Services, I indicate that we also will not support Hon Wilson Tucker's motion before the house today. I will not necessarily agree with many of the things the minister said, but ultimately there might be some crossover of our reasons. The house could probably agree with a couple of bits of the motion moved by Hon Wilson Tucker on its own. That is —

(1) notes that —

(a) due to high commodity prices, resource companies are making windfall profits;

I do not think anyone suggests that that is not the case. And part 1(c), which states —

the immense wealth generated through the extraction of Western Australia's finite natural resources should be shared equitably with the people of this state.

I think the critical word there is "equitably". Equitably does not mean equally; it is a value judgement. I think members would all agree that the resources of the state should contribute equitably and appropriately to the people of Western Australia, and we could agree with those parts of the motion. The problem I have is with part 1(b) of the motion, which states —

despite the super profits made by private interests, the royalty paid to Western Australia is comparatively low ...

Even the Minister for Emergency Services just had to acknowledge that the royalty income for Western Australia is incredibly high. As he mentioned, in 2020–21 the royalty income was \$12 billion and in 2021–22 it dropped back to \$11 billion. He is quite right; that is very good. However, that is an increase from a high average of \$6 billion in the lead-up in previous years. That is a doubling of royalty income during the current boom—an extra \$6 billion. What have the budget surpluses been in that period? They have been \$6 billion. As the income has come in at \$6 billion higher, the surpluses, funnily enough, have been \$6 billion higher. Of course, the minister can argue that there are other ways that have contributed. Certainly, GST has risen since 2017 because of the GST floor put in place by the previous federal coalition government, which is fantastic—thank you very much. That extra couple of billion dollars a year has funded some additional government expenditure, particularly around COVID-19. The government should be thankful to the federal government for that fix that has allowed it to cover its COVID expenditure pretty well—that has been great—but the budget surpluses reflect a massive increase in royalties. The biggest boom in the history of this country for any state jurisdiction has occurred here and the biggest beneficiary has been this state government. That is why it is putting out \$6 billion budget surpluses at a time when everywhere else in the country and most places in the world are putting out significant budget deficits. This government has been the lucky recipient of an iron ore boom, created by demand thanks to stimulus packages around the world thanks to COVID. Members might have heard me say that before. That has resulted in a mountain of cash flowing into this government, filling up the money bin, giving it the Scrooge McDuck effect again. This government is rolling in wealth. I agree with the minister that the timing of this motion to suggest that the government is not doing well is quite interesting. I must admit that I struggle to agree with him because this government has done remarkably well. The question is: what is the government going to do with this massive wealth, which, having declined to a slightly more reasonable level, has not disappeared?

**Hon Pierre Yang:** Can you address the motion?

**Hon Dr STEVE THOMAS:** I am addressing the motion. The average price of iron ore is still just over \$US90 a tonne—at least \$US20 ahead of the predictions in the budget. If it stays at \$US20, there is another billion and a half dollars that will roll into the profits; another billion and a half rolling into the money bin for the Premier to roll around in and swim through, doing his impression of Scrooge McDuck. It is not the case that the money has disappeared. There is still plenty of money in the budget.

I turn to a couple of things the mover of the motion, Hon Wilson Tucker, said. He said that he did not like the current commercial arrangements that gave us the distribution of royalties. The arrangements for the distribution of royalties and various taxes is the system that has given us the mining industry we have today. The mining industry, like every industry, requires a degree of certainty, particularly long-term certainty, to get investment in those areas. One advantage that Western Australia and Australia have had is a fair degree of political and tax stability, which makes it an attractive place to invest. It is important that the government maintains a good tax regime. The commercial arrangements we have are what gave this government a \$6 billion surplus last financial year. By the way, they are also the arrangements that gave the federal government a \$50 billion improvement to its bottom line. The federal Treasurer came out yesterday and said that the bottom line in the federal budget is massively improved, based largely on incomes from the commodity sector and the resources sector. That is exactly true. Remember, royalties are only one component of what the mining industry pays to various government bodies in Western Australia. We have royalties, but we also have a massive amount of payroll tax. Those big companies are massive contributors in payroll tax. They also pay company tax. They also employ a bunch of people, and those people pay income tax. The tax generated out of the industry is significantly beyond—far beyond, a factor of multiple times beyond—simply the royalties that those companies generate.

Whilst we are talking about what they pay in company tax et cetera, let us also remember this. People are a bit too quick to say that these are foreign multinationals. If people look at their superannuation accounts, they would be pretty hard-pressed to find one that does not contain a significant number of BHP shares and Rio Tinto shares. They are providing not only taxation but also revenue for the retirement and the upcoming retirement of a whole pile of Western Australians and Australians. We need to be aware that these are companies that contribute in a large number of ways.

The member also said that he believes that people are getting a raw deal out of the current arrangements. I suspect that I have a bit of sympathy for that; I think there is some truth to that. The question, of course, is why they are getting a raw deal. It is not because the money is not coming in; it is rolling in. If anything, they are getting a raw deal because of the performance of the McGowan government and the members opposite. If a raw deal is being done, it is because the enormous wealth that is rolling into the money bin has not been appropriately managed.

We have had a bit of history from the minister, and I always enjoy a bit of history, so I thought I would throw a bit in as well. Mine is probably a bit more recent than his.

**Hon Stephen Dawson:** It might be more selective than mine as well.

**Hon Dr STEVE THOMAS:** Well, what did it do? In 2017, what was the plan of the then opposition, led by the current Premier? What was its plan to manage resources revenue? Let me tell members; I am sure they are interested to know.

The plan was announced on Saturday, 11 February 2017, just a month before the 2017 state election, by the then shadow Treasurer Ben Wyatt. I am sure there was a media conference to go with it. The third dot point of the opposition's debt-reduction strategy said that in government it would —

- Ensure future windfall revenue gains are used to reduce debt

The headline of this press release said —

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

That was the promise of those opposite when they were in opposition; that is what they were going to do in government. A great line on the second page is a quote attributed to Hon Ben Wyatt, the shadow Treasurer at that time —

“Never again can we have a Government that foolishly assumes that windfall revenues from a short term spike in commodity prices is permanent and forms part of the permanent spend of the Government”

That is why it was going to put 50 per cent of iron ore royalties into a new debt-reduction account. As we know and have already had acknowledged by the minister, in 2020–21 royalties came in. Most of the royalties are iron ore, so of the \$11 billion of royalties that came in, let us say that \$10 billion was from iron ore, so that should have been \$5 billion into the debt-reduction account if we take the Labor Party at its word. Royalties in the 2021–22 financial year were about \$12 billion, and about \$11 billion of that was iron ore, so there is another \$5.5 billion into the debt-reduction account that was designed to pull down debt. So far, that is \$10.5 billion over two years. As this government looks at getting a \$20 billion set of surpluses over five years, most of it based on iron ore, it should be putting in more than \$10 billion, but it has more than \$10 billion over that two-year period. As we slow it down, \$15 billion should have gone into the debt-reduction account.

**Hon Stephen Dawson:** How much have we spent on COVID? It is a significant amount.

**Hon Dr STEVE THOMAS:** All the GST money, I am sure.

**Hon Stephen Dawson:** More than that. A significant amount.

**Hon Dr STEVE THOMAS:** The government had that free handout of GST.

**Hon Kyle McGinn:** The GST deal that your government could not secure or deliver.

**Hon Dr STEVE THOMAS:** Well done. The government got that GST money out there. This is on top of that.

**The PRESIDENT:** Order!

**Hon Dr STEVE THOMAS:** The government managed to spend billions of dollars extra from GST on COVID. That is fine; we are all happy for that, but there are billions of dollars. This was the government's plan, and it is about \$15 billion short of actually doing it.

**Hon Stephen Dawson:** Do you agree that we dealt with COVID well?

**Hon Dr STEVE THOMAS:** I think the government dealt with COVID pretty well. Not perfectly—I would have done some things differently, but I am happy to say the government dealt with COVID pretty well. I agree. It largely followed the health advice, which is excellent. Places that followed the health advice generally survived COVID pretty well. Yes, the government did not do a bad job of COVID; it did a good job of COVID. I think the government gives itself a bit too much credit for following the health advice, but it still did a good job.

**Hon Stephen Dawson:** I think we were always clear that we followed the health advice.

**Hon Dr STEVE THOMAS:** Yes. Once again, we are in strident agreement. The government did a good job on COVID based on the health advice and budgeted by the increase in GST that was given to it by the former Prime Minister and Treasurer Scott Morrison.

**Hon Stephen Dawson:** You are one of my favourites. I have no issue with you.

**Hon Dr STEVE THOMAS:** I am prepared to give the government credit when it is due.

**Hon Stephen Dawson:** It is not going to affect your preselection as much as it is going to affect mine.

**Hon Tjorn Sibma** interjected.

**Hon Dr STEVE THOMAS:** He is already dropping down the ticket. He just made it worse.

**Hon Tjorn Sibma:** I like to tempt the fates.

**Hon Dr STEVE THOMAS:** Hon Wilson Tucker commented that people are getting a raw deal. If they are getting a raw deal, it is actually because the government has reneged on its plan. Hon Wilson Tucker talked about sovereign funds. When we get this massive wealth, we do not just roll in the money bin like Scrooge McDuck; we actually invest it for the future. In that bit, he is absolutely right. One of the best ways to do that is to pay down debt. Why is that a good outcome? Because it spreads the load, particularly of construction over time. The government has all this money set aside for its pet projects, particularly around Metronet, which is \$10 billion sitting out there and set aside for Metronet. The government is in competition with the private sector and industrial construction, and it is in competition with everybody trying to build a house. That is why we cannot get labour and why we cannot get materials. This government, rather than spreading that load out, using its windfall finances to pay down debt and allowing the economy to correct, is looking after its political future by investing it all in these immediate returns. It likes cutting ribbons.

Hon Wilson Tucker is right to talk about improving this in a finite time frame or a finite window. There will be further booms in the future. I suspect we might have seen the biggest boom that anybody in this room will ever see. It is likely to be the biggest boom for centuries, but let us see. We never know what the next boom might deliver. The nature of the economy and the resources sector here is cyclical, so there will be future booms.

I make this point because politics has a couple of old truisms. The interesting thing in today's debate is that both the government and the opposition are taking what I would call a fairly conservative, almost slightly right-wing, approach to the debate. It is good to see that from the minister. The crossbench is coming from the more left-wing position. After all the union debates yesterday, it is good to see the government shifting across a little further to the right.

**Hon Kyle McGinn:** You lost that one!

**Hon Dr STEVE THOMAS:** We absolutely won that one, but it will take a little bit of time to come through. There are two versions of this. The government does not like it, but the truth is coming out. There are two versions. I go back to that political bible, *Yes, Minister*, because it is always good to look at, when Sir Humphrey is talking to a group of people about how the Treasury manages its operations. The supposition is that people work out an appropriate level of tax and cut their expenditure to match that. Sir Humphrey says, "Of course not, we work out how much we want to spend and then we tax appropriately." That is the shift from left to right wing. If a government is based in the left wing, by all means, it will tax as high as it likes. I am glad to see the government is taking something of a right-wing approach to this. It is also the case that we have left wing, right wing, communal responsibility and communal reward—I have said this before—and individual responsibility and individual reward. I do not like the politics of envy that says that just because someone is making a significant profit, particularly when the circumstances are good for them, suddenly that means they should be paying more. I am unashamedly right wing. I believe in individual reward. If someone takes the risks, they should take the lion's share of the reward for that. They should look after people as they go, but it is not the case, as the left wing would say, all the way up to the communist left out there—where is it? The Australian Workers' Union and the group out in that far end, not quite the Communist Party of Australia, but out that way a bit.

**Hon Tjorn Sibma:** Where's the MUA?

**Hon Dr STEVE THOMAS:** I am not sure about the Maritime Union of Australia!

Several members interjected.

**Hon Dr STEVE THOMAS:** At least the Construction, Forestry, Maritime, Mining and Energy Union is pretty right wing, so we are okay with that.

**Hon Stephen Dawson:** What's your view on trickle-down economics?

**Hon Dr STEVE THOMAS:** I have two and a half minutes here. I do not have time to debate that. Holy mackerel! That is a whole other debate. Give me unrestricted time in the budget debate and we can have a debate about trickle-down economics and the trickle-down effect, which are two separate things. But we have to put an environment in place in which individual effort, be it an individual person or company, is rewarded. When people get very big

profits, a government should not be envious or jealous of that. It should encourage it, because—guess what? When a mining company or an individual is making a big profit, do members know what they are doing? They are paying big taxes. That is exactly what is going on. They are paying big royalties, so the mere fact that we are getting —

**Hon Dan Caddy:** Big taxes?

**Hon Dr STEVE THOMAS:** Yes, they are paying big taxes. They are paying big royalties. They are paying company taxes and payroll taxes; they are paying us a fair amount of taxes. When a company or individual is successful, guess what? They take people with them. It is good to see. I have to say, despite the rhetoric coming across the chamber from the ideological left over there, despite the ideological left-wing rhetoric, the government will actually vote together with a right-wing agenda, which is great to see. Government members are coming across slowly. I will not call them free marketeers yet—they have a way to go to be free marketeers—but they are coming across. They are actually starting to work out that we need businesses to be successful to be able to tax them. They are actually coming across to the fact that a business has to be successful so that we can tax it and get money out of it. Well done to the government. I am pleased to see this growth in its knowledge about how the world operates. I think that is fantastic.

**Hon Tjorn Sibma:** Great progress.

**Hon Dr STEVE THOMAS:** Yes, it is good progress. Give it a B-plus. This government has been incredibly lucky with its outcomes, but at least it recognises that it needs to look after these businesses and provide long-term certainty and stability. It did not do that with the gold tax; it provided instability and uncertainty. But in this debate, it has gone back to stability and certainty, and that is why the opposition is in the unfortunate position of not being able to support Hon Wilson Tucker. I understand the intent of the motion and the good intent of the member, but for stability in the state of Western Australia, we cannot support it.

**HON DR BRAD PETTITT (South Metropolitan) [2.04 pm]:** I rise to support the motion today. Before I start, I would like to acknowledge the members of the Community and Public Sector Union–Civil Service Association of WA in the gallery today.

I share Hon Wilson Tucker's frustration. It is a weird situation whereby companies—especially gas companies—are making huge windfall profits out of the terrible international events of last year. At the same time, governments have huge debts, including the Western Australian government. In fact, most governments with the exception of the WA government are running huge deficits. As Hon Wilson Tucker said, there is an underinvestment in many of our communities because of the amount of revenue that is needed.

As Hon Wilson Tucker said, these profits are going to companies that are, on average, 95.7 per cent foreign-owned. I will quote from a really good report titled *Gas-fired robbery*. It is an Australia Institute report written by Liam Carter—a good Freo lad—and Rod Campbell. I highly recommend this report. It is worth quoting at length from this. I will just read a little part from it. The report states —

LNG is big business in Western Australia. In 2019/20, 47 million tonnes were sold generating sales revenue of \$27 billion for multinational corporations like Chevron, ExxonMobil, Shell and Woodside. Over 90 per cent of the state's gas production is for export.

However, returns to WA and Australia as a whole are minimal. Two thirds of the gas exported from WA is effectively given away with almost no return at all to Australian citizens (who own the resource).

Approximately \$425 million in gas royalties was collected by the WA Government in 2020/21, making up just 1 per cent of Western Australian Government revenue, less than half the amount collected from motor vehicle registration. 99 per cent of this revenue was from North West Shelf Grants.

LNG projects other than the North West Shelf including Shell's Prelude FLNG, Chevron's Gorgon LNG and Wheatstone LNG and Woodside's Pluto LNG collectively make up ... two thirds of Western Australia's gas production. These projects paid virtually no royalties to the Western Australian Government and no Petroleum Resource Rent Tax ... to the Australian Government.

Think about that. They are paying no royalties to the Western Australian government. They have effectively got this gas for free, which is pretty extraordinary. The report continues —

If the North West Shelf royalty arrangements were extended —

**Hon Kyle McGinn:** It's almost unbelievable.

**Hon Dr BRAD PETTITT:** Let us just take WA's own gas requirements. I am not saying this would be sufficient, but if the North West Shelf royalty arrangements were extended to all LNG operations, approximately \$1.6 billion extra could have been raised in 2019–20, \$1 billion of which would have gone to WA and \$500 million to the commonwealth. These are the kind of arrangements and legacies that we have set up that mean that we are absolutely underdoing it. Hon Wilson Tucker gave lots of good international examples. I was reading an example from Queensland today. If WA raised its royalty rates to the same rates that Queensland charges, WA would have \$12 billion extra to spend on housing, health and schools. We are undercooking it not only by international standards, but also in comparison with other states. In fact, we are even underdoing it in comparison with our own

previous projects in which we charged the right rates. I absolutely agree with this motion because it is good, it is smart policy, and it would see the right level of revenue returned. We have looked at Norway as an example, but there are plenty of other examples around the world that show that WA is not getting good value.

This happens to be not only good and smart policy, but also Greens policy. I read from the Greens' policy, which states —

- impose a resource rent tax or additional royalty to reflect the climate change costs, to the community and the environment, of carbon emissions from fossil fuels

I think that is smart; we should be looking at doing that in this time of transition. Of course, industry has a line, which often gets repeated, that taxes hinder investment. Hon Stephen Dawson repeated that line today. I had to think: if now is a bad time to do this, when rates are high, when is a good time? It is a bad time because industries are struggling; it is a bad time because industries are doing well. I am not sure what a good time would be.

I have a quote from an article in *The West Australian* today about the motion before us. It states —

Unsurprisingly, the resources sector has come out swinging against proposals to resurrect the mining tax, arguing such an impost would stifle investment in mining and force companies offshore.

In response to that, let me quote former Labor government adviser Professor Ross Garnaut, who I think has an extraordinary mind for this kind of thing. He talks about the advantages of a rent tax —

... they can collect for the revenue a substantial proportion of highly profitable fields without deterring investment ...

Through the efficient design of rent taxes you can have your cake and eat it too; you can have more resource investment and collect more revenue from it ...

We can get more investment; we can make sure we are funding properly the things we need to be funding in the state; and we can make sure that we get that return to Western Australians and Australians. It is for those reasons that I absolutely agree with the motion, which —

... calls on the government to increase the royalty rate of commodities, ensuring a more equitable royalty is paid during periods of higher commodity prices.

**HON KYLE MCGINN (Mining and Pastoral — Parliamentary Secretary)** [2.10 pm]: What an honour it is to talk about this motion today. It feels like a full 360 degree turn from the last term. I have been looking over the crossbench section and reminiscing about some of the most dreadful speeches that I have ever heard, in history, that were written by the Chamber of Minerals and Energy and delivered by none better than the honourable Aaron Stonehouse. The contribution from the honourable Aaron Stonehouse to the gold tax debate was woeful and, quite frankly, arrogant. It was very Liberal Democrat.

**Hon Neil Thomson:** You support the gold tax?

**Hon KYLE MCGINN:** Is the member going to listen to my speech, or is he just going to dribble? Just give me a minute to fire up, mate! I am sorry; I cannot just jump straight in. Just give me a minute.

I was talking about the honourable Aaron Stonehouse. Sorry, Hon Peter Collier, did that get you going a little bit there, mate?

Several members interjected.

**Hon KYLE MCGINN:** I get an interjection as soon as I get to my feet—let us be honest! It is pretty funny. It feels like people just want to talk to me when I am on my feet. It is quite amusing listening to the members on the crossbench agreeing to increasing royalties when I have had to listen to the honourable members Colin Tincknell, Robin Scott, Aaron Stonehouse, Rick Mazza and Charles Smith. I cannot remember the Nationals WA members, but they were there. The Liberal Party members were there. The Liberal Party was even there with the mining companies that were paying workers to protest our offices, which was the funniest picket line that I have ever seen, to be honest. Out in the goldfields, for example, over 1 400 workers were paid to go and protest at my office with the —

**Hon Peter Collier** interjected.

**Hon KYLE MCGINN:** No. Hang on a second. Just to clarify —

**Hon Neil Thomson** interjected.

**Hon KYLE MCGINN:** Can the member hold his tongue for a second. I am just dealing with this interjection.

Several members interjected.

**The ACTING PRESIDENT:** Order!

**Hon KYLE MCGINN:** I was talking about the mining companies paying their workers to attend rallies, Hon Peter Collier. It was like the rallies here at Parliament where people were being handed high-visibility shirts as they got off the buses and came to the front doorstep—to make it look like they were working for mining

companies. I was one of the members of Parliament who had about 1 000 workers—they were getting paid to protest—protesting my office because their employer was being told, “We are going to sack you all if the mining tax comes in. Fourteen dollars a tonne is just too much.” What happened straight after that? We saw an increase of almost \$1 000 go onto the price of gold across the world. It went from around \$1 500 a tonne to \$2 500 a tonne, yet \$14 was considered breaking the bank. The former member for Kalgoorlie, Kyran O’Donnell, was a huge advocate for the mining companies. He would say, “We cannot do this to the goldfields. We have only one economy, and that is it.” That was his very narrow view, and, clearly, that served him really well in the last election!

I will just let Hon Wilson Tucker know what happened when we did try to introduce a gold tax in 2017. There was absolute hysteria. It was really, really insane to see how the Liberal and National parties reacted to that. I did not see those members going out there and asking companies to get better at their social licence. I do not think I have seen Liberal Party or National Party members ask once for more full-time employment or more training or more apprentices or any of the stuff that is good for building the economy. I find that quite amusing.

I will say, though, that the biggest backflip today has been from the Greens. I find it quite a refreshing difference from the last Parliament in which the Greens brought a motion to this chamber to completely shut down the oil and gas industry overnight; it was unbelievable. The honourable Tim Clifford brought a motion to this chamber, in typical Greens fashion, with not much research and not much understanding of what would happen. He just came in and said, “Close the oil and gas industry overnight. We need to get rid of it right now.” There was no plan. What was really, really amusing is that the honourable Tim Clifford came from the oil and gas industry and had worked on Barrow Island, so he would have been paying his mortgage at the time with oil and gas profits. Therefore, to see that the Greens have now gone from “just close the industry” to “tax the industry” is an interesting flip.

I will side with the minister, who put it very elegantly that the McGowan government has done a fantastic job managing the finances of this state. It has done a far better job than the previous government, which did a disastrous job. There was no ability for a Scrooge McDuck in the last government because the chamber was always empty because they were out spending like drunken sailors. We also had the National Party members with their own bankcard and ATM, just flicking hundreds everywhere they could, without business cases or plans and without even consulting the old almighty emperor of the day.

**Hon Neil Thomson:** I can’t believe you represent regional Western Australia.

**Hon KYLE McGINN:** Can I just say that we have four representatives in the Mining and Pastoral Region, and that came from the last election, member. We have four Mining and Pastoral members. Yes, I do represent regional WA. Absolutely, I do and I am proud of that.

**Hon Neil Thomson** interjected.

**Hon KYLE McGINN:** That member really needs to take the time—as I have said many times—to educate himself before he opens his mouth.

I will touch on what Hon Wilson Tucker mentioned. He said that he raised this motion on behalf of the WA people. I am still waiting for Hon Wilson Tucker to raise the daylight saving issue. I am waiting for him to get on his feet and give me a big speech on that, because his credibility in this chamber comes from being a big supporter of daylight saving. I would love to listen to the member speak for a good hour on daylight saving so I can understand why my electorate, which was the least in favour of voting for daylight saving, elected Hon Wilson Tucker as a member for the Mining and Pastoral Region. Talk about representing the regions!

**Hon Neil Thomson:** I agree with you.

**Hon KYLE McGINN:** Wow! I get an agreement from Hon Neil Thomson. I should hang up my hat now and retire. My God!

Regarding sky-high profits, I would like to know the difference between the profits when Hon Wilson Tucker came into this chamber in 2021 and the profits now. It would have been good to see a breakdown on what was different from a couple of years ago and why he did not run on a platform of increasing taxes when he ran at the election. I would be very interested to see what the difference was, because I do not think it would be much, Hon Wilson Tucker. One of my questions to the member is: what is the difference between when the member was running in the election to now that all of a sudden he wants to see royalties increased? Another question is: what was different when the member was running in the election?

**Hon Wilson Tucker:** People deserve a platform to advance different issues because I care about them.

**Hon KYLE McGINN:** Why did the member not put it in his platform right next to the issue of daylight saving, which he cares about?

**Hon Wilson Tucker:** No; the single issue —

**Hon KYLE McGINN:** I did not see it. It is a single issue that we have not heard about in this chamber. Hon Wilson Tucker, if today’s motion —

**Hon Wilson Tucker:** I can’t just keep talking about daylight saving.

**Hon KYLE McGINN:** You cannot; I accept that. But you could have brought it to this chamber today —

**The ACTING PRESIDENT:** Order! Might I get you to direct your comments through the chair, honourable member.

**Hon KYLE McGINN:** Absolutely, Acting President.

**The ACTING PRESIDENT:** Thank you. You can continue.

**Hon KYLE McGINN:** Daylight saving, Acting President, is what I am talking about. That is what I wanted to hear about today. I genuinely want to understand why I should have more sunlight in the morning, or is it the afternoon? It is too much for me!

One of the things that came out of the opposition's scare tactics during the gold tax era of 2017, which as members who were here in this place would know came back, was that the second version of the bill had a floor of \$14.50, which was similar to the floor the member was talking about. If the resource goes under that floor, the tax would fall away. Mind you, that was still rejected by the opposition, which put it up as one of the solutions during the debate—what we could see going through as a gold tax. I remember that distinctly, because the Chamber of Minerals and Energy sent out new notes for the second bill saying, "We still oppose it because it's a tax." What are we supposed to do there? The opposition and the crossbench were basically getting their speech notes directly from the CME; it was quite funny to watch, because the same notes that the CME had sent to me were being read back to me by the opposition. Apparently, there was the threat of mass job losses at \$14 an ounce.

Throughout that debate I reiterated the question, putting the tax stuff to one side: do members think that the gold industry has a good social licence in the goldfields? Hon Neil Thomson just gave me a click sign, which I think means yes. Let us look at the difference between the iron ore industry up north and the gold industry out in the goldfields. In Karratha, Port Hedland or Newman, the first thing people notice is that Rio Tinto, BHP and FMG are all there. They are investing in those communities, on the ground. No-one can dispute that. There are arts centres, cultural centres, hospitals and football teams being sponsored. I said this during the last gold tax debate: when people go out to the goldfields, it is a completely different story. It is almost as though the gold industry is completely different and untouchable. I remember some of the things members opposite said when they were out there protesting against us increasing the gold royalty; they said that they would actually grow a backbone and go and tell some of the companies that had no Aboriginal or female employees and no full-time workers or apprentices to not pay extra. If they were happy to tell some of those companies that they were so proudly lobbying for not to pay \$14 extra per ounce, why did they not tell them to develop a decent social licence? What has happened since then? I have heard nothing from the opposition in that space—absolutely nothing. It is, "Oh, we did our job and we got rid of the nasty tax, and that's that." It is a shame that they do not go out there and fight more.

I have said from the day I arrived in this chamber that the oil, gas and mining companies should do more training, create more jobs and have more of a social licence. They should be investing in buy-local policies and procurement policies, such as the WA jobs policy that the McGowan government brought in. We had a great debate the other day about this government's procurement policies. What a brilliant government—leading the way on local employment and local procurement. I just wish some of those mining, oil and gas companies would listen and take some steps in their own direction. It is the smaller companies as well, not just the bigger ones. It is the ones that get away with not employing locally. COVID has resulted in one thing: they now have to get off their backsides and do something about it, because they know that if something goes wrong again, they could be prevented from flying in foreign or east coast workers.

The oil, gas and mining sectors' reliance on foreign workers prior to COVID was insane. I remember having a debate with former, I think, federal employment minister, Hon Michaelia Cash, who came out to Kalgoorlie. There was a job shortage at the time, 2017 or 2018, just about the time when the federal LNP government decimated our car industry. More than 45 000 skilled workers could have come across from South Australia and Victoria, but instead Michaelia Cash implemented designated area migration agreements, which were designed to bring workers over to—as I was told—live in the goldfields. As soon as that agreement got off the ground, it was discovered that they were to live in Perth and be fly in, fly out workers in the goldfields, with absolutely no economic impact on the local area whatsoever.

**Hon Sandra Carr:** Shame.

**Hon KYLE McGINN:** It was shameful. Then what happened? COVID hit, and they could not fly them in anyway, so we missed out on a workforce of more than 45 000 from the car industry. If we had focused on getting them placed in the goldfields, we would have had, in my view, some of the best, hardworking, skilled workers in this country. They could have slotted into our mining industry very well.

I say to Hon Wilson Tucker that, regardless of what party we are from, I really want to see a focus for the Mining and Pastoral Region, both inside and outside this chamber, on talking to the mining, oil and gas companies about what they can do for the local communities and what they can do better. I think there is a stark difference between the big end of town, the middle of town and the low end of town. There are some that do really good work and some that do absolutely nothing. Commodities dictate that also. As I said before, up north we see them everywhere. I am

still in awe of the brilliant job BHP has done with the cultural centre in Newman. I know that you, Acting President (Hon Peter Foster), would be very aware of that. What it has done has uplifted that community's culture and artwork unbelievably. That was solely a BHP project.

**Hon Dr Steve Thomas:** Didn't they invest in the Karratha one as well?

**Hon KYLE McGINN:** There is the Karratha one, which I think it invested in with the federal government. That was Rio, sorry. I think it was Rio Tinto in Karratha and BHP in Newman. I am not sure whether there is a cultural centre in Port Hedland, but —

**Hon Stephen Dawson** interjected.

**Hon KYLE McGINN:** Spinifex, that is right. I will say that BHP invested very heavily in the hospital in Port Hedland as well.

We were talking about Laverton in 2017 and asked the mining companies how much was actually coming back into Laverton after \$2.6 billion went out; it was next to nothing. When we asked them, "How about putting your shoulder to the wheel and being with the community and building this?", it was blue murder; it was insane. Kyran O'Donnell attacked me for even thinking about it, and that was very short-sighted on his part.

I think Hon Wilson Tucker has just seen some low-hanging fruit in the form of taxing commodities. I would prefer to have seen something more strategic. I would love to see something on daylight saving; I am still hanging out for that debate, and I am looking forward to it.

**Hon Wilson Tucker:** It's a hot topic right now. There's a window —

**Hon KYLE McGINN:** What was different in March 2021?

**Hon Wilson Tucker:** I didn't have a platform.

**Hon KYLE McGINN:** But the member now has a platform for daylight saving, and I still do not know what it is. I still do not know whether I get more daylight in the morning or the evening!

**Hon Wilson Tucker:** The answer's in the name: single-issue party.

**Hon KYLE McGINN:** Okay. I genuinely want to have a debate on that, because there is one party in this chamber that has never ceased to amaze me at how they manage to inject the issue of marijuana into every single debate in this chamber—so much so that they educated me on putting marijuana into fish so that they do not have mental health issues! I have to say that Hon Dr Brian Walker has done a superb job of advocating for what he stands for, and I would love to see Hon Wilson Tucker bring some more debate to this chamber on daylight saving.

**Hon Stephen Dawson:** He's got to work harder!

**Hon KYLE McGINN:** I just want to explain daylight saving to my electorate, because at the moment I have absolutely no clue what it is about.

**Hon Wilson Tucker:** Unfortunately, member, that electorate will cease to exist at the end of this term.

**Hon KYLE McGINN:** Again, low-hanging fruit. Have a dig.

**Hon Wilson Tucker:** You're having a dig at me, I'm having a dig at you! The McGowan government was the one that completely overhauled the upper house, not me.

**Hon KYLE McGINN:** It is funny. I feel that if the member were advocating strongly enough for daylight saving, he may have a chance of getting the whole of Western Australia on board by the end of this term. I have seen some good ads around about daylight saving, although I have not seen the sun suit for a while.

**Hon Wilson Tucker:** Come to my office and I'll show it to you!

Several members interjected.

**Hon KYLE McGINN:** I am going to pull a cheap trick here: whereabouts in the Mining and Pastoral Region is the member's office? Whereabouts in my electorate do I find the member's office?

Several members interjected.

**Hon KYLE McGINN:** Yes. I wonder if it is out in the goldfields or up in beautiful Port Hedland? I know Hon Stephen Dawson has a beautiful office in Port Hedland.

**Hon Stephen Dawson:** South Hedland.

**Hon KYLE McGINN:** Oh, blasphemy!

I thank the member for bringing this motion to the house. I am sure he will enjoy the debate, and I look forward to hearing his response at the end.

**HON NEIL THOMSON (Mining and Pastoral) [2.29 pm]:** I want to start by saying that I am not supporting the motion and I cannot support the motion. I understand to some extent where Hon Wilson Tucker might be coming from. First, he has made it clear that he is looking for some sort of platform. I think his words were to that effect.

Therefore, a populist motion like this might appeal to some people, if we look at it just on the surface. The second aspect that might have motivated Hon Wilson Tucker to come forward with this motion is something that he mentioned in his speech. That is what is on the ground in towns like Port Hedland and the state of affairs with social housing, the provision of services and the general amenity of the town. This applies right across the regions. There has certainly been a decline under this government. That then becomes a problem that needs to be solved. The solution from Hon Wilson Tucker, which I do not support, is to whack another tax on companies that he claims are making profits from their activities in the mining sector.

I understand why the motion has come forward in this form, but I cannot support it. The Leader of the Opposition, Hon Dr Steve Thomas, has outlined our position. I fully support that. I also support the response from the Minister for Emergency Services and some of the issues he raised in his presentation. One thing that we must be very careful about is ensuring that we provide a high degree of certainty in the investment environment in Western Australia. The mining sector in Western Australia has not proceeded simply because of the resources in the ground. There are resources in the ground in Africa, Russia and South America. The quality of some of those resources is higher than in Western Australia. What has made Western Australia stand out is the incredibly secure investment environment that has been created over many decades, with bipartisan support from both Labor and Liberal–National governments.

We need go back only to some of the incredible decisions that were made in the early days of the opening up of the north west of this state. At that time, there was absolutely no certainty that the iron ore industry would be successful. There were a lot of challenges with lack of infrastructure, and uncertainty in the markets. Nobody could have foreseen what would happen with China. It was all about providing iron ore to the Japanese market. Some very brave decisions were made and some very huge risks were taken by some of the early companies in places like Mt Newman and Mt Whaleback and throughout the northwest. Over time, incredible wealth has been generated by those companies, not only for their shareholders, but also for their tens of thousands of workers, and for the state government. We only need to look at the budgets over time to see the percentage of state revenue that has come from iron ore royalties. At that stage, in the late 1990s, the Western Australian government was reliant to a large extent on stamp duty, payroll tax and a range of other taxes to fund the vital services that it needed to deliver for our community.

**Hon Dr Steve Thomas:** And federal grants as well.

**Hon NEIL THOMSON:** Yes. The Leader of the Opposition made a comment about federal grants. We also had challenges with the GST. When those early GST agreements were settled, Western Australia was in a net positive situation with the GST revenue that went back into its coffers. For every dollar that was generated in Western Australia, we got back \$1.10 or \$1.20. However, things changed during the time Hon Eric Ripper was Treasurer. I have a lot of respect for Hon Eric Ripper. I was an officer in Treasury at the time and worked closely with him in some of the advice that I gave. I thought he was probably the best Treasurer the Labor Party had ever had. That was my opinion. He had a very strong understanding of how markets work. At that time, we started to see a dollar-for-dollar reduction in GST revenue. Every time this state got an increase in royalty payments, the GST component that came back to Western Australia would go down. That was the challenge. We have had a lot of cheap talk about the Barnett government and budget management. At that time, there were huge challenges with the clawback of federal government GST funding as royalty income increased. That put massive structural pressure on Western Australia as the economy was growing. We then had the incredible fix under the then federal coalition government, when Scott Morrison delivered, in partnership with the Premier of Western Australia at that time —

Several members interjected.

**Hon NEIL THOMSON:** Scott Morrison fixed that, and we saw a change.

To come back to the motion, the important thing is that we must provide certainty in the marketplace. I can say with authority to the mining and resources sector, on behalf of the Liberal Party, that we will always be a safe pair of hands for the Western Australian community. Not only that, members, we will be a safe pair of hands for the Western Australian community in the delivery of services. We have seen this government's abject failure to deliver services in the regions. We have seen the complete failure of the machinery-of-government reforms and the outcomes on the ground for social housing. We have seen the government's dodgy mathematics for shifting land assets out of the housing authority and into DevelopmentWA, and then basically pouring that money back to the housing authority in the form of grants and claiming that it is making a record expenditure on social housing. It has been a case of smoke and mirrors. In the past, those assets were held by the housing authority and it was able to fund record levels of social housing. Those record levels have never been replaced. The previous government doubled the amount of social housing.

Several members interjected.

**Hon NEIL THOMSON:** We have seen a decline in the amount of social housing.

**Hon Kyle McGinn** interjected.

**The ACTING PRESIDENT:** Order! Hon Neil Thomson has the call.

**Hon NEIL THOMSON:** We see the dire situation in Port Hedland. Many social houses are not being refurbished and looked after. We only need to look just down the road from the office of Hon Kyle McGinn to see the conditions there. It is not surprising that members like Hon Wilson Tucker have come up with the idea of finding some easy money by grabbing it out of the resource companies. The responsibility of the government is to deliver services efficiently and to make sure that it gets the best value for money out of the record budget surpluses that it currently has.

Several members interjected.

**The ACTING PRESIDENT:** Order! Hon Neil Thomson has the call.

**Hon NEIL THOMSON:** We must be efficient. However, that is not the hallmark of this government. This smoke and mirrors goes further than that. There used to be this thing called royalties for regions. The government kept the branding. That is the way this government rolls; it kept the branding of royalties for regions. What did it do? It did something silent and backhanded; it took \$2 billion of grants out of the royalties for regions program over the last seven years. It pulled those funds out and put them into recurrent expenditure to pay for things that were previously funded out of the consolidated fund. It was a substitution of those funds. That is the key.

Several members interjected.

**The ACTING PRESIDENT:** Order! When silence returns, I will give the call to Hon Neil Thomson.

**Hon NEIL THOMSON:** If this government were honest about what it has done to royalties for regions —

**Hon Kyle McGinn:** You were in coalition when you agreed with RforR.

**Hon NEIL THOMSON:** I mean, it is a joke now! That brand is a complete joke because it is not a real royalties for regions program anymore. The government substituted things that had otherwise been funded out of the consolidated account. That is why towns like Port Hedland are now in disarray. That is why we cannot afford to do anything. There are basic problems with amenities in South Hedland. It has got so bad. There are challenges from that dead generation of community amenity, with an increase in antisocial behaviour and crime.

**Hon Kyle McGinn:** What amenities are you talking about?

**Hon NEIL THOMSON:** Right next to the office of the honourable member, the taxidivers are now suffering because they effectively face huge challenges. Not enough funding has gone into those communities.

**Hon Kyle McGinn:** Do we have to fund taxidivers? Is that what you're saying—we need to fund taxidivers?

**Hon NEIL THOMSON:** I agree with Hon Wilson Tucker insofar as we need more investment in our regions. We need smarter investment in our regions. We need a smarter delivery of services. We need to restore our social housing program. We need to disaggregate the huge megalith called the Department of Communities, which is absolutely dysfunctional. We need to make sure that child protection services operate in a proper way and deliver the outcomes that are needed for our community. Although I do not support the motion, I think this has been a real opportunity to highlight the failures of this government.

Several members interjected.

**Hon NEIL THOMSON:** It is no wonder that motions like this come up. The industry must tremble in its boots when it hears motions like this. Yes, Hon Wilson Tucker will get a headline, but that will just create more uncertainty and concern in the marketplace. The Western Australian Labor government has failed to ensure an appropriate level of social licence in our regions—government members talk about social licence—and has failed to deliver services in our regions in a respectful and appropriate manner.

**HON DR BRIAN WALKER (East Metropolitan)** [2.42 pm]: What we are doing right now is a wonderful example of dysfunction. Members put forward views as if they are the only views possible and do not listen to members on the other side. That is a good reason to listen to what Hon Wilson Tucker said, supported by the facts that Hon Dr Brad Pettitt put forward. There are things that could be improved. I liken it a little to the discussion we have in our homes; with the cost of living going up, people are asking themselves whether they should put food on the table or petrol in the car. Where should they direct their funds right now? We have seen, with the budget coming up, the difficulties that every home is facing in Australia. We are going to have to find a way of making do with less available funds, just as the government will have to do with the budget. It is true that we have a massive budget in Western Australia. We can discuss, we can argue and we can even fight about how to disburse those funds, but we need to do that in a way that meets the needs of the people of Western Australia.

What is happening in this debate is that the status quo is being defended. I put to members, in all seriousness, that the status quo is our enemy. We always need to look for improvement, because whatever we have now could be better. Having an open mind is very important. Members are aware of my constant refrain of truth, freedom and growth. Growth, in this context, is about how our society can grow with the available funds.

**Hon Stephen Dawson:** Are you talking about growing pot again?

**Hon Dr BRIAN WALKER:** I do want to mention cannabis, in view of what Hon Kyle McGinn said; that will come up shortly. As the minister has spoken, I have one quibble with what he said earlier. He pointed across to the opposition and the crossbench and called us the opposition. I found that somewhat trying, even though he had a cheeky smile on his face. I will move on from that.

From our point of view, we want to look at how to use out-of-the-box thinking to help those in need. I will focus on the low-earning part of society. We have funds, but a very large part of the population is doing it tough. We ought to find ways for people to maximise their financial opportunities. I earlier mentioned the discussion about the family budget—whether to put food on the table or petrol in the car. People will ask whether they need to eat less or travel less, or whether they need to increase their income. We have all had that conversation; it is part of our daily lives. When it comes to increasing income, there are only two approaches. One is to work harder and the other is to work smarter. I think it is true that working smarter is a better way to increase our available income than working one's backside into the ground and hoping it will help us to put food on the table or petrol in the car. We need to maximise people's financial opportunities without increasing the tax burden on government or society.

The other area that I would like to focus on is about ensuring equality, or equity, within society to improve the quality of life of all Western Australians. I think we would all agree with that. It is common sense. It is what we are here to do. I will not attribute blame to either side as that would be completely unfair, because all members are doing their best to serve the people of Western Australia. I take that honour quite seriously, as, I am sure, do all members. If we asked any immigrant family what they would like their children to be, the general response would be an accountant, a doctor, a lawyer or an engineer—standard jobs that people can do. We have this idea that there is a special place for people in those occupations. My mother would have liked to have said, "Look at my son, the doctor", although she was too proud to say that. I could say of one of my children, "Look at my son, the engineer." But we need every single available member of society to work together. In a hospital environment, if I did not have a hospital orderly to manage things in the background, I would not be able to do my job as a doctor. I depend on those people. I think they are actually far more important than I am. I will put it another way: we all need to work together, we all have an important place in society, and we all need to be respected. Why would I want to give a pittance of an income to people who do a very important job? I am thinking of the report in today's *The West Australian* about how the police are seeking to undertake some industrial action to make their point clear that they have made sacrifices for two years with the COVID pandemic, but they have not been rewarded adequately. Neither have the nurses or teachers. They are important people in our society. We depend on those people, and they need to have their hard work and integrity remunerated appropriately. The important question is: how do we afford that? Should we work harder or smarter? Hon Wilson Tucker put forward the point that we ought to be working smarter. Hon Dr Brad Pettitt asked whether, in comparison with Queensland, we could earn more. We certainly could. Why do we not follow the example of another Australian state, which is perhaps doing things better than we are? Could we learn from our colleagues across the other side of the country?

We have to think outside the box in economic terms. Hon Kyle McGinn will appreciate this, because I know how I would like to fund this. He knows, doesn't he! We would legalise cannabis. We could have a multibillion-dollar innovative industry in the cannabis and hemp sphere. It could generate a multibillion-dollar income. For example, in Canada, cannabis-related tax revenue, from just cannabis and not hemp, has raised over \$Can3 billion in three years. That is \$Can1 billion a year to spend as the government wishes. I think it would be stupid to look at that and then say that we are not going to do that. We need to have an open mind and look at that more closely. Why not? Would it help our population if we had a billion dollars extra in our coffers to help those who need it most? The figures can be backed up; I can table a paper if members wish. Regardless, we need to look at the economic tools in our toolbox and be responsive to that. I am not an economist. Members all know that. The Treasurer has a large, well-staffed department and I ask him to please have a closer look at this and have an open mind. We all need to work together for the good of the population we represent.

Good ideas need good financial support. That is what we need to make these ideas come true. We cannot simply, as some people do, put out an idea and expect it to be funded from an empty coffer. We need to have good financial resources and a good idea of what the actual facts are, including the money in and money out and whether it is worth it. We need some fiscal responsibility. With that in mind, I would welcome support. I will be supporting Hon Wilson Tucker's motion today. It is noted here that the crossbench is the only group supporting this motion. I put it to members that we are the only group looking for innovative solutions, solutions that would allow us to serve those who most need it.

**Hon Stephen Dawson:** Put that in your pipe and smoke it!

**Hon Dr BRIAN WALKER:** Thank you for that, minister. I am looking at how we can serve the people of our state most effectively and efficiently, and, dare I say it, with some degree of pleasure.

**HON SOPHIA MOERMOND (South West) [2.51 pm]:** I thank Hon Wilson Tucker for this very good and timely motion. I had no idea of the hot topic this was going to be. This motion seems sensible to me. It has always surprised me that mining companies have somehow been able to use our beautiful country for their own riches. Although I understand the importance of an economy and employment, it should not come at the cost of people or the environment. Wittenoom is a clear example of how mining can destroy an area. There are no concrete numbers on

the cost of cleaning up Wittenoom, but one estimate states it is at least \$100 million. The clean-up or rehabilitation of an area must always be provided for by the mining company, which is happening, and I am aware of some companies doing great work in rehabilitation. I had a tour of the Alcoa plant down south and I was impressed with the care taken, which included restoration of the soil's microbiome. As a naturopath, I find microbiomes imminently relatable. Of course, my preference would be a sustainable hemp industry. I know members are all shocked to hear that! It would include a tourism industry boosted by the legalisation of cannabis, like what is happening in Thailand and, of course, the ability to make our own toilet paper.

On a federal level the lack of strategic planning around the mining industry has been noted and commented on since at least the Howard government. According to a Treasury research paper, the Howard government spent more than 90 per cent of a \$334 billion revenue windfall in its last three years in office on tax cuts and middle class welfare. We could have had free education, improved health care, or cleaned up Wittenoom with that money. The wealth gleaned from Western Australia is massive and we have examples of other countries and states that were able to create a fund for their own citizens. Norway is a good example from the western world. It has a tax rate on mining companies of about 60 per cent. Different sources give different numbers for that. We here have a tax rate on mining companies of 30 per cent. The rhetoric behind it is that mining companies would cease operations here because it would be insufficiently profitable. I would call that modern gaslighting, to be honest. Norway has a future fund valued at US\$960 billion. This allows it to now make choices that are better for the environment and better for its people. It also means that Norway, with all the money it has, consistently rates high on happiness scales. Money does not buy happiness, but it does buy better food, better housing, better medical care, better education and better recreation options. Western Australia's mineral and petroleum industry in 2019–20 had a value of \$174 billion. Imagine what 60 per cent or \$104 billion could have contributed to Western Australia.

We are lucky in Western Australia, with mostly a good standard of living, which is one of the reasons why Western Australians are not politically engaged—because life is that good—but no-one can deny the ongoing issues with our health system and homelessness. Both are wreaking havoc with people's lives. We all deserve better. As my honourable colleague said, our aim should be to improve the lives of all the people in Western Australia. One simple way to do that is by creating more revenue from mining. One of the myths around mining companies is that they would leave if we increase state revenue. That is a very beneficial myth. As a result, when Prime Minister Rudd attempted to increase the tax on mining companies in 2008, they spent \$22 million on making sure that that did not happen. There was a massive marketing campaign that mining companies obviously had a lot of money for, which is indicative of how much profit they make. The other myth that is often used to justify massive profits for companies or individuals is the trickle-down effect. It has been shown over and over again that it does not benefit people. A lot of money ends up tied up in investments or in the bank and simply does not really participate in our economy.

I note the comments made by Hon Kyle McGinn about what the various companies have contributed to social and other infrastructure in the north. I view those things as the job of the government, and, if companies were taxed higher, there would be no issue supplying those services. I can see only benefits from increasing revenue from mining companies and I am entirely unsure why this is met with such resistance here. We all want Western Australian people to have healthy and happy lives.

**HON WILSON TUCKER (Mining and Pastoral)** [2.56 pm] — in reply: I thank all the members for their contributions. Some very colourful opinions were certainly expressed for a Wednesday. One could be forgiven for thinking it was a Thursday! I do not have a lot of time so I will quickly paraphrase them and will not acknowledge all the contributions made by members, just some of the more colourful ones. Hon Dr Brian Walker spoke about the economic imperative we are facing. Right now, we are in an inflationary cycle. We have cost-of-living pressures and the ability to work smarter not harder can be used to offset those. I appreciate his comments. Hon Dr Brad Pettitt spoke about the Australian Institute's *Gas-fired robbery* report. I encourage all members to read it. It is a very compelling report. Hon Kyle McGinn, where do I start? The honourable member waxed very lyrically, mostly about the previous term and previous debates. I do not think the honourable member actually raised anything in rebuttal. In fact, I think he was agreeing with me in his contributions around royalty increases. I thank him for his contribution.

**Hon Kyle McGinn** interjected.

**Hon WILSON TUCKER:** Honourable member, regarding daylight saving, I was admittedly barely elected on a mandate for daylight saving and I cannot spend four years talking about that issue.

**Hon Kyle McGinn:** But you were elected on a mandate of daylight saving.

**Hon WILSON TUCKER:** I was, yes. When I came into this place, I took an oath to serve the Western Australian people and do, as a single member, with limited resources —

**Hon Kyle McGinn:** They want to see daylight saving.

**The ACTING PRESIDENT:** Order!

**Hon WILSON TUCKER:** I am a member of —

**The ACTING PRESIDENT (Hon Peter Foster):** Hon Wilson Tucker, I will get you to direct your comments through the chair.

**Hon WILSON TUCKER:** Thank you, Acting President. I was elected as a member of the Mining and Pastoral Region and I intend to take that commitment seriously. I have a bill on daylight saving. It is on the notice paper, member. I suggest you read it. The debate is coming.

The Minister for Emergency Services spoke about a stable and consistent royalty regime, which is important. Hon Dr Steve Thomas spoke about big companies generating big taxes. I disagree with them both on those points and I am going to use the LNG industry as an example. Two-thirds of the gas that is exported off Western Australia attracts no royalties and no tax. The North West Shelf agreement —

**Hon Dr Steve Thomas:** Are you talking about the bit in federal waters?

**Hon WILSON TUCKER:** It comes onshore to WA in this process. It attracts no royalties. There is nothing that comes back to Western Australia.

**Hon Dr Steve Thomas:** But it is extracted in federal waters.

**Hon WILSON TUCKER:** Every platform outside the North West Shelf has some level of exemption under the current royalty regime. Those royalty payments from the North West Shelf scheme are responsible for 99 per cent of the royalty payments back to the state. For the last 10 years, they have been —

**Hon Dr Steve Thomas:** They are a rebate, not a royalty.

**Hon WILSON TUCKER:** I will take the member's point. We will discuss it behind the chair. The North West Shelf grant scheme has been falling for the last 10 years. It was responsible for 4.25 per cent of the budget in 2012–2013. In 2021, it was responsible for 1.15 per cent of the budget. It is declining. I spoke to Liam Carter, the creator of the report, and his belief is that there is some clever accounting happening from the LNG companies. It is basically measured at the wellhead using between a 10 to 12 per cent levy. There is some clever accounting hidden behind commercial-in-confidence that is effectively robbing the Western Australia people of royalties that are owed to them.

I am just going to quickly get to some other comments. The Minister for Emergency Services spoke about Brendon Grylls and what happens when someone stands up to these companies. That is a classic example of the rhetoric and the actions that we see from the mining companies when a tax hike or royalty increase is proposed. They go up in arms with claims that their jobs will be impacted. What I am suggesting here is a measured approach to take a small amount of the profits that they are enjoying. I am not suggesting we do a taxation regime across the board, but more so a measured approach to sharing some of the profits that we see. I do have a few other points, but I note the time. I thank all members for their contributions today. It is unfortunate that the government and the opposition do not support this motion. I think it is a sensible one and is in the best interests of the Western Australian people.

#### *Division*

Question put and a division taken, the Deputy Chair (Hon Peter Foster) casting his vote with the noes, with the following result —

#### *Ayes (4)*

Hon Sophia Moermond

Hon Dr Brad Pettitt

Hon Wilson Tucker

Hon Dr Brian Walker (*Teller*)

#### *Noes (26)*

Hon Martin Aldridge

Hon Donna Faragher

Hon Kyle McGinn

Hon Matthew Swinbourn

Hon Dan Caddy

Hon Peter Foster

Hon Shelley Payne

Hon Dr Steve Thomas

Hon Sandra Carr

Hon Nick Goiran

Hon Stephen Pratt

Hon Neil Thomson

Hon Peter Collier

Hon Lorna Harper

Hon Martin Pritchard

Hon Darren West

Hon Stephen Dawson

Hon Jackie Jarvis

Hon Samantha Rowe

Hon Pierre Yang (*Teller*)

Hon Kate Doust

Hon Ayor Makur Chuot

Hon Rosie Sahanna

Hon Sue Ellery

Hon Steve Martin

Hon Tjorn Sibma

Question thus negated.

### **COMMITTEE REPORTS — CONSIDERATION**

#### *Committee*

The Deputy Chair of Committees (Hon Peter Foster) in the chair.

#### *Standing Committee on Estimates and Financial Operations — Eighty-fifth Report — Consideration of the 2021–22 budget estimates — Motion*

Resumed from 19 October on the following motion moved by Hon Peter Collier —

That the report be noted.

**Hon PIERRE YANG:** It is with pleasure that I continue my remarks on the eighty-fifth report of the Standing Committee on Estimates and Financial Operations, *Consideration of the 2021–22 budget estimates*. We have heard

contributions from various members earlier today during the motion brought forward by Hon Wilson Tucker. During the contributions, the debate inevitably turned its focus to the government's financial and economic management. I think all Labor members can stand tall and proud for all of this government's achievements in turning around the economy, the worst on record, that we inherited back in 2017 from the then Liberal–National government. It could not manage the economy. We took it over and applied diligent fiscal discipline to turn things around. I am particularly proud of the fact that this government saved the day—yet those on the other side think all these things would have happened naturally. Let us not forget that they had a mining boom and they wasted it.

I want to say that this government is looking at many ways to improve Western Australia's economic composition so that we are not solely reliant on one or two major mining products—by that I mean iron ore. We have seen the government supporting other industries, including the renewable hydrogen industry, which I want to focus my contribution on today.

On page 8 of the committee's report in table 2 under the heading "Climate Action Fund special purpose account" is a line for renewable hydrogen initiatives. In 2017, when this government took over from the Liberal–National Party, we looked at ways to improve the economy and its structural issues. One of the things the government did was commission a report, the *Renewable hydrogen strategy*, which was released in July 2019. An amount of \$28 million was allocated and the achievements of the \$28 million from the previous four years of the McGowan Labor government is as follows: \$10.7 million for capital works for four renewable hydrogen projects in Newman, Karratha, Denham and Jandakot; \$1.6 million to support feasibility studies on seven renewable hydrogen projects; \$5 million committed to run a second round of the WA renewable hydrogen fund; and \$8.3 million allocated for studies and a regulatory system to support a growing industry to help deliver the strategy, including supply chain analysis and the identification of storage locations and studies to enable hydrogen blending in the distributed gas network.

Hydrogen energy is the ultimate green and renewable energy. For those who are interested in making sure that this planet can stay healthy and we can have concrete, substantive action on climate change, we have to invest in new energy sources such as hydrogen energy. As we know, hydrogen atoms have a chemical reaction with oxygen atoms and that process produces electricity and water. There is no waste. It does not produce any toxins and it does not cause the earth's temperature to increase. That is the ultimate renewable energy that we want to have. As a state we have to put money down to ensure that we can capture that new generation of energy and new technology that will support this new form of energy source. I am particularly pleased to see that the government is continuing on that track. During the 2021 election campaign, the McGowan government pledged that a re-elected government would continue to identify the use of renewable hydrogen for both energy production and storage solutions and identify opportunities to increase domestic wind farms and manufacturing to support the developing hydrogen production industry and continue to invest in the development of the hydrogen industry with further details to be announced.

I will touch on the budget estimates hearings on 21 October 2021 when the very important Standing Committee on Estimates and Financial Operations, chaired by Hon Peter Collier, held a hearing with Minister Alannah MacTiernan under the portfolio of the Department of Jobs, Tourism, Science and Innovation. I draw to the attention of members that on page 10 of the transcript, Hon Alannah MacTiernan states —

The total that has been allocated to renewable hydrogen to date is \$89.5 million.

That is a significant amount. I am sure it was the government's commitment that WA would be a better place.

**Hon NICK GOIRAN:** In considering the Standing Committee on Estimates and Financial Operations' eighty-fifth report, particularly the consideration of the budget estimates, not from the most recent financial year, but the one before that, as I mentioned last week, the government is yet to advise what is happening with section 82 notices. It is unbelievable that these matters can continue to be raised week in, week out, and yet no-one within government has the decency to provide a response. As I indicated last week, the preliminary response from government was that it supported the unanimous recommendation of this committee, recommendation 2, which states —

For the occasions of non-provision of information due to legal professional privilege, commercial sensitivity or agency resourcing, the relevant Minister consider issuing a notice under section 82 of the *Financial Management Act 2006*.

The government's response was that it supported that and that ministers would follow the requirements of section 82 of the Financial Management Act 2006. Evidently, that has not happened. What is happening with this government? Section 82 requires it to provide a notice. This committee has politely drawn to its attention that the ministers should consider issuing a notice. The government supports that, but then does nothing about it. This is not the first time we have considered this report. Hon Pierre Yang has shown a great deal of interest in this matter, having spoken just moments ago. Shortly, the Committee of the Whole House will have considered this report for some two hours over a number of dates, going back to April this year. We are now in October, shortly to be in November, yet nothing is happening from this government, such is its contempt for the law of Western Australia. The law requires the government to do this. It has been drawn to its attention on multiple occasions and it shows a flagrant disregard

for it. Will there be a response from the government on this matter? Will somebody tell us whether the ministers have considered issuing a section 82 notice? Have they issued it? Are they still intending to do it? Has there been an oversight? Have the ministers simply forgotten it because they have been dealing with other so-called priorities? Whatever the reason, it needs to be provided. There is no point in this committee making a recommendation like this and the government indicating that it supports it, but then it is never implemented. That would make a farce, a mockery, of the entire committee process and, more importantly in this instance, the state of the law in Western Australia.

We will run out of time to discuss this today. In six minutes we will not be able to consider this matter any longer. The next time this matter comes up, the government ought to be well prepared and well briefed to respond to these recommendations, but, more importantly, there will be opportunities later today and tomorrow in formal business under ministerial statements to get on the record exactly what is happening with this matter. As Hon Pierre Yang has drawn to our attention, what this report also does, quite apart from highlighting that it appears on the face of it that the government has broken the law, the Financial Management Act, is set out a summary of all the agency hearings. Members will be aware that pages 17 to 28 of the report contain a substantial summary of all the hearings that took place. I draw to members' attention a couple of hearings in particular—first, the child protection hearing on 18 October 2021. A large number of matters were tackled at that hearing, but I draw a couple in particular to members' attention. At the time, the whereabouts of 82 children in the care of the CEO was in question. Their whereabouts were unknown at some point in 2020–21. I am pleased to report that the situation has significantly improved in the department of child protection because of the persistent questions on this matter. It is now the case that on any given day, a member of Parliament can ask the government whether it is aware of the whereabouts of each child in the care of the CEO and whether they have been reported to police as a missing person. That simply was not the case prior to these questions and these revelations at various agency hearings.

I also note that the Standing Committee on Estimates and Financial Operations set out in its summary that there were “stress and work conditions experienced by child protection workers”. I regret to inform the house that on this occasion, unlike the earlier point, the situation has worsened—so much so that child protection workers in Western Australia have literally marched down to the Industrial Relations Commission to see action taken on this matter. But, as usual with this government, those workers have been told to talk to the hand; the government is not interested in dealing with the stress and work conditions experienced by child protection workers. If that is not right, then somebody needs to get on the record precisely what the government is doing on this matter.

I also note that there was a WA Health hearing on 19 October, the following day. It also dealt with a large range of matters in the health portfolio. One of them, of course, was the access to data from the SafeWA app by WA police. Let us not forget that the Western Australia Police Force effectively told the Premier of Western Australia that it was disinterested in his view as to whether it would be able to access that data or not; it simply accessed it. Extra legislation had to be passed through Parliament to stop that access to information. That is precisely why the opposition was concerned last week about the Emergency Management Amendment (Temporary COVID-19 Provisions) Bill, which of course has passed and will shortly become law, proclaimed by the government—because it will allow for the police to have extraordinary powers without any ministerial or parliamentary oversight.

I also draw to members' attention that on the following day, 19 October last year, the committee had a hearing with the Department of Transport. One of the very interesting revelations there was the sheer magnitude of the time it takes for people to access a driver's licence assessment. Any member who has children of their own or concerned constituents will know that a learner driver has to wait an inordinate period of time to get a driver's licence assessment. This was apparently a revelation to the government. Shortly after the hearing, I note that the Minister for Transport took some preliminary remedial action. That seems to have been dispensed with. I know that I continue to get a lot of complaints on this matter, but, once again, the government shows no interest in these matters that affect the ordinary lives of Western Australians, particularly young people, who are trying to get their driver's licence.

I also draw to members' attention that some days later, on 21 October last year, we had a very interesting hearing with the Department of Justice. One issue we touched on in that hearing was initiatives to prevent elder abuse. I remind members once again that the government, particularly the unreliable, confused Attorney General, has not brought in the legislation that was promised more than five years ago. This particular hearing was on 21 October 2021. We are now more than a year later, and still nothing has been done to prevent elder abuse—nothing whatsoever. Again, the government shows total disregard for its commitments to the electorate. What was also interesting in this hearing was we started to unpick the legal costs associated with the infamous Crawford v Quail case, which has cost the Western Australian taxpayer, we now know, just shy of half a million dollars. Nearly \$500 000 was spent on that case, and the case has not ended. We know since then that Magistrate Crawford is taking the matter to the High Court. This is all because of the unreliable, confused Attorney General and his mismanagement of the matter. I remind members that it is still on the record that President Quail has accused Magistrate Crawford of evidence tampering and she has accused him of bullying; in the meantime, the Attorney General has done nothing about it. He refuses to do anything about it. Of course, he has not brought forward any of his legislation on judicial commissions.

**Consideration of report postponed, pursuant to standing orders.**

*Standing Committee on Procedure and Privileges — Sixty-sixth Report —  
Person referred to in the Legislative Council: Submission not considered*

Resumed from 7 April.

*Motion*

**Hon STEPHEN DAWSON:** I move —

That the report be noted.

**Hon MARTIN ALDRIDGE:** I rise to support the motion moved by the Deputy Leader of the House that the sixty-sixth report of the Standing Committee on Procedure and Privileges be noted. As members may or may not be aware, it is a fairly brief report arising from the exercise of standing order 113, which, for members' information, is the standing order relating to the protection of persons and corporations referred to in the Legislative Council.

Members will probably benefit from reading this short report, if for nothing more than to understand the operation of standing order 113 on this matter, because it is something that comes up from time to time, although it probably occurs more routinely in matters arising from proceedings in the other place than it does in this place. In this instance, a submission was made to the President in October 2021 on behalf of the Australian Christian Lobby seeking redress under standing order 113 for comments made by Hon Sandra Carr during member statements on 31 August 2021.

Members might be aware that this is effectively an issue of providing some redress to a person who is not a member of this place for something that is said in Parliament. Obviously, privilege is very important in the operations of members and of this chamber. This place and particularly the procedure and privileges committee holds the protection of privilege so dearly and upholds its precedence and its intent because, if I can put it this way, it is the sole protection that allows members to speak freely in the Legislative Council or, indeed, in any Parliament in the Westminster system.

Paragraph 1.5 of this report is important. It reads —

Although Standing Order 113 replaced the petition for relief process under former Standing Order 134, the threshold test used in that petition for relief process continues to be relevant to the adverse reference process at the stage that the PPC is required to establish what qualifies as a “*sufficiently serious*” submission. In its Report 19 (April 2010), in assessing whether to accept a petition for relief, the Environment and Public Affairs Committee noted the factors to be considered:

The report quotes that committee's report —

Petitions should only be employed as a last resort after all other avenues for redress have been exhausted. In this instance, the Committee believes that the Petitioner could have pursued other avenues to have his point of view noted, including approaching the Member directly about his concerns or requesting that another Member of Parliament speak in the House on the Petitioner's behalf.

The purpose of SO 134 is to provide some form of redress to those who have suffered some harm as a result of what has been said during proceedings in the House or a committee, but is unable to pursue any legal recourse due to parliamentary privilege. The prayer for relief petition is not, however, a means for someone to just disagree about something said in Parliament, nor is it an opportunity to debate statements made because they disagree with them or they believe they are factually incorrect.

The freedom of speech provided to Parliamentarians by Article 9 of the *Bill of Rights 1689* is a fundamental feature of Westminster parliaments, enabling Members to debate issues, consider proposed legislation, scrutinise the government's performance and raise matters of concern on behalf of constituents, without fear or favour. Any impingement on this right would be detrimental to the operation of Parliament. As such, a right of reply is not given lightly and there must be evidence of harm to warrant such a measure. The Committee notes the comment of the Standing Committee on Procedure and Privilege in its 19th Report in this regard:

*The importance of parliamentary privilege to the operation of the Parliament is such that challenges to the exercise of that right must be clearly substantiated. There could be a stifling effect on debate if members felt vulnerable and open to challenge where they offered honestly held opinions on matters of importance.*

That is quite an extensive quote from probably the most important paragraph in this very short report. I would like to bring it to the attention of members because the report goes on to say —

- 1.8 The PPC met and, pursuant to paragraph (2) of Standing Order 113, decided not to consider the submissions referred to it as it considered that the subject of the submissions was not sufficiently serious and did not demonstrate that there has been an adverse impact caused as a result of statements made in the House. The PPC notes the relevance of the 2010 comments of the Environment and Public Affairs Committee set out above.

I will make some general comments about the operations of standing order 113. There is always a balance between members freely exercising their right to speak in this place with the protection of parliamentary privilege, which should come with a degree of responsibility and caution, and the need to provide some recourse when something has been said that materially or adversely has an impact on another and this is the only opportunity the other party has to seek recourse. It is often the case that a member might have said something that is materially incorrect. As I said, this situation does not often arise, but at least one submission has been made under standing order 113 in each of the three forms of the Standing Committee on Procedure and Privileges that I have been involved with in the last three Parliaments, including this one.

I reflect on the extensive quote that I just read from paragraph 1.5. The approach that has generally been taken by the Standing Committee on Procedure and Privileges and its previous forms is to encourage a person who has been adversely impacted by something said in Parliament to seek redress directly. That might mean bringing to the attention of the member who has said something the extent to which their statement is incorrect and providing the member an opportunity to stand and correct the record if they feel that is the right course of action for them. It would be problematic if the President referred matters in accordance with standing order 113 more routinely or more regularly than has been the case.

Obviously, things can be said and done by all of us, perhaps in good faith, but those statements may be incorrect and could have an adverse impact on the person or organisation referred to. The Standing Committee on Procedure and Privileges' approach over time has been a wise one; whenever possible, it has always been to encourage the person making the submission to have some form of direct communication with the member to whom their complaint relates. I am speaking generally about the operation of standing order 113 and not necessarily about the specific circumstances that the sixty-sixth report relates to, but I think that this approach, which has been taken for some time, is an appropriate approach for people considering exercising their rights under standing order 113.

The other thing I want to draw members' attention to is a brochure that is available from the Legislative Council office. Three brochures are available to the public from the office, which is just outside the doors of this chamber. This one relates to the protection of persons and corporations referred to in the Legislative Council. It quite succinctly sets out the background to standing order 113 and the rights that persons or organisations have to exercise redress under standing order 113. It also sets out the process that is taken and the criteria that the President and the Standing Committee on Procedure and Privileges consider if a matter is referred to the committee by the President.

With those words, I support the motion that the report be noted.

#### **Question put and passed.**

*Joint Standing Committee on the Commissioner for Children and Young People —  
First Report — Annual report 2020–2021 — Motion*

Resumed from 11 May on the following motion moved by Hon Kyle McGinn —

That the report be noted.

**Hon KYLE MCGINN:** Thank you. That is my comment.

**Hon SANDRA CARR:** I rise to comment on the Joint Standing Committee on the Commissioner for Children and Young People's first report, *Annual report 2020–2021*.

First, I note that the report spans both the fortieth and the forty-first Parliaments. Some of the activities of the committee reflect the change of members as a result of the 2021 state election. At the commencement of the forty-first Parliament, the committee comprised four new members; consequently, the report notes that some of the activities of the committee entailed a briefing from the then Commissioner for Children and Young People, Mr Colin Pettit, who was outlining his recent outgoing work. Significantly, this briefing occurred on 23 June 2021. That is an important date because it was my birthday. It is very important to get certain things on the record, so we had better note that one! Briefing new members is obviously an important part of the work of the committee. New members must be well aware and well informed about the role of the commissioner. They must understand the commission's current and ongoing work to ensure that what they are doing is well informed and continues and progresses the work of the previous committee.

The report notes that the fortieth Parliament conducted an inquiry into child safety, and its report *From words to action: Fulfilling the obligation to be child safe* was tabled on 13 August 2020. I will return to that report in a moment, but I will just mention that 19 recommendations were made in that report, of which 10 were accepted by the government and nine were accepted in principle. I will have a little bit more to say about that in a moment.

First, I would like to go to another report that was also tabled during the fortieth Parliament: *In their own voice: The participation of children and young people in parliamentary proceedings*, which the committee tabled on 16 November 2020. The committee delivered an important report because it considered the role of a quarter of our population, the 25 per cent of the Western Australia population who are under the age of 18. I spoke a while ago about ensuring that we value, listen and include the voices of young people and that we do that in all aspects of life. It is particularly pertinent in political life and political participation. When I spoke about it last time, I think I gave the example of working in a school that was commencing the process of employing a new school principal.

The school staff had been asked questions about what the principal should look like, but it bothered me greatly that it was not a question that was put to the students, who would be most impacted by that employment. As various students came through my classroom door—usually around 120 students on any given day—I surveyed the students to ask them their thoughts about the kind of school principal they felt they needed. We developed a collection of core ideas and needs that they identified, and we presented that to the then Catholic Education Office of Western Australia, which I was working for. We presented that information to the CEO who was working for Catholic Education WA at the time, and that body used that to help it inform its decision about the kind of principal that the students identified would have value for them. I think that is what is summed up in the report and the work of the committee. It is about endeavouring to give agency to young people and making sure their voices are included.

The report that the committee refers to in its annual report covers some more serious and more contextual issues around giving agency to young people, but there are lots of other ways that it identifies that it is done. More recently, I was invited to speak to a group of students from Nagle Catholic College about what the life of a politician is like. I spoke to them about the role of an upper house member. I invited that group to ask me anything. The things that they chose to ask me were very pertinent questions about the governance of their everyday lives—things about roads and power. I give full credit to the teachers of that year 9 group because those students were essentially lobbying me at the time and asking follow-up questions, such as how to get Western Power to remove fallen power poles from their block. Those students were really proactive, and I think that is a good indication of the value of the work that the committee is telling us in the annual report it has done. It is telling us how important it is to listen to young people's voices, how their voices are very well informed and have great value, and increase in value when we give them the precedence, the importance and the hearing that they truly deserve.

We also saw that happening recently in the WA Youth Parliament. I met one of the young people participating in the Youth Parliament. A young lady by the name of Paris McNeil came and introduced herself to me. Then later, she utilised that connection she developed. She is a final year law student at Curtin University. She contacted me and approached me as part of the WA Justice Association to discuss some core issues that it was concerned about. She also took the opportunity as we were walking past to meet the Attorney General to discuss some of the work that he was doing. I think that is a really great reflection of the work of the committee and brings to the fore the importance of valuing and listening to young people's voices, and that is reflected in the report that the committee delivered.

Page 2 of the committee's report notes some of the work in progress. One of the things that it notes in the foreword of that report is the follow-up that it plans to do. I think that is a particularly important note, because one of the wicked problems of our democracy is that we operate in four-year terms and things constantly change and the group of decision-makers constantly changes. But one of the good things that this committee identified is the important value of committee work in that it continues and follows similar parameters and it can follow up on the work of previous committees. That is exactly what the committee indicated that it would do. In particular, it identified the need to follow up on the appointment of a commissioner for Aboriginal children and young people and the establishment of an oversight body to enforce the national principles of child safety, which are the principles that underpinned the inquiry that resulted in the report *From words to action: Fulfilling the obligation to be child safe*.

As a result, we have seen that the committee is following up and continuing that work and addressing those wicked problems of changing governments and changing committee members. The committee informs itself and follows up, and people from the various parties form that committee. We see now the appointment of WA's first Indigenous woman as Commissioner for Children and Young People in Jacqueline McGowan-Jones, who replaced Colin Pettit on 4 January this year. This woman has a strong background in advocacy for the rights of young people to be heard and has experience working with the Commissioner for Children and Young People through her membership of the youth justice reference group. There are some good developments happening there.

I will note one final one. Simone McGurk released a statement on the weekend about the committee's commitment to following up on the national principles for child safety. On the weekend, Simone McGurk made an announcement that coincided with Children's Week 2022 about the implementation of the national principles for child safe organisations and that we are making child safety a priority. Those 10 principles identified by the committee as part of its foreword in the *From words to action* report have been committed to at national, state and territory levels across Australia. Minister McGurk said in the statement —

“The State Government is committed to supporting the development of child safe organisations.

I think that is a good indictment and a reflection of the work the committee has done and reported on. Even with a changing membership and four new members, the committee reflected on the work, had the briefings and has been well informed about the ongoing goals and work of the commission. The committee has made its own commitment to follow up on the previous inquiries of the committee and the previous work and reports of the committee. It is doing so in a way whereby we can see genuine action and change taking place and the implementation of those national standards that underpin child safety in our state, as we have seen as recently as Saturday, 22 October, with that announcement delivered by Minister McGurk. I commend the committee for its work and it is great to see it reflected in its annual report.

**Question put and passed.**

*Standing Committee on Public Administration — Thirty-seventh Report —  
Delivery of ambulance services in Western Australia: Critical condition*

Resumed from 19 May.

*Motion*

**Hon PIERRE YANG:** I move —

That the report be noted.

It gives me great pleasure to speak on this very important report that was delivered by the Standing Committee on Public Administration. The inquiry report looked into ambulance delivery in Western Australia. If members recall, on behalf of the committee, I tabled the terms of reference for this inquiry back in the early part of 2021. The committee started its process to look into a very important part of the health service provided by the state—that is, ambulance service delivery.

As we know, in all other states, ambulances are delivered as part of the public service. The only state that has a private provider delivering an essential health service is Western Australia. The only other jurisdiction that has a private provider delivering its ambulance service is the Northern Territory. I must say that the committee embarked on a very meaningful process. I acknowledge Hon Colin de Grussa as deputy chair, Hon Darren West—who has been a member of this very important committee for some time, and I benefited greatly from his counsel and guidance about the process—Hon Sandra Carr and Hon Wilson Tucker. The committee was ably supported by the advisory officer, Mr Ben King, and the research officer, Ms Amanda Gillingham, and the committee clerk, Ms Gemma Grayson. The committee began its process just before the winter recess in 2021 and concluded its process and delivered its report before the winter recess this year.

The committee indicates in its report that we conducted site visits. One of our initial steps was to visit the St John Ambulance state operations centre. I recall that that visit was very informative. All the committee members attended that centre one morning, and we were able to observe firsthand how calls for ambulance services were received, assessed, dispatched and followed up. The committee also conducted a number of ambulance ride-outs. When we had finished our sitting of Parliament, different groups of committee members joined St John Ambulance paramedics on a number of routes. My group visited Fiona Stanley Hospital and Joondalup Health Campus. We also briefly visited Royal Perth Hospital. We had many conversations with paramedics at the coalface of this very important service delivery for Western Australia. That was again a very informative process.

At this point, on behalf of the committee members, I want to wholeheartedly express our appreciation to our paramedics, communications officers, volunteer ambulance officers and all support personnel, both paid and volunteer, for their contribution and effort in delivering ambulance services to Western Australians. I thank them for their contribution. As we know, Western Australia is the largest state in Australia. It makes up one-third of the Australian continent. Western Australia is also one of the largest geographic jurisdictions in the world. Some members of our population live in very remote parts of this state. All Western Australians deserve the delivery of this essential service. It is always important to recognise our beloved paramedics, communications officers, volunteer ambulance officers and all support personnel for their contribution. The sheer size of Western Australia means that some parts of this state would not have an ambulance service were it not for those people. We should always recognise and acknowledge their contribution. When members come across a paramedic or a volunteer at a community event, they should make sure they go to them and say, “Thank you for your service to our community.”

I wish to continue by outlining the other tasks that the committee members conducted. The committee also visited Karratha, Wickham, Geraldton, Mullewa, Mingenew, Midland, Goomalling, Toodyay, Williams and Bunbury. I was very much looking forward to these visits to regional Western Australia. However, unfortunately I had a medical episode caused by doing too many sit-ups on a hard surface.

**Hon Stephen Dawson:** Show off!

**Hon PIERRE YANG:** Do not do the same, please, minister! It was not fun. It was definitely not that many sit-ups. The problem was the hard surface. I damaged my spine and was unable to get on my feet for almost a week. I say to anyone who is thinking of doing sit-ups the traditional way, please do some research before you do that, because it is not fun to have your soleus muscles damaged. I was able to join the committee for its visits to Midland, Goomalling, Toodyay, Williams and Bunbury. I want to thank my fellow committee members for their contribution while I was temporarily incapacitated. I really enjoyed my visits to those regional centres. I learnt a lot. I found that the people who are based in those centres, and also those who are based at the Midland depot, have the best interests of Western Australia at heart.

**Hon DARREN WEST:** I concur with the comments of Hon Pierre Yang on the thirty-seventh report of the Standing Committee on Public Administration.

As members know, it is not always easy to be a member of Parliament. That has been the case especially over the last few years. People have pretty strong views about the things that we should or should not be doing. We see

people every day who are not always positive towards us. However, one of the great upsides of being a member of Parliament is that we can involve ourselves in exercises that can create great change. This report is one of those things. I have been a member of the public administration committee for two terms previous to this, and now also in this term. I have served on that committee under chairs Liz Behjat and Adele Farina, and now under this fine chair, Hon Pierre Yang.

The public administration committee has done some great work, but this report is the pinnacle of what we have been able to achieve. This report is titled *Delivery of ambulance services in Western Australia: Critical condition*. Everybody knows that our health system and our hospital emergency departments are under tremendous pressure. There is a range of reasons for that, notwithstanding the COVID pandemic, such as lack of access to bulk-billing doctors and a general trend of increased emergency department presentations. The ambulance service is wrapped up in that.

When the committee announced the terms of reference for this inquiry, we received criticism along the lines that this is just an opportunity for the government to bring ambulance services back into public hands. That was an unfair assessment. The report has shown that there are glaring deficiencies in the provision of ambulance services, and that these deficiencies are separate from those facing the wider health system.

This report is very extensive. It outlines the need for improvement in the areas of transparency and oversight, and improvement for the very unhappy workforce. St John Ambulance also has a board and management structure that is not very contemporary. However, I am sure that as a result of this report, it will become more contemporary over time. I will leave those remarks there for the time being, but I think we will be able to enact some great change with this work.

The committee is a fairly eclectic mix of Legislative Councillors; it is chaired by Hon Pierre Yang and has Hon Colin de Grussa as deputy chair, and Hon Sandra Carr, Hon Wilson Tucker and me as members. The committee was unanimous in its findings, which was befitting of the task that it had been asked to do by this chamber. As Hon Pierre Yang said, we had some great staff support from Ben King, the legal advisory officer; Amanda Gillingham, who is a very experienced member of the Legislative Council committee team; and Jemma Grayson, whom members will see wandering around this chamber from time to time and who worked with us as committee clerk. They helped pull together a very extensive list of hearings and submissions, as well as the hours and hours of assessment and deliberation on them.

We had hearings with many organisations—St John Ambulance WA and the Department of Health on multiple occasions—and others, such as paramedics and people who run local substations. We learnt a lot about the operation and culture of the St John Ambulance service. Members may not be aware that Western Australia is unique in that it is the only state that outsources its ambulance services. The Northern Territory also does that, but I do not count it as a state, even though that might be the view of the Northern Territory! Western Australia is also the only state that has no oversight of its ambulance service equivalent to oversight by the Corruption and Crime Commission. Extensive public funds are provided to St John Ambulance to help it provide that service every year, but there is absolutely no CCC or equivalent oversight of that organisation. That has led to some glaring issues, which we were able to deal with in some detail.

We had heard that there were some cultural issues around the happiness of staff and that paramedics and some volunteers do not always feel valued by the organisation. Some work had been done a few years earlier to try to address that, and some of those steps have been positive. There was also an issue concerning a person up in my neck of the woods, in Toodyay. Charlie Roth, who had been a member of the service for many years, had his tenure as chair of his local subcentre terminated abruptly over some comments that he had made. I thought it was very unfair that someone who had given so much to his community had his tenure end in that way, and we investigated that as part of this report. There is some information in the report around that. I know his family well. Mr Roth and his family deeply appreciated the work that we did in investigating the circumstances around the end of his time at St John's. He continues to be engaged in his community through the fire and rescue service and others. We found that St John Ambulance was not a particularly happy place. We found that there were always issues with meeting the targets and key performance indicators around the timeliness of taking calls and responding to them, and the practices that had emerged to do that. We found that ramping hours were extensive.

There is a different model in the regions compared with the metro area. Everyone in the metro area is a paid paramedic. We found that there were times when volunteers would bring patients to Perth so that they could be taken over by paramedics and the volunteers could return home, but that did not always occur. Our regional volunteers are a special kind of person. They work in a very difficult environment in which they often know, often quite well, the patients they are attending. They attend motor vehicle accidents where they will know the people in that car. They attend all kinds of scenes where they know the people involved. To do that as a volunteer adds an extra layer of difficulty to this task. We looked at other states where this is not the case. In fact, the Queensland model is completely funded by the taxpayer; it is run out of the health system and the ambulances are free. I note that a petition is circulating from the Country Women's Association of WA calling for free ambulances. I thought that was quite timely. I appreciate the great work of the CWA in following up this issue, because it backs nicely onto our inquiry,

which found that our privatised or outsourced service needs to be cleaned up; and, if it cannot be cleaned up, we need to perhaps look at getting an alternative provider or maybe even falling into line with all other states and providing that service through public funding mechanisms. Let us see what happens over the next five years.

I am sure everyone will agree that this is an outstanding piece of work. I was heartened by the government's response to the report, and I thank the Minister for Health for following it up and generally being in agreement with a lot of the findings and recommendations that we put forward.

I will take the last few seconds of my time to thank all the paramedics, admin, call takers and volunteers across the regions—anybody who has been associated in any way with the St John Ambulance service. We admire and appreciate all those people, especially in our regional communities, where I operate, because they do it out of the goodness of their heart. They do it because we need a service, and there is no way to provide that service without volunteers. That is a key point in this report and something that I would like to take up the next time we debate it.

**Hon MARTIN ALDRIDGE:** I rise to contribute to the motion that we note the thirty-seventh report of the Standing Committee on Public Administration entitled *Delivery of ambulance services in Western Australia: Critical condition*, which was presented to the Legislative Council in May this year.

**Consideration of report adjourned, pursuant to standing orders.**

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

### DUTIES AMENDMENT (FARM-IN AGREEMENTS) BILL 2022

#### *Committee*

Resumed from 25 October. The Deputy Chair of Committees (Hon Jackie Jarvis) in the chair; Hon Stephen Dawson (Minister for Emergency Services) in charge of the bill.

**Clause 8: Chapter 2 Part 5 Division 9 inserted —**

Progress was reported after the clause had been partly considered.

**Hon STEPHEN DAWSON:** When we finished the debate yesterday, a couple of questions were left unanswered. I want to place those answers on the record. Hon Dr Steve Thomas referred to the definition of an exploration requirement under proposed section 91N(1) and asked whether proposed paragraphs (a) and (b) were separated by either an “and” or an “or”. The lead-in paragraph at proposed subsection (1) states that an exploration requirement is a requirement to do either or both of the things listed in proposed paragraphs (a) and (b). Effectively, both “and” and “or” can be read between proposed paragraphs (a) and (b).

**Hon Dr Steve Thomas:** So they do not put in “and” or “or”, but leave it blank?

**Hon STEPHEN DAWSON:** Yes. The member also asked whether under proposed section 91N(1) an exploration requirement will permit someone to provide a service rather than simply pay an amount. The exploration amount may be expressed as a non-monetary obligation to be fulfilled by the farmee to carry out exploration rather than spending an amount of money. For example, an agreement may require the farmee to achieve an identified outcome or milestone in order to earn the interest in the tenement, such as drilling to a certain depth or producing a bankable feasibility study. Section 13 of the act does not apply to this type of agreement because it requires the farmee to spend the exploration amount specified in the agreement. This, too, is inconsistent with the commissioner's assessing practice, which has been to allow the concession in these circumstances.

**Hon Dr STEVE THOMAS:** I thank the minister. When I have a chance to read the advisory documents, that will also provide a further explanation of the obligation, or potential splitting, of an exploration amount and exploration activity. I appreciate the minister refining that definition.

I will continue on proposed section 91N. I am sorry, but this is complicated. Proposed section 91N(2) states —

In subsection (1)(a) and (b), references to exploration are to —

This goes back to the definition of a “farm-in agreement” under proposed section 91M, which is fine. Proposed section 91N(2)(b) states —

in relation to exploration of a relevant derivative mining right, exploration that consists only of either or both of the following —

- (i) mining that is authorised by the relevant derivative mining right;

If we read the legislation from proposed section 91N(2), it states that references to exploration can include references to mining. I thought that the act of mining itself was precluded. That might be the just the nomenclature that is required by the legal people, but it did not appear to make sense to me when I read it.

**Hon STEPHEN DAWSON:** I am told that the definition of “mining” is broad and includes exploration on a mining tenement.

**Hon Dr STEVE THOMAS:** Okay. This bill is a complicated process. Is there a possibility that at some point someone will read this when it is an act and believe that it includes mining? I wonder why “exploration” is not

specified. I accept that mining could include exploration as a broad term, but the point of the bill is that it is focused on exploration and precludes the act of mining. In other parts of the bill we talk about mining being precluded from the duty concession for farm-in agreements. Perhaps this is asking for an opinion, but could it be interpreted in that way or is there a definition in an act that would preclude that?

**Hon STEPHEN DAWSON:** The act will need to be read as a whole. It is clear in other provisions that the concession is applicable only to exploration. If the member looks at the preliminary words in proposed section 91N(2)(b), he will see that it is constrained by the reference to exploration. The member will see that it says exploration, and that is the limitation.

**Hon Dr STEVE THOMAS:** Legislation often appears wordy or difficult, but I will take the minister's word for that. I want to jump to proposed section 91N(6). Proposed subsection (6) is the primary provision—correct me if I am wrong—about the administration of administrative costs. Proposed section 91N(6) states —

The Commissioner may, in relation to an agreement, allow expenditure on administrative costs that would not otherwise be regarded as expenditure on exploration for the purposes of this section to be so regarded, subject to any limits or other conditions imposed by the Commissioner.

Again, the document the minister tabled yesterday has more detail on that, which is good. Can the minister can give us a view on what the limits or conditions imposed on the administrative costs might be? I will come back to the 20 per cent rule, which is in the documentation in the commissioner's assessing practice guide.

**Hon STEPHEN DAWSON:** The commissioner will generally accept costs as exploration costs if they can be included for the purposes of determining whether the expenditure commitment under the Mining Act 1978 is met. On that basis, the commissioner will consider that the administration costs are for exploration expenditure, provided they do not exceed 20 per cent of the exploration amount. The commissioner's assessing practice will be published to provide further guidance on how the discretion will be exercised. RevenueWA has provided the draft practice to industry bodies for comment before it is finalised.

**Hon Dr STEVE THOMAS:** I thank the minister. I thought that would be the case. The draft *Commissioner's practice DA 54.0* itemises the 20 per cent interest. Interestingly, that seems to indicate that if the commissioner is satisfied that the total spend on exploration, including those administration costs, is the exploration amount or more, the commissioner will allow up to 20 per cent of that exploration amount to be spent on administration. If the administration costs are greater than 20 per cent—I think this is the right thing to do—and the farmee has spent at least 80 per cent of the exploration amount, not including the administrative costs, I presume that the commissioner's practice assumes that 20 per cent was spent on administration costs, but if the farmee spent more than that, the farmee would get only 20 per cent of the original farm-in agreement. Additional expenditure does not necessarily mean that the commissioner will tick off on the additional administration costs. That is how I read that particular advice. Hopefully, that is right. It is actually a sensible outcome. I want to get that on the record without necessarily having a reply from the minister.

How was the 20 per cent amount picked? Is that an average amount that we have been looking at? What this provision does sounds pretty reasonable. Twenty per cent of a \$1 000 farm-in agreement is not much, but 20 per cent of a \$5 million agreement is pretty significant. Was a sliding scale looked at and thought to be too difficult to use?

**Hon STEPHEN DAWSON:** The 20 per cent amount is what the Department of Mines, Industry Regulation and Safety currently accepts under the Mining Act. I go back to the member's earlier comments and remind him again that the publication is still a draft and may not be implemented as written.

**Hon Dr Steve Thomas:** That is fair enough too, sorry.

**The DEPUTY CHAIR:** Leader of the Opposition.

**Hon Dr STEVE THOMAS:** I have done the wrong thing and spoken while sitting down. Yes, it is absolutely a draft, but having read it, it looks like a reasonable outcome. That has dealt with proposed section 91N. Unfortunately, a lot of things here are quite complicated. I will jump to proposed section 91P(1) on page 17 that states —

Nominal duty is chargeable on a concessional farm-in transaction if there is not, and will not be, any consideration for the concessional farm-in transaction.

I presume that means not that there is not an exploration amount, but as long as there is no charge for the actual farm-in agreement itself then—we are not talking about what has to be spent, but actually the farm-in agreement stuff.

**Hon Stephen Dawson:** By way of interjection, the answer is yes.

**Hon Dr STEVE THOMAS:** I will tick that one off, thank you very much. I move to proposed section 91P(3) —

Nominal duty is chargeable on all of the concessional farm-in transactions taken together as if they were a single dutiable transaction.

Apart from being common sense, it seems to push all potential farm-in agreements into a single farm-in agreement. As we debated yesterday—it feels like a week ago—a farmor can have multiple farm-in agreements. I assume this

means that it does not matter how many multiple farm-in agreements a farmor might put in place, they are looking at one \$20 fee for that process. If that is true, would it not be simpler to have a general recommendation that a person roll in as many farm-in agreements as they possibly can into the one agreement, or does that make the paperwork too complicated?

**Hon STEPHEN DAWSON:** One overall amount of money is paid. A farm-in agreement is the overall document. It might have different transactions on numerous stages, but there is only one \$20 payment.

**Hon Dr STEVE THOMAS:** That makes sense. Does that not apply then to separate farm-in agreements that one farmor might have with a number of farmees? It has to be in the same contract.

**Hon STEPHEN DAWSON:** It has to be in the same farm-in agreement.

**Hon Dr STEVE THOMAS:** I refer to proposed section 91P(5) —

Duty is not chargeable on a concessional farm-in transaction if —

- (a) apart from this subsection, the concessional farm-in transaction would be chargeable with nominal duty;

Proposed subsection (5) seems to indicate that duty is not chargeable if the concessional farm-in transaction is be chargeable with a nominal duty. It is odd that it reads like it is not chargeable on the one hand, but it has a nominal charge on the other. It might again be a wording issue for the lawyers.

**Hon STEPHEN DAWSON:** Proposed subsection (5) ensures that nominal duty does not also apply to the concessional farm-in transactions for which there is no consideration if the farm-in agreement contains other farm-in transactions to which the general rate of duty applies.

**Hon Dr STEVE THOMAS:** I might be generous to the minister and let him get through clause 8 today. I jump to page 29, proposed section 91U. I am interested in the interaction between farm-in transactions and prospecting licences. Prospecting is an interesting part of the component. Can the minister start with a very brief overview of the interaction between prospecting licences and how they are caught under the farm-in transactions legislation?

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

## QUESTIONS WITHOUT NOTICE

### CONSUMER PRICE INDEX — ELECTRICITY SUBINDEX

**1032. Hon Dr STEVE THOMAS to the minister representing the Treasurer:**

I refer to today's consumer price index release from the Australian Bureau of Statistics that shows that Perth's CPI has increased six per cent year on year to the September quarter.

- (1) What impact has the household electricity credit had on the electricity subindex for Perth's CPI figures?
- (2) If the electricity subindex was excluded from the September quarters figures, as per the CPI figure contained in the *Annual report on state finances*, what would the revised CPI rate for Perth be?

**Hon STEPHEN DAWSON replied:**

I thank the Leader of the Opposition for some notice of the question. The following answer is provided on behalf of the Treasurer.

- (1) Electricity prices fell by 84.3 per cent in Perth for the September 2022 quarter, due to the \$400 household electricity credit provided by the McGowan government. I note that the Leader of the Liberal Party labelled the household electricity credit a "bribe" and a "sugar hit".
- (2) In the September 2022 quarter, Perth's consumer price index decreased by 0.5 per cent—the only capital city in the country to record a decline. If electricity were excluded, Perth's CPI would be 1.7 per cent—still the lowest of all capital cities and below the national average.

### FINANCIAL MANAGEMENT ACT — SPECIAL PURPOSE ACCOUNTS

**1033. Hon Dr STEVE THOMAS to the minister representing the Treasurer:**

I refer to the proliferation of special purpose accounts under the McGowan Labor government.

- (1) What criteria are applicable to the legitimate creation of a special purpose account?
- (2) Who has oversight in determining the criteria?
- (3) Are the criteria reviewable; and, if so, who reviews the criteria?
- (4) Will the minister table the criteria that apply to the creation of special purpose accounts; and, if not, why not?

**Hon STEPHEN DAWSON replied:**

I thank the Leader of the Opposition again for some notice of the question. The following answer is provided on behalf of the Treasurer.

- (1) Special purpose accounts—SPAs—are established under sections 10 and 16 of the Financial Management Act 2006. SPAs are established when the government determines that an SPA shall be created. That may be due to a legislated requirement for an account—for example, the royalties for regions fund—or an operational need for a new account; for example, an agency operating account.
- (2) Approval is at the discretion of the Treasurer.
- (3) Accounts established by legislation are governed by the relevant provisions of the statute, while accounts that are administratively established are governed by a special purpose statement that outlines its purpose. All such accounts are subject to the requirements of section 10 or 16 of the FMA and *Treasurer's instruction 802 — Special purpose statements and trust statements*.
- (4) See (1).

## GOVERNMENT INFORMATION TECHNOLOGY — CYBER ATTACKS

**1034. Hon TJORN SIBMA to the Minister for Innovation and ICT:**

I refer to the state government's cybersecurity policies and capability in the wake of cyber attacks on Optus and Medibank. What is the state government doing to maintain the integrity of its own systems and to protect the data, including the private details of Western Australian residents, it collects?

**Hon STEPHEN DAWSON replied:**

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

The state government has taken a number of steps to improve the capability and capacity of the Western Australian public sector to maintain the integrity of its systems and to protect its data, including but not limited to developing and implementing the WA government's cybersecurity policy, which sets out clear obligations for WA public sector entities, as well as the requirement to periodically report on the progress being made by agencies to implement the policy; the establishment of the WA government's Cyber Security Operations Centre to detect, protect and respond to cyberthreats across the public sector; the establishment of the WA government's cybersecurity incident response coordination framework to ensure that the public sector can appropriately respond to cyber incidents; allocating additional resources to the Office of Digital Government to deliver cybersecurity uplift initiatives, including providing technical cybersecurity services to WA public sector entities and facilitating cybersecurity awareness training; working in an effective partnership with commonwealth government agencies as part of the WA government's active participation in national cybersecurity incident response arrangements; implementing the WA government information classification policy, which requires WA public sector entities to identify risks and apply appropriate controls to protect, store and share their information assets; and contributing funding to the Cyber Security Cooperative Research Centre at Edith Cowan University to develop innovative approaches to counter emerging cyberthreats.

## PUBLIC TRUSTEE — FEES

**1035. Hon NICK GOIRAN to the parliamentary secretary representing the Attorney General:**

I refer to the concerns of the Joint Standing Committee on Delegated Legislation regarding the Public Trustee's scale of fees for 2022–23 and the advice to the house on 20 October 2022 that the concerns had been satisfied.

- (1) Did the Attorney General, the Department of the Attorney General or the Public Trustee provide any information to the joint standing committee in relation to those concerns?
- (2) If yes to (1), was any person commissioned with the task of ensuring that no information provided was at odds with the damning findings of the Auditor General in the performance audit of 10 August 2022?
- (3) If no to (2), why not?
- (4) If yes to (2), who was given that task?

**Hon MATTHEW SWINBOURN replied:**

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

- (1)–(4) In relation to the Public Trustee's scale of fees for 2022–23, the Joint Standing Committee on Delegated Legislation corresponded with the Attorney General about a typographical error. An undertaking was given to the committee to correct this typographical error. The Public Trustee advises that this typographical error will not have an impact on clients. I direct the member to the committee's departmental undertakings document published on the Parliament's website, which is current as of 21 September 2022. I table the document to assist the member.

[See paper [1772](#).]

## WA COUNTRY HEALTH SERVICE — OCCUPATIONAL THERAPISTS

**1036. Hon DONNA FARAGHER to the Leader of the House representing the Minister for Health:**

I refer to child development services delivered by the WA Country Health Service throughout regional Western Australia. How many children are currently on the waiting list to access an occupational therapist via WACHS?

**Hon SUE ELLERY replied:**

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

The answer is 908 children.

## POLICE — SWORN OFFICERS

**1037. Hon PETER COLLIER to the minister representing the Minister for Police:**

How many police officer resignations were there in each of the following months of 2022: June, July, August and September?

**Hon STEPHEN DAWSON replied:**

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

This question has been asked by the honourable member as part of question on notice 1001, and an answer will be provided in response to the question on notice.

## PUBLIC SECTOR — WAGES

**1038. Hon Dr BRAD PETTITT to the minister representing the Treasurer:**

When can public sector workers expect an offer for their pay and conditions that will keep them in the crucial jobs needed to power Western Australia now and into the future?

**Hon STEPHEN DAWSON replied:**

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

The McGowan government continues to listen to workers and unions as bargaining negotiations continue. Western Australia's public sector wages offer is more generous than other Australian states, including New South Wales and Victoria, where the cost of living is significantly higher. It includes a one-off \$3 000 cost-of-living payment, in addition to increases of \$3 120 or three per cent, whichever is higher. It applies to more than 150 000 public sector workers, with the shift away from the previous \$1 000 wages policy costing more than \$3.3 billion. It is crucial that the state continues to have the capacity to respond to future events, including a potential global recession, which would have significant ramifications.

## LAND AND PUBLIC WORKS LEGISLATION AMENDMENT BILL 2022

**1039. Hon WILSON TUCKER to the Leader of the House representing the Minister for Lands:**

I refer to the proposed Land and Public Works Legislation Amendment Bill 2022.

- (1) What actions, if any, is the government taking to address the apparent misuse of section 91 licences under the Land Administration Act 1997?
- (2) Does the government plan to compulsorily acquire land or approve proposed diversification leases that are on or connected with, or may be connected with, native title lands?
- (3) What safeguards will the government create to prevent the misuse of the ministerial discretion proposed in legislative amendments to the Land Administration Act 1997, and, in particular, how will the government protect the rights of pastoralists, traditional owners, farmers and local communities?

**The PRESIDENT:** That is a rather extensive question, honourable member. We will see whether the Leader of the House is able to provide an answer.

**Hon SUE ELLERY replied:**

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

- (1)–(3) Proposed amendments to the Land Administration Act 1997 have been developed with stakeholders over a number of years, with final consultation closing on Friday, 21 October. It is the expectation of the McGowan government that any party interested in a proposed diversification lease seeks to first enter into an Indigenous land use agreement with the native title holders when native title rights and interests exist.

## DRUG AND PILL TESTING SERVICE

**1040. Hon SOPHIA MOERMOND to the Leader of the House representing the Minister for Health:**

I refer to the recent discovery of a new drug in Canberra—CanKet—through the Australian Capital Territory’s drug and pill testing service.

- (1) Has the drug been detected in WA; and, if so, how?
- (2) Does the government plan to introduce a drug and pill testing service in Western Australia?

**Hon SUE ELLERY replied:**

I thank the honourable member for some notice of the question. Please forgive my pronunciation of the word that I am about to try to say.

- (1) A white powder that was submitted for routine drug analysis by the Western Australia Police Force has tentatively been identified by the ChemCentre as the 2-fluoro isomer—identical molecular formulae—of fluorexetamine. Fluorexetamine has recently been referred to as CanKet. Due to the similarities of the two compounds, further analysis is required to make an unequivocal identification.
- (2) The McGowan government continues to monitor current drug checking programs in New Zealand, Canberra and globally as part of the Overdose Strategy Group and Emerging Drug Network of Australia—EDNA. There is no intention to introduce a drug and pill testing service in Western Australia.

EMERGENCY MANAGEMENT AMENDMENT  
(TEMPORARY COVID-19 PROVISIONS) ACT — GAZETTAL

**1041. Hon Dr BRIAN WALKER to the Minister for Emergency Services:**

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

- (1) Has this urgent act been gazetted; and, if not, why not?
- (2) If not, when is it anticipated that it will be gazetted?
- (3) Given that there have been two editions of the *Government Gazette* since the bill received royal assent, does the government still maintain that this is an urgent piece of legislation?

**Hon STEPHEN DAWSON replied:**

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

- (1) No. Part 1 of the Emergency Management Amendment (Temporary COVID-19 Provisions) Act 2022 commenced operation on royal assent on 21 October 2022. Part 2 of the reforms, which includes provisions for the temporary scheme for the management of COVID-19, will commence by proclamation. The timing of its introduction will coincide with the commencement of a package of consequential amendments to subsidiary legislation across the ministerial portfolios of emergency services, local government, and planning and transport.
- (2) It is anticipated that the commencement proclamation and package of consequential amendments to subsidiary legislation will be published in the *Government Gazette* in the week of 31 October 2022.
- (3) Yes.

FIRE AND EMERGENCY SERVICES — TECHNICIANS AND CONTRACTORS

**1042. Hon MARTIN ALDRIDGE to the Minister for Emergency Services:**

I refer to a rumour on the 6PR “Rumour File” on 20 October 2022 that stated just two mechanics were available to service the Department of Fire and Emergency Services fleet ahead of the southern fire season.

- (1) How many technicians by FTE are employed in the plant and equipment portfolio within the Department of Fire and Emergency Services?
- (2) Of those identified in (1), how many technicians are presently available to be rostered?
- (3) Since 1 January 2022, what is the total cost spent by DFES on engaging interstate or external contractors to provide services normally provided through the plant and equipment portfolio?

**Hon STEPHEN DAWSON replied:**

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

- (1) There are eight FTE.
- (2) There are eight FTE.

- (3) The total cost spent on interstate technicians from 1 January to 26 October 2022 is \$169 152.50. The total cost spent on external contractors from 1 January to 26 October 2022 is \$350 607.98. These amounts include work that DFES plant and equipment services would normally have performed by external contractors.

LANDGATE OFFICES — SALE

**1043. Hon NEIL THOMSON to the minister representing the Minister for Finance:**

I refer to the Midland Landgate building sale, which the Minister for Lands, John Carey, MLA, described in March 2022 as a fantastic outcome.

- (1) Why was the lowest value scenario used in the sale of the Midland Landgate building when the building was already tenanted by the state government?
- (2) What is the minister doing to review the transaction, given the information provided by Hamish Hastie on WAtoday?
- (3) Will the minister also seek a review of market-led proposals more broadly to ensure governance can be improved?

**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 Finance.

- (1)–(3) The sale of Landgate was an open market process, through a problem and opportunity statement, or POS. The process and assessment of financial outcomes was run by an independent committee and the outcome was subject to rigorous independent assessment.

As part of Finance’s 2021–22 financial audit, the Office of the Auditor General undertook a review of the Landgate transaction. There were no findings related to the lease negotiation process, as well as financial modelling that supported the sale and leaseback transaction.

The article on WAtoday makes a number of assumptions and does not take into consideration a range of important factors, including lease incentives, base building upgrades, fit-out and other associated costs. The state government carries out regular reviews of the market-led proposals process.

NARROGIN AND WICKEPIN BUSHFIRE — WESTERN POWER NOTIFICATION

**1044. Hon STEVE MARTIN to the minister representing the Minister for Commerce:**

I refer to questions without notice 13, 254, 748 and 763 regarding the Narrogin–Wickepin bushfire and I again ask —

- (1) Has the investigation been completed; and —
  - (a) if yes, when was it completed; and
  - (b) if no, when is completion expected?
- (2) If yes to (1), has the minister been made aware of the findings?
- (3) If yes to (1), will the minister please table the findings of the investigation?

**Hon DARREN WEST replied:**

I thank the honourable member for some notice of the question. On behalf of the Minister for Regional Development, I provide the following answer from the Minister for Commerce.

- (1) No.
  - (a) Not applicable.
  - (b) No completion date has been set.
- (2)–(3) Not applicable.

PERTH FESTIVAL — CORNUCOPIA

**1045. Hon Dr STEVE THOMAS to the minister representing the Minister for Tourism:**

My question of which some notice has been given would have been to the Minister for Regional Development, but I presume the parliamentary secretary is representing the minister. I refer to the media statement titled “Björk’s star power to light up Perth Festival in Australian exclusive”.

- (1) Did Tourism WA and/or Lotterywest provide any funding to Björk to attend the 2023 Perth Festival and perform *Cornucopia*?
- (2) If yes to (1), how much funding was provided, and will the minister table a copy of the funding agreement?
- (3) How much funding has Tourism WA and/or Lotterywest provided in total towards the 2023 Perth Festival?
- (4) Will the minister table a breakdown of these costs; and, if not, why not?

**Hon Sue Ellery:** Are you a fan?

**Hon Dr STEVE THOMAS:** I remember the early days.

**Hon DARREN WEST replied:**

*It's Oh So Quiet.* I thank the honourable member for some notice of the question. On behalf of the Minister for Regional Development, I provide the following answer from the Minister for Tourism.

- (1) Tourism Western Australia advises that it is providing funding towards the headline event for Perth Festival 2023, Björk's *Cornucopia*.
- (2)–(4) The Minister for Tourism asks the honourable member to place this aspect of the question on notice.

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

**1046. Hon TJORN SIBMA to the minister representing the Minister for Environment:**

I refer to the temporary suspension of invoicing part IV Environmental Protection Act environmental assessments.

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

**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 Environment.

- (1)–(2) The department is responsible for making operational decisions regarding the allocation of its resources. The department temporarily suspended invoicing in quarter 4 of the 2021–22 financial year. As per responses to earlier questions, normal invoicing processes will resume shortly and no government revenue will be foregone.

PARLIAMENTARY COUNSEL'S OFFICE

**1047. Hon NICK GOIRAN to the parliamentary secretary representing the Attorney General:**

I refer to page 194 of the department's annual report, which gives an indicator measure of 100 per cent in relation to the ability of the Parliamentary Counsel's Office to meet cabinet's legislative drafting priorities.

- (1) How many bills are currently the subject of drafting instructions?
- (2) How many regulations are currently the subject of drafting instructions?
- (3) Further to (1), will any of those bills give effect to the government's commitment for elder abuse law reform that is now more than five years late?
- (4) What is the number of drafters by full-time equivalent employed in that office?
- (5) What is the number of positions the subject of active recruitment?

**Hon MATTHEW SWINBOURN replied:**

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

- (1)–(5) Although I note page 194 of the 2021–22 Department of Justice annual report concerns the Registry of Births, Deaths and Marriages, I am advised it is not possible to provide a response to the member's questions concerning the Parliamentary Counsel's Office in the time available and I ask that the member place these questions on notice.

POLICE — OFFICERS

**1048. Hon PETER COLLIER to the minister representing the Minister for Police:**

- (1) What was the total number of male police officers on 30 June in each of 2018, 2019, 2020 and 2021?
- (2) What was the total number of female police officers on 30 June in each of 2018, 2019, 2020 and 2021?
- (3) What is the current number of male and total number of female sworn police officers?

**Hon STEPHEN DAWSON replied:**

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

- (1)–(3) The Western Australia Police Force advises that in 2018, there were 4 983 male police officers; in 2019, 4 954; in 2020, 5 075; in 2021, 5 248; and in 2022, 5 228 as at 30 September 2022.

In 2018, there were 1 476 female police officers; in 2019, 1 492; in 2020, 1 562; in 2021, 1 679; and in 2022, 1 661 as at 30 September 2022.

There are some notes. Police officers include commander to recruit. This is based on headcount data, which includes officers on leave without pay. Part-time officers are counted as one.

## BANKSIA HILL DETENTION CENTRE AND UNIT 18 DETAINEES — OUT-OF-CELL HOURS

**1049. Hon Dr BRAD PETTITT to the parliamentary secretary representing the Minister for Corrective Services:**

- (1) What are the average out-of-cell hours for detainees at Banksia Hill Detention Centre and unit 18 respectively in August, September and October 2022 to date?
- (2) On how many occasions since 25 August 2022 has a young person detained at Banksia Hill or unit 18 been kept in their cell for 20 hours or more in a day?

**Hon MATTHEW SWINBOURN replied:**

I thank the member for some notice of the question. I do not have an answer for that question, as I indicated to the member behind the chair. If an answer comes in before the end of question time, I will give it; if not, the answer will be given tomorrow.

## SOUTH WEST CHILD AND ADOLESCENT MENTAL HEALTH SERVICE

**1050. Hon SOPHIA MOERMOND to the Leader of the House representing the Minister for Health:**

I refer to the WA Country Health Service's child and adolescent mental health service in Bunbury.

- (1) Is the minister aware that currently there are no available appointments for new referrals at this service?
- (2) Is there a system in place for referring doctors and paediatricians to be made aware that this service has no available appointments for new referrals?
- (3) Is there a plan in place for parents in the south west to be able to access public child and adolescent mental health services any time in the future?

**Hon SUE ELLERY replied:**

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

- (1) There are appointments available at the south west child and adolescent mental health service from the first week of November 2022. When a referral is triaged as urgent, appointments are offered within 24 to 48 hours.
- (2) Not applicable.
- (3) South west CAMHS continues to provide a high level of care and response to consumers across all its public mental health services.

## VAPING INDUSTRY REGULATION

**1051. Hon Dr BRIAN WALKER to the Leader of the House representing the Minister for Health:**

In light of yesterday's federal budget, I refer the minister to an article published yesterday, 25 October, in *The Australian* titled "Vaping blitz an \$800m budget lift".

- (1) Was the McGowan government aware ahead of Hon Mark Butler's announcement that its federal Labor colleagues intended to introduce regulations in this space?
- (2) If no to (1), will the minister push for better and more frequent communications between her state and federal colleagues so that they can better coordinate their messaging?
- (3) Given that the Albanese government clearly believes that regulation is the best way to stamp out black market practices, will the McGowan government reconsider and follow Labor's national example here in WA?

**Hon SUE ELLERY replied:**

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

- (1) Yes.
- (2) Not applicable.
- (3) The sale and supply of e-cigarette and nicotine vaping products is strictly controlled under state and federal legislation. The illicit sale and supply of these products is of national concern and is the subject of concerted action by states, territories and the Australian government.

## CORONAVIRUS — RESPONSE REVIEW

**1052. Hon MARTIN ALDRIDGE to the Leader of the House representing the Premier:**

I refer to the report titled *Fault lines: An independent review into Australia's response to COVID-19*.

- (1) Will the state government consider and provide a response to this report and its recommendations?

- (2) Noting that it has been more than 950 days since the COVID-19 pandemic state of emergency was declared, when will the state government commence its long promised review into its response to COVID-19?
- (3) Has the state government commenced a review of the Public Health Act 2016 to ensure its adequacy to manage future pandemic events?

**Hon SUE ELLERY replied:**

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

- (1) No.
- (2)–(3) The Premier has stated that a review to guide the management of future pandemics would be appropriate once the pandemic is over.

## PLANNING — MARINE PARADE, COTTESLOE

**1053. Hon NEIL THOMSON to the Leader of the House representing the Minister for Planning:**

I refer to four developments that have been, or are being, considered by the Western Australian Planning Commission through the state development assessment unit, being 94 Marine Parade, 120 Marine Parade, 122 Marine Parade and 140 Marine Parade in Cottesloe.

- (1) Given that each of these development proposals does not comply in some way with the local planning scheme, is the WAPC seeking a review of the local planning scheme?
- (2) Given that the Environmental Protection Agency endorsed the LPS, will the WAPC refer the Marine Parade proposals collectively to the EPA for its support before approving them?
- (3) Is the minister still committed to strategic planning through local planning schemes?

**Hon SUE ELLERY replied:**

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

- (1)–(3) A review of the local planning framework was endorsed by the WAPC in August 2022. It is understood that work by the town is now underway to prepare a new local planning strategy and local planning scheme to replace the town's existing framework.

The WAPC has already approved the development at 120 Marine Parade.

The remaining development proposals will be assessed and determined pursuant to part 17 of the Planning and Development Act 2005.

## PUBLIC HOUSING — WAITLIST

**1054. Hon STEVE MARTIN to the Leader of the House representing the Minister for Housing:**

I refer to the housing options assessment that is required to be submitted by potential public housing applicants.

- (1) For each of the following years, how many people submitted a housing options assessment form —
  - (a) 2019–2020;
  - (b) 2020–2021;
  - (c) 2021–2022;
  - (d) 2022–2023 to date?
- (2) For those in (1), how many progressed to the social housing waitlist and how many were rejected?

**Hon SUE ELLERY replied:**

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

- (1)–(2) The housing options assessment was implemented in the Department of Communities service delivery practice from 28 September 2021.

The data requested is not currently captured by the Department of Communities' internal reporting systems and would require a manual review of individual files. Given the level of agency resourcing required to provide this detailed information, it is not considered to be a reasonable use of government resources.

## FINANCIAL MANAGEMENT ACT — SPECIAL PURPOSE ACCOUNTS

**1055. Hon Dr STEVE THOMAS to the minister representing the Treasurer:**

I refer to the proliferation of special purpose accounts under the McGowan Labor government and to the answer to question without notice 704 asked on 18 August 2022. What are the current balances of the 30 Treasurer's special purpose accounts identified in the answer to question without notice 704?

**Hon STEPHEN DAWSON replied:**

I thank the Leader of the Opposition for some notice of the question. The answer has been provided in tabular form. It lists the Treasurer's special purpose account names and balances and is quite a long list. I therefore seek leave to have the response incorporated into *Hansard*.

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

Treasurer's Special Purpose Account (TSPAs)	Balance as at 26 October 2022 (\$m)
Accrued Salaries	301
Bankwest Pension Trust	1
Commonwealth Payments for Specific Purposes Account	36
Holding Account*	17,566
Independent Schools - Recurrent Grants Schools Assistance Acts**	Closed
Independent Schools - General Building Grants**	Closed
Jervoise Bay Infrastructure Development Trust Account	11
Local Authorities Tax Sharing Entitlements Account**	Closed
Mortgage Moneys Under the Transfer of Land Act 1893	0
Non-Government Schools - Other Recurrent Grants**	Closed
Perry Lakes Maintenance Account	4
Perth Children's Hospital Account***	Closed
The New Perth Stadium Account	23
Public Bank Account Interest Earned Account	101
Royalties For Regions Fund	873
Statutory Authorities Investment Account	1
Tariff Equalisation Fund	0
Western Australian Future Health Research and Innovation Fund	1,646
Debt Reduction Account	0
National Redress Scheme and Civil Litigation for Survivors Of Institutional Child Sexual Abuse Account	17
Noongar Land Fund	3
WA Government Strategic Alliance Fund	2
Receipts In Suspense/Clearing Account	6
Temporary Access Contribution Account	0
Women And Newborn Health Service Relocation Account	1,787
Digital Capability Fund	798
Social Housing Investment Fund	750
Softwood Plantation Expansion Account	349
Climate Action Fund	667
Remote Communities Fund	350

\* Non-cash holding account balances for accumulated depreciation and accrued leave entitlements.

\*\* Funds held in the closed TSPAs are now part of the Commonwealth Payments for Specific Purposes Account.

\*\*\* Closed under delegated authority from the Treasurer under section 21 (1) of the Financial Management Act 2006.

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SWAN AND CANNING RIVERS MANAGEMENT AMENDMENT BILL 2022

**1056. Hon TJORN SIBMA to the minister representing the Minister for Environment:**

I refer to a reference made in the minister's second reading speech for the Swan and Canning Rivers Management Amendment Bill 2022.

- (1) What precipitated the department-wide review of delegations undertaken by the Department of Biodiversity, Conservation and Attractions in 2021?
- (2) Who led that review?
- (3) Will the minister table that review?

**Hon STEPHEN DAWSON replied:**

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

- (1) The review was undertaken as part of normal processes to ensure that delegations are up to date.
- (2) It was undertaken internally by Department of Biodiversity, Conservation and Attractions staff.
- (3) The review comprises numerous delegation instruments and associated schedules, and given the large size of the documents, I request this be placed on notice.

## CRIMINAL PROPERTY CONFISCATION ACT — MARTIN REVIEW — RECOMMENDATIONS

**1057. Hon NICK GOIRAN to the parliamentary secretary representing the Attorney General:**

I refer to the Attorney General's answer to my question without notice 424 of 2021 regarding the Martin report of May 2019 on the Criminal Property Confiscation Act 2000.

- (1) Does the Attorney General recall making a statement on 5 December 2019 that the government would consider the recommendations made in the report?
- (2) Does the Attorney General recall informing the house on 5 August 2021 that cabinet had not yet considered the recommendations in the report?
- (3) Has this now occurred?
- (4) Which recommendations will the government implement?

**Hon MATTHEW SWINBOURN replied:**

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

- (1)–(4) The Martin review and its recommendations remain the subject of detailed consideration within government.

## POLICE — SPIT HOODS

**1058. Hon Dr BRIAN WALKER to the minister representing the Minister for Police:**

I refer the minister to legislative and administrative decisions made in recent months in South Australia, Queensland and the Northern Territory to ban the use of spit hoods in police watch houses.

- (1) Do WA police use or currently have access to spit hoods?
- (2) If yes to (1), in what circumstances are spit hoods deployed and on whose authority?
- (3) If yes to (1), are there any plans to phase out the use of spit hoods by WA police and replace them with other types of personal protective equipment, as has been the case elsewhere?
- (4) If no to (3), why not, given what is clearly a national trend?

**Hon STEPHEN DAWSON replied:**

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

- (1) Yes.
- (2) They are only used in the Perth watch house on occasions when an adult detainee is assaulting officers by spitting at them. The authority resides with the officer who uses the hood, overseen by a supervisor, with the requirement that an officer must physically remain with the detainee. The officer must notify the shift supervisor and the hood must immediately be removed when there is no longer a risk to officers.
- (3) No.
- (4) There are currently no viable alternatives to protect Perth watch house officers from being assaulted by spittle.

## GERALDTON HEALTH CAMPUS — REDEVELOPMENT

**1059. Hon MARTIN ALDRIDGE to the minister representing the Minister for Finance:**

I refer to Legislative Council questions without notice 211 and 851, asked on 22 March 2022 and 21 September 2022 respectively, regarding the status of the Geraldton Health Campus redevelopment.

- (1) Has the request for proposal been finalised and when will it be listed on the Tenders WA website?
- (2) If no to (1), what is the expected completion date for the request for proposal?
- (3) Will the tender process open before the end of 2022?
- (4) If no to (3), what is the expected time frame for the tender process to be reopened?

- (5) How has the state government engaged with the three contractors who previously bid on this project to keep them informed of the tender process?

**Hon STEPHEN DAWSON replied:**

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

- (1) The request for proposal is being finalised. The Department of Finance plans for an expression of interest to be listed on the Tenders WA website by the end of 2022.
- (2) Following the expression of interest process, the request for proposal is expected to be completed by the second quarter of 2023.
- (3) See the answer to (1).
- (4) Not applicable.
- (5) The previous proponents were notified when the previous process concluded. The proposed expression of interest will be opened to all market participants.

BANNED DRINKERS REGISTER — LEONORA AND LAVERTON

**1060. Hon NEIL THOMSON to the minister representing the Minister for Racing and Gaming:**

I refer to the banned drinkers register currently operating in the goldfields.

- (1) How many people from Leonora and Laverton have been placed on the banned drinkers register since it was implemented?
- (2) How many people are currently on the register from the broader goldfields region?

**Hon MATTHEW SWINBOURN replied:**

I am answering this question on behalf of the Minister for Emergency Services representing the Minister for Racing and Gaming.

The McGowan government recently announced a range of proposals to strengthen and enhance the banned drinkers register, including additional pathways for individuals to be placed on the BDR. These proposed reforms are informed by an independent evaluation report, and feedback from industry, service providers, police, local government and the community.

- (1) One resident of Laverton has been placed on the register. No residents of Leonora have been placed on the register.
- (2) As of 26 October 2022, 28 residents of the goldfields are on the register.

FOREST MANAGEMENT PLAN — MINING

**1061. Hon STEVE MARTIN to the minister representing the Minister for Environment:**

I refer to the forest management plan.

- (1) How many hectares of forest does the government anticipate will be cleared for mining purposes in each year of the new forest management plan?
- (2) For each year of the forest management plan 2014–2023, how many hectares of forest were cleared for mining purposes?

**Hon MATTHEW SWINBOURN replied:**

Again I am answering on behalf of the Minister for Emergency Services representing the Minister for Environment. Unfortunately, it was not possible to provide the information requested in the time frame and I request that the member places this question on notice.

WESTERN POWER — SUPPLY ALLOCATION

**1062. Hon Dr STEVE THOMAS to the parliamentary secretary representing the Minister for Energy:**

I refer to Western Power's wholly inadequate media release of 19 October 2022 announcing a trial to increase supply allocation in parts of the south west and wheatbelt regions between now and 31 March 2023.

- (1) How many homes and businesses outside of the trial area but within the south west interconnected system currently have had to install main switch circuit breakers that restrict them to 32 amps since February 2022?
- (2) Will the procedure being developed by Western Power to return trial area homes and businesses back to higher amperage main switch circuit breakers also be applied to those outside the trial areas but within the SWIS?

**Hon MATTHEW SWINBOURN replied:**

I thank the member for some notice of the question. The following minister is provided to me by the Minister for Energy.

- (1) Western Power is aware of 395 customers within the south west interconnected system, but outside of the trial area, who have installed a 32-amp main switch circuit breaker. This number is based on information provided through solar installation processes.
- (2) Refer to question without notice LC C1118.

### **CYCLONE SEROJA — DISASTER RECOVERY FUNDING ARRANGEMENTS**

*Question without Notice 1022 — Answer*

**HON MATTHEW SWINBOURN (East Metropolitan — Parliamentary Secretary)** [5.04 pm]: On behalf of the Minister for Emergency Services, who is out of the chamber on urgent parliamentary business, I would like to provide an answer to Hon Martin Aldridge's question without notice 1022 asked yesterday, which I seek leave to have incorporated into *Hansard*.

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

- (1) and (3) The Department of Fire and Emergency Services (DFES) and our recovery partners have done an outstanding job in supporting the recovery from Tropical Cyclone Seroja. With over \$25.42 million dispersed to date. DFES has coordinated clean up and removal of hazardous materials, debris, and green waste with support of local Shire resources, the Australian Defence Force, Department Water Environment and Regulation and other recovery partners. The Commonwealth is currently undertaking a review of DFRA arrangements and Western Australia eagerly awaits the outcome.
- (2) It is important that the Disaster Recovery Funding Arrangements (DRFA) is designed to be a safety net for Local and State Governments. Recovery is a shared responsibility for individuals, households, businesses and communities, as well as for Local, State and Federal Governments where access to capital or appropriate strategies of natural disaster mitigation are considered. DFRA provides funds to be available for individuals once works have been completed. The State has extended DRFA funding arrangements as the current from March 2023 until June 2024.

To date funds have been dispersed via the following programs:

<b>PROGRAM</b>	<b>AMOUNT</b>
Recovery and Resilience Grants Program	\$519,402.78
Primary Producer Recovery Grant	\$1,827,149.84
Small Business Recovery Grant	\$790,680.62
Cultural and Heritage Asset Clean-up and Repair Grant Program	\$20,000.00
Community Recreational and Heritage Assets Restoration Program	\$131,300.37
Lord Mayors Distress Relief Fund	\$8,094,835
Premiers Grant	\$3,860,000.00
Western Power Relief Grants	\$2,990,000.00
Water Corporation Relief Grants	\$2,750,000.00
DFRA Category A & B	\$4,448,498.07

- (4) No. Under the DFRA arrangements, the Commonwealth reimburses the State for money that has been spent.

### **BANKSIA HILL DETENTION CENTRE AND UNIT 18 DETAINEES — OUT-OF-CELL HOURS**

*Question without Notice 1049 — Answer*

**HON MATTHEW SWINBOURN (East Metropolitan — Parliamentary Secretary)** [5.04 pm]: Earlier today Hon Dr Brad Pettitt asked question C1171. I now have an answer to it and I seek leave for that answer to be incorporated into *Hansard*.

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

- (1) Table 2. Average Out of Cell Hours for Detainees, by Facility and Time Period.

<b>Facility</b>	<b>July 2022</b>	<b>August 2022</b>	<b>September 2022</b>
Banksia Hill Detention Centre	7.41,	7.72	7.52
Unit 18 Juvenile Security	6.55	2.53	3.75

Note:

Average out of cell hours are calculated at the end of the month therefore the October figure is not currently available.

The hours for Unit 18 are reflective of the complex nature of the challenges facing the cohort of young offenders at that facility, as well as the need to maintain the safety of individual young people and staff, and the security of the Unit.

- (2) The Department's data systems do not allow for this information to be extracted within the timeframe available.

### **HOME INDEMNITY INSURANCE SCHEME**

*Question without Notice 1030 — Answer*

**HON DARREN WEST (Agricultural — Parliamentary Secretary)** [5.05 pm]: I would like to provide an answer to Hon Dr Steve Thomas's question without notice 1030 asked yesterday, which I seek leave to have incorporated into *Hansard*.

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

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

- (1) 410 in 2020–21 and 564 in 2021–22.
  - (2) I have asked the Department of Mines, Industry Regulation and Safety to undertake a review and provide me with advice.
  - (3) No
  - (4) The Government will await the completion of the review.
- 

## CHARITABLE TRUSTS BILL 2022

### *Committee*

Resumed from 20 October. The Deputy Chair of Committees (Hon Dr Brian Walker) in the chair; Hon Matthew Swinbourn (Parliamentary Secretary) in charge of the bill.

Progress was reported after clause 1 had been agreed to.

#### **Clause 2: Commencement —**

**Hon MATTHEW SWINBOURN:** The last time we debated this bill, which I believe was Thursday last week, a number of matters arose in the clause 1 debate that I undertook to pursue further. I want to address a couple of things that, hopefully, will clear up some of these issues. I wanted to clarify something from my reply to the second reading debate. I said that a deficiency with the current law is the inability to remove the trustees when they are not doing the right thing. I wanted to be clear that this power is not contained in the current act. However, the Attorney General has standing, as part of his role as *parens patriae*, to apply under the courts' inherent jurisdiction for the removal of a trustee of a charitable trust. The bill not only makes this power explicit, but also corrects the deficiency that the power was limited to trustees. Under the bill, it will be expanded to cover other people involved in the administration of a charitable trust. That is to clarify something that I said in my reply. It is not something that Hon Nick Goiran had raised.

I would like to table a document that Hon Nick Goiran had sought, which is a comparison between the Njamal inquiry recommendations and the relevant provisions that will implement those recommendations. I seek to table this document.

[See paper [1773](#).]

**Hon MATTHEW SWINBOURN:** That document was provided to Hon Nick Goiran behind the chair earlier, so I hope the member has found it to be of assistance. The member sought an explanation of why the Auditor General had not been consulted on this bill. It is not so much a correction, but perhaps to put things a bit straighter, we provided the member with a list of 14 stakeholders who had been consulted on the bill and the Auditor General was not one of those persons who were included on that list of 14 stakeholders because, technically, the Auditor General was not consulted on the bill. However, at an early stage in the development of this law reform, the Auditor General was consulted on the relevant Njamal inquiry recommendations, and before drafting the bill had commenced. We were not trying to be tricky there, of course. It was that the consultation on the bill itself did not include the Auditor General. There were quite good reasons for that. The Auditor General expressed the view that the bill, as drafted, does not affect the Auditor General, and she had not been included in later consultation because it did not affect her jurisdiction. We still have to come back to the issue of the recommendation arising from the Njamal report.

I can table correspondence—I hope this is of assistance to the member—between the Auditor General and an early instructing officer from the State Solicitor's Office on the development of the Charitable Trusts Bill.

[See paper [1774](#).]

**Hon MATTHEW SWINBOURN:** Perhaps I will pause while the member gets a copy of it. I may speak more generally to it. The Njamal inquiry report came down in November 2018. This correspondence is dated 24 May 2019. The State Solicitor's Office was engaging with the Auditor General on recommendation 54. Alan Sefton had made the recommendation that the Charitable Trusts Act be amended to give the Auditor General, or a delegate generally or by arrangement with the Attorney General, powers to perform audits. I will not read all the recommendations, but that is the nature of the audit.

In substance, in this correspondence the Auditor General essentially said that she does not support that recommendation. I know that the member is still waiting for a copy of that document, but perhaps it would assist if I read part of it. It has a covering letter and then an appendix, which details the Auditor General's view. If the member would like to follow along, I am about to quote from page 2, where the dot points are.

**Hon Nick Goiran:** The appendix?

**Hon MATTHEW SWINBOURN:** Yes, the appendix. The Auditor General says —

Any proposal to:

- *require* the Auditor General to provide independent assurance of charitable trusts

- amend the Charitable Trusts Act to allow the Attorney General to *appoint* or *direct* the Auditor General to provide that assurance

would compromise the independence of the Auditor General and potentially impact the ability of the Auditor General to deliver a comprehensive audit program that provides the level of assurance across public sector activity required by Parliament.

I take the member to the summary, which is the last two lines on that page. It states —

In summary, we do not support amending the Charitable Trusts Act as recommended, as it directly contradicts the intent of the AG Act regarding independence and would potentially impact the ability of the OAG to deliver its core functions on behalf of the Parliament, as outlined above. Section 22(1) of the AG Act already allows the Auditor General to enter into an arrangement with the Attorney General to conduct this work.

The Auditor General made some other comments, which I am not sure quite posit where we are at, but the Auditor General generally made the point that she remains available to have matters referred to her under the existing regime and is willing to provide some guidance for auditing arrangements in that regard. I do not want to paraphrase it because the member now has a copy of that correspondence. As indicated, that was from 24 May 2019. To a significant extent, the Auditor General, for want of a better word, “dealt” herself out of the reforms. What was the government left with when it was talking about the concept of the charitable trust commissioners and who should have that responsibility? The Auditor General indicated that she did not want to take on that role and that is why the Ombudsman then came into the frame. Again, I hope that is of assistance to the member and it provides him with an understanding of how this bill was formulated.

I will add that the Attorney General went out of his way to contact the Auditor General to make sure that she was comfortable with this correspondence being tabled in Parliament today. Obviously, the member implores us on many occasions to pick up the phone. The Attorney General has done it this time. I am sure the member will come back to this at a later date and ask us why we do not do it in other matters, but I know he will take it in the good faith that it is intended to help with the debate on this bill.

I do not want to cover why the Ombudsman was selected because I think the member can now understand why it was not the Auditor General. We have explained why we picked the Ombudsman. I am sure the member can go to the details of that.

The member stated —

I note that following this report from Mr Sefton, the Attorney General said that he had—past tense—referred these matters to the Australian Securities and Investments Commission for appropriate action as a matter of urgency. I would be grateful if the government would update the house on the outcome of that referral.

That is in relation to the Njamal matter. No enforcement action was taken by the Australian Securities and Investments Commission as a result of the Attorney General’s referral of the Njamal inquiry matters to that body. We did refer the matter and it did not take any further action. Unfortunately, we are not in a position to provide any further comment on its deliberations or decisions.

The member also stated —

... subsequent to the Sefton report, there were further behavioural issues with the functioning of this charitable trust.

He referred to Mr Sefton’s confidential letter to the Attorney General dated 8 November 2018. Then he asked —

What, if any, action has been taken by the Attorney General as a result of those further behavioural issues?

I can inform the chamber that the Attorney General did take action as a result of the serious matters raised in Mr Sefton’s letter dated 8 November 2019, which was tabled with the inquiry’s report. The Attorney General has had a long involvement in various matters relating to the trust following the inquiry, seeking to protect the trust and ensure that the inquiry’s recommendations were implemented and that the trust was able to operate with more stability and better governance. He engaged with the trustees and the Australian Charities and Not-for-profits Commission, including holding a meeting here at Parliament House in May 2019 to discuss the future of the trust. That meeting was attended by the Attorney General; Minister Wyatt, the then Minister for Aboriginal Affairs; representatives of the Australian Charities and Not-for-profits Commission; members of the trust advisory committee; and other senior Njamal people. The honourable member may recall that the concerns raised in Mr Sefton’s letter related to alleged behaviour as part of attempts to replace Indigenous Services Pty Ltd as the trustee of the Njamal people.

**Hon Martin Aldridge:** We should bring timed speeches back.

**Hon MATTHEW SWINBOURN:** That is a matter that sits outside of the current bill before us, member.

As I was saying before I was interrupted, following the May 2019 meeting, the Attorney was advised that the trust advisory committee had decided to keep ISPL as trustee of the trust and allow it time to implement the recommendations of the inquiry. That was the Attorney's preferred option, to better protect the trust. It was consistent with the inquiry's recommendations. However, attempts to remove ISPL as trustee, as referred to in Mr Sefton's letter, were raised last year and were the subject of legal proceedings heard in the Supreme Court in September 2021. In October 2021, the Supreme Court dismissed that application, finding that ISPL remain as trustee. The Attorney General was a party to those proceedings and made submissions in support of that conclusion. Since those proceedings, the State Solicitor's Office has continued to engage with the trustee about its ongoing implementation of applicable recommendations from the Sefton report. The member may also note that Mr Sefton's letter included that the State Solicitor's Office took steps to inform ASIC of the allegations, so those allegations were also considered by that agency. I think we may have covered that off.

Hopefully, that addresses the matter that the member raised as to where things are at. As the member could appreciate, with any charitable trust, including this one, unfortunately there will be moments of conflict between those who are connected to the trust. Whether this matter can be resolved or not, we hope that the reforms to the Charitable Trusts Act and the structure that we are seeking to put in place will hopefully deliver a more constructive opportunity for people to resolve their differences without necessarily resulting in legal action.

Hon Nick Goiran also raised issues about the Kimberley Sustainable Development Charitable Trust and what is happening with the concerns that members of the community have raised with the Attorney General. Again, I am paraphrasing the member. The Attorney General recognises and acknowledges that certain issues have been raised with the member, but no inquiry has yet been established. What is happening with that matter more particularly is that it is intended that the issues that have been raised with the Attorney General will be actioned by the Ombudsman as a result of the passage of the bill, which was the member's question.

The trustee has been engaged with by the Attorney General and has provided a response to clarify its position in relation to various issues raised. The Attorney General has also recently been provided with a redacted copy of the independent report of Mr Tony Power, Senior Counsel, I believe—if not, maybe soon. I do not know. The member does not need to check that. That is all right.

**Hon Nick Goiran:** You will deal with that in *Hansard*.

**Hon MATTHEW SWINBOURN:** Yes, that is right.

That report was commissioned by the Kimberley Land Council and is about the Kimberley Sustainable Development Charitable Trust. The report has also been made public. I am not sure whether the member has had access to it. If the bill is passed, the Attorney General will consider on a case-by-case basis which, if any, charitable trust matters that have been raised with him will be referred to the Ombudsman.

The member may recall that the first question that he asked in committee, which we stumbled on, was whether consideration had been given to amending the current act rather than repealing it and substituting it with a new act. I can answer affirmatively that yes, it was considered. If the member looks at the letter from the Auditor General—which gives it away—he will see that the Auditor General talks about amendments to the act rather than a rewriting of the act. The decision was made that, given the age of the current act and the extensive nature of the proposed amendments, it would be more appropriate to repeal the current act and replace it with a new act with modern drafting.

I lastly want to address the question that the member raised about which matters in the current Charitable Trusts Act have potentially been omitted in this bill. I can refer to three matters of substance in the current act that have not been picked up in the bill. As the member can appreciate, in rewriting the bill, obviously language has been changed for modernising purposes. I know the member is not interested in those, perhaps, rats and mice issues, but rather in matters of substance. Two of those matters are in part 3 and relate to schemes. They have previously been advised in written answers to the questions on notice posed at the opposition's briefings. The first is that the current section 7(3)(a) has been removed. This was a complex provision for lapse of gift when there was no general charitable intention, as an exception from the usual rule in section 7(1) that enables property and income to be disposed of for other charitable purposes in accordance with an approved scheme. This subsection was often raised in argument, but the courts found it difficult to interpret, and nobody has ever successfully opposed a scheme on the basis of this exception. It therefore added complexity and cost without changing the outcome. The new clause 10 equivalent to the current section 7 does not include this exemption, so that is, obviously, a departure.

The second is that the provision for termination of small trusts in section 7A of the current act has been removed. This section applies only to trusts that, first, do not permit disbursement of capital as opposed to income; and, second, have a balance of less than \$30 000. Given this limited application, the State Solicitor's Office is not aware of it ever having been successfully applied. Under the bill, these situations would instead be dealt with with more flexibility under clauses 10(1)(b), 11 or 12.

The final matter omitted is the current section 21(1)(c), which allows the court to make an order excluding any purpose from the purposes for which the trust property can be applied. This power is to remove a purpose if

a charitable trust is not found in clause 44, the equivalent of section 21. Any purpose removed by this provision would by definition be a charitable purpose. Since it is a purpose of a charitable trust, it was considered inappropriate to change the purposes of a charitable trust without following the usual procedures in part 3 of the bill. In particular, the scheme process under part 3 allows for public advertising of a proposed scheme to change the purposes of the trust and allows any person to make submissions opposing the scheme if they wish to do so. Again, the State Solicitor's Office is not aware that the omitted provisions in section 21(1)(c) have ever been applied.

**Hon NICK GOIRAN:** Both good news and bad news arises from the response just provided by the parliamentary secretary. On a positive note, I want to acknowledge the comprehensive response that has just been provided by the parliamentary secretary, as per usual. I note that he will probably be the first to also recognise those who are capably assisting him with this matter. I thank everyone involved in comprehensively dealing with those matters that were raised on the last occasion that this bill was before the chamber. I also note in passing that, once again, this demonstrates the benefit of what I would describe as adjournments during the course of the chamber's consideration of a bill, because it provides a minister or parliamentary secretary a proper opportunity to consider and research the concerns that have been raised, and to then get on the parliamentary record the response to those matters.

In further charitable good news, a number of papers have been tabled this afternoon by the parliamentary secretary. One is a document that I acknowledge was provided to me by the parliamentary secretary behind the chair, as a professional courtesy, in advance of today, and I thank him for that. This document deals with each of the recommendations in the Sefton report and sets out the clauses that the government says will implement those recommendations. I can see, having had, to the best of my recollection, a couple of days to consider this matter, that that has also been a piece of good and useful work that will guide and facilitate an efficient Committee of the Whole House process.

It is also charitable good news that another significant document has been tabled by the parliamentary secretary today. That is the letter from the Office of the Auditor General dated 24 May 2019. Anyone who is serious about the consideration of the bill presently before the chamber needs to be aware of and consider that letter, particularly in light of recommendation 54 made by Mr Sefton in his inquiry. We will get to that at a later stage as we consider the bill.

The bad news is that it is odd that it required this level of energy and scrutiny on the part of the opposition to extract this document. To provide the proper context, members need to understand that the genesis of the bill before us is the Sefton report. Mr Sefton said to the government that it needed to appoint the Auditor General as the person who will make these types of inquiries. The opposition has repeatedly asked the government the question: why is the Ombudsman the person who will be appointed under the bill before the chamber rather than the Auditor General? It is only now that we find out the real reason for that. The criticism with respect to the decision-making outcome is not with government. We will unpack this a bit further. The Office of the Auditor General has made her views on this matter very clear to government. We can in due course consider whether we agree with the Office of the Auditor General and the strength of her response and this notion of protecting her independence. I intend to also tackle that later.

There is no criticism on my part of the government with regard to the outcome. We now have what I would describe as new information—not to be confused with fresh information, because it was plainly available to the government on the last occasion. This new information explains why the bill before us introduces the notion of the Ombudsman rather than the Auditor General, contrary to the recommendation of Mr Sefton. What is not explained in all this is why this information is being provided to Parliament and the opposition only now? I hope, again, that the government will take this in the spirit that I now intend, because even over the course of our consideration of this clause, I recognise the incremental improvements occurring in the transmission of information to Parliament—proper scrutiny, proper exchanges of information and debate between the opposition and the government, and the role of the Legislative Council. I acknowledge and am pleased to see those improvements. But when the opposition—it was me in this case—during a briefing from the government asked, “Who was consulted with regard to this bill”, and was then provided a response from government saying that 14 stakeholders were sent a consultation draft of the bill and it then set out the 14 stakeholders, it is incredibly misleading.

I am not suggesting at this point in time that it was done intentionally, because all my interactions with regard to the consideration of this bill, pre it coming into the chamber and since, have been positive. Under no circumstances am I suggesting that this has been done on purpose, but it is incredibly misleading to a member of the house of review to be told by executive government that executive government consulted 14 stakeholders in respect of this bill. Obviously, there was consideration and consultation with the Office of the Auditor General. The Auditor General herself says —

Thank you for your correspondence and subsequent contact to my Office inviting comments on the Attorney General's proposed amendments to the above Act ...

Were I to be less charitable, I would say it is trickery to then respond to a question from a member of the opposition and say that 14 stakeholders were sent a consultation draft of the bill. Evidently, that is a matter of fact. It is

true that 14 people were sent a copy of the bill by executive government and it asked what their view is with regard to these matters. One of those parties was not the Office of the Auditor General. Why? It is because the role of the Office of the Auditor General had been expunged by virtue of prior consultation. When an opposition member asks the government in good faith, “Who have you consulted with regarding this bill?”, I do hope that executive government—not only in the Department of Justice, but all portfolios from here on in—do that unintentionally. As I said, I do not believe there was any bad intent here.

I will be careful with my words at this point. I just hope that advisers and members of the executive in all good faith can understand that when a member asks, “Who was consulted with regard to this bill?”, it is not intended to mean, “Once you have completed your drafting process, who did you send the bill to?” In actual fact, it is often the case that next to nobody is provided the bill at that late stage. It is obviously intended to mean in the process of crafting the bill, pre and post, including circumstances in which the government has proposed specific amendments to the Charitable Trusts Act 1962 to the Office of the Auditor General that that ought to be included. I will leave it at that stage. I am mildly disappointed that this information has only come to our attention now.

**The DEPUTY CHAIR:** Hon Nick Goiran.

**Hon NICK GOIRAN:** When I consider all the elements of this matter as a whole, I am confident that this has not been done on purpose. I will just describe this as an omission, without any bad intent, but it clearly should have been brought to our attention long before now. It is a significant issue. The independent officer to Parliament, the Office of the Auditor General, has made her views very clear that she wants no part in the matter that is presently before us. As I said, we will unpack that a little further later as to whether we think that is appropriate. It is fine for the Office of the Auditor General to say that, including the fact that she says this is crucial to the independence of her role. The question that immediately arises is: why does the Ombudsman not seem to think that he needs this crucial level of separation and independence? Perhaps we best deal with that when we get to clause 29.

Having made all those remarks, and despite the fact I perhaps took a little time on the latter portion, I want to once again reiterate that on the whole, this has been a very positive adjournment and it will expedite the passage of the bill from here on in. At this time, noting the response from the Office of the Auditor General dated 24 May 2019 on page 3, she states —

Section 22(1) of the AG Act already allows the Auditor General to enter into an arrangement with the Attorney General to conduct this work.

Can the parliamentary secretary confirm that nothing that is presently before us changes or impacts upon that? In other words, prior to the introduction of this bill, the Attorney General had the capacity to enter into an arrangement with the Auditor General to conduct this work. Will that remain the case once the bill has passed?

**Hon MATTHEW SWINBOURN:** I think the short answer is no, but if I can refer the member to clause 32, “Investigation of charitable trusts”, it states —

- (1) An investigation of a charitable trust or class of charitable trusts (an *investigation*) may be carried out by the following (an *investigator*) —
  - (a) an authorised person acting at the direction of the Attorney General —
    - (i) on a complaint to the Attorney General; or
    - (ii) on the Attorney General’s own initiative;

That will allow the Attorney General to refer matters to the Auditor General if the Attorney General so wishes. In effect, it has no bearing on the Auditor General’s capacity to do that.

**Hon NICK GOIRAN:** I will just round this point out now rather than getting back to it at clause 32. We are saying that clause 32(1)(a)(ii), when read with section 22(1) of the Auditor General Act, will allow the Attorney General to continue to refer this type of work to the Auditor General with the consent of the Auditor General, given that they need to enter into an arrangement?

**Hon MATTHEW SWINBOURN:** Yes, member.

**Hon NICK GOIRAN:** I thank the deputy chair and the chamber for the leeway to enable the parliamentary secretary and I to really round out matters that would ordinarily be considered on clause 1, knowing we are on clause 2. I just have one question on the clause before us. I note that at subclause (b), the significant majority of the bill presently before us is not yet ready for commencement. Could the parliamentary secretary give an indication to the house why that is the case and, perhaps even more importantly, when it is intended that this new act—the Charitable Trusts Act 2022—will be fully operational?

**Hon MATTHEW SWINBOURN:** My advice is that our intention is to commence the rest of the act immediately after royal assent. There are no regulations attached to this and our advice from the Ombudsman is that he is ready to go pretty much as soon as the act comes into force. There is no intention for any delay between those two events.

**Hon NICK GOIRAN:** Why does the bill not do that then? As is customary in these circumstances, why does it not read at clause 2(b), “the rest of the act on the day after assent”?

**Hon MATTHEW SWINBOURN:** I do not know whether I am quite going to answer what the member specifically asked. I think the only reason is the possibility for the Ombudsman to make adjustments, but the Ombudsman has been very clear that once the act is given royal assent to the commencement of those other parts, it is not going to be necessary to make adjustments. There is no need to amend the act to reflect that it should commence all in one go because that is just a process of properly proclaiming it. I reiterate that there is no intention to proclaim the rest of the act on different days or anything like that after it is given royal assent. If there is the need for any variation because something arises, we have that flexibility, but, as I said, there is nothing to indicate there will be any necessity for that.

**Clause put and passed.**

**Clauses 3 to 9 put and passed.**

**Clause 10: Property disposed of for other charitable purposes —**

**Hon NICK GOIRAN:** I ask the parliamentary secretary to consider clause 10(4). He will see that it reads —

In any of the circumstances referred to in subsection (1)(a) to (e), the persons in whom the property is vested must, as soon as reasonably practicable after becoming aware of those circumstances, submit to the Attorney General for approval a scheme for the application of the property to an alternative charitable purpose.

Appreciating that it is not a matter of specific days, what is the intended time frame? What guidance are we able to provide for what we intend at this present time by the words “as soon as reasonably practicable”?

**Hon MATTHEW SWINBOURN:** I have a bit of a lawyer’s answer to start with, which is that it will depend on the circumstances, of course. To bring some light to that, a charitable trust can be created in a will, so the executor might be a relative of the person who is going through a grieving process. What would be reasonably practicable in their circumstances would be very different from someone who is a professional trustee, who might very well be in a position to act immediately, once they became aware of any of the matters in clause (10)(1)(a) to (e), in accordance with their professional and ethical obligations. I have an example of what would not be reasonably practicable. In one case, the executor of a will waited over 14 years before applying to the Supreme Court for a scheme to vary a charitable trust created by a will in circumstances in which there was a gift to an institution that had never existed. That would not be considered reasonably practicable under almost any circumstances I can imagine, so it would not be used. It will very much depend.

The context here is that charitable trusts can be in the millions and millions of dollars and sometimes much more modest amounts and the people involved go from ordinary laypeople to highly sophisticated professional people. It will depend on all those matters.

**Hon NICK GOIRAN:** I refer to a person who has this responsibility under clause 10(4). At this point, I might wrap up clause 12(4) in which a similar scenario occurs so we do not have to consider this point again. If a person fails to comply with their obligations under clause 10(4) or clause 12(4), what are the consequences?

**Hon MATTHEW SWINBOURN:** There are no punitive consequences. It is not criminal in nature. Some consideration was given to whether it should be necessary to make noncompliance with duty in clause 10(4)—and I presume also clause 12(4)—a criminal offence, but it was not deemed necessary because the breach of a trustee’s duty does not, as a general rule, constitute an offence. If a trustee breaches a duty, the Attorney may take proceedings against the trustee for the breach of the trust or apply to a Supreme Court to remove the trustee and appoint a new trustee. It was about creating a positive duty to act in a certain way and the consequence if they fail to do that is to be removed and replaced. It is not creating a criminal or even a civil penalty type regime, because the issue is protecting the trust property. I do not know that somebody failing to act could necessarily be equated with the kind of thing that needs a punitive type of sanction rather than just trying to remedy the problem that they have.

**Hon NICK GOIRAN:** If the only sanction would be removal, is it the intention of the Attorney General that, should those circumstances arise—that is, a breach under clauses 10(4) or 12(4)—they would trigger a removal?

**Hon MATTHEW SWINBOURN:** I think there is a spectrum of behaviour that we can talk about here. It might be that in some instances, people just do not have the will to act. They might be aware of issues that have arisen under clause 10(1)(a) to (e), but they are just not taking the necessary steps. In the first instance, they would be encouraged to exercise their responsibilities and to deal with it in that way. I am advised that, in most instances, when it is brought to people’s attention that they should deal with these matters, they take steps to do so. Obviously, there will be those who will be recalcitrant and refuse. It is really more of an act of omission than wilful conduct. It will not necessarily be the case that once it is brought to the Attorney General’s attention, someone will be removed. The thing will be to get them to do their duty, and, if they fail to do that, to take the necessary steps.

**Clause put and passed.**

**Clauses 11 to 27 put and passed.**

**Clause 28: Terms used —**

**Hon NICK GOIRAN:** How does clause 28 give effect to recommendation 55 of Mr Sefton’s report?

**Hon MATTHEW SWINBOURN:** I am advised that it is through the definition of “requirement”. It says —  
*requirement* has the meaning given in section 32(2);

That is the relevance to recommendation 55. In the table that we provided to Hon Nick Goiran, the reference to clause 28 was only for the purpose of being thorough. Obviously, “requirement” is fully defined within clause 32(2), which states —

An investigator may, in the performance of a function under this Act, give to a person a written notice (a *requirement*) ...

That is why we included the reference to clause 28 in the table we provided to the honourable member.

**Clause put and passed.****Clause 29: Western Australian Charitable Trusts Commission established —**

**Hon NICK GOIRAN:** A number of questions arise at this point, including about the decision to ensure that the commission is constituted by the parliamentary commissioner, being the Ombudsman. This intersects with the issue we touched on earlier, specifically recommendation 54 of the Sefton report, which reads —

The *Charitable Trusts Act* ... and/or the Auditor General Act be amended to enable the Auditor General or a delegate to be appointed by the Attorney General to make an inquiry or examine under section 20 of the *Charitable Trusts Act* ... or to assist in such process.

We established earlier that recommendation 54 is not being implemented, in the sense that it calls for the Auditor General to be the person to make the inquiry or the examination. Obviously, a decision has been made to include the Ombudsman. Earlier, we touched on the response of the Office of the Auditor General, dated 24 May 2019, which I tabled. As I mentioned earlier, I think it is particularly enlightening that the Auditor General said, at page 2 —

In summary, we do not support amending the Charitable Trusts Act as recommended, —

I will pause there to note that the words “as recommended” are evidently a reference to recommendation 54. She goes on to say —

as it directly contradicts the intent of the AG Act regarding independence ...

A few matters arise from that. First of all, did Mr Sefton consult the Auditor General prior to making recommendation 54?

**Hon MATTHEW SWINBOURN:** We do not know whether Mr Sefton did that, and the reason is that the process was treated as an independent inquiry. It was separate from the State Solicitor’s Office advisers whom we have here. When Mr Sefton was appointed as the inquirer for the Njamal issue, although he was Deputy State Counsel, he was performing that role—to use a colloquialism—on contract, as an independent investigator. We do not have the insight into the processes of an independent investigator that we might have if it were done without that independence. I am not sure that I am going to be able to give the member that level of information.

**Hon NICK GOIRAN:** I am happy to take this by way of interjection, if it assists. Is that something that can be taken on notice—to confer with Mr Sefton and establish whether this has occurred? Presumably, it can be taken on notice.

**Hon MATTHEW SWINBOURN:** No, I think we are going to try to find the answer. We will investigate. I do not think that we are going to finish the bill by 6.20 pm, so we will make inquiries.

**Hon Nick Goiran:** I think you might struggle at this point.

**Hon MATTHEW SWINBOURN:** That is okay. We will make inquiries. It may be the case, given the independent nature of his role, but let us find out.

**Hon NICK GOIRAN:** The Office of the Auditor General has made its view very clear here that it wants no part of this, pleading this principle of independence and a desire to continue to not be directed. Has the Ombudsman raised any such concerns?

**Hon MATTHEW SWINBOURN:** My advice is that to the extent that the advisers at the table are aware, the answer is no. There were different advisers on the development of this bill, because obviously it goes back to 2019, but since then the issue of independence has not come up. I also make a broader point about the Auditor General’s and Ombudsman’s capacities to be directed. I bring the member’s attention to section 15(1) of the Parliamentary Commissioner Act 1971, which provides —

Either House of Parliament, or any committee of either of those Houses, or a joint committee of both Houses of Parliament, may refer to the Commissioner, for investigation and report, any matter which is within his jurisdiction and which that House or committee considers should be investigated by him.

I raise that because it makes reference to the difference between the Attorney General and the Parliament, but in terms of the nature, we do not think that the Auditor General has a similar capacity to be directed by the houses of Parliament to undertake such an investigation. In terms of the level of independence, both are independent, but one sees the role of the Western Australian Charitable Trusts Commission as potentially interfering with that independence while the other has raised no concerns about it. It might be because of the different nature of their roles. The other thing is that the Ombudsman is a complaint-receiving body. Obviously, the Ombudsman decides whether to investigate any individual complaint that is raised with them. I am not sure whether the member has ever referred a complaint to the Ombudsman; of course, many people have. It is somewhat different from the role of the Auditor General, which is to provide that auditing of government and public service activities.

**Hon NICK GOIRAN:** The Ombudsman has not raised any concerns about this principle of independence; the Auditor General has. I think that the parliamentary secretary has done a fair job of trying to reconcile those two positions, or to distinguish between the two. Do we even need the provision currently before us—that is, clause 29, for the establishment of this commission—in light of section 22(1) of the Auditor General Act?

**Hon MATTHEW SWINBOURN:** We do not see it as being the same. Section 22(1) of the act requires the Auditor General's consent, so the Auditor General could refuse, whereas this legislation would not require the Auditor General's consent for an investigation to happen. If there were a circumstance in which the Attorney General was strongly of the view that an investigation should happen, this provision would give him the power to engage someone else. Going to the Auditor General would create a level of complexity that we can avoid with the creation of this provision. I think I have indicated before that the Western Australian Charitable Trusts Commission will effectively be a shopfront for the community to more accurately interface with the Ombudsman. It does not necessarily give an explanation of the role of the Ombudsman. Unfortunately, within our community, most people do not understand the role of an Ombudsman, and when we refer to him as the Parliamentary Commissioner for Administrative Investigations, of course, people get even more confused. By way of example, when we dealt with the bill last night, the analogy occurred to me that within the Western Australian Industrial Relations Commission there are other bodies like the Public Service Appeal Board. It is essentially constituted in the public service —

**Hon Nick Goiran** interjected.

**Hon MATTHEW SWINBOURN:** Yes, but essentially, although they are jurisdictionally different, they are just the bodies that sit within the commission's infrastructure. If the member wants an analogous example, that is what we are doing here with this clause.

**Hon NICK GOIRAN:** That would be fair enough but for these comments by the Office of the Auditor General on page 2 of the letter of 24 May 2019. The Auditor General said —

There are however already existing provisions that support the intent of the Inquiry report recommendations. Under section 22(1) of the AG Act, the Auditor General may enter into a fee-based arrangement with the Attorney General to carry out an audit of a charitable trust. This allows such work to occur, at the discretion of the Auditor General in consideration of existing resourcing and audit program requirements.

I think this is the important point at this stage —

To our knowledge, there has never been an occasion where the Auditor General has declined such a request under s22 and the Office has previously supported the use of s22 for this purpose.

In light of that information, is it really necessary for us to establish the Western Australian Charitable Trusts Commission by virtue of this clause in a context in which the Auditor General has quite openly said to the government, “You can already do this under section 22 of my act, and, in fact, every time you've asked me to do this in the past, I've always done it, and, in fact, I support the use of section 22”?

**Hon MATTHEW SWINBOURN:** I make a point of clarification. I am told by my advisers that the reference here to a referral is not the referral of an investigation into a charitable trust, so no referral has occurred. Obviously, the provision at section 22(1) of that act allows for a range of referrals, which could include a referral for an investigation into a charitable trust, but, to the best of our knowledge, it has not included such a referral.

**Hon Nick Goiran:** The point the parliamentary secretary is making is that when that power has been used or enlivened, which evidently has happened on multiple occasions, it has not been in regard to charitable trusts?

**Hon MATTHEW SWINBOURN:** Yes. That is correct, member.

The other issue as well is if we think about the skill set of the Auditor General and the very competent staff that work for her, it is not necessarily apposite with what we want from the Western Australian Charitable Trusts Commission because the Western Australian Charitable Trusts Commission will be dealing with the very minor disputations between people connected to a charitable trust to the most serious disputations, if we think that is appropriate. For example, if an annual general meeting has not been called, it does not seem quite appropriate to have the Auditor General's powers invoked through a process like this; rather, an individual will complain to the Western Australian Charitable Trusts Commission, which may very well use its informal powers or informal approaches to make sure that that then gets back on track and everybody is pointing in the same direction.

There is also the other issue here, more generally, of the Auditor General not wanting these powers given to her, and then trying to vest that onto the agency in any event.

**Hon NICK GOIRAN:** Through the chair to the parliamentary secretary, the last question that arises at this point on clause 29—after which I will be happy for us to proceed to clause 33, subject to the views of any other member—we have scrutinised at length the Sefton recommendation that it be the Auditor General, the views of the Auditor General, but the government’s choice is to use the Ombudsman. The only question that now seems to need answering is: was any other body or person considered other than the Ombudsman in what I would describe here as the substitute for the Auditor General, in terms of the implementation of recommendation 54?

**Hon MATTHEW SWINBOURN:** I am advised that there was no serious consideration other than the Ombudsman. What I will say is that one of the advisers who was very involved in this early on became a member of the State Administrative Tribunal, so our capacity to engage with her on her part of this bill since she moved to that role is limited, so that is why I am qualifying my response. I just wanted to give the member that context. It is not an excuse, of course, but it certainly explains why there are some gaps in the knowledge of the early development of the bill. The current advisers have been very much involved, of course, for some time, but, as I say, we cannot just knock on her door and say, “Hey, can you give us this information?”

**Clause put and passed.**

**Clauses 30 to 32 put and passed.**

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

**Hon NICK GOIRAN:** Parliamentary secretary, the issue that arises here at clause 33 is the handing over of what can be described as royal commission powers. My question is: why does the government say that it is necessary to hand over those powers to the Western Australian Charitable Trusts Commission, and to what extent are those powers greater than the powers that Mr Sefton had for his inquiry?

**Hon MATTHEW SWINBOURN:** On determining that the Ombudsman was the appropriate entity to constitute the WA Charitable Trusts Commission, and that the WACT would be tasked with conducting investigations under the new act, it was considered appropriate to mirror the Ombudsman’s existing powers of investigation under the Parliamentary Commissioner Act. Section 20 of that act confers the same rights, powers and privileges to the Royal Commissions Act to investigate matters under the Parliamentary Commissioner Act. In terms of the powers that Mr Sefton had, he had only the powers available to him under the current 1962 act, and I think that is contained in section 20. What his own investigation established was the limitations of those powers in terms of compellability, and so —

**Hon Nick Goiran** interjected.

**Hon MATTHEW SWINBOURN:** Yes, and the frustrations that resulted in properly getting involved in the matters, so I think he did identify them. I am not going to read out this section, but that was the genesis of then looking about. Also there was synergy of the Ombudsman and the Ombudsman’s existing role, resources and capacity, and then just reflecting that with those royal commission powers.

**Hon NICK GOIRAN:** The parliamentary secretary indicated there then that this is merely the continuation of the Ombudsman’s existing powers. We are not going to give him any new extraordinary powers that he does not already have.

**Hon Matthew Swinbourn:** By way of interjection, no new powers.

**Hon NICK GOIRAN:** Thank you. Are these powers currently also held by the Auditor General?

**Hon MATTHEW SWINBOURN:** I am conscious of the remaining time that we have. The member has actually asked a reasonably complex question because the Auditor General’s powers do not evenly match up with the Ombudsman’s powers and those of a royal commission, so it might require us to do a little bit more analysis of that. We just want to be clear, though, that when the member talked about the expansion of the Ombudsman’s powers, this will be a move for the Ombudsman from public to private here because charitable trusts are a private arrangement and the Ombudsman’s powers are currently related to public matters, and so —

**Hon Nick Goiran:** As would be the case with the Auditor General.

**Hon MATTHEW SWINBOURN:** That is correct, so that is really what has highlighted that position. But it is not really an expansion of powers because it is really the same powers but just in the context of a charitable trust.

**Hon Nick Goiran:** That is applied over a broader group.

**Hon MATTHEW SWINBOURN:** That is right, yes. But, currently, the Ombudsman does not have the power of a royal commission to inquire into a charitable trust, which is effectively what the new bill will do. But as I say, the Auditor General does not have that power either, and so even if we go back to section 22 of the principal act and its engagement, the Auditor General would still be limited by their powers that exist under the current act. Overnight, we will have a closer look at this theme.

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

**NON-GOVERNMENT BUSINESS — HON JAMES HAYWARD***Statement by President*

**THE PRESIDENT (Hon Alanna Clohesy)** [6.19 pm]: Last week the Council suspended Hon James Hayward from the service of the Council for the remainder of 2022. Pursuant to standing order 66 and standing order 111, Hon James Hayward, as an independent rather than a political party, had been allocated the opportunity to propose the business for Council during motions on notice and non-government business next sitting week. The effect of the suspension is that Hon James Hayward cannot give notice of a motion, move a motion or have those actions done by another member on his behalf. As has been the practice in the past, if a member elects not to propose any business during those house procedures, then that time is vacated, and the Council moves on to the next business in its order of business.

I am conscious that these circumstances are rare, particularly as Hon James Hayward is not part of a political grouping that could have otherwise made use of these allocations. I have considered the current circumstances and my ruling is that in circumstances in which a member is suspended and cannot propose business as envisaged by standing order 66 or standing order 111, then that opportunity is forfeited.

**GNULLA KARNANY WAANGKINY PROJECT***Statement*

**HON SANDRA CARR (Agricultural)** [6.22 pm]: I would like to begin by saying Kaya Wanju to my guests in the gallery this evening, and I will speak a little more about them in a moment. I am very pleased to rise this evening to speak on a significant development in the small town of Toodyay in the wheatbelt and to tell members a bit about how it is leading the way.

At both a national and state level, we have begun truth-telling conversations. As a nation, we are now coming to terms with a history that we previously were not particularly willing to own, acknowledge or recognise. It is only now, with a national discussion underway, that Aboriginal people are finally beginning to feel supported to speak the truth that they have always known. From recent activities in Toodyay, it is clear that they are leading the way in Western Australia and across local governments as part of the truth-telling conversation.

An opportunity existed, and the Noongar Kaartdijin Aboriginal Corporation began its journey of truth telling in Toodyay. The Shire of Toodyay is located on a unique boundary of three Noongar language groups: the Yued, the Ballardong and the Whadjuk. Prior to colonisation, there was a significant Noongar presence across the Toodyay valley. For the past two years, the Aboriginal corporation, in partnership with the shire, has undertaken the Gnulla Karnany Waangkiny—“our truth telling”—project. Although the project has been a major collaboration and was developed as part of the shire’s museum, it was agreed that the Noongar Kaartdijin Aboriginal Corporation would drive the project. The corporation, in consultation with the museum curator, made a successful grant application to Lotterywest, and the shire agreed to auspice those funds.

I have been advised that there were two key approaches in developing the Gnulla Karnany Waangkiny project. Firstly, it was quite deliberative, in that it was research-based and the corporation engaged an historian to look deeply into the archives and search historical records, old newspapers, diaries of explorers and *Government Gazette* records. That historian, Dr Chris Owen, is here in the chamber with us this evening. I thank you for coming, Dr Owen. Secondly, the corporation engaged elders, a traditional owner consultant, and others with cultural knowledge. One of those elders, Uncle Ben Taylor, is also in the chamber with us this evening. Thank you, Uncle Ben, for coming.

The resulting project is the installation of a permanent display board at the Newcastle Gaol Museum. The Gnulla Karnany Waangkiny tells the truth and the history of the Indigenous people of Toodyay. When I had the opportunity to speak at the launch of this event, one of the things that struck me in my research was the name Newcastle, which was the original name of Toodyay; it changed in about 1910, I believe, because there was a bit of confusion about where the mail was going. The thing that struck me about the way that we name places is that Europeans tend to name places after people, whereas our Indigenous people name places after their unique geographical characteristics. It really struck me, as I was preparing my speech, how important it is to think about how we name things and the narrative that we place around things, because it really shapes our behaviour and the way that we then proceed with those things. Naming places after the land and the geographical features had me contemplating the importance of recognising the importance of our environment and connecting to country. That is a really important aspect and difference that we need to recognise.

Although there are several displays on traditional Noongar life throughout the museum, the key component of the Gnulla Karnany Waangkiny project is a dedicated space, in an old cell, where 10 boards tell Toodyay’s dark history, highlighting the displacement, dispossession and unjust treatment of the Noongar people of the region since white settlement. It is a powerful display, with a strong Noongar voice that delivers history and understanding from the Noongar perspective. The project reclaims the Noongar voice.

The project was recently completed, and a cultural celebration was held at the museum. The event included a welcome to country, a smoking ceremony and a corroboree with traditional dance and song. There were lots of people from

the region and some school students attended, which I thought was a really beautiful thing to see, as well as people of a whole range of ages from the community involved. I was very privileged to speak at and participate in a deeply moving and very heart-connected event. The NKAC chairman, Robert Miles is also here with us this evening, and I also acknowledge directors Charmaine Miles and Patrick Miles.

Robert Miles said on the day, according to my notes —

“to begin Truth Telling, and then Healing... as Aboriginal people we need to tell our history, and non-Aboriginal people need to listen”.

Robert added that it is about acknowledging that less than 200 years ago, Noongar people were dispossessed of their traditional lands and forced to the margins of society. It is about acknowledging how government policies and decisions by those in power have impacted Noongar families. It is about acknowledging the continued strength and resilience of Noongar people.

Project coordinator Helen Shanks is also here today, and she has been fantastic in getting everyone here today and including me in this project and making me feel very privileged to be part of this very special event and development for the community. Robert and Helen were also invited to present the project at the annual WA Local Government Association Aboriginal Engagement and Reconciliation Forum in Perth on 5 October. At the forum, Helen told other shires to remember, according to my notes —

“as you go about truth telling in your patch—it will be confronting and even difficult. You may hear and read things that you will find don’t match Australia as you currently understand it”

I am told that since that forum, several of the other shires across Western Australia have inquired about the project, and a delegation of museum curators from across the wider south west region are meeting in Toodyay. The curator of the Shire of Toodyay Newcastle Gaol Museum is also with us this evening; thank you for coming as well.

This is a really fantastic development. The leadership of the Toodyay shire and the community in building this project and sharing it with other local governments is a significant and great move forward for the whole of our state. I am profoundly impacted by how important this is also for the Toodyay community. I had the opportunity to sit with Uncle Ben at the launch, and he was kind and generous enough to share some of his stories, which, as Helen said to the local governments, are quite confronting at times. However, it is an uncomfortable truth that we need to face.

It is fairly clear that people want to know more about the Aboriginal history of the place where they live. People increasingly want to know the truth. This has enabled the Toodyay museum to be more inclusive. It now has a permanent display reclaiming the Noongar voice in that space. That is something that we can all do. It is time to change the conversation.

I now want to raise a bit of the history, and excuse me if I speak too quickly, because I want to say this. Shortly after the founding of the colony of Western Australia, Captain Fremantle recorded this passage in his diary —

*“We take possession of their country, occupy the most fertile parts, where they are in the habit of resorting to for nourishment, destroy their fishing and kangaroo and almost drive them to starvation ...”*

Before explorers even headed out Toodyay way, the Noongar of Boorloo had already been heavily impacted by the arrival of settlers. They had experienced forced removal, and had been dispossessed of their cultural lands and hunting grounds. Hunger was real. The problems of the Noongar people in that region had already begun. Toodyay was a fertile place, and over the coming years the colonists moved in with appalling disregard for the Noongar people in their rush to take up the land, and conflicts began. After the Pinjarra massacre of 1834, the next main theatre for the frontier war was the Avon Valley. Empowered by Captain Stirling’s authority, Lieutenant Bunbury was sent from Perth with orders to “make war upon the natives”. Bunbury’s men were scattered on farms along the Avon River. This was only the beginning of decades of conflict. There is significantly more to that story.

I have about one minute left for my statement, and I would like to say more, because history tells us that that conflict has continued, and that truth has not been told. The last time we had a significant population shift in attitude was after the 1967 referendum, which allowed our Indigenous population as a minimum to be counted as part of the population. We now have an opportunity through the upcoming referendum to include our First Nations voice. That is a very important step for us. Truth telling is a very important step for the whole of Australia for healing and reconciliation.

I thank the Noongar Kaartdijin Aboriginal Corporation for its amazing work and collaboration, the Shire of Toodyay, and everyone involved, for putting together that amazing display. Thank you so much for being willing to do that for our community.

## WITTENOOM — CLOSURE

### *Statement*

**HON PETER FOSTER (Mining and Pastoral)** [6.32 pm]: Tonight I want to take the opportunity to speak to the long-running history of Wittenoorm, provide some insight into how successive Labor governments have worked to decommission the town and outline this government’s part in that story.

Members may recall that during my second reading contribution to the debate on the Wittenoom Closure Bill, I talked about how unsafe it is to live in Wittenoom due to the asbestos contamination. Members may recall that during that debate, I also spoke about the last remaining resident, a former colleague of mine by the name of Lorraine Thomas. During my time on the council of the Shire of Ashburton, I spent a lot of time with Lorraine. We often drove together from Tom Price to Onslow to attend council meetings, which is a 470-odd kilometre trip each way, or about a five-hour journey, and Lorraine would share with me her stories about Wittenoom, where she had lived for 40 years. She told me stories about late-night ambulance call-outs, rescuing tourists who were stuck in gorges and in distress, and navigating road washouts. She also told me stories about travelling in light aircraft during rough weather, because in order to travel to council meetings in the early days, Lorraine had to hop in a little plane and fly from Wittenoom to Onslow for meetings. She also told me about having to deal with squatters who would arrive in the middle of the night and set up camp on one of her properties, and about how drunk visitors would often knock on her door late at night to call on her and she would have to shoo them away.

When the town was de-gazetted, the phones were turned off, and the water and power were disconnected. However, Lorraine continued to live in the town. She lived off grid. The Lorraine that I know was a tough and resilient person, and she persisted. She persisted even when the town was threatened by a grassfire that burnt down the gem store that she owned. As I said, she persisted.

I do not need to remind members that Wittenoom is known to be one of the most contaminated places in the Southern Hemisphere. As has been outlined by a number of members on this side of the house, it is only Labor governments that have acted to close Wittenoom and deal with the issues. It was a Labor government that shut down the power grid in Wittenoom and it was a Labor government that de-gazetted the town. It is clear that it was a Labor government that had to make the hard decision to close the town permanently by the passage of the Wittenoom Closure Bill 2021. This is why I wanted to make this statement tonight to outline this government's part in the Wittenoom story.

This certainly has not been something that has happened overnight. Consultation with remaining residents about the closure of the town has been going on for years. The Department of Planning, Lands and Heritage has been in continuous contact with residents throughout the process. I can also attest as a former councillor of the Shire of Ashburton that we were often contacted by that department through our council processes. Of course, the consultation included making the residents aware of the Wittenoom Closure Bill, which was a long time coming and was passed by the government to facilitate the acquisition of the properties of the remaining residents.

It is clear from the media reporting that the remaining residents and buildings in the town acted as a point of interest that continued to attract to the town visitors who clearly ignored the health risks. Therefore, although it was tough for the remaining residents, it was necessary that the government closed the town to ensure the safety of the public. As we all know, there is no safe exposure to asbestos. The health and safety of the general public is absolutely paramount in this situation.

It should be noted that through the Wittenoom Closure Bill, \$855 000 was payable to the last remaining resident as consideration for the vacant possession of her properties. In order to assist the last remaining resident, the department also offered early access to \$50 000 of this funding to assist with the removal of her belongings. As part of the department's ongoing communications with the remaining resident and her daughter, a further extension of time to support the vacation of the premises was requested and a significant extension was supported by the department.

As has been put on the record, at the expiry of the extension, staff from the department and contractors attended the site to begin decommissioning works and take vacant possession of the remaining buildings. Two sheriffs from the Department of Justice, along with ambulance staff, also attended to serve the warrant. They did not forcibly evict Lorraine. When served with the notice, Lorraine agreed to leave voluntarily, with the promise that she could return to collect her belongings, which she later did. Ambulance staff attended the site because it was the right thing to do, considering the health and safety risks at the site, as well as Lorraine's age. At no time during the serving of the warrant or on the journey to Port Hedland to her daughter's residence did Lorraine express any distress. I note that there has been some focus on the use of hazmat suits by those who attended the town that day. I want to address this by reiterating as strongly as I can that one single asbestos fibre can cause disease. Those suits were absolutely necessary for the safety of all those involved. Again, this was the right thing to do in considering the health and safety of all those in attendance.

I note the comments that Hon Wilson Tucker has made in this house and point out that he has come to this matter quite late in the piece. Successive Labor governments have made tough decisions about Wittenoom and will continue to do what is right for the health and safety of all Western Australians.

*House adjourned at 6.39 pm*

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