



# Parliamentary Debates

(HANSARD)

FORTY-FIRST PARLIAMENT  
FIRST SESSION  
2021

LEGISLATIVE COUNCIL

Tuesday, 12 October 2021



# Legislative Council

Tuesday, 12 October 2021

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

## **HOW DID I GET HERE? — PHOTOGRAPHIC EXHIBITION**

*Statement by President*

THE PRESIDENT (Hon Alanna Clohesy) [2.03 pm]: Members, I would like to draw to your attention an exhibition of photographs by contemporary Australian photographers that has been installed in the Lee Steere Foyer. The title of this exhibition is *How Did I Get Here?* and the photographs have come from the state art collection. The exhibition has been very generously loaned to Parliament by the Art Gallery of Western Australia and will be on display in the Lee Steere Foyer until the end of the summer recess.

## **JOINT STANDING COMMITTEE ON THE COMMISSIONER FOR CHILDREN AND YOUNG PEOPLE**

*Report on Merits of Appointing an Aboriginal Commissioner for Children and Young People —  
Statement by President*

THE PRESIDENT (Hon Alanna Clohesy) [2.04 pm]: Members, I have received a letter, which states —

Dear Madam President

### **Intention to table a short report**

I am writing to inform you that the Joint Standing Committee on the Commissioner for Children and Young People has resolved to table a short report considering the merits of appointing an Aboriginal commissioner for children and young people in Western Australia.

The report will draw together recommendations regarding the establishment of such a position made by previous iterations of this committee and by other relevant bodies, and conclude with our own recommendations.

The committee will report to Parliament by 18 November 2021.

Yours sincerely

**Mrs R.M.J. CLARKE, MLA  
CHAIR**

## **CONTAMINATED SITE 11860 — TAILINGS**

*Petition*

HON DR BRAD PETTITT (South Metropolitan) [2.05 pm]: I present a petition containing 192 signatures couched in the following terms —

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

We, the undersigned ask the Legislative Council to:

- 1.) identify the responsible party/owner of the tailings within Contaminated Site 11860.
- 2.) ascertain the current estimated cost of rehabilitating these sites to a prior to mining condition so it can be removed from the contaminated site register.
- 3.) establish from government the intended date for completion of the above task.
- 4.) communicate with the traditional owners of the land the Banjima people to hear their requirements for the contaminated site.

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

[See paper 750.]

## **MENTAL HEALTH WEEK**

*Statement by Minister for Mental Health*

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Mental Health) [2.06 pm]: This week is Mental Health Week, an opportunity to highlight the importance of staying mentally healthy and promoting effective strategies that will help everyone in our community to do that. The theme of this year's Mental Health Week in

Western Australia is “Mental health starts with our children”. The McGowan government is committed to improving the mental health and wellbeing of our young people and reducing the harm experienced from alcohol and other drug use. We understand the important need to do more to help young people to improve their mental health and wellbeing outcomes, and that is why we are doing the work necessary to make sure that our strategies are targeted, which means co-designing them with young people who have a lived experience of these issues.

Last December, we launched *Young people’s mental health, alcohol and other drug use: Priorities for action*. This document will guide us within government, across the sector, and with our key community stakeholders, in supporting and responding to the mental health and alcohol and other drug use needs of young people aged 12 to 24 years. We have already begun to implement some of the key actions. They include Think Mental Health’s “Families Under Pressure” campaign, which was launched in December 2020. This public education campaign aims to improve overall child mental health and wellbeing. The Aboriginal community liaison officer program was launched in July, with nine Aboriginal community-controlled organisations receiving contracts to lead the implementation of regional Aboriginal suicide prevention plans. The interim youth mental health and alcohol and other drug homelessness service is scheduled to open very soon. This eight-bed service in Queens Park will provide stable transitional supported accommodation for 16 to 24-year-olds who have moderate to severe mental health issues, with or without alcohol and other drug issues, and who are homeless or at risk of becoming homeless.

Finally, I need to talk about our work in suicide prevention. Here in Western Australia, the Mental Health Commission recognises that suicide prevention is a whole-of-community issue and requires a whole-of-community approach. We have invested additional funding of \$32.3 million to help implement the WA suicide prevention framework, which provides the basis for a coordinated statewide approach to suicide prevention activity. The Mental Health Commission has also received an additional \$9.8 million for the development and implementation of the WA Aboriginal suicide prevention strategy. A further \$4.79 million has been set aside for mental health initiatives as part of the state recovery plan, including funding to provide long-term support to children who have been bereaved by suicides.

Mental Health Week is a truly significant week for all of us. It is a chance to acknowledge that staying mentally healthy is a priority for everyone in our community, but especially for our young people, and that we as a community have a responsibility to do all that we can to help them thrive and reach their full potential.

#### PAPERS TABLED

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

#### STANDING COMMITTEE ON UNIFORM LEGISLATION AND STATUTES REVIEW

*136<sup>th</sup> Report — Legal Profession Uniform Law Application Bill 2021  
and Legal Profession Uniform Law Application (Levy) Bill 2021 — Tabling*

**HON DONNA FARAGHER (East Metropolitan)** [2.15 pm]: I am directed to present the 136<sup>th</sup> report of the Standing Committee on Uniform Legislation and Statutes Review titled *Legal Profession Uniform Law Application Bill 2021 and Legal Profession Uniform Law Application (Levy) Bill 2021*.

[See paper [751](#).]

**Hon DONNA FARAGHER:** The report that I have just tabled advises the house of the committee’s findings and recommendations regarding the Legal Profession Uniform Law Application Bill 2021 and the Legal Profession Uniform Law Application (Levy) Bill 2021.

At the outset of the inquiry, Hon Pierre Yang, MLC, was substituted for Hon Matthew Swinbourn, MLC, under standing order 163 for the duration of the inquiry into the bills.

The Legal Profession Uniform Law Application (Levy) Bill 2021 will amend section 244 of the Legal Profession Uniform Law Application Act 2021, once passed, by the addition of a new subsection (9), which will provide for a levy to be imposed by section 244 or local regulations. The levy will be a contribution towards the cost of providing and maintaining the law library currently situated in the David Malcolm Justice Centre.

The committee has not identified any parliamentary sovereignty or lawmaking issues in the Legal Profession Uniform Law Application (Levy) Bill 2021. The Legal Profession Uniform Law Application Bill 2021 proposes to provide consistency between the laws governing Western Australia’s legal profession and the laws in Victoria and New South Wales; apply schedule 1 of the Victorian Legal Profession Uniform Law Application Act 2014, with some modifications, as a law of Western Australia, which will be the Western Australian Legal Profession Uniform Law; automatically incorporate Victorian amending acts into the Western Australian Legal Profession Uniform Law; and provide a disallowance mechanism for amendments to the Western Australian Legal Profession Uniform Law.

The committee has identified that several clauses in the Legal Profession Uniform Law Application Bill 2021 impact upon the parliamentary sovereignty and lawmaking powers of the Parliament. The committee has proposed recommendations to address these sovereignty issues.

The Legal Profession Uniform Law Application Bill 2021 contains a disallowance mechanism with the same parliamentary sovereignty issues as contained in the 133<sup>rd</sup> report on the Fair Trading Amendment Bill 2021. The committee has made similar recommendations in relation to the disallowance mechanism as those contained in the 133<sup>rd</sup> report on the Fair Trading Amendment Bill 2021.

In commending the report to the house, it is noted that the committee has recommended that standing order 67 be amended and that the Legal Profession Uniform Law Application Bill 2021 be amended so that Victorian amending acts will be referred to the Joint Standing Committee on Delegated Legislation.

*Recommendation 1 — Adoption — Motion*

**HON DONNA FARAGHER (East Metropolitan)** [2.18 pm] — without notice: I move —

That recommendation 1 of the Standing Committee on Uniform Legislation contained in its 136<sup>th</sup> report, *Legal Profession Uniform Law Application Bill 2021 and Legal Profession Uniform Law Application (Levy) Bill 2021*, be adopted and agreed to.

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

Debate thus adjourned.

**CLIMATE CHANGE AND GREENHOUSE GAS EMISSIONS REDUCTION BILL 2021**

*Notice of Motion to Introduce*

Notice of motion given by **Hon Dr Brad Pettitt**.

**CANNABIS AND HEMP SELECT COMMITTEE**

*Establishment — Notice of Motion*

**Hon Dr Brian Walker** gave notice that at the next sitting of the house he would move —

- (1) A select committee to be known as the Cannabis and Hemp Select Committee is established.
- (2) The select committee is to inquire into and report on the potential to amend the current legislation and regulations that apply to cannabis and hemp in Western Australia, with particular reference to —
  - (a) the current barriers to pharmaceutical and nutraceutical use of cannabinoid products;
  - (b) medicinal cannabis, its prescription, availability and affordability; and
  - (c) the potential benefits and risks of permitting industrial hemp for human consumption.
- (3) The select committee shall consist of five members—namely, Hon Dr Brian Walker, chair; Hon Matthew Swinbourn, deputy chair; Hon Jackie Jarvis; Hon Lorna Harper; and Hon James Hayward.
- (4) The select committee may table interim reports, and is to table its final report by no later than 12 months after the committee has been established.

**COMMUNITIES — CHILDREN WITH HARMFUL SEXUAL BEHAVIOURS —  
RESIDENTIAL CARE — REVIEW**

*Notice of Motion*

**Hon Nick Goiran** gave notice that at the next sitting of the house he would move —

That this house —

- (1) Thanks the Commissioner for Children and Young People for his *Independent review into the Department of Communities' policies and practices in the placement of children with harmful sexual behaviours in residential care settings*.
- (2) Notes with grave concern the commissioner's damning findings, which expose that —
  - (a) children raised their concerns, and these were not responded to in a timely manner;
  - (b) the information and knowledge management systems of the department are not fit for purpose and impede decision-making for children and young people and organisational accountability;
  - (c) the department does not have a cohesive or effective framework or policy, practices or services to understand and respond to children and young people with harmful sexual behaviours;
  - (d) the department does not consistently ensure that high-quality and safe care by well-trained and supported staff and carers is provided to children and young people in the care of the CEO in residential care;

- (e) the department’s risk assessment and management strategies are not effective in consistently preventing, identifying and mitigating risks to children and young people in residential care; and
  - (f) the department’s internal safeguards and review mechanisms do not contribute effectively to the safety of children and young people in residential care.
- (3) Calls on the government to urgently provide a precise and time-bound plan of how it proposes to address the commissioner’s findings and recommendations.

### CANNABIS AND HEMP SELECT COMMITTEE

#### *Establishment — Made Order of the Day — Motion*

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

That the notice of motion just given by Hon Dr Brian Walker in relation to a select committee into cannabis and hemp be made an order of the day for the next sitting of the house.

### ESTIMATES OF REVENUE AND EXPENDITURE

#### *Consideration of Tabled Papers*

Resumed from 16 September on the following motion moved by Hon Stephen Dawson (Minister for Mental Health) —

That pursuant to standing order 69(1), the Legislative Council take note of tabled papers 534A–D (2021–22 budget papers) laid upon the table of the house on Thursday, 9 September 2021.

**HON NICK GOIRAN (South Metropolitan)** [2.24 pm]: I rise to speak on this year’s *Budget statements*. I am absolutely delighted that I am able to do so freely and have the liberty to freely take my seat in Parliament this afternoon. Not only that, but I have the honour to fulfil my duty to the people of Western Australia under the express licence of the law of our state. The minister who is responsible for the *Budget statements* is none other than the member for Rockingham, the Premier of Western Australia, and his outburst today has revealed several things. Firstly, he is incapable of engaging in academically rigorous debate—incapable. Secondly, he is unable to articulate the legal issues that are at play. In fact, I doubt that the Premier of Western Australia could explain to members the difference between liberty and licence. Instead, he prefers to behave like a dictator, demanding things, issuing edicts —

#### *Point of Order*

**Hon PIERRE YANG:** I refer to standing order 44. I think the word “dictator” is highly unparliamentary in a democracy, especially referring to a Premier who has done so much for this state.

**Hon Dr Steve Thomas:** If only we had a democracy!

**Hon PIERRE YANG:** Look at your own party, mate!

**The PRESIDENT:** Order, while I consider this. Thank you for your contribution, honourable member. As part of the usual practice of making statements of this nature, it is part of the regular discourse of Parliament and at this stage is not a point of order.

#### *Debate Resumed*

**Hon NICK GOIRAN:** To be clear to the honourable member about what I actually said, if he would just listen for a moment: I did not refer to the member for Rockingham as a dictator. He is welcome to go and check in the *Hansard* later. There are plenty of people in Western Australia who think that, but that is not what I said this afternoon. Instead, I said that the Premier, the member for Rockingham, seems to like to behave like a dictator. He does that because he is demanding things, he is issuing edicts, and, if he does not get his way, he throws all the toys out of his pyjama-filled cot. That is what we have been seeing over the course of the last 24 hours or so.

**Hon Alannah MacTiernan:** This is a hard issue. We are trying to deal with a hard issue.

**Hon NICK GOIRAN:** It is a hard issue. With all due respect to the Minister for Regional Development, I agree with her that this is a hard issue, and what is required here is to have people who are capable of engaging in the debate academically rigorously, not with these cheap one-liners. We want a Premier of Western Australia who can actually articulate the legal issues at play here. He has been unable to do that all week.

**Hon Alannah MacTiernan** interjected.

**The PRESIDENT:** Order!

**Hon NICK GOIRAN:** If the Minister for Regional Development —

**Hon Alannah MacTiernan** interjected.

**The PRESIDENT:** Order, Minister for Regional Development! When the President calls order, that is what is expected. Can we please have less cross-chamber chatter.

**Hon NICK GOIRAN:** The issues at stake here are significant, and they require people to use all of their intellect to be able to engage in the debate. We have seen that it is too hard for the Premier of Western Australia. The member for Rockingham refuses to engage with the issues. Not once have we seen that happen over the last couple of days.

Members opposite might do well to draw the member for Rockingham's attention to schedule 4 in our standing orders, which lists matters constituting contempts. One example is —

*1. Interference with the Council*

A person shall not improperly interfere with the free exercise by the Council or a Committee of its authority, or with the free performance by a Member of the Council's duties as a Member.

**Hon Alannah MacTiernan:** So if you wanted to bring a gun in, we should allow you to bring a gun in. If you brought a knife in, you should be allowed to bring a knife in.

**Hon NICK GOIRAN:** I am delighted that it is now on the parliamentary record that the Minister for Regional Development thinks that people having a vaccine is the equivalent to people holding a gun! That is on the parliamentary record. Well done, Minister for Regional Development; outstanding again! The minister has demonstrated once again precisely the problem with the McGowan government and its cabinet.

Several members interjected.

**The PRESIDENT:** Order!

**Hon Sue Ellery** interjected.

**The PRESIDENT:** Order!

**Hon NICK GOIRAN:** The second type of contempt that is set out is “Improper Influence of Members”, which states —

A person shall not, by fraud, intimidation, force or threat of any kind, by the offer or promise of any inducement or benefit of any kind, or by other improper means, influence a Member in the Member's conduct as a Member or induce a Member to be absent from the Council or a Committee.

The other example set out in our standing orders is “Molestation of Members”, which states —

A person shall not inflict any punishment, penalty or injury upon, or deprive of any benefit, a Member on account of the Member's conduct as a Member.

Might it be the case that someone has had a chat to the Premier of Western Australia and said, “Hang on a second, we've got some issues here. You might want to take some legal advice”? Finally, somebody within the cabinet has decided to do their job. I can imagine that the Premier, if he were capable of articulating the issues at stake here, would simply say—we will probably get some type of remark from somebody opposite—that it is all about public health. Is it not all about public health? If that were true, where is the health advice from the Chief Health Officer? Where is the advice from the Chief Health Officer of Western Australia confirming that it is a public health risk in circumstances in which it is on the public record that at least 95 per cent of members of Parliament—at least; it may well be 100 per cent—have been vaccinated? Where is the advice from the Chief Health Officer that says it is a public health risk when we know that at least 95 per cent have been vaccinated? We have already reached that threshold at least; it might be 100 per cent.

**Hon Alannah MacTiernan:** What if everyone took your approach and didn't say that they had been vaccinated? How would we know?

**The PRESIDENT:** Order! Hon Nick Goiran has the call.

**Hon NICK GOIRAN:** It is on the public record that there is a cohort on the parliamentary precinct with a vaccination rate of at least 95 per cent. Of course there is no health advice from the Chief Health Officer—of course there is not. No wonder the Premier, this morning, had to reluctantly concede that he does not have that advice. Why is that the case? It is because there is another important principle here: when orders are issued on public health grounds, it needs to be necessary and it needs to be proportionate. Maybe that is why there is no such advice at the moment; or is the Chief Health Officer of Western Australia going to cave in to the demands of a Premier who wants to act like a dictator? Are we going to see that now happening in circumstances in which we know, because it is on the public record, that at least 95 per cent of members of Parliament have been vaccinated and, quite possibly, it could be 100 per cent? Are we going to see here in Western Australia the independent advice of the Chief Health Officer, or is the McGowan government going to sack him and throw all its toys out of the cot because it has not got its own way? Is that what is going to happen? If this type of advice were to be provided in due course, it would be truly remarkable.

Several members interjected.

**The PRESIDENT:** Order!

**Hon NICK GOIRAN:** It would be truly remarkable if such advice were ever to be produced by the Chief Health Officer in those circumstances. But even if it were to be provided, might there be some other legal issues at play

at the moment and might that be the reason that the Premier of Western Australia, despite the fact that he purportedly holds a law degree, has had to run off to get some legal advice on some of these matters? Might that be the case? If we asked the Premier of Western Australia now, I wonder whether he would even be able to articulate what the issues are? Does he know what they are? It is not apparent from any of his public comments, least of all from his outburst this morning. Is he familiar with the concept of the separation of powers? Does he understand that an elected member of Parliament has the right to take his or her seat in Parliament? Does he understand that? Does he understand that Western Australians have a right to privacy with respect to their medical history? Does he understand that there is a law of informed consent in Western Australia and that the law of informed consent means that it must be absent of coercion? Is he familiar with that? Does he understand that there is an obligation for a public health order to be both necessary and proportionate? Does he have any concept whatsoever about the principle of doctor–patient confidentiality? Is he aware of any of these things? It is not apparent at all because he has been incapable of articulating on even one of those principles—not once.

Several members interjected.

**The PRESIDENT:** Order!

**Hon NICK GOIRAN:** As the shadow Attorney General —

**Hon Alannah MacTiernan:** No-one is asking your doctor; they're asking you!

**Hon NICK GOIRAN:** Oh my goodness!

**Hon Alannah MacTiernan** interjected.

**The PRESIDENT:** Order!

**Hon NICK GOIRAN:** What is very interesting about the Minister for Regional Development is that she is also a person who purportedly holds a law degree and yet whenever she articulates some of these —

**Hon Alannah MacTiernan** interjected.

**Hon NICK GOIRAN:** Every now and again, when she tries to articulate some of these legal principles, she is lost at sea. The situation here is that the Minister for Regional Development does not understand where the confidentiality principle lies. She does not know! Go and ask the member for Rockingham. Does the minister know what answer she will get? He will say, “I don't even know; I need to go and get the legal advice.”

**Hon Alannah MacTiernan** interjected.

**The PRESIDENT:** Order! We might try to stay on the topic and avoid engaging in cross-chamber banter.

**Hon NICK GOIRAN:** It is the case that as the shadow Attorney General of Western Australia I have a specific duty to advocate for people's privacy. That is something that the Attorney General of Western Australia evidently has either not done or, alternatively, the Premier is not listening to his Attorney General. I have been told outside of the chamber that there are some issues at the moment in respect of the Premier and the Attorney General, including with respect to the appointment of individuals to royal commissions and the like, and that there is a tense relationship between the two of them. Nevertheless, the Premier of Western Australia needs to listen to his Attorney General with regard to the privacy issues. If he has belatedly done that and now decided to get legal advice, that is a good thing, but it cannot be done in the absence of both the health advice and the legal advice. It is the case that these important principles —

**Hon Alannah MacTiernan:** What happens when you go into an aged-care place—do you show them your flu vaccination or do you say, in line with your very strong concern about elder abuse, “No, I'm not going to show my vaccination certificate to go in and visit an aged person”? Do you or don't you?

**Hon NICK GOIRAN:** Minister for Regional Development, I will take that interjection because it is an important one. The minister is demonstrating that this is the kind of debate that needs to be had. There is a very big difference between an aged-care facility or indeed an operating theatre and the chamber in the Western Australian Parliament, in circumstances where we know the vaccination rate is at least 95 per cent, and could be 100 per cent.

**Hon Alannah MacTiernan:** But you only know that because people have done what you are saying you don't want to do! Your whole claim to be protected is based on the fact that everyone else has been prepared to come forward and tell the public and their colleagues where they stand. Your position would not work if everyone took your point of view!

**Hon NICK GOIRAN:** Minister for Regional Development, were those contributions voluntarily made by those members over the last week or so, whenever the survey was taken?

A government member: Yes.

**Hon NICK GOIRAN:** It was voluntary; thank you.

**Hon Alannah MacTiernan:** But you can see it was voluntary because they understood their responsibility! You're the only one who doesn't understand it.

**Hon NICK GOIRAN:** The situation is that the important principle of informed consent — Several members interjected.

**The PRESIDENT:** Order! Perhaps if interjections are not invited, we might not end up in such uproar.

**Hon NICK GOIRAN:** Thank you, President. The important principle of informed consent means the absence of coercion; it needs to be voluntarily given. Quite frankly, members, I am perfectly relaxed about the state of my health, and, in the absence of circumstances in which I was the shadow Attorney General of Western Australia, I would probably disclose, like the rest of the members. But, firstly, somebody needs to argue about the principle of privacy because the people of Western Australia are entitled to the privacy of their medical history and we need to have that discussion. Secondly, somebody needs to have the discussion about a Premier of Western Australia thinking that he can tell members of Parliament whether they can take their seats in the chamber. Somebody needs to do that, and I am happy to do it. It is an important principle to at least have a discussion about. However, in the dictatorial fashion that members opposite are so accustomed to because they are not allowed to share their voice in the caucus room, they want to shout down other people's opportunity to even have the debate. They do not even want to have the debate. An important principle is at stake here.

My strong belief is that every single Western Australian member of Parliament understands the importance of vaccination. My strong belief is that every single Western Australian member of Parliament understands the significance of the coronavirus pandemic, but I question whether the Premier of Western Australia also understands the important principle of the separation of powers. I question whether he has respect for, or understands the importance of, people's privacy. Remember that this is the same government that not very long ago rushed a bill through the Parliament because the so-called SafeWA app data had been breached. Privacy matters to Western Australians and it is an important discussion to have, least of all in circumstances in which nobody is able to articulate, first, what is the public health risk in the chamber of the Western Australian Parliament, and, second, what is the public health risk when the parliamentary vaccination threshold is already at least 95 per cent and could even be 100 per cent. That is what I am asking members to engage with. Engage with that intellectual issue and not the silly, cheap one-liners, because the people of Western Australia deserve far better than that from their elected parliamentarians and lawmakers.

I certainly will not be bullied by a Premier who does not understand that just because he is in government—he is rightly elected; he won the election fair and square in March—does not mean that he has the ability to tell Parliament what it is going to do. He does not have the right or the ability to tell judges and he does not have the right or the ability to tell Parliament. He is entitled to a view, and he has clearly expressed that over the last few days in the absence of health and legal advice. He just spouted off this view, despite the fact that at least 95 per cent of members of Parliament have been vaccinated. These issues need to be determined by Parliament, not by the Premier of Western Australia with his massive overreach.

It is the case that privacy matters to Western Australians; indeed, both privacy and confidentiality are issues that matter to Western Australians. Privacy is a central principle to the defining relationship between a doctor and patient. People are entitled to have their medical history kept private. Equally, people are able—they have the liberty—to voluntarily provide their information. If the Minister for Regional Development understood the difference between liberty and licence, she would understand that. But it is not under compulsion, Minister for Regional Development. There is no problem with people voluntarily providing information, but there is a very big difference when they are being compelled to provide their medical history.

It seems to me that what is actually going on here is the typical approach from the member for Rockingham to create some form of smokescreen or lightning rod so that he can deflect, in a typically overt, political way, from the real issues at stake. One of those issues is the hospital crisis, which the Premier; Treasurer is unwilling to deal with. He has the Minister for Health all lost. We do not even really see the Minister for Health anymore. The Minister for Health is still upset that he was not made the Treasurer and that the Premier decided to take both positions for himself. We have seen no action whatsoever on the hospital crisis. Why is it the case that the Premier, who is also the Treasurer, does absolutely nothing when it comes to my 77-year-old constituent who was left in the hospital corridor for hours and hours and hours? Why is it the case that the Premier of Western Australia has done nothing when, as I understand it, Royal Perth Hospital is essentially permanently in a state of code yellow? Why does the Premier do nothing about that? Instead, his highest priority is to try to go get some so-called legal advice, because he has forgotten about his law books from the days when he was a law student. He is busy making sure that he expedites those reasons while we continue to leave people in hospital corridors.

**Hon Alannah MacTiernan** interjected.

**Hon NICK GOIRAN:** It might be all right for you, Minister for Regional Development, but for the rest of us in the opposition alliance, we are concerned about the hospital crisis and we are calling upon you and your government to do something about it instead of running around with the cheap one-liners as usual. The government has an absolutely massive budget surplus, yet it does nothing about the hospital crisis or the housing crisis—do not get me started on that—or, indeed, the law and order crisis.

Part of the problem, it seems to me, President, certainly with respect to my portfolios is that I have a duty—in fact, under licence of law from Western Australia—to be here in the chamber holding the government to account. With respect to some of my portfolios, I have ministers, one of whom is in the departure lounge and the other one is effectively a part-time minister.

**Hon Sue Ellery:** Who is in the departure lounge?

**Hon NICK GOIRAN:** Leader of the House, I think the Attorney General is in the departure lounge. I will tell you why, Leader of the House—it is a good interjection! The Attorney General, Hon John Quigley, has a massive amount of experience, and, over the years, he has been well known to be a robust campaigner and reformer. What I have observed since the election is that he has given up. He never used to be like this.

Several members interjected.

**Hon NICK GOIRAN:** No, members opposite; in fairness to the Attorney General, he has a lot of experience and he has done a lot of good work on behalf of Western Australians.

**Hon Dr Steve Thomas:** That’s very generous!

**Hon NICK GOIRAN:** No; he has. But since the election, he has been in the departure lounge. He has been far more interested in auditioning for the next edition of *Chopper Squad*. That has been his priority, but where have been the priorities of the Attorney General? I can tell members exactly where they have been. Members will see in a moment that the Attorney General’s priority has been the so-called electoral reform, which the Premier of Western Australia previously said was not on the agenda.

Of course, the McGowan government is quite entitled to say one thing and do another, but it needs to be held to account for that. One thing that I would like to think that members opposite would be genuinely interested in is elder abuse law reform. It is more than 1 600 days since “Team McGowan”, the Premier and the Attorney General said that they would expedite that law reform. “Expedite” is not my word; that is your team’s word. Your team said that you would expedite law reform for elder abuse 1 600 days ago! Where is it now? Today is 12 October 2021 and it is nowhere to be seen. Earlier, during formal business, there was an opportunity for one of the ministers to rise and give notice of a bill. We heard a member of the crossbench give notice of the introduction of a bill. There was nothing from the government. This was promised 1 600 days ago and it is nowhere to be seen. Where is the Attorney General? As I said, he would not have been like this beforehand. He is now in the departure lounge. He does not care about this anymore.

**Hon Sue Ellery:** You are so wrong.

**Hon NICK GOIRAN:** Where is the bill, then, Leader of the House? It was promised 1 600 days ago. The Leader of the House is the most senior member here. It is staggering that the Labor government could say to the people of Western Australia more than 1 600 days ago that it would exercise a piece of law reform, yet here we are and it is nowhere to be seen. This is not the only problem, because the Attorney General also promised reforms to the Bail Act.

We have had a robust debate this afternoon, and, as members know, I am quite happy to take as much as I give in that respect, but the matter I am raising now is a sensitive one, and I ask for a few moments to deal with this issue sensitively. If I can have members’ indulgence in that respect, I will endeavour to also restrain myself in my remarks. I want to draw members’ attention to the very serious matter that occurred at the end of last year. This was as a result of the death of Annaliese Ugle. On 10 December last year, *The West Australian* reported —

The McGowan Government will change bail laws if re-elected to make them tougher on those accused of child abuse crimes.

The article continues with a quote from Hon John Quigley —

“Cabinet has recently approved the drafting of amendments to the Bail Act to ensure that it will be far more difficult for anyone charged with sex offences against a child to get bail ...

“The protection of vulnerable children will be given the utmost priority.

The article continues —

“Whilst we still await a report from the Coroner, we believe it is appropriate that the best possible measures are put in place as soon as possible to ensure in future that the vulnerability of child complainants of sexual abuse are considered at each step of the process.”

The following day, the ABC reported on this and stated —

It comes after 11-year-old Annaliese Ugle died days after attempting to take her own life, when the man accused of sexually abusing her was granted bail.

After being charged, the alleged offender was granted police bail. He faced court six days later, where bail was again not opposed.

Later in the piece, the article stated —

If re-elected in next year's election, the McGowan Government said it would introduce these reforms as a matter of priority.

This was in December last year. We are now in October, some 10 months later. There has been no sign of this bill. There has been no sign of these reforms. Members will remember that the article stated that it was going to be dealt with as a priority, and rightly so. Obviously, we would need to have a look at the bill—we have a job and a duty to scrutinise proposed legislation and make sure that it is doing what was promised and so forth—but that type of reform would receive the support of the alliance opposition; however, it is nowhere to be seen.

When we were last sitting and I asked about this, the hardworking parliamentary secretary Hon Matthew Swinbourn replied on behalf of the Attorney General, as is his responsibility in this forty-first Parliament. I asked the government through him what date the instructions were given to prepare the proposed amendments. Members will remember that this was all being reported on in the press last year on 10 and 11 December, and the Attorney General was running around telling everybody that work was underway. Was that true? Apparently not, because the answer I got back on 14 September this year was that the Department of Justice provided drafting instructions for proposed amendments to the Bail Act 1982 to parliamentary counsel on 17 December 2020. What is apparent there is that the Attorney General's priority in that week in December last year was to go and talk to the media and run those stories following the death of Annaliese Ugle. The priority was not to go and get the reforms to parliamentary counsel; that happened only a week later, despite all the rhetoric at the end of December last year. We are now in October and those reforms are nowhere to be seen. In fact, I asked what was the date of the most recent draft, and Hon Matthew Swinbourn, on behalf of the Attorney General, told us that the Department of Justice received the most recent draft on 3 September 2021. It has been another month and a half. Where are these reforms to the Bail Act?

I think that this is a demonstration of wrong priorities. I say that because we know, as a result of recent events in this Parliament over the course of the last month, that when the McGowan government wants to prioritise something, my word, can it prioritise it! On 12 February this year, approximately one month prior to the election, *The West Australian* reported —

Mark McGowan has stopped short of giving a guarantee that Labor won't pursue electoral reform of the Upper House after the State election.

The article continues —

The West Australian asked the Premier if he would guarantee that Labor would not pursue Upper House electoral reform.

His written reply did not give that guarantee and instead only said that electoral reform was “not on our agenda”.

“All of our election commitments will be known in coming weeks. Electoral reform is not on our agenda,” Mr McGowan said.

“Our priorities right now are focused on keeping WA safe from COVID-19 ...

That was reported in an article in February this year, yet what we have, as we now know, is an expedited process. It has been only six months since the election. In the last six months, there has been enough time for the McGowan government to expedite not only a bill, but also, mind you, prior to that, a so-called ministerial expert panel process and consultation process, all within the space of six months, to do what? To change the Legislative Council and the mode of election. Can it do that? Of course it can, but is it the right priority? In the first six months of a four-year term, when these reforms can only possibly come into effect for the next election in three and a half years, why would that be a greater priority than the Bail Act reforms following the death of Annaliese Ugle? Why would that be the case? Why would it be a greater priority than the elder abuse reforms that have been promised for more than 1 600 days? How can the government and the Attorney General justify those priorities?

I have no qualms with members opposite and the Labor government, for example, with its so-called protection of the Beeliar wetlands bill and prosecuting that through the Parliament. That is entirely consistent with the position that the government has articulated over many years. For many years, I have been involved in this debate, including with the Leader of the House. We have a difference of opinion on the extension of the Roe Highway, and I have no problems with that whatsoever. The government is entitled to that view as we are entitled to ours, but can it really be a priority to pass a bill through the Parliament that says that we are not going to build this road any time in the next four years? Why is that bill and the electoral reform bill being given higher priority than the elder abuse reforms, the anti-consorting laws that have still not resurfaced since the election or the Bail Act reforms? It is the job of the opposition to ask those questions of the government. It is our duty to hold the government to account for what it said and to ask questions about its priorities. It is then up to the government to be able to respond to those things. That is the whole point of our parliamentary democracy, and that is why we do not have a situation in Western Australia whereby a government official, whether it be the Premier or otherwise, gets to tell members of Parliament whether they get to take their seat in here and ask those questions. That is the principle that is at stake.

I note that in the week beginning 14 September 2021, which is when we last sat, we considered the Children and Community Services Amendment Bill 2021. It was identified during that debate, in an exchange between the parliamentary secretary representing the Minister for Child Protection and me, that a statutory review had been undertaken of the primary piece of legislation that governs how Western Australia deals with child protection. That statutory review made 70 recommendations. I raise that because, very interestingly, the parliamentary secretary representing the Minister for Child Protection revealed that eight of those 70 recommendations had been deferred to a review of the Children’s Court of Western Australia Act 1988 and the Young Offenders Act 1994. The parliamentary secretary went on to say on 14 September 2021, for the benefit of Hansard, and I quote —

I am advised that those eight recommendations do not come under the Minister for Child Protection’s portfolio; they come under the Attorney General.

The primary piece of legislation that facilitates Western Australia’s child protection regime had been under review. That review had manifested itself in 70 recommendations, eight of which fall under the responsibility and jurisdiction of the Attorney General. Was anything done about that? Evidently not. The McGowan government came into power in 2017. The government has had four and a half years in which to do something about this matter. On 16 September 2021, I asked the parliamentary secretary representing the Attorney General the following question without notice —

...

(1) Has any work been undertaken by the Department of Justice in relation to these recommendations? ...

The response was —

...

(1)–(3) Work has recently commenced and is now currently being undertaken by the Department of Justice ...

Recently commenced? The review was done more than four years ago. We are talking about serious matters of child protection. Eight of the 70 recommendations made by the review fall under the responsibility of the Attorney General. However, it was not until this matter was exposed and revealed in the Committee of the Whole House that the Department of Justice suddenly did some work. Regardless of all the carry-on from time to time about how many questions are asked in Committee of the Whole House, and how long it takes to get legislation through, the fact is that it is only when the McGowan government is put under the spotlight and cross-examined that action is taken. I am not talking about some trivial matter. I am talking about child protection in Western Australia. I note specifically recommendation 32 of the review, namely that protection orders for special guardianship should be made by the Children’s Court of Western Australia and be automatically registered in the Family Court of Western Australia. These are the types of matters that are at stake here. However, for as long as the McGowan government is on the Treasury bench, that is done only if the opposition pushes and asks questions—otherwise; it will not be done. That is because the government is more interested in dealing with its pet projects. That might be the Dog Amendment (Stop Puppy Farming) Bill 2021, the Metropolitan Region Scheme (Save Beeliar Wetlands) Bill 2021, or the reform of the Legislative Council. Sure, the government can have those things on its agenda; no problem. However, the government should not expect us to stay quiet when it makes those things its priority, instead of bringing in elder abuse law reform, anti-consorting laws, and changes to the Bail Act after the death of Annaliese Ugle. The government should not expect us to roll out the red carpet and applaud it for that.

The government also should not expect the likes of me to stay quiet when I am told by the member for Rockingham that he will decide whether I will have my seat in Parliament, just because I have dared to defy him and have said that I will not provide him with information about my private medical history unless he compels me under law. He can get his medical advice and his legal advice, and, once he has worked it all out, I will provide that information under compulsion of law, no problem, and members will all be the wiser. However, until that time, it is not going to happen, because there are more important principles at stake here. This charade by the member for Rockingham needs to be exposed. The member for Rockingham needs to redirect his attention and focus on the real issues for Western Australians. I have a particular passion and interest in those matters that fall under the Attorney General portfolio, the child protection portfolio and the industrial relations portfolio, and I will continue to advocate for those things.

Interestingly, this is not the only significant matter that has been left floundering by an Attorney General who appears no longer willing to put his shoulder to the wheel on these important issues. I draw to members’ attention an issue about which I have spoken repeatedly for more than 10 years. That is the small number of Western Australia babies who have been born alive and left to die. That very significant matter was first identified by a Labor member of the Legislative Council, the very honourable Ed Dermer. My most recent question on this matter was on 13 May this year, when I asked the parliamentary secretary representing the Attorney General the following question without notice —

I refer to question without notice 623 answered on 17 June last year in which the house was advised that the Department of Justice had received recommendations from the Coroner’s Court in January 2020 for legislative amendment to the Health (Miscellaneous Provisions) Act 1911 and that these recommendations were yet to be discussed with the Minister for Health.

I went on to ask —

- (1) Has the Attorney General now discussed the matter with the Minister for Health? ...

The response from Hon Matt Swinbourn, the hardworking parliamentary secretary representing the Attorney General, was —

I thank the member for some notice of the question.

- (1)–(4) The Attorney General has not yet discussed the matter ...

Members can perhaps understand why I am concerned, when matters like this are pursued over a long period of time, and indeed in this particular instance nearly a year had been allowed to pass before a follow-up question was asked of the Attorney General. We know that the Coroner of Western Australia has made a recommendation to the Attorney General on how to deal with this very serious matter of Western Australian babies being born alive and left to die. That matter has been sitting on the Attorney General's table for a year. I asked a question about that matter again in May this year, and we were told that the matter has still not been discussed. It is not a priority for this government. It is too busy dealing with the Beelihar wetlands, it is too busy dealing with puppy farming, and it is too busy with seeking to expedite electoral law reform, which prior to the election was apparently not on the agenda. Excuse me, Mr Acting President (Hon James Hayward) if some of us get a bit worked up about these priorities. In my view, the government's priorities are wrong. I make no apology for exposing that and repeatedly drawing that to the attention of members opposite. I know that some members opposite believe, deep down in their heart of hearts, that this is wrong. It is my hope that they will have some quiet conversations with their senior members in cabinet and say, "Come on. Let's get on with this. This is not right."

This is before I even get started on the issue of palliative care in Western Australia. Last year, we had a Joint Select Committee on Palliative Care in Western Australia. That committee made a series of findings and recommendations. What has happened? Is anyone doing anything? That committee did not have just Liberal Party and Nationals WA members. It also had some Labor members. Is anything happening with respect to those reforms?

I very much regret that I am severely time restrained this afternoon, but I want to take a moment to move to the issue of child protection. I gave notice to members earlier this afternoon of an important motion that I hope we will have the opportunity to debate in due course. The genesis of that motion is a report by the Commissioner for Children and Young People, titled *Independent review into the Department of Communities' policies and practices in the placement of children with harmful sexual behaviours in residential care settings*, which was tabled in September. It came about because, last year, a courageous former departmental worker, a courageous young person and a courageous journalist exposed what was going on. As a result, and with some contribution by the opposition by continuing to put pressure on the government at the time, the Minister for Child Protection, belatedly, and I think begrudgingly, referred the matter to the Commissioner for Children and Young People for an independent review. This was a good use of the Commissioner for Children and Young People; it should happen more often. But my criticism is: do we really need a review by an independent person to tell us that it is not a good idea to be housing perpetrators and victims in the same residential care setting? These children are brought into the care in the first place because they are at risk!

The findings of that report are absolutely damning. I wish that the mainstream media and most people in Western Australia would pay more attention to these serious matters. It is ugly and horrible, but it needs to be addressed. Think for a moment if it was you or your child in that situation! On page 15 of the executive summary of the report it states —

The placement of Macie into a residential care home with Lee, —

I hasten to add that, of course, they are not the real names of these individuals —

a child with a history of HSB, was not a unique event or even an isolated practice in WA—case records, department policies and the experiences of Department and CSO staff demonstrated that other children and young people with HSB have resided in out-of-home care settings with other children.

The report was into the experiences of these young people. As I identified in the motion that I provided earlier, there are a series of damning findings, so much so that very interestingly at page 20 of the report, the commissioner says —

Given the gravity of the findings of the Review, the Commissioner will report annually on the implementation of the nine recommendations made in this report.

I am happy to be corrected if I am wrong, but I do not recall—I used to be on the Joint Standing Committee on the Commissioner for Children and Young People—and I am not aware of a circumstance in which a commissioner in Western Australia has felt so concerned about the gravity of the recommendations they have made that they have then said that they will report annually on their implementation. Thank goodness the Commissioner for Children and Young People is taking this issue so seriously. It is indeed, as reported by WA today on 21 September this year, a "damning report". That is a correct description for the report. The report revealed that the Department of Communities had placed children with harmful sexual behaviours—HSB—alongside other vulnerable children despite the fact that they were all in the care of the state. What is particularly chilling in the report is that both of the children's pleas to the department to be removed from the home fell on deaf ears.

This issue was taken up by my good friend the member for Vasse during the recent Legislative Assembly estimates hearings. Members, the record reflects exactly what happened on that day. I am not going to take members through it now; this issue is far too serious for that. But if members want to be completely exasperated, they should read the estimates of the Assembly on this serious issue. The member for Vasse asked serious questions of the Minister for Child Protection and the minister stands to be graded on her performance by those answers. I will just leave it at that and members can take it up if they like. It was just a disgrace.

Until such time that we have a change of culture and these child protection matters are taken seriously, nothing will change. One thing I think that the Department of Communities is probably already well aware of is that next week when we have the Standing Committee on Estimates and Financial Operations hearings they can be sure that this issue will be taken up. The relevant individuals who will be here next week will not be able to say that they have not had notice. They will be aware that the Commissioner for Children and Young People tabled this report last month. They will be aware that it was picked up by the opposition during the lower house's estimates hearings. They will be aware that the media has also asked questions and reported on this matter. They will be aware that I have given additional notice about it today. It will not be acceptable or tolerated for department or government officials not to be prepared to discuss this report next week. There is a budget here in WA; a large amount of money is provided to the Department of Communities that is directed to child protection to look after children's safety. The Commissioner for Children and Young People has said that this matter is so significant that he intends to report on it annually. Those officials need to be prepared to discuss this matter and to provide authentic answers, not obstructive ones. That is how we will see some real change in child protection—when individuals are prepared to take responsibility for it, rather than being defensive.

I also want to take up the issue in the budget that has seen the disaggregation of the State Solicitor's Office. Before I do that, it is interesting to compare what has happened in my two portfolio areas. Since the election, within the portfolio of the Attorney General—the Department of Justice—the McGowan government has prioritised the disaggregation of the State Solicitor's Office from the Department of Justice, so that it can be separate and independent. The government prioritised that, and it will come at a cost, but it stubbornly refuses to do likewise with child protection. After the 2017 election, the government amalgamated all these departments into the mega-Department of Communities. One department that was amalgamated was the former Department for Child Protection. At the time, I repeatedly said that that was wrong. We knew from the Ford review about the precise historical problem, and that we would be doomed to make the same mistakes if we allowed that to continue. Over the last four and a half years, I have repeatedly called on the government to reverse its decision. It has refused to do so, as is its right while it is in government—it refused to disaggregate child protection from the Department of Communities—but it prioritised the disaggregation of the State Solicitor's Office from the Department of Justice.

The question needs to be asked: why would the government do that and why would it make that a priority? Could it have anything to do with the shambolic situation that we saw in the last Parliament when the first law officer of Western Australia, Hon John Quigley, ended up colluding with the then Corruption and Crime Commissioner, who is still the commissioner, Hon John McKechnie? Those two individuals colluded with the State Solicitor to concoct or to draft or, in any event, to be the architects behind a scheme that saw law students trawling through documents to determine whether parliamentary privilege applied. It was concocted by those individuals. We know that because it was revealed by our own Parliament's Standing Committee on Procedure and Privileges. As a result of that, there was a court action. That court action revealed that the law of Western Australia has been broken more than a thousand times. If members read the judgement and the report of the procedure and privileges committee, they will see that the law of Western Australia has been broken more than a thousand times, all because these architects put together a scheme that saw law students trawling through documents to determine what was parliamentary privilege. That was shambolic, unlawful and a disgrace. Is that part of the reason why the McGowan government decided since the election to expedite this particular disaggregation? That is, it will have an independent State Solicitor's Office. Is that why that matter has been given such a high priority, seemingly, over everything else in the Department of Justice? The only other thing that seems to be more important is the so-called electoral reform. Perhaps, in due course, particularly as we will have the estimates hearings next week—again, this is a heads-up to those who are responsible—someone will be in a position to answer these questions. The government will not be able to say that it has never heard about it before, because it certainly has been brought to the attention of Parliament today, at the very least, and, as members will be aware, it has been brought up many, many times before.

In concluding my remarks this afternoon, as we consider the budget papers, I note that it is a great honour for members of Parliament to have the opportunity to represent the people of Western Australia who have elected them and to advocate for issues that are top of mind for them. It is also a great honour—in fact, we have a duty—to advocate for those without a voice. That is why we are here. It may be incredibly inconvenient for whomever is in government at the time to have these types of questions thrown at them and these issues exposed, but that is why we are here. That is why it is utterly inappropriate for any Premier—it would not matter whether it was this one or the previous one—to think that they can tell a member of Parliament the circumstances in which they can hold their seat, least of all when it has to do with a matter of personal, private medical history. That is not the business of the member for Rockingham. If he thinks otherwise, he needs to go and get that advice. He also needs to try to extract it from

those of us who are prepared to stand for this principle under compulsion of law, because that will be the only circumstance in which I will provide that information. As members can imagine, those members who have known me long enough know that I am not about to vacate my seat here just because I need to reveal my vaccination status. That will not be the reason, because this job is far too important to me for that. That is my personal view. Other members may have a different view, and they are entitled to that view. However, it has to be done by law.

This government has had a disregard for the rule of law on multiple occasions. I just gave members an example of that moments ago with respect to the unlawful activities that saw the law of Western Australia broken a thousand times. The rule of law is important. The Attorney General of Western Australia has a responsibility, more than any other minister, to draw that to the attention of his cabinet colleagues, including the Premier of Western Australia. Once upon a time this individual would have done that. My view is that he is no longer willing to do it, for whatever reason. I have described it as him being in the departure lounge, but there may well be other reasons for it. It might be the testy relationship that he has with the Premier at the moment or it could be any number of other reasons. In the meantime, the people of Western Australia will suffer because these issues are no longer advocated for at the highest level, and so it is left to the opposition to bring them to the attention of the Premier and the government. Meanwhile, we have a crisis in child protection because we have a minister who has far too many responsibilities and is unable to focus on this important issue.

**HON MARTIN ALDRIDGE (Agricultural)** [3.26 pm]: I rise to contribute to the motion that the budget papers be noted. I recognise that my contribution, as well as that of other members who have spoken thus far on that question, will obviously predate what I look forward to next week, which is the resumption of hearings into the budget estimates by the Standing Committee on Estimates and Financial Operations. I look forward to contributing throughout the course of those hearings as we examine the budget in greater depth with the agencies that have been called by that standing committee.

I think the word to describe the 2021–22 state budget is extraordinary. It is extraordinary in many senses of the word. That will be the theme of the contribution I will make today. It is interesting, with the benefit of having the *Annual report on state finances* for the previous financial year, to know that the state returned an operating surplus for 2020–21 of some \$5.8 billion, more than the projected \$5.6 billion that was contained in the budget papers that we are debating today. It is also interesting to make some reflections on the level of net debt, because in my time in this place there has been a significant focus upon that. I remember in my first term the creation of the debt monster. We have not seen that lately. I think that was something the Leader of the Opposition might have referred to in his response to the budget. I think it is about time for the government to dust off the debt monster, wherever it may reside these days. I do not know whether it was a retirement gift for Hon Ken Travers, or maybe Hon Rita Saffioti still has the debt monster, because they were the two members who were most frequently seen with the said character. The reason that I think the government should dust off the debt monster is that state debt is rising. Contrary to the 2017 rhetoric of the Labor opposition that it would pay down the debt slowly like a mortgage, debt is rising. I am not quite sure which bank the state government banks with, but if someone pays down a mortgage, the debt actually reduces. I am not sure that any of us would get away with a banking arrangement in which we told our banker that we were going to pay our debt down slowly and consistently and then our debt rose. If that was the case, it would be a rather unusual banking arrangement.

**Hon Pierre Yang:** Let's not forget about the context. We have got a once-in-a-lifetime pandemic.

**Hon MARTIN ALDRIDGE:** I note that I have caught the attention of Hon Pierre Yang. I am not sure, but I think I am correct that the honourable member has not yet made a response to the budget, and I look forward to his 60-minute contribution after I rest in 56 minutes!

As at 30 June 2017, net debt was \$31.964 billion. Let us round it off to an easy \$32 billion. According to the *Annual report on state finances*, at 30 June 2021 net debt was sitting at \$33.482 billion, so \$33.5 billion. That is about \$1.5 billion more debt than the government had in 2017. Let us make it absolutely clear that the mortgage is not getting paid off; it is getting worse. If we look across the forward estimates to 2024–25, we see that net debt will peak in that final year at almost \$36 billion, which is \$4 billion more than the government inherited in 2017, when it said that it would pay down the debt slowly, like paying off a mortgage. Across the budget year and forward estimates there are also quite healthy operating surpluses. The government is not running deficit budgets; it is running surplus budgets, spending the money and borrowing more. We will get net debt peaking at \$36 billion in the final year of the forward estimates. That is why I say—and I have reflected on this every year I have spoken on the budget as a member of the opposition—that it is about time the government dusted off the debt monster and came clean with the people of Western Australia about where it is taking net debt.

I talked about the budget being extraordinary, and I said I would use “extraordinary” in many senses of the word. In Western Australia, we have certainly seen a number of crises occur for some time on several significant fronts. I want to talk about a few of those issues today and to what extent they will be resolved by the government's response to them in this budget or the investments it predicts over the next four years. Of course, we have not seen economic impacts like in other jurisdictions in Australia or internationally as a result of the spread of COVID-19. We have a state that is practically free of COVID-19, and many of our industries, but not all of them, have benefited from some of the economic circumstances that other states and countries find themselves in. That is obvious when we look

through some of the detail contained in the budget papers, but it was also made very clear to me and other members who went to the presentation by Treasury hosted by the Public Accounts Committee in the other place following the tabling and introduction of the bills in the Legislative Assembly.

One of the areas I want to talk about first of all is housing. I confess that is not an area that I am an expert in at all and one I have not spent any great deal of time developing or considering policy in, but I want to share some anecdotes of what I am seeing in housing. I do not know whether members saw the article on *The West Australian* website that, I think, broke some time before lunch. It talked about construction sector activity starting to ease. I think the company named was BGC, and the article said it had started redundancies in its business, initially at the sales and administrative end, as it saw demand ease, particularly for residential construction. I understand that when the COVID-19 pandemic arrived, there was great concern for industry, but in particular our building and construction sector. I fear for when that significant increase of building activity has flowed through that pipeline and wonder how many more of these decisions we will see. What will the cliff look like in 12, 18 or 24 months' time? That concerns me. It is not clear to what extent the government's investment in housing might help smooth the cliff when it comes in 12 to 24 months' time, which is my estimate—it is not anything more than that. I think we have simply deferred a problem from the now to the future, and it will be interesting to see how the government, which I think will still be in power, responds when it arrives.

I have some anecdotes of what I have seen in recent times. We have seen significant stagnation in our property market for a number of years. Where I live, my observation is that we have literally gone from not being able to sell a property for several years to not being able to buy one. The same can be said for renting a property. I have constituents and family members who find themselves without homes. These are not people without incomes or the ability to buy or pay rent. Some of these people are on six-figure salaries, and in the current environment they are unable to find themselves a home. What does that then say for people who are not in that financial circumstance and who may be on a fixed income or no income? To me, that makes the depth of the housing problem we face quite clear. I recently visited a town, which I will not identify, that was outside my electorate when I was doing some portfolio work, and I met a person who had given up. He was a gentleman who lived by himself, and he went on Gumtree and bought himself an old bus. I think it cost about \$6 000 or \$7 000, and that is now his home. I have had the opportunity to do some regular travel over the last couple of weeks and I have travelled a stretch of road in my electorate quite regularly. I have noticed a campervan on a couple of quiet spots on this road. It is not unusual to see campervans in regional Western Australia, but over the course of several days, if not weeks, this campervan has been located by the same river, on the same corner or on the same verge on the same road. I suspect that we will see more and more of that type of response by people who simply cannot access adequate housing in the current environment.

One issue we often see at the end and start of calendar years, particularly around schools but not exclusively schools, is access to appropriate Government Regional Officers' Housing. When I say "appropriate", it is not just appropriate in number, but appropriate in quality. I have seen circumstances in my electorate—it is perhaps even more severe in more remote places—in which graduate schoolteachers have been sent to a country town and the only place to accommodate them has been the local pub or they have been required to travel significant distances to and from work. When I say "significant distances", in some cases it has been 60, 70 or 80 kilometres one way to get to their posted school. I understand the complexity of managing government housing in that sometimes demand and supply do not always meet. Sometimes it results in situations in which demand for government housing might change significantly, and quickly, in both directions. Equally, we would be concerned if we had a whole lot of GROH properties that were not being utilised in a community. The issue with Government Regional Officers' Housing is not just quantity, it is also the quality of the housing stock, particularly if we want to attract professionals. To attract professionals to regional and remote communities in Western Australia, we need to make sure that they have quality housing and housing that is appropriate for them. The housing requirements for graduate schoolteachers will be vastly different from somebody who has a large family and works as a nurse at a hospital. A variety of housing needs to be available; it is not just about ensuring that we get the quality right.

Before I move on to some portfolios areas, I want to talk about workforce issues. No industry is unaffected by the workforce issues that this state faces. We have heard a lot of talk recently about the impact on industries like agriculture, hospitality, tourism and retail. The thing that I would say about the industries that we find ourselves talking about more is that they probably have the least ability to compete in our labour market for the limited workforce that is available. I have heard people from large companies say that although they have some workforce concerns, at the end of the day they will pay more to attract their workforce. Advice that Hon Alannah MacTiernan likes to dish out regularly is, "If you want a workforce, just pay more", but not every industry can pay more. Industries have begun cannibalising each other's workforces. We see that when we have these peak periods of growth. It is a significant concern.

I spoke earlier about the briefing that Treasury provided members. For those members who did not attend the briefing, which was hosted by the Public Accounts Committee of the other place, it really was a good opportunity to find out about the budget. I encourage members to consider attending the briefing next year. It is attended by Treasury officials. It is quite an interesting presentation; not all of it is relevant to everybody, but one of the things that was really quite interesting from this presentation was the slide pack that was provided to members afterwards. I refer

to a slide titled “Population Growth” found on page 7 of the presentation pack. For me, that slide was the most telling from the presentation that was delivered in mid-September by Michael Court, who is the Deputy Under Treasurer. The graph goes back to 2010–11 and shows the net impact of a number of categories of population growth. Obviously, the most marked impact shown in this graph is simply the loss of overseas migration in 2020–21. In fact, there was a negative impact. I was surprised to see that our net overseas migration was negative. That was perhaps one of the wrong assumptions I made when the pandemic hit and borders were closed. Obviously, we were all aware of the limitations on people coming to Western Australia, not just for a holiday but also to conduct their business or to take up employment, and this graph shows that net overseas migration for 2020–21 and this financial year was negative. It actually meant we lost people, but at the same time we did not gain any. I did not think that that would necessarily be the case. In 2020–21, the overall net migration—it is hard to tell from this graph—was about 20 000 people. Compared with the year prior, it was double that number. If I go back to 2011–12, it was nearly 80 000 people. The 2020–21 figure was 50 per cent lower than for the year prior, and 75 per cent lower than in 2011–12. The story of migration, both international and interstate, is quite interestingly illustrated in this slide that was provided as part of the briefing by Treasury. In part, it goes to this issue around access to a workforce in Western Australia.

At this briefing, Treasury also told us that the budget was predicated on the interstate borders easing by the end of this calendar year. Its prediction is that international borders will reopen in the September quarter—somewhere between July and September 2022. The situation at the moment is quite acute in that we not only do not have access to an international workforce, or there is access on an extremely limited basis, but also are currently locked out from the two most populous states, being Victoria and New South Wales, through their “extreme risk” categorisation under the state border controls. That will change over time, but it was interesting what Treasury actually predicted and modelled—I am not sure about modelling, but predicted at least—for the purposes of the state budget.

I want to move on to the area of health. Thinking back to the start of the last calendar year when we first learnt about the evolving coronavirus situation internationally, and shortly thereafter we saw Australian states, including our own, starting to respond as it came closer to us, the first part of that initial response focused on our health system and about building capacity. I remember in those early days the response was about two things. Personal protective equipment was obviously a significant issue, which we barely even talk about now, but our PPE stocks were really slim at the time, and this was why things like elective surgery were cancelled. Therefore, the early strategy of the COVID-19 response was to reduce pressure on PPE stocks and medical equipment like ventilators. The early strategy was to minimise spread. I am not quite sure when the strategy shifted from minimising the spread of the virus while we built capacity to an elimination strategy. Somewhere in the course of 2020, there was a clear and obvious shift, whether it was admitted to or not, to the state pursuing an elimination strategy rather than a capacity building strategy. We have heard admissions about this in more recent times. In a debate in this house, Minister MacTiernan was the first minister that I heard admit that Western Australia cannot keep Delta out and that that would be a reality that Western Australia will face. I hope that our state is well prepared given the time and the lack of COVID-19 that we have had. I hope we have used that time wisely; I really do. Can I stand here, Acting President, with my hand on my heart and say that we are ready for Delta? I cannot, because I simply do not know. Unlike other jurisdictions in Australia, Western Australia has had very, very limited independent review of its COVID-19 response or capability.

**Hon Sue Ellery:** You know that the outbreak that we had back in June, that was a Delta case?

**Hon MARTIN ALDRIDGE:** Yes.

**Hon Sue Ellery:** I just think sometimes people forget that we actually did have Delta here.

**Hon MARTIN ALDRIDGE:** Yes, I think that there was one new case reported today in hotel quarantine. It is probably too early to know the variant, but it is probably Delta as well.

**Hon Sue Ellery:** Yes, but the case where the person was at several school exposure sites, that was Delta.

**Hon MARTIN ALDRIDGE:** Yes.

There has been a softening of language from the government. We saw the Peter Doherty Institute for Infection and Immunity report. National cabinet took a position in the form of a road map—that seems to be what these things get called—and then week after week we heard the Premier say that a single case or a single death is not acceptable, so we would continue with an elimination strategy for who knows how long. I thought at the time that that meant until COVID-19 no longer exists in the world. I have seen in more recent weeks and months a significant softening of that language, and I think that in part is about trying to drive greater vaccination rates amongst our population as there seems to be sufficient supply—not in all areas—but insufficient demand.

In the early part of the COVID-19 response in our health system, we saw great concern about PPE and ventilators as well as the workforce. Members will remember that the government relaunched a significant campaign to try to get anybody with all forms of skills. There was talk about expediting re-registration of retired nurses and talk about what sort of facilities could be re-established, such as Swan District Hospital, and stadiums being repurposed. I am not sure whether as part of that initial workforce blitz we actually hired any of those people, because we saw a significant reduction in demand for services at the time. I am not sure for how many months we saw that, but it is interesting to see how quickly that changed over the course of probably the next 12 months.

Ambulance ramping in this state in August 2021 hit an all-record high of 6 528 hours. Our ambulance service for one month was ramped for more than 6 500 hours. Compare that with March 2017, the month in which the government took power; it was 641 hours or about 10 per cent of that figure. That is not a pure comparison because, in one respect, we are comparing August and March, and there can be seasonal impacts on the level of ambulance ramping and hospital service demand, particularly in our public health system. But if we look at the figures for August 2021, ambulances in Western Australia—this would predominantly be in our metropolitan area and areas with career paramedics who have their performance measured—were attending priority 1 calls, which is the highest priority ambulance call, only 76.5 per cent of the time within their performance benchmark. The ambulance service is required to respond within 15 minutes to a 90 per cent target of priority 1 calls. That in itself might sound like a long time. Typically, a priority 1 call is a life-threatening emergency. It is quite often a resuscitation. In August, only three in four ambulances arrived within 15 minutes of the 000 call. In those situations, particularly if you are performing the resuscitation of somebody, seconds will feel like minutes; minutes will feel like hours. Although the data does not show this, it would be interesting to know what the outliers are. We know that only three in four ambulances in August met their performance target of arriving within 15 minutes of a 000 call for a priority 1. It would be interesting to know what the individual response times of the other 25 per cent of ambulances responding to priority 1 incidents in August, when this state recorded its highest level of ambulance ramping in history.

We have all heard of the golden hour after road trauma, particularly in a regional context. A key factor of a successful outcome for a patient is the time in which the patient receives care and the time in which the patient has access to an appropriate hospital to access the care. That time factor is key. I want to make the point that this is not just a metropolitan issue. This issue is now having an impact on regional locations in two ways. First, in some sub-centres, towns or communities within, I would say, a 200-kilometre radius of the Perth metropolitan area, we are seeing ambulance ramping. The reason is that services in those areas transport their patients either as inter-hospital patient transfers or because they are the closest hospital to metropolitan hospitals. We are seeing it and I am hearing directly from ambulance volunteers who find themselves ramped at public hospitals in the metropolitan area. They tell me about the impact on not only them as volunteers sitting in the driveway of a large hospital in Perth and their willingness to keep volunteering in those circumstances, but also the community that they come from, in which that may be the sole ambulance, or the sole ambulance that is available with those volunteers on that day.

The second situation that I am seeing is at regional sites. Although I do not have the data on all regional hospitals, we know that in May of this year, ambulances were ramped for 128 hours at seven of our largest regional hospitals, being Albany, Broome, Bunbury, Geraldton, Hedland, Kalgoorlie and Northam. This is not just a metropolitan hospital capacity issue; this is also a regional hospital capacity issue. As I said, it worries me. I know that work has been done. I am advised that there is now an appreciation of that situation, and when a volunteer crew is coming in to off-load a patient, there is an arrangement—I am not sure how formal it is—to try to get that crew back on the road to its community as quickly as it can, but obviously that can only be done within the constraints of the triaging and prioritisation of patients at our hospital sites.

I want to make some comments at this point about the ambulance inquiry. I am sure that members are aware that the Standing Committee on Public Administration is conducting an inquiry into the delivery of ambulance services in Western Australia. I have publicly expressed my view that I think that committee has got this wrong. As I said earlier, I have no issue with committees examining these types of things, but in the current environment, with the health crises—there are many of them in this state—and particularly in light of my earlier comments that unlike other jurisdictions that have had special inquiries and royal commissions, although our Auditor General has done some discrete work around our COVID-19 preparedness, we have not had any significant independent assessment or inquiry into the state's capacity to manage COVID in Western Australia. I think that has been an enormous missed opportunity, and I hope that will not be to the detriment of Western Australians when we see COVID-19 within our borders.

This committee has decided to pursue a discrete inquiry into ambulance services, and I do not have time to dwell on what I think might be its motivations for doing that, but it is worthy to note that when I looked at the public administration committee's website earlier today, no submissions had been published. I think that submissions closed—I would be guessing at a date—back in July sometime, and it is interesting that here we are, in the middle of October, and no submissions have been published on the standing committee's website. I find that highly unusual.

I noticed that earlier this week—in fact, it might have been yesterday—an article in *The West Australian* made reference to the submission to the standing committee by the WA Country Health Service. I thought that was a bit odd. The website says nothing. The computer says no, Hon Darren West. The computer says no, and yet here I am reading quotes in *The West Australian* from the WA Country Health Service submission. I made some inquiries with the standing committee and I asked whether any submissions had been made public by the standing committee. I am now advised that no less than 11 submissions have been made public by the Standing Committee on Public Administration. They are submissions by the Australasian College of Paramedic Practitioners; the Ambulance Employees Association of WA; Charles Wroth; the Department of Health; the United Workers Union; the Royal Flying Doctor Service; the WA Country Health Service; St John Ambulance Western Australia; the St John Ambulance Margaret River sub-centre; Ray Bange, OAM; and a private citizen. They are the eleven submissions. Just before I stood, I jumped onto my computer. The computer still says no. If I had had time, I would have done the right thing and printed

these 11 submissions and tabled them. Why is it that submissions that have been made public to an inquiry of a standing committee of this house have not been published on that committee's website? I find that peculiar, to say the least. I find it interesting that, as a member of this house, I find out about details of submissions to this standing committee's inquiry via the daily newspaper. I am not going to say any more other than to say to the house and to you, Acting President (Hon Steve Martin), that I find that a very strange set of circumstances.

I want to quote now from budget paper No 1, which is, of course, the Treasurer's speech. Obviously, it is a speech of the other place. The speech states —

Madam Speaker, the McGowan Labor Government has approved a massive \$1.9 billion boost in spending for health and mental health.

This includes an additional \$960 million for WA Health and a record \$495 million for the Mental Health Commission to expand and improve services.

Our health system has been under significant pressure given unprecedented demand during the pandemic, especially in our emergency departments.

A large proportion of this investment will go towards an additional 332 beds, supported by around 100 new doctors and 500 nurses.

That sounds great. What I find interesting is that the \$5.8 billion operating surplus is not from this financial year; it is from last year. I do not understand why the government has waited until the budget, or in fact maybe a week or two before the budget when it soft-launched all these extra spending initiatives, to actually do something about these issues of health, workforce, housing, and any number of crises that this government is now dealing with, I think, because of its inaction. In the forward estimates, despite an extra rising debt of \$4 billion, we see operating surpluses every year. This all sounds wonderful until we read the response by the Australian Medical Association, which, I think, gives an interesting perspective on the spin that is contained in the Treasurer's speech. The president of the WA branch of the Australian Medical Association said the following in a blog on Friday, 10 September, which I think was a day after the budget was handed down —

You may recall that about a month ago the Government started 'dropping' information to the media about their plans for health in the Budget, with a \$1.9 billion boost, as well as the funding for the new Women and Babies Hospital to replace King Edward Memorial Hospital, a \$1.88 billion allocation that had been announced last December.

So far, so many billions and there was an initial positive headline for these eye-watering amounts of public money flowing through. After that there was a week-long blitz with health announcements every day, including a plan to attract 100 new doctors and 500 new nurses into the system.

If it told us nothing else, health was proving a significant issue for the government that they were keen to get off the radar. The focus on health was certainly welcome, after last year barely raising a mention in Budget discussion, even in the middle of the pandemic. Then Treasurer Ben Wyatt was more interested in announcing the increased recruitment of WA police.

The State intervention was more timely as the month progressed and it was becoming evident just what a terrible month was evolving for the health system. I had already predicted breaking 6000 hours of ramping before too long but I hadn't really banked on this happening in August. The idea we would finish the month with a jaw-dropping 6500 hours of ramping was well beyond my expectations.

This is obviously a very lengthy piece, so I will jump straight to the relevant point, which is where Dr Duncan-Smith said —

Well, our attitude was we'd believe it when we saw it. Yesterday we saw everything we needed to see about the Government's priorities. There was no reset in the way we believe is required.

The \$10.37 billion WA Health budget equates to a 1.38 per cent increase —

I repeat—a 1.38 per cent increase —

on the 2020–21 Estimated Actual Spending, which was \$10.23 billion. Including the forecast CPI, this actually amounts to a 0.36 per cent **decrease** in health funding.

Depressingly, the WA Health Budget for 2022–23 in the forward estimates is worse than 2020–21 (and we all know was not enough) at \$10.15 billion, a significant decrease of 3.72% when CPI is included.

Sure, after the unexpected bumper \$5.6 billion surplus in this Budget, —

Which we now know is \$5.8 billion —

the next surplus is a more 'modest' \$2.8 billion. But it's telling that the Government's own calculations put us further and further behind year on year at a time when it is absolutely evident we need many more resources added.

Those are not my views. Those are the views of the WA branch of the Australian Medical Association. When we look through the government's spin and the non-performance, particularly of late, of the Minister for Health, who

now wears many hats, not just health, I have significant concerns about the preparedness of our state to deal with COVID-19. As I have said, I believe that the initial motivation of the Premier for going so hard and so quickly on border controls is that he has the same fear. What has the government done in the last 12 to 18 months? That is yet to be seen. That is why I believe the priorities of the standing committee were wrong.

I now want to move on from health and talk about some other aspects of the budget that are relevant to my shadow portfolios and/or my electorate—in many cases, they are relevant to both. I turn first to page 309 of budget paper No 3. I am not sure about other members, but that is usually the first section of the budget that I turn to. This comes under the section titled “Household Tariffs, Fees and Charges”. This section of the budget provides a useful snapshot of what the Treasurer calls the “representative household”. It is a good indicator of whether tariffs, fees and charges have increased or, as is the case in the most recent budget, decreased. It is interesting to compare, as I have done, the relevant page from last year’s budget with this year’s budget. Earlier, I made several references to CPI growth, which for this budget year and next is estimated at 1.75 per cent. In the table on page 309 for the estimated impact on the representative household for the last financial year, 2020-21, there is a bunch of zeros in the columns for percentage change and dollar change. We need to remember that the government took the policy position that its response to the COVID-19 pandemic would be to freeze household fees and charges. The items listed in that table cover motor vehicles, utility charges, public transport fares, the emergency services levy and stamp duty. It was actually more than a freeze. It was a reduction, because members will recall that last year, Western Australian households were the beneficiary of a \$600 utility rebate as a result of the settlement of the Bell litigation.

**Hon Dr Steve Thomas:** Maybe.

**Hon MARTIN ALDRIDGE:** That is a good point.

This year, a number of the increases in tariffs, fees and charges are held at CPI, which is estimated at 1.75 per cent. Those are mainly electricity and water-related costs. It is interesting to note for the benefit of members who have not looked at page 309 of budget paper No 3 that the motor vehicle licensing charge has increased by four per cent. It is also interesting to note that the emergency services levy has increased by 4.3 per cent. That is almost two and a half times CPI. It will be interesting to find out when we get to estimates the thinking of the government around this. It is rather perverse from my perspective that the government patted itself on the back for the fact that in the last budget, it froze household fees and charges, but in this budget it has caught up on that, and some.

This is an area that I will continue to focus on. It is concerning to look at budget paper No 2 and the forecast revenue for the Department of Fire and Emergency Services. That states that the emergency services levy will increase by 4.89 per cent in this budget year. That obviously does not align with the 4.3 per cent increase in the charge for the representative household. If we look at the forward estimates, next year there will be an 8.17 per cent increase; the year after, there will be a 3.36 per cent increase; and in the final year of the forward estimates, there will be a 4.57 per cent increase. There seems to be no consistent approach to the way in which growth in the emergency services levy is projected. Members need to remember that the people who pay the emergency services levy are the property owners in Western Australia. Every single dollar and cent is recouped through, effectively, a levy on rates notices. The charge was frozen last year and has been supercharged two and a half times this year, which is nothing on the 8.17 per cent increase for next year. It will be interesting to get—not that the department is appearing before the estimates committee next week—a greater level of insight and understanding into the state government’s approach for setting these charges, in particular the ESL.

The issue of motor vehicle licensing has not gone unnoticed either. The RAC put out a media statement on the same day as the budget, Thursday, 9 September 2021, which stated —

Disappointingly, the Budget confirms registration fees have risen by four per cent this year, more than twice the rate of inflation.

Analysis by RAC released last month revealed registration fees had increased by over 80 per cent in the past 10 years—almost five times the rate of inflation.

“These ongoing fee increases add up over time to be a huge hit to motorists’ wallets, so it’s unfortunate successive state governments have chosen to make it more and more expensive for motorists to get around,” Mr Golsby said.

According to the Australian Automobile Association, WA households are now spending almost 15 per cent of their income on transport costs, which equates to almost \$20,000 a year.

I make this point particularly as a regional member, because we do not have access to anywhere near equity when it comes to public transport. The notion that people can live comfortably outside the Perth metropolitan area without a motor vehicle is a nonsense. When the government announced, as I think it did in this budget, more free fares and more concessions for metropolitan public transport, I am not sure I heard any announcement about concessions or discounts for any limited regional public transport services, both rail and coach. I am not sure I heard that—I will check; I notice that the Public Transport Authority will be appearing before the Standing Committee on Estimates and Financial Operations next week—but I certainly heard that further concessions will be applied to metropolitan public transport. When we couple motor vehicle licensing charges, which are unavoidable for people living outside

Perth, with the higher cost of fuel, in particular, and greater distances travelled, which has a direct impact on both fuel and maintenance of motor vehicles, not necessarily registration, the government does not adequately consider the impact of these decisions, particularly when considering ways in which it can further incentivise public transport in suburban Western Australia with, as far as I can tell, little to no regard for other parts of the state.

The other thing the RAC was advocating for in its state budget submission was a prioritisation of the regional road safety program. I have spoken about this ad nauseam on other occasions so I am not going to deep dive into it today, but I encourage the state and federal governments that if infrastructure smoothing is to occur, it should not be on this project. This project creates significant jobs and saves significant lives, and once complete, it will treat, with low-cost solutions, some 17 000 kilometres of Western Australian roads. With the economic cost of road trauma in Western Australia estimated to be \$2.6 billion, this \$900 million program should be fully funded and fast-tracked. I will quote briefly one point in the RAC's pre-budget submission about the benefit–cost ratio of this project, which states —

yield a strong return on investment with a high Benefit Cost Ratio ... of 4.05 (to put this into context, in a post implementation evaluation of 19 national road investment projects delivered between 2008–09 to 2012–13, the average 8CR was 1.82 —

That is double the average BCR for a road project.

and the Morley–Ellenbrook Line which was endorsed by Infrastructure Australia in May 2020 and is due to commence construction this year has a BCR of 1.1.

That is a BCR of 1.1 versus a BCR of 4.05. Even if the government does not accept arguments around road trauma, or the economic cost of road trauma and the project's ability to save 2 000 lives on our regional roads, surely Treasury supports an economic argument for a BCR of 4.5 over some of the investments that this government is making in other transport-related areas.

There is certainly a lot more to be said about this budget. I look forward to the estimates hearings next week. I look forward to pursuing these and many other issues as we unpick the government's spin and identify the real issues that this state faces.

**HON PIERRE YANG (North Metropolitan)** [4.26 pm]: I rise today to give a brief speech on the consideration of the budget papers. During his contribution, Hon Martin Aldridge mentioned that he was looking forward to my contribution. Hon Martin Aldridge, here is my contribution; I appreciate your invitation.

This week is Mental Health Week. Members who are wearing green ribbons on their jackets and dress today are proudly standing with Australians and Western Australians who are experiencing mental health issues. It is a great advancement for the community that we are now talking about mental health and mental wellbeing.

I wish to quote a few figures on page 5 of budget paper No 1 under the heading of “Health and Mental Health”. One paragraph reads —

This includes an additional \$960 million for WA Health and a record \$495 million for the Mental Health Commission to expand and improve services.

Another paragraph states —

An additional \$311 million is being invested in community-based mental health services. These services are designed to treat people in more appropriate settings, reducing pressure on our hospitals and EDs. The increased funding includes \$130 million specifically to enhance services for youth mental health.

This government has set aside a lot of money to address issues that our community is facing. I had the pleasure of representing the very capable minister Hon Stephen Dawson last Friday at a Housing Industry Association Charitable Foundation event during which it launched its car park party and #buckethatchats campaign. The campaign is dedicated to personnel in the housing industry who experience mental health and mental stress on average at a much higher rate than the general public. I think it is great for our community and for community organisations to talk about these issues to help remove the stigma of mental health. It is great that people can talk about mental health issues so that their colleagues, family and friends can easily identify it and ask, “Are you okay?” They can then follow-up with other questions and make sure that the people who are experiencing mental stress and difficulties are reached out to and that they engage in conversation.

On Sunday, I had the honour to attend the re-raising parade of the Western Australian 10<sup>th</sup> Light Horse Regiment, representing the Premier and Minister Paul Papalia. At the event, His Excellency the Governor Hon Kim Beazley gave a speech. At the end of his speech, he talked about the mental health issues that Australian soldiers have experienced in the past and today. Many soldiers in previous wars who experienced mental difficulties, which is known today as post-traumatic stress disorder, were not properly looked after. It is a great community achievement that we are talking about these issues. It is commendable for this government to put in a huge amount of money to provide the services that are critical for Western Australians who are experiencing mental health difficulties.

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

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

**QUESTIONS WITHOUT NOTICE****WORKSAFE — ASSESSORS****761. Hon Dr STEVE THOMAS to the Minister for Industrial Relations:**

I refer to the time frame for the approval and registration of WorkSafe WA assessors who have already obtained a certificate IV in training and high-risk work licence.

- (1) What is the current average time that it takes for the approval of qualified WorkSafe assessors?
- (2) Has the average time for approval changed or blown out in the last two years?
- (3) Why is it taking so long to approve applicants?
- (4) What is the government doing to increase the number of assessors and reduce the time taken to approve them?

**Hon STEPHEN DAWSON replied:**

I thank the Leader of the Opposition for some notice of the question.

- (1) The current average processing time for a complete application for a registration as an assessor of high-risk work is between six and eight weeks.
- (2)–(3) The number of new applications received for a registration as an assessor of high-risk work has significantly increased in the last two years. There has also been an increase in incomplete applications. These factors have caused slight delays in the processing times.
- (4) The six to eight weeks that it currently takes to process a complete assessor application does not represent a significant change in the time taken to process completed applications; therefore, no change is required at this stage, but we will certainly monitor it.

**BUSHFIRE SUPPRESSION****762. Hon Dr STEVE THOMAS to the minister representing the Minister for Environment:**

I ask this question on behalf of Hon Tjorn Sibma, who is absent from the chamber on urgent parliamentary business.

I refer to bushfire suppression on page 65 of the Department of Biodiversity, Conservation and Attractions' 2020–21 annual report. What is the explanation for the enormous variance in the average cost per hectare burnt of \$117.65, which is the 2020–21 actual result, versus the target cost of \$11.74 per hectare?

**Hon STEPHEN DAWSON replied:**

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

The variance in the average cost per hectare burnt versus the target cost per hectare for 2020–21 is due to the significant decrease in the area of land burnt by bushfires on department-managed lands in regional Western Australia for the 2020–21 financial year, which was 409 085 hectares, resulting in a higher average cost per hectare burnt.

The target cost is based on an average area of the Department of Biodiversity, Conservation and Attractions–attended bushfires for the preceding four years. The reported unit cost per hectare for bushfire response and suppression is inclusive of the recurrent cost of maintaining a bushfire response capacity.

In 2020–21, the bushfire impacts were significantly less than in the preceding four years in terms of area burnt, with a total bushfire area of 409 085 hectares burnt compared with the total bushfire areas for the preceding years of 2 892 013 hectares in 2019–20; 4 144 215 hectares in 2018–19; 2 789 972 hectares in 2017–18; and 1 062 958 hectares in 2016–17. The higher average cost per hectare for 2020–21 reflects the inverse relationship between the bushfire area and the cost of bushfire suppression.

**VOLUNTEER BUSH FIRE BRIGADES****763. Hon COLIN de GRUSSA to the Minister for Industrial Relations:**

I refer to recent discussions between the Department of Mines, Industry Regulation and Safety and key stakeholder groups representing volunteer firefighters.

- (1) Has the government undertaken an assessment of the type and number of volunteer organisations that will be captured by the Work Health and Safety Act 2020 as a result of them being deemed as persons conducting a business or undertaking?
- (2) If yes to (1), will the minister please table the results of the government's assessment?
- (3) What assistance is the government aiming to provide to volunteer organisations deemed as a PCBU?
- (4) With specific reference to volunteer bush fire brigades, what entity is deemed as a PCBU—that is, is it a brigade itself, a local government or the Department of Fire and Emergency Services?

**Hon STEPHEN DAWSON replied:**

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

- (1) The Department of Mines, Industry Regulation and Safety has not undertaken an assessment of the type and number of volunteer organisations, as it does not anticipate that a significant number of volunteer organisations would be PCBUs pursuant to the Work Health and Safety Act 2020. Further, DMIRS does not envisage a material change for the vast majority of volunteer organisations, which already have similar duties under the Occupational Safety and Health Act 1984.
- (2) Not applicable.
- (3) DMIRS is developing a public information campaign to advise PCBUs of the impending implementation of the WHS act and their duties. DMIRS is developing specific materials as part of the campaign to provide advice to volunteers.
- (4) All government departments, including DFES and local governments, meet the definition of a PCBU under the WHS act. A volunteer association does not conduct a business or undertaking for the purposes of this act if it does not employ anyone.

## CRIMINAL CODE — AMENDMENT — PREGNANT VICTIMS

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

I refer to the recent tragedy involving the alleged murder of Ms Janet Dweh, who was just weeks away from giving birth, as well as calls by her relatives for her death to be treated as a double murder and Superintendent Wilde's comment that current laws limit the scope of what police can do regarding the death of Ms Dweh's unborn child.

- (1) Will the Attorney General consider amending the Criminal Code so that the law can properly recognise the gravity of the offence committed and the full extent of the loss suffered in such cases?
- (2) If not, why not?

**Hon MATTHEW SWINBOURN replied:**

I thank the member for some notice of the question.

At the outset, I pass on my condolences to the family of Ms Dweh for their tragic and unfortunate loss.

- (1)–(2) The Attorney General is unable to comment on ongoing criminal investigations. Speaking generally, the Restraining Orders and Related Legislation Amendment (Family Violence) Act 2016, which passed Parliament in 2016, amended the Criminal Code to extend the concepts of bodily harm and grievous bodily harm to apply to a pregnant woman's unborn child. The then Attorney General stated in a media release dated 17 November 2016 that under the legislation a person who intentionally caused grievous bodily harm to a pregnant woman resulting in the loss of her pregnancy would face up to 20 years' imprisonment, and a person who caused grievous bodily harm to a woman's unborn child in other circumstances could be jailed for up to 14 years.

MOUNT HELENA COMMUNITY KINDERGARTEN AND PLAYGROUP  
AND PINEVIEW COMMUNITY KINDERGARTEN**765. Hon DONNA FARAGHER to the Minister for Education and Training:**

I refer to community kindergartens.

- (1) Has the minister and/or the director general of the Department of Education considered exemption requests from the enrolment threshold to access operational funding in 2022 for Mount Helena Community Kindergarten and Playgroup and Pineview Community Kindergarten?
- (2) If yes to (1), what is the minister's and/or the director general's decision for each kindergarten and when were the kindergartens informed of that decision?
- (3) If no to (1), when will a decision be made?

I think I know the answer.

**Hon SUE ELLERY replied:**

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

- (1) Yes.
- (2) Exemptions for Mount Helena Community Kindergarten and Pineview Community Kindergarten were approved with the requirement for both community kindergartens to put plans in place in 2022 to increase enrolments in 2023. The parent management committees were notified today—12 October.

**Hon Donna Faragher:** Today—the day that the question was lodged!

**Hon SUE ELLERY:** There is no grand conspiracy.

- (3) Not applicable.

## PRISONERS — FUNERALS — TRAVEL EXPENSES

**766. Hon PETER COLLIER to the minister representing the Minister for Corrective Services:**

How much has been spent covering travel and other expenses for prisoners attending funerals in 2018, 2019, 2020 and 2021 to date?

**Hon ALANNAH MacTIERNAN replied:**

I thank the member for the question. The following information has been provided to me by the Minister for Corrective Services. The answer is in tabular form and I seek leave to have it incorporated into *Hansard*.

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

Calendar, Year	Amount
2018	\$306,801.20
2019	\$401,568.14
2020	\$1,426,329.51
2021 – Jan to August	\$855,989.52
	<b>\$2,990,688.37</b>

## ABORIGINAL CULTURAL HERITAGE BILL

**767. Hon Dr BRAD PETTITT to the Minister for Aboriginal Affairs:**

I refer to consultation conducted by the government for the Aboriginal Cultural Heritage Bill, since the discussion draft was presented in September 2020.

- (1) How many Western Australian Aboriginal organisations have been consulted, including, by item —
  - (a) registered native title bodies;
  - (b) prescribed bodies corporate;
  - (c) Aboriginal corporations; and
  - (d) other Aboriginal representative organisations in Western Australia?
- (2) In relation to (1), how many of these organisations support the bill as it is currently written?
- (3) In relation to (2), if not known, why not?
- (4) In relation to (1), how many Aboriginal organisations do not support the bill as it is currently written?

**Hon STEPHEN DAWSON replied:**

I thank the honourable member for some notice of the question. Given the level of detail required, I am not able to provide the information in the time frame available. An answer will be provided to the honourable member in the next sitting week. By way of explanation, a previous minister undertook a range of consultations over a three-year period. The department has undertaken some consultation and meetings have happened with my office, so diaries will need to be gone through and it will take some time to collate that information. I will provide it when I can.

## SYNTHETIC CANNABIS

**768. Hon Dr BRIAN WALKER to the Minister for Mental Health:**

I refer the minister to the article entitled “Pot Luck” that appeared in the *Weekend Australian* of Saturday, 2 October 2021 and focused upon the potential dangers posed by synthetic cannabis.

- (1) Is the minister aware of the article and the manner in which it juxtaposes the dangers of synthetic cannabis, particularly as taken by the young and relatively uninformed, with natural cannabis used by consenting and informed adults?
- (2) Does the government concede that the prohibition of a relatively harmless drug has the potential to drive a generation of youngsters towards more harmful and downright dangerous synthetic compounds?
- (3) Is the government doing anything to teach young people to distinguish between these two very different substances; and, if not, why not?

**Hon STEPHEN DAWSON replied:**

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

- (1) Yes, I am aware of the article and understand the dangers that arise from the misconception that synthetic cannabinoids present no additional harms compared with cannabis.
- (2) It is important to note that both cannabis and synthetic cannabinoids are prohibited in Western Australia for recreational use.

- (3) Yes, the Mental Health Commission funds Drug Aware, which is a statewide public education program that aims to prevent, delay and reduce drug use and related harms. It provides evidence-based information to Western Australians to help them make informed decisions about drugs and related behaviours. The Drug Aware website is being updated to provide comprehensive information on cannabis and synthetic cannabinoids to ensure Western Australians are aware that these drugs and associated harms are distinct from one another. In addition, education to high school students about cannabis and synthetic cannabinoids and associated harms is provided through the government-funded School Drug Education and Road Aware program.

**CORONAVIRUS — VACCINATIONS — FIRE AND EMERGENCY SERVICES**

**769. Hon MARTIN ALDRIDGE to the Leader of the House representing the Minister for Emergency Services:**

I refer to the announcement that all Department of Fire and Emergency Services staff and volunteers will be required to have at least one dose of COVID-19 vaccine by 1 December 2021.

- (1) What is the current level of vaccination among Department of Fire and Emergency Services staff; and DFES volunteers?
- (2) Has the infection prevention policy been finalised; and, if so, will the minister please table the document?
- (3) Will the minister please table the Chief Health Officer's advice supporting the decision?
- (4) Will the policy, once implemented, apply to other emergency response agencies such as the Parks and Wildlife Service, Salvation Army, Red Cross, Department of Communities and Department of Local Government, Sport and Cultural Industries?

**Hon SUE ELLERY replied:**

I thank the member for some notice of the question. I note that the question he read out had a preamble. It is not in the question before me. It will not change the answer, but that is not what is in front of me.

- (1) The Department of Fire and Emergency Services conducted a voluntary COVID-19 vaccination status survey that was open to all DFES staff and volunteers. As of 21 September 2021, the voluntary survey results of the 3 742 respondents indicated that the level of at least one dose of COVID-19 vaccination among DFES staff was 86.16 per cent, and for DFES volunteers, 79.3 per cent.
- (2) The DFES infection prevention and control policy is still in the consultation and development phase with the relevant volunteer associations and unions, and has not been finalised.
- (3) I table the advice from the Chief Health Officer.

[See paper [752](#).]

- (4) Yes, it is intended that the policy, once implemented, will apply to DFES partner agencies such as the Parks and Wildlife Service, Salvation Army, Red Cross, Department of Communities and Department of Local Government, Sport and Cultural Industries when engaging with DFES.

**CORONAVIRUS — VACCINATIONS — SCHOOL LEAVERS**

**770. Hon JAMES HAYWARD to the minister representing the Minister for Health:**

I refer to the announcement that school leavers who want to attend leavers events in Dunsborough must be vaccinated.

- (1) Is this decision based on official health advice?
- (2) If yes to (1), will the minister table the health advice that outlines the reasons why school leavers celebrations in Dunsborough are considered higher risk than the AFL grand final, which did not require attendees to be vaccinated?
- (3) If no to (2), why will the minister not share the health advice with students and parents to help them make an informed decision?
- (4) Does the minister believe that not making official health advice public may be contributing to vaccine hesitancy in the community?

**Hon STEPHEN DAWSON replied:**

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

- (1) Yes, the decision is based on the advice of the Chief Health Officer.
- (2) The advice provided to the Premier by the Chief Health Officer is publicly available on the WA government website. I table the attached advice.

[See paper [753](#).]

- (3)–(4) Health advice from the Chief Health Officer, including in relation to the vaccination of school leavers, has been publicly available on the WA government website throughout the pandemic.

## RAILCARS — ALSTOM — KTK GROUP

**771. Hon NEIL THOMSON to the Leader of the House representing the Minister for Transport:**

I refer to WAToday's article of 28 September 2021, concerning Alstom's contract with the KTK Group, a major supplier of train fittings for WA's new fleet of Metronet C-series railcars, and human rights concerns related to the KTK Group and the US Department of Commerce ban on that same group due to those concerns.

- (1) When did staff from the Public Transport Authority become aware of these concerns?
- (2) When did staff formally advise the general manager of these concerns?
- (3) When did the general manager raise these concerns with the minister?
- (4) Given that the minister is now aware of concerns, will the minister now direct Alstom to break its contract with the KTK Group?
- (5) Does the minister still support the KTK Group opening a facility in Western Australia, as is planned?

**Hon SUE ELLERY replied:**

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

- (1)–(3) They became aware in mid-2020.
- (4)–(5) The PTA has sought and received assurances from Alstom that it is confident of the integrity of its supply chain and it is compliant with the commonwealth Modern Slavery Act 2018, as mandated in its contract with PTA. The PTA determined that potential alternative suppliers for the KTK components would not occur from the local WA market.

## HOMELESSNESS — BOORLOO BIDEE MIA SERVICE

**772. Hon STEVE MARTIN to the parliamentary secretary representing the Minister for Community Services:**

I refer to question without notice 576, asked on 31 August 2021, regarding homeless accommodation in Perth.

- (1) Are all building works on Boorloo Bidee Mia completed?
- (2) Is the Boorloo Bidee Mia facility operational on all floors?
- (3) If no to (2), why not?
- (4) How many people are currently staying at Boorloo Bidee Mia?

**Hon SAMANTHA ROWE replied:**

I thank the member for some notice of the question. I provide the following answer on behalf of the Minister for Community Services.

- (1)–(4) Boorloo Bidee Mia has opened and will progressively increase the number of residents. Boorloo Bidee Mia is still undergoing building works. These works are being managed in a way that minimises disruption to residents and wraparound services. The number of residents accommodated at Boorloo Bidee Mia at any given time will be dependent on the support needs of residents, with the delivery of a safe, culturally appropriate and effective service being a priority at all times. The number of residents will increase as the service matures. It is important that the occupation of the service is scaled up through a gradual process, with a view to maintaining appropriate safety for all residents and staff.

## PFAS CONTAMINATION — STANLEY ROAD WASTE MANAGEMENT FACILITY

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

I refer to the perfluoroalkyl and polyfluoroalkyl substance contamination at the Stanley Road waste management facility run by the City of Bunbury and the Shire of Harvey that has resulted in commercial waste no longer being accepted at the facility.

- (1) On what date did the Department of Water and Environmental Regulation receive an auditor's report that PFAS had been detected and was leaching into groundwater at the Stanley Road waste management facility?
- (2) From receipt of the auditor's report, why did it take five weeks for DWER to classify the Stanley Road site as contaminated?
- (3) How far off site and to what geographical areas or locations has the PFAS plume extended from the Stanley Road facility?
- (4) At what rate is the plume moving and what mitigation strategies have been undertaken to impede its movement?

**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 Minister for Environment.

- (1) On 10 August 2021.

- (2) The site was already classified as possibly contaminated—investigation required. In line with due process, the reclassification of the site followed a comprehensive review by the Department of Water and Environmental Regulation of the mandatory auditor’s report and a consultation process with the Department of Health.
- (3)–(4) The Bunbury Harvey Regional Council has engaged consultants to determine the nature and extent of the plume. Investigations will be conducted in accordance with the requirements of the Contaminated Sites Act 2003 and in line with the mandatory auditor’s report recommendations. The department has served an environmental protection notice on the operators of the landfill to address activities on site. I understand the department has taken a comprehensive regulatory approach by issuing an environmental protection notice, conducting site inspections and investigations, and by requiring the capping of the landfill in an expedited manner to minimise further pollution. Community engagement is being undertaken by the Bunbury Harvey Regional Council, as is appropriate.

BIODIVERSITY, CONSERVATION AND ATTRACTIONS — 2020–21 ANNUAL REPORT

**774. Hon COLIN de GRUSSA to the minister representing the Minister for Environment:**

I ask this question on behalf of Hon Tjorn Sibma, who is away on urgent parliamentary business.

I refer to pages 9 and 10 of the Department of Biodiversity, Conservation and Attractions’ 2020–21 Annual report. In relation to the \$142.5 million positive variation in actual versus targeted total equity —

- (1) Which parcel of DBCA land was revalued upwards to improve the department’s equity position and what prompted that revaluation?
- (2) Who conducted the revaluation?
- (3) Will the minister table that revaluation report?
- (4) If no to (3), why not?

**Hon STEPHEN DAWSON replied:**

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

- (1)–(4) The department holds a significant number of land parcels—more than 3 500—which are spread across the state. For financial reporting purposes, the Western Australian Land Information Authority, Landgate, annually assesses and provides values for the department’s land holdings. The department recognises and reports the values in the annual report at fair value; these are audited by the Office of the Auditor General. The valuation report of 2020–21 determined that the total fair value of the department’s land at 30 June 2021 was \$2.47 billion, including \$3 million of new land purchased in 2020–21, compared to fair value of \$2.33 billion at 30 June 2020, a revaluation increment of \$145.53 million.

PROCEDURE AND PRIVILEGES COMMITTEE — REPORT ON A PERSON ADVERSELY REFERRED TO IN THE LEGISLATIVE ASSEMBLY — HON SIMON O’BRIEN

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

I refer to the first report of the Procedure and Privileges Committee tabled in the Legislative Assembly last month, which reported on a former member of this house having been adversely referred to.

- (1) Has the Attorney General read the first report?
- (2) Is the Attorney General aware that the Corruption and Crime Commission wrote to the Speaker on 3 December 2020 advising that the text message of 16 August 2019, referred to in paragraph 437 of the CCC report dated 26 November 2020, was in fact a voice message?
- (3) Has the Attorney General heard the voice message?
- (4) Has the Attorney General read a transcript of the voice message?

**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) I am aware of the contents of the report.
- (2) I am aware the report has an erratum authorised by the former Speaker, which is Legislative Assembly tabled paper 4028, tabled on 4 December 2020.
- (3)–(4) No.

ADVOCATE FOR CHILDREN IN CARE — FUNDING

**776. Hon DONNA FARAGHER to the parliamentary secretary representing the Minister for Child Protection:**

I refer to the Advocate for Children in Care. What is the total amount of funding that has been allocated to the Advocate for Children in Care in the 2021–22 financial year?

**Hon SAMANTHA ROWE replied:**

I thank the member for some notice of the question and provide the following answer on behalf of the Minister for Child Protection.

For the 2021–22 financial year, a total of \$140 887 has been allocated for salary and on-costs for one FTE. Any additional costs will be met within the Department of Communities' overall approved budget.

## PRISONS — OFFICER IN CHARGE

**777. Hon PETER COLLIER to the minister representing the Minister for Corrective Services:**

I refer to the role of officer in charge at all Western Australian prisons.

- (1) Is the role of OIC at all WA prisons covered on all night shifts; and, if not, why not?
- (2) Is the role of OIC at all WA prisons covered on all day shifts; and, if not, why not?

**Hon ALANNAH MacTIERNAN replied:**

I thank the member for the question. The following information has been provided by the Minister for Corrective Services.

- (1)–(2) Yes.

STANDING COMMITTEE ON PUBLIC ADMINISTRATION —  
WA COUNTRY HEALTH SERVICE SUBMISSION**778. Hon MARTIN ALDRIDGE to the minister representing the Minister for Health:**

I refer to an article published in *The West Australian* on 11 October 2021 titled “Bush care ‘wanting’”.

- (1) Did the minister's office, the Department of Health, the WA Country Health Service or any other person known to the minister or his office release the WACHS submission to the inquiry of the Standing Committee on Public Administration?
- (2) If yes to (1), who released the submission or provided the submission to media outlets?
- (3) Has the minister or his office played any role in authorising or directing the release of the submission?
- (4) Is the minister aware whether the standing committee has authorised the submission for public release?

**Hon STEPHEN DAWSON replied:**

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

- (1) No.
- (2) Not applicable.
- (3) No.
- (4) No. That is a decision for the committee.

## HOMELESSNESS SERVICES — BUNBURY

**779. Hon JAMES HAYWARD to the parliamentary secretary representing the Minister for Community Services:**

I refer to reports in the *Bunbury Herald* that homeless people who have been sleeping rough at the Graham Bricknell Music Shell have been displaced due to maintenance of the facility.

- (1) Is the minister aware where the homeless people displaced by maintenance to the music shell have gone?
- (2) Considering it is still quite cold and wet, is the minister concerned about the welfare of the people who have been displaced?
- (3) Is the minister considering establishing a temporary facility to provide shelter and safety to homeless people in Bunbury similar to initiatives in the Perth metropolitan region such as the Boorloo Bidee Mia facility?
- (4) If no to (3), why not?

**Hon SAMANTHA ROWE replied:**

I thank the member for some notice of the question and provide the following answer on behalf of the Minister for Community Services.

- (1)–(2) The Housing First support service, provided by Anglicare, provides support to the homeless people impacted by the maintenance of the facility and is aware of where each person is located. The Housing First support service, funded by the state government, provides an outreach service and assists where needed with food, blankets, sleeping bags, toiletries, housing applications and accessing medical appointments.

- (3)–(4) The Department of Communities continues to work with local service providers to ensure an effective response to those experiencing homelessness in Bunbury and, to this end, has facilitated conversations between support services and rough sleepers to assist in relocating individuals and supporting them with making alternative plans.

MJW BUILDING — GOVERNMENT CONTRACTS

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

I refer to the recent collapse of the company MJW Building as reported in the *North West Telegraph* on 11 October.

- (1) When was the most recent government contract issued to MJW?
- (2) What was the size and nature of that contract?
- (3) Are there any other contracts with MJW?
- (4) Had any progress been made on that contract?
- (5) When did staff at the Department of Finance become aware of any concerns about the viability of MJW?
- (6) When was the minister made aware of those concerns?

**Hon STEPHEN DAWSON replied:**

I thank the honourable member for some notice of the question. The following response relates to the finance portfolio.

- (1) On 11 October 2019.
- (2) Marble Bar Primary School swimming pool upgrades, valued at \$4 218.50.
- (3) No. Currently there are no other contracts with MJW Building.
- (4) The Marble Bar Primary School swimming pool contract is complete.
- (5)–(6) On 8 October 2021.

Honourable member, \$4 000 for a swimming pool upgrade at answer (2) seems very low. I will check that, but certainly the rest of the answer is as read.

NATIVE FOREST — LOGGING — TRANSITION PACKAGE

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

I refer to the announcement of a \$50 million Just Transition Plan in response to the government's unexpected recent announcement to ban hardwood harvesting.

- (1) Is the \$50 million Just Transition Plan included in the 2021–22 state budget?
- (2) Will the minister please table any consultation undertaken with industry and local communities prior to the announcement of the \$50 million Just Transition Plan?

**Hon ALANNAH MacTIERNAN replied:**

I thank the member for the question. The following information has been provided by the Minister for Forestry.

- (1) Yes.
- (2) On 22 June 2021, the Minister for Environment announced a consultation survey inviting the public and industry to have their say on the future of Western Australia's south west native forests. On 28 June 2021, the Minister for Forestry wrote to Forest Products Commission contractors, including native timber harvesting companies and businesses, timber industry peak bodies and local governments, inviting them to participate in the survey. Please refer to the results of the survey tabled in the Legislative Council on 9 September 2021, tabled paper 540.

PFAS CONTAMINATION — STANLEY ROAD WASTE MANAGEMENT FACILITY

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

I refer to the perfluoroalkyl and polyfluoroalkyl substance contamination at the Stanley Road waste management facility run by the City of Bunbury and the Shire of Harvey, which has resulted in commercial waste no longer being accepted at the facility.

- (1) What PFAS monitoring and testing regime has been undertaken to assess the Stanley Road contamination plume and its risks on the surrounding residential properties, conservation wetlands and the Brunswick and Wellesley rivers?
- (2) Who is undertaking the monitoring and testing regime and will real-time alerts be available?
- (3) What is the concentration of PFAS in the soil at the Stanley Road site?
- (4) What is the concentration of PFAS in the soil extracted from the Forrestfield–Airport Link tunnel project?
- (5) What is the concentration of PFAS in the groundwater under and near the Stanley Road site?

- (6) What is the concentration of PFAS in the groundwater under the storage site of the FAL spoil at 777 Abernethy Road, Forrestfield?

**Hon STEPHEN DAWSON replied:**

I thank the honourable member for the question. Noting that this is a six-part question, obviously there is a six-part answer.

- (1) The Stanley Road waste management facility is subject to ongoing groundwater monitoring under the conditions of its licence under Part V of the Environmental Protection Act 1986 and additional requirements to investigate groundwater contamination in accordance with the site's classification under the Contaminated Sites Act 2003. Ongoing requirements for investigation of the plume were updated when the site was reclassified as "contaminated—remediation required" on 15 September 2021. Those requirements are outlined in the site's classification, which is available on the public "contaminated sites" database through the website of the Department of Water and Environmental Regulation.
- (2) It is Bunbury Harvey Regional Council. I understand that the Bunbury Harvey Regional Council has engaged an environmental consultant to undertake investigations.
- (3) The focus of the investigation at the Stanley Road site was on leachate migrating from the waste material through to the groundwater. Soil concentrations were not relevant to this investigation. Consequently, no soil samples have been analysed for perfluoroalkyl and polyfluoroalkyl substances, or PFAS.
- (4) Analysis of tunnel spoil material extracted in the Forrestfield–Airport Link project found that the majority of the tunnel spoil did not contain any detectable PFAS and the maximum concentration of perfluorooctane sulfonate, or PFOS, detected was approximately 0.006 milligrams per kilogram in a soil sample from the Bayswater dive structure.
- (5) The maximum concentration sum of PFOS plus perfluorohexane sulfonate, or PFHxS, within the landfill site is 0.75 micrograms per litre. The maximum concentration of PFOS and PFHxS detected offsite is 0.422 micrograms per litre.
- (6) A PFAS investigation undertaken at the site in 2017 found a maximum concentration of PFOS and PFHxS of 0.16 micrograms per litre in groundwater beneath the site.

**The PRESIDENT:** Indeed, this is a good opportunity to remind members of standing orders 105 and 106, which require that questions and answers be concise.

**QUESTIONS ON NOTICE 249 AND 264**

*Papers Tabled*

Papers relating to answers to questions on notice were tabled by **Hon Sue Ellery (Leader of the House)** and **Hon Alannah MacTiernan (Minister for Regional Development)**.

**MARKET HALL — YAGAN SQUARE**

*Question without Notice 575 — Supplementary Information*

**HON ALANNAH MacTIERNAN (South West — Minister for Regional Development)** [5.04 pm]: Further to question without notice 575 asked by Hon Neil Thomson on 31 August 2021, I now provide information to parts (3) and (4), which were not available at the time.

I seek leave to have the response incorporated into *Hansard*.

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

- (3) DevelopmentWA does not hold a budget specifically for activation. In the 2017/18 financial year expenditure to manage Yagan Square totalled \$4.15M, which includes marketing and activation.
- (4) DevelopmentWA does not hold a budget specifically for activation. In the 2020/21 financial year expenditure to manage Yagan Square totalled \$3.48M, which includes marketing and activation.

**HEALTH — CHILD HEALTH NURSES — STAFF  
CORONAVIRUS — VACCINATION CLINICS — SCHOOL HEALTH NURSES  
WA COUNTRY HEALTH SERVICE — REFERRALS**

*Questions on Notice 241, 253 and 261 — Answer Advice*

**HON DONNA FARAGHER (East Metropolitan)** [5.05 pm]: I have a point of order. I think that this is the point at which I should raise this. I have three outstanding questions on notice that I have not received responses to. They are now overdue and I ask the Minister for Mental Health to assist. With the President's indulgence, they are questions to the minister representing the Minister for Health and they are questions on notice 241, 253 and 261. The first question was due on 17 September 2021 and the remaining two were due on 1 October.

**The PRESIDENT:** That is not a point of order. The member is just seeking clarification and the minister has indicated that he will pursue that.

**VISITOR — EVA FERNANDEZ — PARLIAMENT ARTIST-IN-RESIDENCE***Statement by President*

**THE PRESIDENT (Hon Alanna Clohesy)** [5.06 pm]: Members, I would like to welcome Eva Fernandez, the 2021 Parliament House–Edith Cowan University artist-in-residence, who is sitting in the President’s gallery today along with Ms Jessica Gatt. The art residency is an initiative that provides the opportunity for a Western Australian artist to examine aspects of Western Australian life, culture, history and politics within the institutional context of Parliament and to develop an artwork, or body of work, that draws upon this experience. Eva is a multi-award winning digital photo-media artist who has participated in numerous national and international solo and group exhibitions and whose work has been acquired by the Art Gallery of Western Australia, the Holmes à Court collection, and the Edith Cowan University and Murdoch University collections. As I mentioned before, I also welcome Jessica Gatt, who will be assisting Eva during the residency.

**CHILDREN AND COMMUNITY SERVICES AMENDMENT BILL 2021***Committee*

Resumed from 16 September. The Chair of Committees (Hon Martin Aldridge) in the chair; Hon Samantha Rowe (Parliamentary Secretary) in charge of the bill.

**Clause 27: Section 61 amended —**

Progress was reported after the clause had been partly considered.

**Hon SAMANTHA ROWE:** I want to table some documents that the honourable member requested at our last sitting. I will do that before we continue on clause 27. I have the consultation that the member was requesting. It is in two parts: there is information on the briefings that were had in relation to the entire bill, and then a breakdown of the consultation that occurred particularly around mandatory reporting. I table those two documents. One is *Children and Community Services Amendment Bill 2021: External briefings* and the other is titled *Children and Community Services Amendment Bill 2021: External consultation on the expansion of mandatory reporting*. The member also asked about children on protection orders or in guardianship, and I have a document to table for that as well.

[See paper [756](#).]

**Hon NICK GOIRAN:** I thank the parliamentary secretary. If those documents could be made available, that would be fantastic.

If we can return, then, to where we left off, at clause 27, which is seeking to amend section 61 of the act. If I draw the parliamentary secretary’s attention specifically to clause 27(3), she will see that it seeks to insert a number of sections after section 61(2), and I am specifically looking at what will be section 61(2B). We see that that proposed section will require a court to consider a report compiled by a person who meets the criteria prescribed by the regulations when considering a special guardianship order application for an Aboriginal child to non-Aboriginal carers. I have a series of questions on this provision. The first is: what are the intended criteria that will be prescribed?

**Hon SAMANTHA ROWE:** The regulations will set out the criteria that a person must meet in order to be eligible to prepare such reports. The criteria may include a requirement that such persons must be either an individual who is an Aboriginal person or an Aboriginal organisation such as an Aboriginal community-controlled organisation. The criteria set out in the regulations will also ensure that suitable, qualified and/or experienced individuals and organisations such as ACCOs involved in family support services delivered to Aboriginal children and families provide written reports to the Children’s Court. The competencies required of report writers are likely to include but are not limited to knowledge of Aboriginal culture and values, including Aboriginal parenting practices and understandings of child development and attachment; knowledge of child and adolescent development and the impact of trauma, including exposure to family violence; knowledge of the impact of intergenerational trauma, grief and loss experienced by Aboriginal children, families and communities, and the impacts of the stolen generations arising from past discriminatory laws, policies and practices, such as loss of connection to family, land, language, stories and culture; the ability to work effectively with Aboriginal organisations and other community service organisations; well-developed interpersonal and communication skills, including the ability to engage and communicate effectively with Aboriginal children and families; and experience in preparing reports. Relevant qualifications in human services such as social work and psychology or health service delivery such as child and adolescent health will be desirable but not essential.

**Hon NICK GOIRAN:** Given that the parliamentary secretary has raised this albeit non-exhaustive list of criteria, why can that criteria not be included in the bill?

**Hon SAMANTHA ROWE:** It is so that we have the ability to consult with stakeholders on the regulations.

**Hon NICK GOIRAN:** The parliamentary secretary earlier tabled a document on external briefings, which did not include any consultation with stakeholders on this point.

**Hon SAMANTHA ROWE:** My advice is no, that is ongoing, and it is underway.

**Hon NICK GOIRAN:** Is it intended that the person who provides this report will always be external to the department?

**Hon SAMANTHA ROWE:** Yes.

**Hon NICK GOIRAN:** Is the government also going to provide any dedicated resources to facilitate the provision of these written reports?

**Hon SAMANTHA ROWE:** My advice is yes, it will.

**Hon NICK GOIRAN:** What type of resources are we talking about?

**Hon SAMANTHA ROWE:** I am advised that we are not sure of the detail of the answer to the honourable member's question.

**Hon NICK GOIRAN:** We are not sure what resources are going to be provided, but we are sure that there will be resources provided?

**Hon Samantha Rowe:** Correct.

**Hon NICK GOIRAN:** That is curious. That said, the parliamentary secretary indicated that there is consultation underway and ongoing. Who is that consultation with?

**Hon SAMANTHA ROWE:** I am advised that the department is working on this project at the moment. There is no list of who is going to be consulted that we can provide at the moment, but a range of stakeholders will be consulted.

**Hon NICK GOIRAN:** To be clear, when the parliamentary secretary said earlier to the chamber that consultation is ongoing and underway, I heard that as meaning that at least the first person of many has been consulted. Is it the case that, actually, when the parliamentary secretary said that it is ongoing and underway, it is so preliminary in its progress that no-one has been consulted so far?

**Hon SAMANTHA ROWE:** I thank the honourable member. I am advised that there have been discussions with the Yorganop Association and the Noongar Family Safety and Wellbeing Council.

**Hon NICK GOIRAN:** Those discussions have been specifically in respect of this point—the provision of certain criteria that will be prescribed in the regulations that will determine who can and who cannot provide one of those reports. I ask that because those organisations are also listed in the document that the parliamentary secretary tabled earlier about the external briefings held on 10 June 2021, which I understood was general consultations and briefings and not specifically on this point. I want to be clear that the discussions with Yorganop Association and the other groups that the parliamentary secretary just mentioned were specifically about clause 27 and the criteria that are intended to be prescribed by the regulations.

**Hon SAMANTHA ROWE:** The advice I have been given is that the discussions have been around how it will be approached, and also what the reports will look like. It is yet to be around the regulations.

**Hon NICK GOIRAN:** Is there an indicative time frame for how long this consultation process, which has commenced and is underway and ongoing, will take, and, also, if this bill were to pass this week, for when those particular regulations will be prescribed?

**Hon SAMANTHA ROWE:** I am advised that the commencement of the bill will occur six months after royal assent. The regulations will need to be developed prior to that time to make sure that that occurs within that time period.

**Hon NICK GOIRAN:** I understand that were the bill to pass this week, it is intended that this particular provision would apply in approximately six months' time. Just to clarify, is it the case that, at the moment, a special guardianship protection order can be made by the court in the absence of one of these written reports and this particular provision will introduce the concept of a mandatory written report for the first time?

**Hon SAMANTHA ROWE:** Yes, member, that is correct.

**Hon NICK GOIRAN:** What will happen if the CEO is unable to obtain one of these written reports from a person who meets the criteria prescribed by the regulations?

**Hon SAMANTHA ROWE:** I am advised that we would make sure that someone was available to provide the report. There will be a number of options and people.

**Hon NICK GOIRAN:** I suppose that will need to be tested by the subsequent statutory review. I understand that this particular provision will apply only for Aboriginal and Torres Strait Islander children. As a proportion, how many special guardianship orders ordinarily are made for Aboriginal children?

**Hon SAMANTHA ROWE:** I am advised that as at 9 September this year, there were 851 children on an SGO, of which 443 were Aboriginal children.

**Hon NICK GOIRAN:** That is helpful. For the purposes of the discussion, in rough terms, it is about half. The document that the parliamentary secretary tabled earlier deals with protection orders as at 30 September 2021. It indicated that in the last financial year, 83 SGO applications have been lodged, of which 32 were for Aboriginal children and 51 for non-Aboriginal children. Just to clarify with respect to that document, I take it that the descriptor is intended to relate to the child, not the person being made a special guardian?

**Hon SAMANTHA ROWE:** That is correct.

**Hon NICK GOIRAN:** Again, if we look at the data from the last financial year, we are talking about 32 children out of 83. As I understand it, this particular provision applies only when the special guardian is not an Aboriginal person or Torres Strait Islander. I am trying to get a sense of the prevalence of this with respect to, for instance, those 32 applications. This new provision will, first of all, require the government to consult and determine who will be a qualified person to make these reports. That is untested at this point in time. It is, if you like—I hesitate to use this word, but I cannot find a better one—a hurdle to the provision of a special guardianship protection order. It is another criterion or hurdle that will need to be overcome, albeit it is evidently intended to be a safeguard and an important criterion to be followed. I want to get a sense of how frequently we will be relying upon one of those reports. In the absence of a report, there simply will be no provision for the court to make an order.

**Hon SAMANTHA ROWE:** I am advised that it is not prevalent, and that in order to be able to access that sort of information, we would have to do a deep dive into each case.

**Clause put and passed.**

**Clause 28: Section 63 replaced —**

**Hon NICK GOIRAN:** This clause deals with name changes. Is it common for special guardians to apply to change the child's name?

**Hon SAMANTHA ROWE:** I am advised that, no, it is not common, but we do not have the number that have applied.

**Hon NICK GOIRAN:** Is there a mechanism to ensure that the department would be notified if a special guardian attempted to change the child's name without the permission of the court?

**Hon SAMANTHA ROWE:** There is no such mechanism at the moment.

**Hon NICK GOIRAN:** Is it intended to develop a mechanism to make sure that the special guardian does not try to change the child's name without permission of the court?

**Hon SAMANTHA ROWE:** I am advised that it will be a condition of all SGOs that a special guardian must not apply to have the child's name changed unless permission to do so has been given by the Children's Court, so the Registry of Births, Deaths and Marriages will have to see an order.

**Hon NICK GOIRAN:** What is the mechanism to make sure that the Registry of Births, Deaths and Marriages is aware that this special guardianship order is in place?

**Hon SAMANTHA ROWE:** I am advised that we will be working with the registry to make sure that that happens. Permission will depend also on the court being satisfied of exceptional reasons for the child's name to be changed and the consent of the child if he or she has sufficient maturity and understanding.

**Hon NICK GOIRAN:** That takes me to my next question: what would be considered to be exceptional reasons that would satisfy the need to change the name of a child who is subject to one of these special guardianship orders?

**Hon SAMANTHA ROWE:** I am advised an example of exceptional circumstances in which a name change may be determined in the child's best interests is when a child's birth father, whose surname the child bears, is a known convicted abuse perpetrator.

**Clause put and passed.**

**Clause 29 put and passed.**

**Clause 30: Section 69B inserted —**

**Hon NICK GOIRAN:** Clause 30 will replace section 69B of the act and is based on the fifty-second recommendation of the statutory review. Given that a child who is subject to a special guardianship order may have formed a strong bond and an attachment to the family or close contacts of the deceased special guardian, what priority will be given to ensure that in the making of orders there will be the capacity to allow the partner of the special guardian—assuming that the partner has been assessed to be safe—to become the carer or special guardian of the child?

**Hon SAMANTHA ROWE:** I am advised that the department must give notice of the new order to all parties to the initial order and to other significant persons. Initial parties—for example, the parents—may apply for a revocation of the order so the partner would be aware. Assessment of the child's circumstances will occur through the care planning process to determine the child's needs, including whether reunification with parents is a possibility or another long-term order is required.

**Hon NICK GOIRAN:** I hear from that then that it would be open for the family or close contact of the deceased special guardian to apply and that they would receive notice because they would be considered by the department to be significant persons?

**Hon Samantha Rowe:** Correct.

**Hon NICK GOIRAN:** Would a person who applies in that situation have to have been a carer of the child for at least two years before becoming the child’s special guardian or would there be any capacity to fast-track that process?

**Hon SAMANTHA ROWE:** I am advised that if the department applies, then, yes.

**Hon NICK GOIRAN:** If the department applies, then, yes; so there is a capacity for the process to be fast-tracked or, yes, the person has to have been a carer for at least two years?

**Hon SAMANTHA ROWE:** Yes, it can be fast-tracked.

**Hon NICK GOIRAN:** What mechanism exists to ensure that the department is notified when a special guardian dies?

**Hon SAMANTHA ROWE:** There is no mechanism.

**Hon NICK GOIRAN:** In light that, section 104(2) of the act outlines that “A person must not provide care for a young child for longer than the prescribed period”—which, depending on the age of the child, is either one month or three months—unless the person in respect of the child is a parent, is an adult member of the child’s family, is a carer, is a person who has applied for or been granted a parenting order, has been caring for the child under a surrogacy arrangement or has been approved by the CEO to provide care for the child. That section has a penalty of a \$12 000 fine or imprisonment for one year. The parliamentary secretary just indicated that there is no mechanism for the department to be advised upon the death of a special guardian. If the department becomes aware that a special guardian has died a year after the death and that a family member of the deceased special guardian has been providing care for a young child, is it intended that the department could then prosecute that family member who would then face fines of up to \$12 000 or, indeed, imprisonment for a year?

**Hon SAMANTHA ROWE:** I am advised that it is unlikely.

**Hon NICK GOIRAN:** What are the circumstance under which we are intending this penalty would apply given that there is no mechanism in place for the department to be alerted to the death of a special guardian?

**Hon SAMANTHA ROWE:** Is the member asking how section 104 is applied?

**Hon Nick Goiran:** Yes.

**Hon SAMANTHA ROWE:** I am advised that there have not been any prosecutions under section 104. I guess it would depend on a case-by-case basis.

**Hon NICK GOIRAN:** Does that not then lend itself to the necessity to establish a mechanism so that the department can be alerted when a special guardian is deceased? We talked in the preceding clause about name changes and the government indicated that there was an intention for the department to have a discussion with the Registry of Births, Deaths and Marriages about name changes. Is there any intention to have a similar conversation about this provision?

**Hon SAMANTHA ROWE:** I am advised that that could be looked at.

**Clause put and passed.**

**Clause 31: Section 79 amended —**

**Hon NICK GOIRAN:** For the assistance of members, I advise that I have questions on clauses 31, 32 and 33; we can skip over some clauses.

Clause 31 is based on recommendation 6 of the statutory review to amend section 79 of the Children and Community Services Act. Specifically, recommendation 6 reads —

The Act should be amended to expressly provide that the CEO may make a time-limited emergency placement for a child in accordance with prescribed regulations. Regulations should prescribe the timeframes within which the necessary carer checks, assessment and consultation requirements under section 81 are to be met.

It is not apparent how adding the phrase “as otherwise prescribed by the regulations” fulfils the sixth recommendation’s requirement to expressly provide the CEO with the power to make a time-limited emergency placement.

**Hon SAMANTHA ROWE:** I am advised that regulations under proposed section 79(2)(iv) will enable the CEO to make a new type of urgent placement arrangement with the requirement to meet the time frames for checking the assessment. The regulations will provide a time frame for the completion of initial safety checks and carer approval against regulation 4 of the Children and Community Services Regulations. Appropriate time frames for carers’ assessments have been considered in consultation with district Child Protection staff and the community. The five working days’ time frame for the completion of the current needs and safety assessment is considered appropriate. Consideration is being given to requiring the completion of a carer assessment against regulation 4 within a specific time frame.

**Hon NICK GOIRAN:** I do not know whether the parliamentary secretary has available to her a copy of the blue bill. That is particularly helpful at this point because section 79 already exists. We are amending section 79 and

inserting subsection (2)(iv). All that does is add “as otherwise prescribed by the regulations”. In and of itself that is not a problem except when it is read in light of the originating recommendation in the statutory review. Recommendation 6 of the statutory review states —

The Act should be amended to expressly provide that the CEO may make a time-limited emergency placement ...

However, that is not what we are doing here. There seems to be an inconsistency between recommendation 6 of the statutory review and what the bill intends to do. I seek an explanation for why that is the case.

**Hon SAMANTHA ROWE:** I am advised that this is the way that parliamentary counsel advised us to draft it.

**Hon NICK GOIRAN:** Would the government entertain an amendment to make this provision more explicit and more in line with recommendation 6? For example, it could be said at this point that the regulations should prescribe the time frames within which the necessary carer checks, assessment and consultation requirements under section 81 are to be met when making a time-limited emergency placement for the purposes of proposed section 81(2)(a) and (b). That would be consistent with what recommendation 6 asks for, which is that it be expressly provided for in the act and that the act be amended rather than having the phrase, “as otherwise prescribed by the regulations”.

**Hon SAMANTHA ROWE:** I am advised that no, we will not entertain an amendment. I am also advised that the intent of what parliamentary counsel drafted is the same.

**Hon NICK GOIRAN:** Parliamentary counsel will have the benefit of our exchange in *Hansard* to guide the drafting of those regulations. Is it intended that that will also be done within the first six-month time frame that we discussed previously?

**Hon SAMANTHA ROWE:** Yes, honourable member.

**Clause put and passed.**

**Clause 32: Section 81 replaced —**

**Hon NICK GOIRAN:** This clause seeks to replace section 81 of the Children and Community Services Act, and it is based on recommendation 9 of the statutory review. I note that recommendation 9 states that the consultation requirements in section 81 should be amended to include five things. Of particular interest to me here is recommendation (1)(b). Recommendation 9 reads —

- (1) Before making a placement arrangement in respect of an Aboriginal child, the CEO must consult with:
  - (a) an Aboriginal person who is a member of the child’s family;
  - (b) where available, an Aboriginal representative organisation either prescribed in regulations or approved by the CEO that, in the opinion of the CEO, has relevant knowledge of the child, the child’s family or the child’s community; and
  - (c) an Aboriginal officer of the Department who, in opinion of the CEO, has relevant knowledge of the child, the child’s family or the child’s community.

If we compare and contrast recommendation 9(1)(b) of the statutory review with what is before us here at clause 32, which is proposed section 81(1)(b), it appears that the requirement for an Aboriginal and Torres Strait Islander representative organisation to have relevant knowledge of the child, the child’s family or the child’s community, as specified by the recommendation, is absent. Why is that?

**Hon SAMANTHA ROWE:** I am advised that it is so we can consult with Aboriginal stakeholders.

**Hon NICK GOIRAN:** Is that the reason why the specific phrase in recommendation 9, which reads “have relevant knowledge of the child, the child’s family or the child’s community”, has not been included despite the recommendation of the statutory review to enable the government to consult with stakeholders? Perhaps the parliamentary secretary could elaborate on that. It is not clear.

**Hon SAMANTHA ROWE:** I am advised that the answer is yes to the first part. It is so we can have flexibility, but also it is likely to be in the regulations.

**Hon NICK GOIRAN:** This provision has its history in the ninth recommendation of the statutory review. The ninth recommendation did not come out of the ether. It was subject to consultation. There was a consultation process and it led to the ninth recommendation. It said, ironically on the topic of consultation and what it should look like, that it would be really important that if there is no available Aboriginal representative organisation, the organisation should have relevant knowledge of the child, the child’s family or the child’s community. Now when it comes to introducing the concept into the bill, it is being removed, and the explanation provided by the government is that it will allow greater consultation with stakeholders. It seems—“perverse” is not the right word, because that is obviously not what is intended here—to be doing the precise opposite of what was intended here, or at least

a qualifier is missing. I accept the parliamentary secretary saying that it might be included in the regulations, and, as she quite rightly points out, lines 16 and 17 on page 27 say that this will be subject to the regulations. There must be a comprehensive explanation. Was there a decision made by government purposely to leave this out? Why would we not want there to be relevant knowledge of the child, the child's family or the child's community? If it is intended to be included in the regulations, why would we not simply put it in at this point?

**Hon SAMANTHA ROWE:** I am advised that there was no decision to leave it out, but after consultation this was the decision made that was thought to be the best way forward. I am advised that it is a different way of achieving recommendation 9, but the intent will be reflected in the regulations.

**Hon NICK GOIRAN:** Upon whose advice was this consultation that led to this decision being made based? Was it internal? Was there consultation within the department or are we talking about external consultation?

**Hon SAMANTHA ROWE:** I am advised that it was external consultation.

**Hon NICK GOIRAN:** The introduction to proposed section 81(1)(a)–(c) indicates that the consultation must occur with each of those three categories. When the statutory review recommendation 9 referred to Aboriginal representative organisations, it referred to that consultation happening when available. What is intended to occur when there is no Aboriginal representative organisation available?

**Hon SAMANTHA ROWE:** I am advised that these things will need to be addressed through regulations, and we will be developing this work in consultation with Aboriginal stakeholders to get it right.

**Hon NICK GOIRAN:** I will make an observation at this point. I think that consultation will be incredibly important, because this very much runs the risk of being a rudimentary requirement that will simply be complied with but has no real meaning and effect. On its face, it would seem to be very important that somebody who has been consulted has relevant knowledge of the child, the child's family or the child's community, so I can well understand why that provision was included in the ninth recommendation of the statutory review. If we leave it without those express words, absolutely accepting what the parliamentary secretary has had to say about the forthcoming regulations—that is, simply an Aboriginal or Torres Strait Islander representative organisation—there could very well just be rudimentary consultation with that organisation and we tick the box and move forward. I do not think that is what anyone intended, least of all the authors of the statutory review. That said, the third of those criteria, proposed section 81(1)(c), includes the requirement that an officer who is an Aboriginal person has relevant knowledge of the child, the child's family or the child's community. What is intended to constitute relevant knowledge?

**Hon SAMANTHA ROWE:** I am advised that relevant knowledge would include things like understanding the child's cultural background and also being familiar with their family.

**Hon NICK GOIRAN:** This provision will require the department to employ Aboriginal officers with relevant knowledge of presumably every Aboriginal community in the state. How many such officers does the department currently employ?

**Hon SAMANTHA ROWE:** I am advised that each district has two Aboriginal leaders.

**Hon NICK GOIRAN:** How many districts are there?

**Hon SAMANTHA ROWE:** There are 17.

**Hon NICK GOIRAN:** For the purposes of the discussion today, we have approximately 34 officers who are Aboriginal or Torres Strait Islander persons. Does the department currently record which Aboriginal communities those officers have relevant knowledge about?

**Hon SAMANTHA ROWE:** No.

**Hon NICK GOIRAN:** Is it intended that that will now happen?

**Hon SAMANTHA ROWE:** I am advised that the intention is that they understand the district and region that they are working in.

**Hon NICK GOIRAN:** That is fine, but that is not what the legislation before us says. The government is asking us to agree that it will be mandatory before a placement arrangement has been made that the CEO consult with each of these three categories of people: first of all, Aboriginal persons or Torres Strait Islanders who are members of the child's family; secondly, subject to the regulations, an Aboriginal or Torres Strait Islander representative organisation, which we have discussed; and thirdly, an officer in the department—that is one of these 34 people—who has relevant knowledge of the child. They might not have relevant knowledge of the child or the child's family or the child's community, so we can understand why that third provision has been included. If the department does not know whether the officer has relevant knowledge of the child's community, we will have a problem. The bill does not refer to districts; it refers to the child's community. Is this something that will stymie this provision, which none of us wants? How does the government intend to address this issue?

*Sitting suspended from 6.00 to 7.00 pm*

**Hon SAMANTHA ROWE:** To answer the question asked before the dinner break, it would be a very rare occasion but if the Aboriginal practice leader did not know the child, did not know their family and was not familiar with the community and area, they have the relationships within the department with other Aboriginal staff members who will know either the child or the family, or that particular community.

**Hon NICK GOIRAN:** Deputy chair, it is good to see you. I think the parliamentary secretary is particularly delighted you are here. On clause 32, which looks to replace section 81, is the government or the parliamentary secretary familiar with the advice that was provided by Greg McIntyre, Senior Counsel? It was in the lead-in to the consultation and advocacy on the bill that was before the fortieth Parliament. Mr McIntyre provided some advice, which is dated 25 May 2020. To facilitate these questions, I will start by asking whether that advice is ready or the parliamentary secretary or her advisers are familiar with it?

**Hon SAMANTHA ROWE:** I am advised that we do not have that advice with us, but the advisers are aware of it.

**Hon NICK GOIRAN:** That advice, dated 25 May 2020, runs for some 12 pages but the particular portion of it dealing with section 81 is approximately half a page in length. At that time, Mr McIntyre said —

The proposed **section 81(1)** could be further amended to bring it into line with the principle articulated in section 14 by creating a stand-alone provision that extends the principle to the statutory definition of Aboriginal family but limits it to an obligation to provide an opportunity for participation for those members of the family who choose to avail themselves of it. The limitation of the obligation in relation to Aboriginal families to providing them with an opportunity to participate acknowledges the impracticality of mandatory consultation with each member of the child's extended family, whilst ensuring an opportunity for those members of the child's family who wish to participate in the decision making process.

It should also be made clear in the section that the obligations of the CEO to consult are conjunctive, not disjunctive.

In the advice, he then sets out with a series of track changes his recommendations for amendments to section 81. What is the government's position on those amendments proposed by Mr McIntyre? Is the government willing to make those amendments; and, if not, why not?

**Hon SAMANTHA ROWE:** I am advised that, no, we will not be taking into account Mr McIntyre's recommendations. In section 81(1), it is achieved by the wording "with each of the following".

**Hon NICK GOIRAN:** That is right. The second part the parliamentary secretary referred to is the second element of Mr McIntyre's recommendation. This was picked up by the Standing Committee on Legislation in its forty-fourth report, which was tabled in September last year when this issue was specifically considered. Indeed, it was a recommendation of the committee that led to this particular change as I recall. Finding 8 states —

The intention of clause 32 to strengthen the consultation requirements by requiring that three categories of individuals or organisations are consulted prior to making a placement decision about an Aboriginal or Torres Strait Islander child, would be made clearer by inserting the words 'each of'.

The recommendation was that after the words "consult with", the phrase, "each of" be included. That is exactly what has happened at line 13 on page 25. But that does not address the earlier point made by Mr McIntyre, so why is the government not willing to accept that particular provision?

**Hon SAMANTHA ROWE:** I am advised that it is because it is not thought necessary.

**Hon NICK GOIRAN:** When the government says that it is not necessary, is that because what Mr McIntyre has expressed as a desire for an amendment will happen in any event?

**Hon SAMANTHA ROWE:** I am advised that we cannot take it further at this stage because we do not have that advice with us.

**Hon NICK GOIRAN:** This suggestion comes in two parts, and we have dealt with the second part. He had proposed the addition of the word "and". The committee considered that and the government considered that and there was another way of dealing with that, which was the addition of the phrase "each of". That has been dealt with but the earlier advice, the first suggestion from Mr McIntyre, was that it include the following —

...the CEO must provide an opportunity and, where appropriate, assistance for the child's family to participate in the process for making a decision about where or with whom the child will live;

It is that element on which I am seeking clarification of the government's position. The parliamentary secretary has indicated that the government is not looking to amend, but I am seeking clarification for why the form of words proposed by Mr McIntyre are not acceptable to the government.

**Hon SAMANTHA ROWE:** The advice I am given is that because it is a provision for consulting on placement options, this provision is not considered necessary because if the family wants to participate, it will, and if they do not want to, they will not participate.

**Hon NICK GOIRAN:** On this same clause, the Standing Committee on Legislation in the last Parliament made these remarks at paragraph 3.40 —

The Committee notes that the intent of clause 32 is to include ATSI people in placement decisions. It questions whether the effect of clause 32 may be the exclusion of non-ATSI family members. The Committee invites the Minister representing the Minister for Child Protection —

That, of course, is now the parliamentary secretary —

to inform the Legislative Council about whether it would be appropriate to require the CEO, before making a placement decision about any child, to consult with members of the child’s family.

What is the government’s response to that?

**Hon SAMANTHA ROWE:** As a matter of good practice, consultation about placement arrangements for any child in care should occur with family members. The act recognises the role of all parents and others significant in the child’s life through the principles in section 9J and K. These principles recognise the importance of their participation in the decision-making process, which are likely to have significant impacts on children. The merits of including an equivalent requirement to section 81 for non-Aboriginal or culturally and linguistically diverse children in care could be considered in the next statutory review. All practice guidance, training and professional development regarding consultation will emphasise empowering families and being guided by family about who is important and who has decision-making authority within families. When practised, the signs of safety framework promotes transparent and meaningful participation in meetings and decision-making about all children involved in the child protection system. True family participation in developing plans to keep children safe within their family or to get children back home to their family is critical to achieving safety over time. Empowering families to participate in any process should be generated by sincere and genuine preparation with the goal of developing family owned plans.

**Hon NICK GOIRAN:** The member mentioned that this provision on family members who are not Aboriginal or Torres Strait Islanders could be considered in the statutory view. Is that the government’s intention?

**Hon SAMANTHA ROWE:** It will depend what issues are put forward to the review at that time.

**Hon NICK GOIRAN:** The problem is that we are identifying the issue now. When I say “we”, that is the fortieth Parliament, those involved in the preparation of the forty-fourth report. They identified it in the last Parliament, and it has now been brought to the attention of the government in the forty-first Parliament. The government is saying it could be considered in the statutory review, and, of course, anything could be. Given this issue has been elevated to a finding and recommendation of a parliamentary standing committee, I would like to think there is a significant appetite on the part of government to look at this, particularly given there does not seem to be any objection in principle to what is being discussed here. We are talking about a decision about the placement of an Aboriginal child who may have a family member—a parent—who is not Aboriginal, and ensuring that the CEO must also consult with that person.

I will leave that as a comment and move on to the next round of questions. I strongly urge the department to, presumably in its existing work in getting ready for the next statutory review, keep note of these types of things to be included. If I am not mistaken—I think we will get to the statutory review clause later—a provision is there that refers to a list of things that have to be included in the statutory review. I have in the back of my mind that we did that. We can see that at clause 75, in particular at subsection (2). Parliamentary secretary, correct me if I am wrong, but it may well be covered by proposed section 249(2)(a). No, sorry; I misread that. It says recommendations “4 and 11”, not “4 to 11”. The point is that there is a capacity in the clause for there to be specific consideration of matters, including in this report. We are a fair way from clause 75, so I give notice that some consideration could be given to this issue and the possibility of it being included in an expanded clause 75. I would be most grateful for that.

As we make progress, I want to look at the issue of consulting with members of the child’s family. Is there intended to be a minimum threshold of members of the family that would then satisfy this provision?

**Hon SAMANTHA ROWE:** I am advised no. But there has to be consultation with more than one person from the family.

**Hon NICK GOIRAN:** What happens if there is a conflict of opinion between family members?

**Hon SAMANTHA ROWE:** The department will make a decision in the best interests of the child if that arises.

**Hon NICK GOIRAN:** The parliamentary secretary indicated there is not necessarily a minimum number to meet a threshold to qualify for consultation with members of the child’s family. Is it, however, the case that because it refers to “members”, at least two would need to be consulted?

**Hon SAMANTHA ROWE:** Yes, it is at least two and I am advised that there is usually more.

**Hon NICK GOIRAN:** Equally, of course, there could be only one but it is good to have on the record that we are saying that when there are two or more, we expect there to be consultation with at least two. We discussed a situation in which there could be a difference of opinion in the family and then the department will make a decision in the

best interests of the child. How does that work in circumstances in which the department has consulted with only two members of the family who both have the same opinion, but, let us say, another, for argument's sake, five family members have not been consulted and have a very different position from those who have been consulted?

**Hon SAMANTHA ROWE:** I am advised that the department will go out and consult with as many members of that family it can, regardless of what their positions are. If more than two wanted to share their views, they would be consulted.

**Hon NICK GOIRAN:** Is there some kind of practice or policy that guides this process? On the one hand, we want consultation to be comprehensive, but it also needs to be final; otherwise, the department can never bring this matter to a conclusion and make a decision. Is there some particular guidance on how broadly the department undertakes this consultation with family members, with specific emphasis on who the most appropriate family members are to be consulted?

**Hon SAMANTHA ROWE:** I am advised that the caseworker will look at the most significant family members to that child and who is involved in the child's life and already has an existing relationship with that child.

**Hon NICK GOIRAN:** Keeping in mind the discussion that we had previously when we last sat and looked at these provisions, special consideration needs to be given in some instances. Last time I gave the parliamentary secretary the example of a scenario in which the father murdered the mother and there had been a restraining order. Whilst at one level, he could be considered to be a significant person, we certainly do not want the consultation of that individual to be driving the process. That would plainly be an example of when other family members may have a strong different opinion. Is this another one of those clauses that will be operational approximately six months after the bill receives royal assent?

**Hon SAMANTHA ROWE:** I am advised no. The provision that will create Aboriginal representative organisations will be proclaimed to come into effect later than other amendments in the bill. Preparation for the implementation of AROs includes the development of operation models, regulations and procurement.

**Hon NICK GOIRAN:** What time frame is expected here? As I understand it, it is a major point of concern to stakeholders that this is the type of provision that might never see the light of day. I accept that the government is saying it will not be ready to do it within the first six months, but is there an expected time frame?

**Hon SAMANTHA ROWE:** I am advised that the work will be informed by the ARO pilot that is under development. That will be the driver for the time frame. I am advised that in the meantime, the casework practice guidelines mean that Aboriginal members of the child's family will always be consulted, as will Aboriginal practice leaders and/or other Aboriginal officers, if necessary, who have relevant knowledge of the child, the child's family or the child's community. That will happen regardless.

**Hon NICK GOIRAN:** This is the final question or round of questions on this clause. Recommendation 9 in the statutory review, which is what drives this provision, spoke of consultation requirements in section 81 being amended to provide for a number of things. The parliamentary secretary will remember that we spoke earlier about five particular provisions. I am particularly interested in recommendation 9 where it says —

- (4) In consultation with Aboriginal organisations, work should commence immediately to identify representative organisations to enable consultation under 1(b) above to occur.

Did that occur?

**Hon SAMANTHA ROWE:** Honourable member, I am advised that the consultation process started in May 2018.

**Hon NICK GOIRAN:** This is what I find curious. On the one hand, the statutory review was prepared in 2017. I did not expect the parliamentary secretary to indicate that the consultation started in 2018. I did not think consultation had started at all, so I am quite pleased to hear that it started in 2018. In the same breath, that is three years ago. Three years is a long time for this consultation process to occur with these particular Aboriginal representative organisations. We have been told that once the bill passes and receives assent, it will not be ready to go in this particular issue in the first six months: "It is going to be done in due course because we're going to do the trial and the pilot program and so on and so forth." We can see how the relevant stakeholders get quite exasperated, because—this is perhaps the irony of it—we are talking about a statutory provision about consultation, and the consultation process about what the consultation provisions should be has now taken more than three years and we do not have a definitive time frame into the future. Those involved are pulling their hair out. I am curious; I accept and thank the parliamentary secretary for advising the chamber that the consultation process started in 2018. Perhaps this is something the government could take on notice, but is the parliamentary secretary able to provide us with some kind of summary of the consultations that have occurred so far? Earlier the parliamentary secretary kindly provided and tabled a document that attended to the external briefings on the bill and also the mandatory reporting provisions. Would it be possible to prepare something of a like nature about the consultations that have occurred since May 2018?

**Hon SAMANTHA ROWE:** I am advised no because it is what has already been tabled and what the member has received.

**Clause put and passed.**

**Clause 33: Section 88C amended —**

**Hon NICK GOIRAN:** Clause 33 is based on recommendation 26 of the statutory review. I draw to the parliamentary secretary's attention the explanatory memorandum that accompanies the bill with respect to this clause. I note that it lists a series of examples in which a child could be temporarily removed from secure care, such as emergency evacuations and attending medical appointments and funerals. Would contact with family or meeting the requirements of a cultural support plan be considered reasons to utilise this provision?

**Hon SAMANTHA ROWE:** I am advised no.

**Hon NICK GOIRAN:** The explanatory memorandum states —

The child's removal must be in accordance with procedures approved by the CEO.

Do those procedures already exist or are they yet to be prepared?

**Hon SAMANTHA ROWE:** I am advised that those procedures already exist.

**Clause put and passed.**

**Clauses 34 to 36 put and passed.**

**Clause 37: Section 89 amended —**

**Hon NICK GOIRAN:** Clause 37 deals with the definition of "care plan". Earlier we had a discussion—it might have been during debate on clause 4 when we were dealing with terms and the like—about a difference of opinion about the definition of "care plan" and what I think is better defined by proposed section 89(3). That said, when is it intended that clause 37 and this definition of "care plan" will commence?

**Hon SAMANTHA ROWE:** It will commence six months from royal assent.

**Hon NICK GOIRAN:** Although, as I understand it, care plans are already legislatively required under section 89, the most recent statistic in the Productivity Commission's *Report on government services* seemed to indicate that approximately 20 per cent of children in care in our state—the actual figure is 18 per cent—do not have current care plans. I am not asking for a precise figure now, but is that still reflective of the position at the moment; that is, approximately 18 per cent—I have rounded it to 20 per cent, which is one in five—of children in care in Western Australia do not have current care plans?

**Hon SAMANTHA ROWE:** We do not have that information with us.

**Hon NICK GOIRAN:** That being so, what confidence can the parliamentary secretary give the chamber that if we agree to legislate this provision at clause 37 to amend section 89, there are sufficient resources within the department to ensure that every child has a care plan? We are about to insert line 24 on page 27 —

(3A) A care plan for a child must —

- (a) be in writing; and
- (b) identify the needs of the child; and
- (c) outline steps or measures to be taken to address the needs of the child ...

It goes on; it is a substantial definition. As I said during debate on an earlier clause, this is the better definition of "care plan" but there is no point going through and putting in something so prescriptive if children in care will not benefit from this so-called mandatory requirement to have a care plan. What confidence can the chamber have that there are the resources necessary to ensure that every child in care has a care plan?

**Hon SAMANTHA ROWE:** As at 30 June this year, 76 per cent of children in the CEO's care had comprehensive care planning undertaken within set time frames. Care planning is a critical priority for all districts.

**Hon NICK GOIRAN:** Is the 76 per cent as at 30 June an indication that as at 30 June, 24 per cent of children in care did not have a care plan?

**Hon SAMANTHA ROWE:** No.

**Hon NICK GOIRAN:** Can the parliamentary secretary help us to understand that, because obviously the Productivity Commission referred to 18 per cent and the implication is that as at 30 June, 76 per cent have care plans and that would seem to suggest that 24 per cent do not, which would obviously be a worsening trend. Can the parliamentary secretary explain the significance of the 76 per cent?

**Hon SAMANTHA ROWE:** I am advised that the indicator represents the proportion of children in care with care planning that is completed within a set time frame. Care plans identify a child's educational, health and cultural needs and the steps required to address those needs. The 24 per cent of children who are not part of that 76 per cent still have a care plan, but that care plan might be out of date as it was not renewed within the set time frame.

**Hon NICK GOIRAN:** Is the 76 per cent a KPI? Is the parliamentary secretary saying that as at 30 June, there were certain time periods in which care plans were to be prepared and in 76 per cent of the cases, the department complied with that time frame?

**Hon SAMANTHA ROWE:** That is correct.

**Hon NICK GOIRAN:** Putting aside the timeliness issue, the real question still remains: does every child in care in Western Australia currently have a care plan?

**Hon SAMANTHA ROWE:** We cannot answer that as of today.

**Hon NICK GOIRAN:** Is that information generally available? I appreciate that it is not available at the moment. Is it generally available so it could be answered without notice or on notice?

**Hon SAMANTHA ROWE:** I am advised that all we can commit to is a moment in time, not a specific date.

**Hon NICK GOIRAN:** If I were to ask, the response would come back at a particular moment in time. The data is available.

**Clause put and passed.**

**Clause 38: Sections 89A and 89B inserted —**

**Hon NICK GOIRAN:** Clause 38 is based on recommendations 11 and 13 of the statutory review. I will first deal with the issue of cultural support plans. In reference to proposed section 89A, can the parliamentary secretary provide some insight into what would take place if the culture and traditions upheld by the child's parents differed from that of the child's broader family and/or community? For example, if the parents of the child were estranged from the wider family and community and did not want the child to develop their connection to those groups, how would that be addressed?

**Hon SAMANTHA ROWE:** I am advised that we would capture both sets of culture. We would cover the parents who they are placed with but they would also have access to their family's culture from their community. There is no favouritism.

**Hon NICK GOIRAN:** In terms of garnering the information, the department would obtain both sets of information, but in terms of the preparation of the cultural support plan, would it always be the case that it would facilitate both perspectives or is it the case that the department would have to make a judgement of what is in the best interests of the child and might—I hesitate to use the word “favour” because it can be taken out of context—favour the perspective provided by the parents who are estranged from the broader family and community?

**Hon SAMANTHA ROWE:** I am advised that the cultural support plan would capture both sets of backgrounds and it would be in the best interests of the child.

**Hon NICK GOIRAN:** It would always be in the best interests of the child, according to the department, notwithstanding the advice or even the strong representations from the parents. There may be very good reasons that should not be provided. It seems inconsistent with how the department generally handles these situations otherwise, whereby the overriding consideration, keeping in mind the paramount principle here, is that it be in the best interests of the child. How is it determined that it would always be in the best interests of the child to always include both perspectives?

**Hon SAMANTHA ROWE:** I am advised that the practice is to capture both sets of backgrounds and then a decision would have to be made on a case-by-case basis of what would be in the best interests of the child.

**Hon NICK GOIRAN:** I move from cultural support plans to leaving care plans, which is part of proposed section 89B. Section 3.4.13 of the department's *Casework practice manual* says —

The Department funds four Leaving Care Services to which young people should be referred. Between them, the services take referrals from throughout Western Australia for young people between 14 and 25 years of age who are in, or have left, the CEO's care. Priority is given to those most at risk and who have experienced multiple care arrangements.

In 2018, the Auditor General put out a report on this entitled *Young people leaving care*. It highlighted significant problems with the department's management of care leavers. The Auditor General said on page 19 —

**Referrals to leaving care providers are not occurring early enough or not at all**

To increase the likelihood of good outcomes young people should be referred to leaving care providers as early as age 15. However, for half of the cases we reviewed we found no evidence that the young person had been referred to a leaving care support provider. This places them at even greater risk of not getting the support they need when they could most benefit.

All 3 service providers also reported a trend of increased number of referrals just a few months, and sometimes weeks, before the young person turned 18. Delayed referrals increase the risk of poor engagement because there is less time for providers to develop positive working relationships with the young person.

It is my understanding that the leaving care plan should be in place for every child in the care of the CEO from the age of 15 years. Is that also data that is readily available either today or generally available?

**Hon SAMANTHA ROWE:** I am advised that we have that data, and when we get to the leaving care clauses, we can find it for the member.

**Hon NICK GOIRAN:** That is fine, if it assists by providing further time to obtain that information. We are inserting the definition of “leaving care plan” and we are expecting the department to comply with the law of Western Australia. It is being elevated, as I understand it, from the casework manual level to a statutory level. What will be the oversight mechanism within the department to ensure that these leaving care plans are actually prepared and exist for every child over the age of 15?

**Hon SAMANTHA ROWE:** I am advised that the report delivered three key recommendations for the department, including preparing young people more effectively for leaving care by establishing systems and reporting; improving collaboration and communication between agencies and staff; and developing a more flexible and proactive response to the needs of care leavers. A young people leaving care implementation steering committee, comprising senior departmental officers, was established to oversee those recommendations. The department accepted all the recommendations and commenced implementation of strengthened leaving care approaches in the metro and regional districts, including but not limited to a pilot of new models of service delivery, including leaving care teams. A number of districts have adopted dedicated leaving care teams, including in the Fremantle, Mirrabooka, Armadale and Rockingham districts. Improvements were made in assisting with data collection and the development of outcome measures. There is now compulsory leaving care training and integration with other projects and reforms, including development of a new at-risk youth action plan and out-of-home care reform. There is updated guidance on leaving care practice, which is currently in the review phase, including referral information, updated leaving care planning policy and casework practice manual entry, and new practice resources for leaving care. There is also ongoing implementation of the care team approach practice framework. As at 30 June this year, there were 866 children in care over the age of 15, and 527 of them have a leaving care plan.

**Hon NICK GOIRAN:** Is that in response to the Auditor General’s report?

**Hon Samantha Rowe:** Yes.

**Hon NICK GOIRAN:** Without being precise with the figures—obviously Hansard has recorded them—we are talking about 500-plus leaving care plans out of what should be 800-odd, which in part takes me to my next question. I know the government has embarked on the Home Stretch trial, but when I asked the parliamentary secretary a question about this on or around 11 August this year, she indicated that during the reporting period—that is, the last financial year—897 young people left care and that of them, five were supported by the Home Stretch trial. I was a bit surprised by the numbers—only five out of 897—particularly given that the government had earlier in the year announced some \$30-odd million for the Home Stretch trial. In fairness, as I understand it, the Home Stretch trial as at 30 June—the period the parliamentary secretary reflected on a moment ago—had 13 active participants. Can the parliamentary secretary explain what is intended to occur in the future with the Home Stretch trial? If there are 13 out of a possible 897, we are very far short. If there are 500 who have leaving care plans and 200 or 300 who do not, the figure of 13 is miles off. Is there a particular plan in place to try to address this, or will resources be dedicated to addressing this very significant gap?

**Hon SAMANTHA ROWE:** Does the honourable member think it might be more appropriate to deal with this at clause 44?

**Hon NICK GOIRAN:** I would be quite happy to take it up at clause 44, if that assists. I have one final question on clause 38. Are the district supervisors—I forget the precise title of the chiefs of the district—able to see at a glance how many leaving care plans in their areas are overdue or incomplete?

**Hon SAMANTHA ROWE:** I am advised that district directors can get that data.

**Clause put and passed.**

**Clauses 39 to 41 put and passed.**

**Clause 42: Section 92 amended —**

**Hon NICK GOIRAN:** This clause seeks to amend section 92 of the act. It is based on the fourteenth recommendation of the *Statutory review of the Children and Community Services Act 2004*, which states —

Aboriginal membership on the Care Plan Review Panel should be a legislative requirement and at least one Aboriginal member of the Panel should be involved in considering every application to the Care Plan Review Panel in respect of an Aboriginal child in care.

How many people currently sit on the care plan review panel and how many of them are Aboriginal?

**Hon SAMANTHA ROWE:** Currently, five panel members are Aboriginal.

**Hon NICK GOIRAN:** That is as a proportion of how many people who currently sit on the care plan review panel?

**Hon SAMANTHA ROWE:** We do not have that information with us. We will try to get that to the honourable member.

**Hon NICK GOIRAN:** The context of that, parliamentary secretary, is that, as we know, of the number of children in care more than 50 per cent are Aboriginal, and if we use only that as our guide, it is reasonable to assume that more than 50 per cent of applications to the care plan review panel concern Aboriginal children. If this particular provision

is mandating that at least one member of the panel must be an Aboriginal person, we want to make sure that the current allocation of five as part of the panel is adequate to deal with this legislative requirement. Is the parliamentary secretary able to provide us with guidance on that to ensure that this particular provision will be met by the existing number of individuals?

**Hon SAMANTHA ROWE:** Proportional to the number of children in care, over the years the panel has received a low number of review applications. The department is committed to improving awareness of and accessibility to the panel for Aboriginal children, parents, families and carers, including child protection workers advising children, parents and carers of the panel and their right to seek review of care planning decisions made by the department; the appointment of Aboriginal people as panel members—there are five—and identifying opportunities to improve the cultural responsiveness in the functioning of the panel. Aboriginal representation on the panel aligns with the state government’s priorities and reforms regarding Aboriginal wellbeing and elements of the Aboriginal child placement principle. Aboriginal panel members have an integral role in reviews of decisions for Aboriginal children in care. Aboriginal representation in panel hearings and deliberations supports participation and engagement in enabling Aboriginal families and carers to seek review of decisions being made for Aboriginal children in a culturally safe forum. It further enables the elements relating to placement and connection to remain at the forefront when the panel is developing recommendations for Aboriginal children in care in accordance with section 81 of the act and the best interests of the child.

**Hon NICK GOIRAN:** I certainly agree that there is great merit in the provision. I want to make sure that it is not set up to fail before it becomes mandated, hence the questions around the number of individuals who would qualify. The parliamentary secretary mentioned that as a general proportion of the overall number of children in care the number of cases that go to the care plan review panel is—I am paraphrasing here—small in number. Can the parliamentary secretary give a general indication of how many we are talking about?

**Hon SAMANTHA ROWE:** During 2019–20, there were 25 applications for review of a decision received. Ten applications lodged, relating to 16 children, were for Aboriginal children in care. During 2020–21, as at 28 May 2021, there have been 27 applications received. Nine of these applications relate to 16 Aboriginal children in care. Not all of those applications proceed to a panel hearing. For example, only four of the 10 applications relating to Aboriginal children in care received during 2019–20 proceeded to a hearing. All four of those hearings included an Aboriginal panel member.

**Hon NICK GOIRAN:** This provision or certainly recommendation 14 in the statutory review says that it —

... should be a legislative requirement and at least one Aboriginal member of the Panel should be involved in considering every application to the ... Panel ...

Is that occurring at the moment? Are they involved in every application irrespective of whether it goes to a hearing? To further assist, maybe the best way to address this is: If we are going to put this in place, is it an example of something that is already being complied with? Is there always in every application before the care plan review panel at least one Aboriginal person?

**Hon SAMANTHA ROWE:** Yes. To answer the honourable member’s previous question: there are 11 members on the panel.

**Clause put and passed.**

**Clause 43 put and passed.**

**Clause 44: Section 98 amended —**

**Hon NICK GOIRAN:** I want to ascertain whether the clause will actually implement the recommendation of the statutory review. A document entitled “Implementation of review recommendations” was provided to me by the minister’s office. It shows that this clause implements recommendations 60 and 62 of the statutory review. I note that recommendations 60 states —

Section 98 should be amended to clarify that the CEO must ensure that a child who has left the care of the CEO is provided with any social services that the CEO considers appropriate having regard to the needs of the child, regardless of whether a matter is expressly identified in the child’s leaving care plan.

Recommendation 62 states —

Section 99 of the Act should be amended to ensure that a person who qualifies for assistance is provided with services and other forms of support that may include, but are not limited to, any one or more of the things listed in that section.

It is clear to me that the clause will implement recommendation 60 by removing the requirement to only provide the social services that had been noted in a young person’s care plan, but it not clear to me that it will implement recommendation 62. Can the parliamentary secretary clarify how this clause will implement recommendation 62?

**Hon SAMANTHA ROWE:** Honourable member, this clause only implements review recommendation 60.

**Hon NICK GOIRAN:** I do not disagree, but that is not what the minister's officers said to me. They said that recommendation 62, which they set out, is implemented by clauses 44 and 45 of the bill, which relate to sections 98 and 99 of the act. That is what I am seeking clarification on.

**Hon SAMANTHA ROWE:** I am advised that we will get to that when we get to clause 45.

**Hon NICK GOIRAN:** The problem for me is that I cannot ask the parliamentary secretary about clause 44 when we get to clause 45; that is why I am asking the question now. The minister's office has told me, in this document, that recommendation 62 is being implemented by two clauses, being clauses 44 and 45. Does the government still maintain that that is the case?

**Hon SAMANTHA ROWE:** Together, the amendments to sections 98 and 99 implement the intent of recommendation 62.

**Hon NICK GOIRAN:** We are on clause 44, which amends section 98. The document that I was provided says that the amendments to sections 98 and 99, under clauses 44 and 45, deal with recommendation 62. That is only the version that I have; I assume that my version is compatible with the parliamentary secretary's version. To be crystal clear, does clause 44 in any way implement recommendation 62?

**Hon SAMANTHA ROWE:** I am advised that, yes, it does. The review noted that some care leavers encountered difficulties in accessing assistance through social services when the matter for which they were seeking assistance was not expressly included in their care plan, so this amendment clarifies that the social services provided to care leavers should not be limited to addressing only those needs identified in a child's care plan.

**Hon NICK GOIRAN:** As a result of this amendment, section 98(1) will read —

The CEO must ensure that a child who leaves the CEO's care is provided with social services that the CEO considers appropriate having regard to the needs of the child.

Is that intended to be age specific?

**Hon SAMANTHA ROWE:** It is up to the age of 25.

**Hon NICK GOIRAN:** I understand that; that is in terms of the provision of services up until the age of 25. Is there a threshold for the age of the child who leaves care to qualify for the service?

**Hon SAMANTHA ROWE:** Section 96 states, in part —

- (a) the person has left the CEO's care; and
- (b) the person is under 25 years of age; and
- (c) the person at any time after the person reached 15 years of age —

It then has subparagraphs (i), (ii) and (iii).

**Hon NICK GOIRAN:** I thank the parliamentary secretary. Is the qualifier, then, that the child must be over the age of 15 when they leave care?

**Hon SAMANTHA ROWE:** I am advised that they have to be over 15 but they do not necessarily have to have left care.

**Hon NICK GOIRAN:** What happens —

**Hon SAMANTHA ROWE:** Sorry. I am advised that there is no qualification.

**Hon NICK GOIRAN:** So to be clear, we know that some children in care—for example, they could be 12 years of age—start to self-select where they are going to live. Under this newly amended section 98, will there still be an obligation by the CEO to such a child up until the age of 25?

**Hon SAMANTHA ROWE:** Yes, that is correct.

**Hon NICK GOIRAN:** Good; excellent. The parliamentary secretary mentioned that she would be quite happy to answer the questions that were deferred from clause 38 at clause 44. They were specifically on the data that came out of the Home Stretch WA trial and the number of children living in care, including in the last financial year. There appears to be a very significant gap between not only those who do not have a leaving care plan when they leave, but also the very small number who have access to the Home Stretch program. What is the government doing about that?

**Hon SAMANTHA ROWE:** I am advised that the number was low because it was a trial. It is now being expanded.

**Clause put and passed.**

**Clause 45: Section 99 amended —**

**Hon NICK GOIRAN:** Does clause 45 implement recommendation 62 of the statutory review?

**Hon SAMANTHA ROWE:** The review recommended that section 99 become an inclusive provision to ensure that eligible care leavers are provided with a broader range of services than just those that are listed in section 99. This responded to feedback from young people through the CREATE submission that the services listed in section 99 were not sufficiently inclusive enough—for example, when they needed help to attain a driver's licence. It became apparent during drafting that because section 99 provides that "The CEO must ensure" that the services listed are

provided to eligible care leavers without requiring the CEO to have regard to the child's need, placing an obligation on the CEO to provide services that are not listed in the obligation, obviously, would not be appropriate. It was not intended that section 99 be amended so that the CEO is required to provide any service to eligible care leavers without having regard to their needs; for example, the CEO could not be obligated to purchase a car for a care leaver.

**Hon NICK GOIRAN:** With that explanation, is it the government's position that clause 45 implements recommendation 62 of the statutory review?

**Hon SAMANTHA ROWE:** The intent was achieved.

**Hon NICK GOIRAN:** Recommendation 62 in the statutory review states —

Section 99 of the Act should be amended to ensure that a person who qualifies for assistance is provided with services and other forms of support that may include, but are not limited to, any one or more of the things listed in that section.

At the moment, the bill reads, "The CEO must ensure that a person who qualifies for, and seeks". It is the "and seeks" that I think needs further clarification. As the parliamentary secretary mentioned, the statutory review's report did note some of the views of the young participants in CREATE's consultation. It identified other areas in which they required leaving care support, such as with accessing financial claims or entitlements, obtaining a driver's licence, developing life skills and obtaining case files or key documents. Page 151 of the statutory review reads —

The Review considered section 99 provides broad scope for the type of services young people would need to achieve (a) to (b) above, including assistance to obtain their driver's licence. Nevertheless, amending the section to become an inclusive rather than finite list may assist in addressing concerns that the section is not sufficiently inclusive. It was also suggested the section should include reference to services "*and/or other forms of support*".

That is not in this amendment at clause 45. It is clear to me that this clause effectively seeks to reduce the requirements on the CEO to ensure the clarity that care leavers are entitled to more than that which has been expressly listed in the section. This appears to be contradicting the findings of the Auditor General in the 2018 report that we referred to earlier. In that report, the Auditor General said —

*The self-initiated nature of support means that not all young people approach the Department for assistance*

In over half (64%) of the cases we reviewed, we found no evidence that the care leaver returned to seek further support despite often having a high need for assistance. For those that did seek support it was often for one-off payments for simple items like driving lessons, training courses, white goods and dental appointments. This means that many are not getting help with the most challenging aspects of becoming independent such as sustaining housing and employment.

The Auditor General also noted —

The Department does not know if young people leaving its care receive the support they need, or what happens to them.

It is in that context that I question whether recommendation 62 has been implemented by clause 45. It seems to be heavily qualified and, if I understand correctly, the rationale being provided by the government is that it wants to provide the service to the young person only if the young person first of all seeks it from the department.

**Hon SAMANTHA ROWE:** This amendment clarifies that the CEO will have an obligation to provide the assistance under section 99 only when the person who qualifies for the assistance seeks the assistance. Otherwise the CEO would be placed under an unreasonable obligation to ensure that persons who qualify for but do not seek assistance are provided with it anyway.

**Hon NICK GOIRAN:** When is clause 45 intended to come into operation?

**Hon SAMANTHA ROWE:** It will be six months from royal assent.

**Hon NICK GOIRAN:** Today, 12 October 2021, section 99 is as it is at the moment in the Children and Community Services Act 2004; it is not yet amended and it will not be amended for at least six months. The wording of section 99 says —

Without limiting section 98, the CEO must ensure that a person who qualifies for assistance is provided with services to assist the person to do any one or more of the following —

- (a) obtain accommodation;
- (b) undertake education and training;
- (c) obtain employment;
- (d) obtain legal advice;
- (e) access health services;
- (f) access counselling services.

That is the provision at the moment, which is section 99 of the act. It is in place today and will be in place for the next six months at least. Nowhere in section 99 does it qualify this by saying that the CEO must ensure this happens if the young person seeks it. We are introducing this new concept of them seeking. At the moment the CEO has to do this anyway. The parliamentary secretary indicated that it is necessary to ensure that it is not unreasonable. Is it the government's position that the current provision, section 99, is unreasonable?

**Hon SAMANTHA ROWE:** I am advised that, realistically, all those services listed under section 99 can be provided because we are talking about adults, some of whom do not want to come back to the department or we do not necessarily know where those adults are now.

**Hon NICK GOIRAN:** That does not really address the question. The clause before us seeks to amend section 99 of the act. Is it the government's position that existing section 99, which we are about to amend, places an unreasonable expectation on the CEO?

**Hon SAMANTHA ROWE:** I am advised that, potentially, in some cases it might.

**Hon NICK GOIRAN:** I feel very, very uncomfortable about this provision. A statutory review was conducted some four years ago that made a large number of recommendations. Recommendation 62 in that statutory review seeks to enhance the supports we are providing to young people. It is not trying to dilute them but trying to enhance them. This is in the context of an Auditor General's report of 2018 on young people leaving care that indicates there are major problems and major flaws, interestingly or perhaps distressingly, with many young people leaving care not even aware that they have access to these supports. Now the government is seeking to insert into the existing section 99 provision a qualifier that, effectively, in certain circumstances it could be an unreasonable expectation for the CEO to have to provide these services to young people leaving care, notwithstanding that the statutory review is trying to enhance it and the Auditor General says that heaps of these young people do not even know the services can be provided. Now we are providing a qualifier that will require an extra hurdle to be jumped over: there will have to be in the CEO's opinion a young person who is seeking the assistance. The young person will not seek the assistance if they do not even know that the assistance exists in the first place. It troubles me that at this point in what is otherwise a very important bill, we might be doing something that is detrimental to young people who leave care. There is no mention in the existing act of the concept of "and seeks". This new phrase is being implemented at this point by the government. There is no reference to that phrase in the statutory review; yet it miraculously appears at clause 45. If it were a new phrase being inserted by the government that would add to the experience of children leaving care, I imagine it would receive bipartisan support. But when we are looking to reduce the responsibility on the CEO and make it potentially more difficult for the young person to access this type of service, it troubles me. I think, at the very best, it is inaccurate on the part of the government to suggest that clause 45 will implement recommendation 62 of the statutory review. It does not appear to do that at all. It is in the context of the Auditor General's report that I am most troubled by that.

**Hon SAMANTHA ROWE:** It is probably worth noting that the Auditor General also said that when the department does leaving care planning it does it well. It is probably helpful also not to look at this section in isolation because it needs to be read with section 98.

**Hon NICK GOIRAN:** Presumably by that, the parliamentary secretary means proposed section 98.

**Hon Samantha Rowe:** Yes.

**Hon NICK GOIRAN:** It states —

The CEO must ensure that a child who leaves the CEO's care is provided with social services that the CEO considers appropriate having regard to the needs of the child.

We discussed in the earlier clause that there is no age qualifier for that, so that a child leaving care can be of any age and the expectation is that support be provided up to the age of 25. My concern is that when we talk about the concept of what the CEO considers appropriate, the CEO is going to consider what is appropriate in light of what we put in at section 99. The CEO is then going to say that no-one sought the support, so they are under no obligation to provide anything. As I said, this is a new provision. This will insert a new phrase, and I am most uncomfortable about it.

My final question on this clause is: does the department have a mechanism in place to keep track of young people who leave care once they have turned 18 until the age of 25 and, if you like, some form of monitoring over those further seven years?

**Hon SAMANTHA ROWE:** Young people are not actively tracked after they leave care, but they can access support from any district on an as-needs basis. Districts will provide information advisory and advocacy support and the department funds CREATE Foundation WA to support and advocate for children in care and care leavers; and it coordinates several programs aimed at assisting young people transition from care, such as life skills training and support post-care.

**Hon NICK GOIRAN:** Does the department have a list of those young people over the age of 18 years, and is that list updated? Is it maintained in some sort of fashion with contact details and the like?

**Hon SAMANTHA ROWE:** There is a list of all those who are leaving care, but as they move around, their contact details are not kept updated unless a person makes contact.

**Hon NICK GOIRAN:** When they do make contact, is it then updated?

**Hon SAMANTHA ROWE:** Yes, that is correct.

**Clause put and passed.**

**Clause 46: Section 100A inserted —**

**Hon NICK GOIRAN:** I know that according to the document that was provided to me by the minister's office, again titled "Implementation of Review Recommendations", this clause is said to be based on recommendation 61. Recommendation 61 says —

The Act should be amended to require that children are told about their leaving care entitlements and given written information about them.

If we turn here to the wording until clause 46, we see that it inserts proposed section 100A, which says —

The CEO must ensure that, before a child leaves the CEO's care, the child is provided with a written explanation of the assistance that may or must be provided to the child under this Division.

Is that written explanation currently provided?

**Hon SAMANTHA ROWE:** Staff must already provide information to young people about their entitlements post-care and the young person must be provided with a copy of their modified care plan for leaving care. The leaving care plans are distributed in printed copy by either hand or mail. This amendment also aligns with the Auditor General's report *Young people leaving care*, which recommended that districts ensure care leavers are informed of their entitlements post-care. There is also Sortli, which is a free mobile app for young people to help them with their transition to independence. That app is also a useful tool for those who have been in the care system but no longer are. The app has information on a young person's rights and their entitlements, such as post-care assistance.

**Hon NICK GOIRAN:** Is it the government's position that the provision to the young person of their leaving care plans satisfies the requirement under this provision for a written explanation of the assistance to be provided?

**Hon SAMANTHA ROWE:** I am advised no.

**Hon NICK GOIRAN:** Good. Not only am I pleased to hear that, but I also make the observation that we know that not every child leaving care has a leaving care plan. I go back to my original question. At the moment, in Western Australia, is every child being provided with a written explanation of the assistance that may or must be provided to the child?

**Hon SAMANTHA ROWE:** I am advised that is certainly what the department tries to do.

**Hon NICK GOIRAN:** Recommendation 61 of the statutory review says —

The Act should be amended to require that children are told about their leaving care entitlements and given written information about them.

The recommendation asks for two things to be done—that they are told about the leaving care entitlements and given written information on them. This provision refers only to the provision of a written explanation. Why will only half of recommendation 61 be implemented?

**Hon SAMANTHA ROWE:** I am advised that it is because it can be followed up through policy and also practice guidance.

**Hon NICK GOIRAN:** It can be, but that is not what the recommendation said. Recommendation 61 says the act should be amended, but the act is not being amended. The act is being amended to given written information, but it is not being amended to tell the young person about their leaving care entitlements. Would the government contemplate an amendment so that the communication with the young person is required to be in a manner that they understand? It is one thing to provide a written explanation. It is probably about as useful as expecting people who signed up to the SafeWA app or any other type of app to have read all the terms and conditions. All of us are required to agree to various terms and conditions and I dare say that more than 99 per cent of people have neither the time nor the inclination to read all those things. What is very important here is that we ensure that the young person is not provided with a document that does not meet their level of literacy. We need to be very clear that the person receives information that they understand. Would the government contemplate an amendment to that effect?

**Hon SAMANTHA ROWE:** I am advised no, we would not accept an amendment. The wording of the recommendation is not always going to be translated exactly in the drafting process. The department has the skill sets and it works with different agencies, such as CREATE Foundation, to make sure that young people are provided with information in a way that they understand.

**Hon NICK GOIRAN:** I will move off that, parliamentary secretary. Again, I feel uncomfortable that we are legislating a provision for the department and the CEO that can effectively be a tick-and-flick requirement; they can hand over a document, a written explanation, and everyone will feel good that they have complied with new section 100A.

It will have no meaningful effect for the young person, who will rely entirely on the competence and care of the person providing the information. The handing over of a written explanation falls short of what was said at recommendation 61 of the statutory review. That said, I note that this section is said to meet recommendation 12.22 of the Royal Commission into Institutional Responses to Child Sexual Abuse, which is about strategies to specifically reach and assist those care leavers who have experienced child sexual abuse to access post-care supports. Although the Auditor General's report that we have been discussing does not specifically deal with the types of trauma that a care leaver may have experienced, the report noted that a self-initiated model of support may not be suitable for the young people who are most vulnerable, such as those at risk of homelessness or involved in the justice system. How does this clause specifically target survivors of sexual abuse accessing post-care supports? Further, with respect to recommendation 12.22, is it the position of the government that this clause addresses all of that recommendation?

**Hon SAMANTHA ROWE:** I am advised that the leaving care amendments as a whole, not just those in clause 46, will help to support and address recommendation 12.22.

**Clause put and passed.**

**Clause 47: Section 101 amended —**

**Hon NICK GOIRAN:** Clause 47 inserts a defence provision to a charge under subsection (1). Have there been cases in which a victim of family violence has been charged for exposing a child to that violence, which has then led to this provision?

**Hon SAMANTHA ROWE:** Not to our knowledge.

**Hon NICK GOIRAN:** Why are we doing this?

**Hon SAMANTHA ROWE:** The review recommended that section 101 be amended to remove the possibility that an adult victim of family violence could be successfully prosecuted for exposing a child to that violence.

**Hon NICK GOIRAN:** What gave rise to the reviewers making that recommendation if there have been no cases in which this had occurred?

**Hon SAMANTHA ROWE:** The review further considered the scope of the existing offence in section 101. There was concern that as it currently stands, the offence in section 101 may have the unintended consequence of resulting in prosecutions against victims of domestic violence for exposing a child to family violence. This is because the offence of failing to protect a child from harm includes harm from emotional abuse and since the 1 January 2016 amendments to the Children and Community Services Act 2004, emotional abuse has expressly included being exposed to family violence. To date, there have been no prosecutions against a victim of family violence arising from exposing a child to family violence.

**Clause put and passed.**

**Clause 48 put and passed.**

**Clause 49: Section 105 amended —**

**Hon NICK GOIRAN:** Clause 49 seeks to amend section 105 of the Children and Community Services Act 2004. That section is under subdivision 2 and is titled "Children under placement arrangements or secure care arrangements". This clause looks to amend the terms used, and states —

For the purposes of this Subdivision there is lawful authority for an act if —

It sets out three criteria. We are inserting a fourth criteria, albeit in the second position in the list of four. It will then read —

(aa) for a child who is the subject of a secure care arrangement — the act is done in accordance with procedures approved by the CEO for the secure care facility where the child lives ...

Do those procedures already exist as approved by the CEO?

**Hon SAMANTHA ROWE:** Yes, they do.

**Hon NICK GOIRAN:** Given that we are talking about secure care facilities, have those procedures functioned well up until this point?

**Hon SAMANTHA ROWE:** I am advised as far as we know.

**Hon NICK GOIRAN:** Will the insertion of this clause make any difference in practice?

**Hon SAMANTHA ROWE:** I am advised that it is a consequence of the amendment that was made in clause 33.

**Hon NICK GOIRAN:** In addition to enabling the child to be temporarily removed and returned to their secure care arrangement, does the government foresee any other acts that these procedures would allow for under this new section?

**Hon SAMANTHA ROWE:** I am advised that the answer is no.

**Clause put and passed.**

**Clause 50: Section 115 amended —**

**Hon NICK GOIRAN:** We are dealing with a clause based on the seventieth recommendation of the *Statutory review of the Children and Community Services Act 2004*. Page 162 of the statutory review says—

Section 115 —

That is the section we will be amending in clause 50 of the bill —

of the Act provides that a child may be searched, and the search must be conducted by an authorised or designated person “*who is of the same sex as the child.*” In practice, searches conducted under section 115 of the Act are infrequent. However, if a search is conducted, the Secure Care Practice Manual and Residential Care Practice Manual require that:

*A child must, wherever possible, only be searched by an authorised officer or officers of the same gender. Where there is uncertainty about the child’s gender, the authorised officer must ask the child whether the search should be conducted by a male or female and act, and act in accordance with the child’s answer. In the absence of an answer, the child must be treated according to his or her outward appearance of gender, and be searched according to that gender.*

Is there any issue with the procedure outlined in the *Secure care practice manual* and the *Residential care practice manual*, which is quoted on page 162 of the statutory review, that will then be addressed by the insertion of this clause?

**Hon SAMANTHA ROWE:** This amendment is made to align with the requirements of the Sex Discrimination Act 1984, which prohibits discrimination on the grounds of sexual orientation, gender, identity and intersex status.

**Hon NICK GOIRAN:** How does that work in practice when the search needs to be conducted? I recognise that the statutory review says that searches conducted under this section are infrequent, as one would hope. Nevertheless, they can happen, and they are authorised to occur, so much so that even two manuals address how this can be done. Will the insertion of this particular provision at clause 50 affect the practice that has been undertaken and is currently set out in the practice manual? Perhaps another way of considering this is by asking: will the insertion of this provision require changes to be made to the manual?

**Hon SAMANTHA ROWE:** I am advised that no, it will not. Departmental staff currently do not conduct body searches of children in care, in residential facilities or at the Kath French Secure Care Centre, as that would undermine their ability to develop any kind of relationship or trust. In searches that are conducted under section 115, children’s belongings are searched on arrival and they are asked to hand over cigarettes, illegal substances and weapons. Police attendance to conduct a body search is requested, if necessary, if there is reasonable suspicion that a child is concealing a weapon or illegal drugs. In those circumstances, children are then held in a secure area, supervised by staff, with no contact with other children until that situation is resolved.

The care of children is guided by each child’s self-identification and preference—by using the child’s pronoun preference, for example, the use of non-binary pronouns “they” or “them”. Searches are to be carried out, where possible, by staff of the same sex. If there is uncertainty about the child’s sex, the child’s views are sought on whether the search should be conducted by a male or female and carried out according to the child’s response. In the absence of an answer, the child is searched according to their outward appearance or gender.

**Hon NICK GOIRAN:** Just to complete this point, I understand that the parliamentary secretary is saying that when a search is conducted with respect with items or clothing, departmental workers might be involved in that, but when it comes to a search of the person, the police are involved?

**Hon SAMANTHA ROWE:** That is potentially the case.

**Hon NICK GOIRAN:** Who are the authorised or designated persons who can undertake the search?

**Hon SAMANTHA ROWE:** It is an authorised officer, a police officer or an approved person.

**Hon NICK GOIRAN:** A police officer is self-explanatory. What is the difference between an authorised officer and an approved person?

**Hon SAMANTHA ROWE:** I am advised that an authorised officer could be someone from the department, but an approved person is someone who is not within the department.

**Clause put and passed.**

**Clause 51 put and passed.**

**Clause 52: Section 124A amended —**

**Hon DONNA FARAGHER:** Clause 52 inserts the definitions of new mandatory reporting groups, and the parliamentary secretary will know that that was the substance of my contribution to the second reading debate. As the parliamentary secretary will recall, I indicated my very strong support for the inclusion of all the reporter groups. I also took offence at the comments made by the Minister for Child Protection in the other place; I hope that the parliamentary secretary reflected back to the minister my unhappiness about the outrageous comments she made about Liberal and National Party members in this place.

I apologise; I was perhaps out of the chamber on urgent parliamentary business when the commencement time frames were raised, so I will raise that again now. The identified reporter groups are listed in subclauses (1) to (7), and from subclauses (8) to (16) we have the commencement days. Can the parliamentary secretary advise me, just so I am absolutely clear, of the proposed time frames for the commencement of each category?

**Hon SAMANTHA ROWE:** For ministers of religion, it is six months after the provisions of the bill are proclaimed; for departmental officers and out-of-home care workers, it is one and a half years; for school counsellors and registered psychologists, it is two years; for early childhood workers, it is two and a half years; and for youth justice workers, it is three years.

**Hon DONNA FARAGHER:** Thank you. Can I ask how the commencement time frames for each category were determined?

**Hon SAMANTHA ROWE:** The staggered commencement of new mandatory reporter groups is intended to support smooth and efficient implementation of the expansion of mandatory reporting to the five new reporter groups that I just read out. Of particular consideration is ensuring that implementation activities are sufficiently targeted to each new reporter group to make sure that their legislative requirements are understood and that the information provided relates to the context of their work. Secondly, it is to manage the increase in reports of child sexual abuse and not limit the department's ability to identify and manage those reports in situations in which action needs to be taken.

**Hon DONNA FARAGHER:** How was it determined that youth justice workers should effectively wait three years, as opposed to six months for ministers of religion?

**Hon SAMANTHA ROWE:** It is important to note that through this process, we are bringing in more than 50 000 new reporters through the five new categories I spoke about. It is proposed for ministers of religion to commence first, within the six months we spoke about earlier. This group has been prioritised as it was identified in the royal commission as working in roles and institutions that have historically been high risk for child sexual abuse. Ministers of religion have variable knowledge of child development, and there are additional challenges with English as a second language, so it is really important that this group is given adequate time to be trained.

**Hon DONNA FARAGHER:** I want to make it really clear that I very much support the inclusion of ministers of religion; I do not want anyone to suggest—I appreciate that the parliamentary secretary is not—that I am questioning that. I actually think there should be mandatory reporting across the board, regardless of reporter group. That is the position I start from.

**Hon Nick Goiran** interjected.

**Hon DONNA FARAGHER:** Certainly, that was the position of Hon Barbara Scott when she was a member of this house, and I continue to concur with that position. I do not disagree that over 50 000 is a significant number, but two and a half years for early childhood workers? They work with children daily. It is the same for youth justice workers. I hear this in terms of the department being overwhelmed, but three years? I just do not get it. I was out on urgent parliamentary business when this issue was raised so I apologise if I missed something. Is additional funding being provided to assist the department with the increased requirements that will be placed upon it with these additional reporting groups?

**Hon SAMANTHA ROWE:** I am advised that the five groups we have spoken about were consulted about the approach and the need for it to be staggered because of the time it will take. Each of those five groups is comfortable with those time frames.

**Hon DONNA FARAGHER:** I appreciate that they might be comfortable, but is the Parliament comfortable with that? That is what we are debating right now. As I say, youth justice workers will be in three years. Even school counsellors will be in two years. The reality is that teachers are already mandatory reporters, and school counsellors are already in the school system, much like teachers. Why is it two years for them?

**Hon SAMANTHA ROWE:** Honourable member, because there are over 50 000 people to train, there has to be a staggered approach—somebody has to go first and somebody has to go last.

**Hon NICK GOIRAN:** One of the groups included in clause 52 is departmental officers. Does that mean child protection workers?

**Hon SAMANTHA ROWE:** It is all officers.

**Hon NICK GOIRAN:** If “departmental officer” includes all those in the Department of Communities, how many people will be captured by this definition?

**Hon SAMANTHA ROWE:** It is approximately 5 560.

**Hon NICK GOIRAN:** Of those 5 000-odd departmental workers, do any have current obligations to report?

**Hon SAMANTHA ROWE:** No.

**Hon NICK GOIRAN:** If any of the 5 000 workers in the department come across circumstances of child sexual abuse, they are not expected to report it?

**Hon SAMANTHA ROWE:** They are expected to report but it is not a statutory requirement.

**Hon NICK GOIRAN:** Therefore, at the moment they are used to reporting these types of things and would require no training whatsoever, so why can they not be the first category that is implemented?

**Hon SAMANTHA ROWE:** I am advised that it is because the category is broader than just child protection staff.

**Hon NICK GOIRAN:** When the parliamentary secretary said that the 5 000-odd departmental officers are expected to report at the moment but it is non-statutory, did she mean all departmental officers or only some departmental officers?

**Hon SAMANTHA ROWE:** I am advised that it would be predominantly child protection staff and it would depend on whether other employees had an understanding of what to look for with child sexual abuse.

**Hon NICK GOIRAN:** What proportion of the 5 000 departmental staff are already sufficiently trained and used to reporting at the moment?

**Hon SAMANTHA ROWE:** We do not have that figure on us.

**Hon NICK GOIRAN:** Where do the departmental officers fit in the order of commencement? I think the parliamentary secretary said that ministers of religion are at six months and youth justice workers are at three years; where do departmental officers fit in that time frame?

**Hon SAMANTHA ROWE:** It is at one and a half years.

**Hon NICK GOIRAN:** Is there another group between ministers of religion at six months and departmental staff at 18 months?

**Hon SAMANTHA ROWE:** No.

**Hon DONNA FARAGHER:** I seek clarification: do ministers of religion include school chaplains?

**Hon SAMANTHA ROWE:** It is only if they are a minister of religion.

**Hon NICK GOIRAN:** My friend Hon Donna Faragher has raised an important question. The Royal Commission into Institutional Responses to Child Sexual Abuse's recommendation refers to "people in religious ministry" but the government refers to "ministers of religion". Ministers of religion are a subset of people in religious ministry. Why is the government not implementing all of the royal commission's recommendation?

**Hon SAMANTHA ROWE:** I am advised that school chaplains will be captured under school counsellors.

**Hon NICK GOIRAN:** No doubt; there is no dispute from me on that. My question is: Why does the definition not include people in religious ministry? How was the definition arrived at?

**Hon SAMANTHA ROWE:** The proposed definition captures senior people of faith or religion who are ordained or officially recognised as ministers of religion by faith or religion. Consideration was given to definitions of "minister of religion" in the Marriage Act 1961; state and territory implementation of recommendations 7.3 and 7.4; and other state and territory legislation, such as the Working with Children Act 2005 of Victoria and the Children and Young People Act 2008 of the ACT.

**Hon NICK GOIRAN:** When we were discussing clause 2, the parliamentary secretary mentioned that the provision regarding ministers of religion would commence 12 months after assent. Is it six months or 12 months? As I understood the sequence of events, it was six months for the main operative provisions and then possibly another six months.

**Hon SAMANTHA ROWE:** It is six months after royal assent, which will end up being 12 months. Sorry; after the provisions of the bill are proclaimed —

**Hon NICK GOIRAN:** Which is going to be six months after assent.

**Hon SAMANTHA ROWE:** Yes.

**Hon NICK GOIRAN:** And it will be another six months.

**Hon SAMANTHA ROWE:** Yes. That is how the member got the 12-month answer.

**Hon DONNA FARAGHER:** I have a couple more questions. I just make the point that I am disappointed that this is the length of time it will take for all five categories to effectively become mandatory reporters. This bill is obviously an improvement on the bill introduced last year, which included only one of the five categories, so the government has done a little better with this legislation by now including all five. That is a very good thing and I am pleased about that. Given the number, I accept that there will be a need for a staggered approach, but whether

that staggered approach requires this length of time is a question on which we may need to agree to disagree. During the estimates process, we might ask some questions about the amount of funding that will be provided to the department to deal with this, because, appropriately, funds will be required for it.

I suppose I seek a point of clarification. I might know the answer as to why, but clause 52 contains a couple of exclusion provisions relating to students. For instance, subclause (17) states —

... in the definition of *doctor* delete “profession;” and insert:

profession (other than as a student);

In subclause (7), the proposed definition of “youth justice worker” states, in part —

(b) does not include an adult who is employed or engaged as a student or volunteer.

I seek some clarification of why these amendments refer to students in particular—“student” is in all of them—and why in some cases it is “student or volunteer”. Can I please get some clarification on that?

**Hon SAMANTHA ROWE:** Students on placement, volunteers and children are being excluded because it is not considered appropriate to place an offence provision on them. Students, by nature of their role, receive ongoing training and support to develop the knowledge and skills required to be formally qualified to undertake the role. By excluding students, the responsibility is rightly placed on the organisation to provide appropriate supervision and management support to these individuals to ensure these matters are identified and reported.

**Hon DONNA FARAGHER:** I thought that would be the reason—that it reflects back onto the organisation itself to take that lead role. I understand that in the context of students. In the context of volunteers, volunteers can mean many different things. A volunteer may come in for a specific purpose. Again, I appreciate that it may be that a volunteer quite obviously comes under the reporting requirements or otherwise of the organisation that they are with. However, a volunteer might come in every day. I suppose I am a little concerned about that aspect. I understand the exclusion with regard to students, but can I get a little more detail from the parliamentary secretary on why volunteers are excluded? Again, I appreciate that a volunteer might come in once a year, but there are others who might come in every day.

**Hon SAMANTHA ROWE:** I am advised that, with the consultation with those five reporter groups, volunteers did not come up as a significant issue. They were comfortable that the responsibility should be placed back on the organisation and not on the volunteer.

**Hon NICK GOIRAN:** To finish off clause 52, has there been any consultation with professional indemnity providers for any of the five mandatory reporting groups?

**Hon SAMANTHA ROWE:** No.

**Hon NICK GOIRAN:** On the definitions of the five groups, to what extent do the definitions that are being provided in the bill at clause 52 capture the same groups of individuals captured by the legislation in other jurisdictions? I am trying to ascertain whether there are any gaps in comparison to what is covered in the other states.

**Hon SAMANTHA ROWE:** I do not have that information here. They are all slightly different across every state.

**Hon NICK GOIRAN:** I imagine that that is the case. I would like to be satisfied that ours is the best, or at least the same as the highest standard in the other places. If that could perhaps be considered between now and when we next meet. The definition in the royal commission refers to people in religious ministry. It reads —

The Royal Commission defines a person in religious ministry as including a minister of religion, —

We are addressing that in this legislation, but it goes on to include a —

priest, deacon, pastor, rabbi, Salvation Army officer, church elder, religious brother or sister and any other person recognised as a spiritual leader in a religious institution.

Evidently, all those groups are not included in the legislation. Why is that the case?

**Hon SAMANTHA ROWE:** It includes such a person regardless of how the person’s position or title is described, for example, a member of the clergy, priest, minister, imam, rabbi or pastor, and it also includes Salvation Army officers.

**Clause put and passed.**

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

**The PRESIDENT:** Noting the time, before I go to members’ statements, I want to take this opportunity to note that last week was the Leader of the Opposition’s birthday and wish him all the very best.

**Hon Sue Ellery:** Twenty one?

**The PRESIDENT:** I understand he was 22, Leader of the House.

**BERYL BOARDMAN — TRIBUTE***Statement*

**HON DAN CADDY (North Metropolitan)** [9.47 pm]: Tonight I rise to reflect on the life of Beryl Boardman. Whilst I had met her more than once, I do not profess to have known her. She was, though, an incredibly important part of the Labor Party and the Labor movement in the North Metropolitan Region that I now represent.

Sadly, Beryl passed away last week at the incredible age of 96 years old. Up until the last few years, Beryl had attended branch meetings regularly. She was a stalwart of the party along with her late husband, Jack, who himself was tragically killed in the 1990s crossing Beaufort Street on his way to a Labor Party meeting. They were active members of both the Karrinyup branch and then the Scarborough–Karrinyup branch when they merged, which then evolved into the Sunset Coast branch of the Australian Labor Party. Beryl worked on every election campaign, state and federal, including mine in 2013. She was a member of the broad left, was a delegate to Stirling electorate council and state executive and, for many years, was the secretary of the Scarborough and Districts Progress Association.

As a nurse in her younger years and the mother of three sons, Beryl was very involved with her community and was a member and supporter of the Friends of Trigg Bushland and other local groups. She fought to save Scarborough High School from closure by the Barnett government and she was a great supporter of peace movements and the United Nations Association of Australia.

Beryl and Jack were active parents in local schools, especially Scarborough High School where Beryl volunteered for many years, including well after her sons had graduated. Beryl and Jack also had deep connections with the local Noongar people and many of the older people would remember them. They would remember being invited into their home in Scarborough and that Jack was a taxidriver who often gave free rides to those who could not afford to pay. She and Jack were generous and genuine people who were much loved by their friends and local community.

A volume could be written on both Beryl and Jack and their intellectual and community pursuits and volunteer work. Beryl loved the Labor Party. She was thrilled whenever Labor was successful and until recently enjoyed discussing politics and current events. She was an avid reader and watched and listened to every news broadcast available. Beryl loved to keep up with world events and believed in and worked her whole life for social justice and equality.

This is indeed a sad week for the Labor Party in the North Metropolitan Region as we have truly lost one of our shining lights. Beryl has left a legacy and a hole in the local branch of the Labor Party that cannot be readily filled. Her family should rightly be extremely proud of her. The Australian Labor Party acknowledges her contribution to not just the party, but her local community and the state of Western Australia as a whole.

Vale Beryl Boardman.

**PARLIAMENTARY FRIENDS OF PEOPLE WITH RARE AND UNDIAGNOSED DISEASES  
ROYAL FLYING DOCTOR SERVICE**

*Statement*

**HON STEPHEN PRATT (South Metropolitan)** [9.50 pm]: I rise this evening to highlight to the Council that next Tuesday is the launch of the Parliamentary Friends of People with Rare and Undiagnosed Diseases. This new parliamentary friendship group has been formed by Hon Donna Faragher, Hon Matthew Swinbourn and me and has the dual purpose of raising awareness of these diseases as well as promoting meaningful and effective action.

This group will aim to provide opportunities for members of Parliament to learn about the needs of people with rare and undiagnosed diseases as well as the challenges and opportunities involved in providing care and services to them. It also will aim to facilitate communication between people and organisations working with people with rare and undiagnosed diseases and members of Parliament; increase awareness and raise the profile of rare and undiagnosed diseases in the community generally; raise awareness of the role and opportunity of innovation, data, research, policy and national and international partnerships in rare diseases; promote an understanding of the work undertaken by health professionals, researchers and organisations that provide care and services to people who live with rare and undiagnosed diseases; and champion initiatives that seek to deliver improved outcomes for people with diseases.

I would like to thank Kane Blackman, deputy chair of Rare Voices Australia, the peak national body for Australians living with a rare disease; Dr Gareth Baynam, head of the Western Australian Register of Developmental Anomalies; and Andrew Bannister, rare disease advocate and current Australian paracycling road series champion, for their time and commitment to this new initiative. Next Tuesday will be a fantastic opportunity for all members of Parliament to hear more about why the group has been formed and to meet people from the community who have lived experience with rare and undiagnosed diseases.

Recently, I had the fantastic opportunity to visit the Jandakot base of the Royal Flying Doctor Service and tour the operations with CEO, Rebecca Tomkinson. I was fortunate to meet some of the inspiring people behind the scenes of the operation who work tirelessly to provide world-class health services to rural and remote Western Australia. The scope of the operations performed by RFDS WA around the state is nothing short of remarkable. The year

2020–21 was the busiest year on record, providing critical care to over 10 000 people flying nine million kilometres in total and performing more than 16 000 landings across our state. The flying intensive care rooms cover the world's largest and most remote health jurisdiction and have recently played a critical role in delivering COVID-19 vaccinations in remote communities. This has been critical in delivering vaccinations to First Nations people in a culturally responsible manner, which is an essential part of the vaccine rollout.

During the last term of the McGowan government, we contributed towards the purchase of two new aircraft, PC-24s, which have halved patient travel times. The PC-24s and the talented pilots flying them have the ability to land and take off on unsealed runways as short as 800 metres, as well as the capacity to transport three stretchered patients and two medical teams of four doctors and nurses. I am proud of the continued investment by our government in this vital service, ensuring that no matter where people live or work everyone has access to quality care. I would like to take the opportunity to thank Rebecca for inviting me to tour the site and for the lifesaving work she and her staff do 24 hours a day, seven days a week.

### COUNCILLOR OLWEN SEARLE

#### *Statement*

**HON PIERRE YANG (North Metropolitan)** [9.54 pm] While the Legislative Council was sitting tonight, the City of Gosnells council also sat. Tonight's council meeting marked the end of an era for a councillor who has served the local community for almost 40 years. That is Councillor Olwen Searle, JP, whom I had the good fortune to meet at one of the citizenship ceremonies in the early 2000s, which was the first time I met her. When I was elected to the Gosnells city council, I was fortunate enough to sit next to her in the council chamber and look at how she conducted herself as a local councillor. She jokingly told me that she was very happy to have me sitting next to her because she would no longer be the last one at the council chamber table. I would be the one taking the last spot because the council chamber table seating is arranged alphabetically based on councillors' surnames.

Olwen came to Australia from the UK in 1968 with her husband, Arthur, and they settled in Kenwick and later moved to Canning Vale. They worked in the local community. She was a local teacher in the City of Gosnells area and retired from her full-time employment in 2007. Olwen became a justice of the peace and served the local community in that capacity for many, many years. She was elected to council in 1979, and was one of the first female local councillors for the City of Gosnells and, I dare say, one of the first female councillors in the state of Western Australia. She served as the Mayor of the City of Gosnells on three occasions between 1993 and 1996, 2007 and 2011. During my time as a local councillor, Olwen was the mayor between 2015 and 2017. Olwen's career is truly extraordinary. When I started my public service as an elected representative, I was fortunate to have her as a mentor, as someone who could answer my silly little questions without ever laughing at me or looking down on me. She always answered in a very candid, friendly and approachable manner. I was fortunate to have her as a friend in council and as a friend after my time as a local councillor.

Her service was acknowledged in 2010 by the then Minister for Local Government, Hon John Castrilli, as one of the few female councillors who at that point had served for more than 20 years at the Women in Local Government Conference. She also served on many school boards and many community associations. When she gave an interview to the local newspaper the *Gosnells Examiner*, she said that the reason she wanted to join council was very simple, and I quote —

“I saw there was so much to be done and there was no female representation on council. I thought I was going to fix the world.

“When I got on I thought I knew everything about everything, and then I found I knew nothing about municipal budgets.”

She may not have known too much about the budget at that time but to me she knows everything about everything. I want to say again that I was truly fortunate to have her as a friend, a mentor and someone I could look up to because of her integrity, her generosity, her approachable manner, her fantastic personality and the service she rendered to her local community. Today was her last sitting in council and I wish her all the very best in her retirement.

### BORDERLINE PERSONALITY DISORDER

#### *Statement*

**HON LORNA HARPER (East Metropolitan)** [10.00 pm]: As we spoke about earlier today, this is Mental Health Awareness Month. Last week was also Borderline Personality Disorder Awareness Week. I mentioned to a colleague earlier today that I was going to speak about borderline personality disorder. They asked me whether it was to do with bipolar. It is not. Borderline personality disorder is a disorder in its own right. It affects people's thoughts, emotions and behaviour, making it difficult for them to cope in all areas of life. It can be difficult for other people to understand. It can be distressing for the person with borderline personality disorder and the people around them, and it is very often misunderstood. It is the most common personality disorder in Australia, affecting about one to four in every 100 people at some point in their lives. It is much more common in women and usually the symptoms

appear in the teenage years or early adulthood. It is characterised by a pervasive and persistent instability of sense of self, difficulty in regulating emotions, extreme sensitivity to perceived criticism, volatile interpersonal relationships and impulsive and often self-harming behaviours.

People with borderline personality disorder feel intense emotions that can make them very distressed and very angry. They have trouble with relationships and find it hard to feel comfortable in themselves. They may be very impulsive and appear to lead chaotic lives, act impulsively or intentionally harm themselves as a way of coping. It often coexists with other mental and physical health concerns including depression, psychosis, eating disorders, anxiety disorders, bipolar disorder and substance use disorder. This results in complex needs that typically are not adequately addressed by mainstream mental health services. Many healthcare professionals feel inadequately prepared to diagnose and work with people living with BPD. This may lead to a reluctance to diagnose BPD in the first instance, resulting in either no treatment or inappropriate treatment being offered.

Unlike other mental health illnesses, no drug has yet been approved for the treatment of BPD. There is no magic little pill here. When there are inadequate and inappropriate mental and physical health system responses, this leads to poorer health and life outcomes for people with BPD, and this includes premature death. The life expectancy of people living with BPD is estimated to be nearly 20 years less than other Australians. People with BPD often experience lower levels of physical, sexual and reproductive health and higher rates of unemployment. People with BPD represent about 43 per cent of all mental health inpatients and six per cent of GP patients, and 26 per cent of the people presenting to emergency departments for a mental health crisis are estimated to have a personality disorder.

But to me BPD is more than statistics. As I said in my inaugural speech, my daughter has been diagnosed with BPD. She lives with this every single day. She lives with the fact that it is very difficult for her to find the right combination of treatment. She is lucky that I can help support her and help facilitate her to see a clinical psychologist, but it is hard to find a psychiatrist who not only specialises in BPD, but also has space to accommodate her. She is one of the lucky ones because I will help support her financially as well.

This is Mental Health Awareness Month. Part of that awareness is to realise that there are people suffering right in front of us. There will be people in this chamber suffering right now, whether it is you or your family member or your friend who has dealt with this, whether you have a friend whose child is self-harming or tried attempting suicide or substance abuse or any of the other things. Mental health awareness is not wearing the ribbons just because they are pretty. We need to continuously get up and call out that mental health is an actual illness. We have to stop treating people with mental illness as though they are second-class citizens. I am proud to be part of a government that is working towards making life better and providing better treatment for mental health sufferers.

*House adjourned at 10.05 pm*

---

### QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

#### CHILD PROTECTION — CASE WORKERS — INJURIES

**247. Hon James Hayward to the parliamentary secretary representing the Minister for Child Protection:**

I refer to child protection case workers employed directly by the Department and via third parties, and I ask:

- (a) how many case workers have reported physical injuries during the last calendar year; and
- (b) of the physical injuries reported in (a), how many required hospital treatment?

**Hon Samantha Rowe replied:**

- (a) 39.
- (b) Four. All were for initial assessment and tests such as x-rays and scans.

#### CORONAVIRUS — VACCINATIONS — ABORIGINAL PEOPLE

**248. Hon Wilson Tucker to the minister representing the Minister for Health:**

I refer to question without notice 448, answered on 10 August 2021, and the *National Agreement on Closing the Gap*, to which the State Government is a party, and I note that Priority Reform Area 4 of the agreement calls for locally relevant and accessible data for monitoring and implementing closing the gap targets, and I ask:

- (a) how is the answer provided consistent with the State Government's obligations under the *National Agreement on Closing the Gap*;
- (b) is there a memorandum of understanding between the Commonwealth and the State Government for the sharing of COVID-19 vaccination data and, if not, why not; and
- (c) does the State Government operate any COVID-19 vaccination programs for the State's indigenous population?

**Hon Stephen Dawson replied:**

I am advised:

- (a) All Parties to the National Agreement on Closing the Gap agree that shared access to data and information is a priority. However, specific actions to achieve improvements for Priority Reform Area 4 of the National Agreement are currently still under development.
- (b) WA Health is authorised to access Australian Immunisation Register (AIR) data under the AIR Act and complies with use of data prescribed by the Act. There is no formal agreement between the Commonwealth and the State for specific sharing COVID-19 vaccination data outside the AIR Act. WA Health is working with the Commonwealth Department of Health to develop a shared data governance framework including guidelines for data disclosure.
- (c) Yes. WA Health State clinics are available to the indigenous population. Aboriginal people aged 12 years and over are eligible for vaccine and can book an appointment at any State clinic. WA Health has worked in partnership with a number of Aboriginal Community Controlled Health Organisations, including Derbarl Yerrigan and Bega Garnbirringu to deliver vaccinations to the Aboriginal communities.

#### DAYLIGHT SAVING TIME — ENERGY, WATER AND PHYSICAL ACTIVITY AUDITS

**249. Hon Wilson Tucker to the minister representing the Minister for Mines and Petroleum; Energy; Corrective Services:**

I refer to question without notice No. 396 asked on 5 May 2009, during the 38<sup>th</sup> Parliament. The then Minister advised the Parliament that reports detailing energy consumption during the Daylight Saving trial of 2006–2009 were available on Western Power and Horizon's websites. However, no such reports appear to be on the respective GTE's websites, and no mention of the Daylight Saving Trial appears in the annual reports of either GTE, and I ask, will the Minister please provide a copy of any energy consumption reports compiled by State energy utilities concerning the Daylight Saving trial of 2006–2009?

**Hon Alannah MacTiernan replied:**

Horizon Power

The report referenced in question without notice No. 396 is titled *Summary of Impact of Daylight Saving on Energy Demand in Horizon Power Service Area* for the period of 2008–2009 and is provided. [See tabled paper no [755](#).]

Western Power

[See tabled paper no [755](#).]

## CORONAVIRUS — VACCINATION CLINICS — CHILD HEALTH NURSES

**251. Hon Donna Faragher to the minister representing the Minister for Health:**

Can the Minister confirm whether any community child health nurses have been redeployed to COVID-19 vaccination clinics and, if so, how many?

**Hon Stephen Dawson replied:**

I am advised:

Yes. 6.67 full-time equivalent.

## METROPOLITAN CHILD DEVELOPMENT SERVICE — STAFF

**252. Hon Donna Faragher to the minister representing the Minister for Health:**

Will the Minister provide a breakdown of, by headcount and FTE, the number of clinicians currently employed by the Metropolitan Child Development Service to provide assessment, early intervention and treatment services to children in the following categories:

- (a) speech pathologists;
- (b) occupational therapists;
- (c) physiotherapists;
- (d) social workers;
- (e) clinical psychologists;
- (f) paediatricians;
- (g) therapy assistants;
- (h) audiologists;
- (i) nurses; and
- (j) other clinicians not listed in (a) to (i)?

**Hon Stephen Dawson replied:**

I am advised:

As at 15 August 2021 the breakdown by headcount and FTE is as follows:

	<b>Discipline</b>	<b>FTE</b>	<b>Headcount</b>
(a)	Speech Pathology	76.0	97
(b)	Occupational Therapy	30.5	46
(c)	Physiotherapy	15.4	22
(d)	Social Work	15.8	21
(e)	Clinical Psychology	18.2	29
(f)	Paediatrics	22.7	46
(g)	Allied Health Assistant	5.6	10
(h)	Audiology	4.1	7
(i)	Nurse	10.2	13
(j)	Podiatry	0.3	1
(j)	Dietetics	0.2	1

## EDUCATION AND TRAINING — LANGUAGE DEVELOPMENT CENTRES — STAFF

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

Will the Minister provide a breakdown, by headcount and FTE, of each category of staff employed as at 30 June 2021 in the following schools:

- (a) Fremantle Language Development Centre;
- (b) North East Metropolitan Language Development Centre;
- (c) Peel Language Development School;
- (d) South East Metropolitan Language Development Centre; and
- (e) West Coast Language Development Centre?

**Hon Sue Ellery replied:**

(a)–(e)

School	Headcount	Average FTE
<i>Fremantle Language Development Centre</i>		
Education Assistants	19	14.3
Public Service officers	8	5.5
School Officers	6	3.6
Teaching Award	34	27.4
<i>North East Metropolitan Language Development Centre</i>		
Education Assistants	25	20.5
Public Service officers	11	7.6
School Officers	6	3.8
Teaching Award	44	34.3
<i>Peel Language Development School</i>		
Education Assistant	26	19.8
Public Service officers	8	6.1
School Officers	7	4.1
Teaching Award	39	36.8
<i>South East Metropolitan Language Development Centre</i>		
Education Assistants	18	18.3
Public Service officers	6	4.8
School Officers	3	2.5
Teaching Award	34	29.5
<i>West Coast Language Development Centre</i>		
Education Assistants	17	12.4
Public Service officers	20	14.8
School Officers	5	4.1
Teaching Award	44	36.4

In line with the HR MOIR census methodology, Headcount is calculated on permanent and fixed-term employees (excluding casual employees) and can fluctuate by pay period. The above Headcount is at the pay period ending 24 June 2021. FTE is calculated on the average number of full-time equivalent employees (including permanent, fixed-term and casual employees) that were paid since the first pay period in the financial year (9 July 2020) up to the current pay period (24 June 2021).

HEALTH — *SCHOOL-AGED HEALTH SERVICE REVIEW***255. Hon Donna Faragher to the minister representing the Minister for Health:**

I refer to the *School-aged Health Service Review* and its recommendations released in February 2019, and I ask, for each recommendation made by the review, can the Minister advise:

- (a) if the recommendation has been implemented and, if so, when;
- (b) if the recommendation has not been implemented, what work has been undertaken to date to ensure its delivery and when is it expected to be implemented; and
- (c) whether any State Government funding has been allocated to deliver the recommendation?

**Hon Stephen Dawson replied:**

I am advised:

- (a)–(c) There are eight workstreams with a total number of 32 recommendations. 14 recommendations have been completed during the implementation phase of the project (2020 to current). The progress of remaining recommendations is overseen by the Child and Adolescent Health Service Community Health (CAHS-CH) Project Oversight Committee and the Community Health Nursing Reform Steering Group, which include CAHS-CH, Western Australian Country Health Service (WACHS) and Department of Education (DoE) representatives. Implementation of recommendations has occurred within existing resources.

*DELIVERING ESSENTIAL SERVICES TO REMOTE ABORIGINAL COMMUNITIES — FOLLOW-UP REPORT***257. Hon James Hayward to the parliamentary secretary representing the Minister for Community Services:**

I refer to the recent Auditor General's *Delivering Essential Services to Remote Aboriginal Communities, Follow-up Report*, and I ask:

- (a) has the Minister acted to improve water access and purity in the 38 communities mentioned in the report:
  - (i) if yes to (a), please detail what action to date for each community;
- (b) did the Minister consult with the Minister for Water on this issue:
  - (i) if yes to (b), please table meeting dates and times;
- (c) has the Minister visited these communities since the report was tabled;
- (d) how regularly are water tests undertaken at all regional and remote communities; and
- (e) has the Department of Communities developed any plans for improving access to clean and pure water in remote communities?

**Hon Samantha Rowe replied:**

I refer the member to Legislative Council Question on Notice 258.

*DELIVERING ESSENTIAL SERVICES TO REMOTE ABORIGINAL COMMUNITIES — FOLLOW-UP REPORT***258. Hon James Hayward to the Leader of the House representing the Minister for Housing:**

I refer to the recent Auditor General's *Delivering Essential Services to Remote Aboriginal Communities, Follow-up Report*, and I ask:

- (a) has the Minister acted to improve water access and purity in the 38 communities mentioned in the report:
  - (i) if yes to (a), please detail what action to date for each community;
- (b) did the Minister consult with the Minister for Water on this issue:
  - (i) if yes to (b), please table meeting dates and times;
- (c) has the Minister visited these communities since the report was tabled;
- (d) how regularly are water tests undertaken at all regional and remote communities; and
- (e) has the Department of Communities developed any plans for improving access to clean and pure water in remote communities?

**Hon Sue Ellery replied:**

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

- (a)–(e) Communities manages water quality in accordance with the Australian Drinking Water Guidelines, which are the national standard, as well in line with the Remote Area Essential Services Guidelines.

89 small and large communities, in which 95 per cent of remote community residents live, receive monthly bacteriological testing of reticulated water, six monthly chemical testing of reticulated water and six monthly chemical and bacteriological testing of groundwater bores. 44 very small communities, some occupied only sporadically, receive annual chemical and physical water quality testing.

The Auditor General's *Delivering Essential Services to Remote Aboriginal Communities – Follow Up* report, tabled on 2 June 2021, assessed whether the Department of Communities (Communities) effectively addressed findings from the 2015 audit.

The report found the State Government has made progress on all of the recommendations from the 2015 report and that water quality has improved in many remote communities which has reduced risk to public health. Work with utility providers and other Government agencies on options to improve delivery of essential services in remote Aboriginal communities is ongoing.

The report also noted the Commonwealth withdrawal from longstanding funding arrangements for municipal and essential services in remote WA communities in 2015. This has left an annual budget shortfall that averages \$146 million per year.

**METROPOLITAN CHILD DEVELOPMENT SERVICES — WAIT TIMES****259. Hon Donna Faragher to the minister representing the Minister for Health:**

I refer to metropolitan child development services:

Will the Minister advise the current median wait times for children in the primary years of schooling to access the following services:

- (a) speech pathology;

- (b) occupational therapy; and
- (c) physiotherapy?

**Hon Stephen Dawson replied:**

I am advised:

For the quarter April–June 2021 the median waiting times for the metropolitan Child Development Service for children in the primary years of schooling (3.5 years – 12.5 years) were:

- (a) Speech pathology – 8.7 months
- (b) Occupational therapy – 7.8 months
- (c) Physiotherapy – 9.0 months

**WA COUNTRY HEALTH SERVICE — CHILD DEVELOPMENT SERVICES — WAIT TIMES**

**260. Hon Donna Faragher to the minister representing the Minister for Health:**

I refer to child development services provided by the WA Country Health Service, and I ask, will the Minister advise on the current median wait times for children in the primary years of schooling to access speech pathology, occupational therapy and physiotherapy in each of the following health regions:

- (a) Kimberley;
- (b) Pilbara;
- (c) Midwest;
- (d) Goldfields;
- (e) Wheatbelt;
- (f) South West; and
- (g) Great Southern?

**Hon Stephen Dawson replied:**

- (a)–(g) The median waiting time for children in country WA of primary school age from receipt of referral to attendance at the first appointment is provided in Table 1 below:

Table 1: Median Wait Time of children (5–11 years) for therapy services (days) – WACHS

Region	Occupational Therapy	Physiotherapy	Speech Pathology
Kimberley	224	42	58
Pilbara	22	61	36
Midwest	64	55	70
Goldfields	123	28	71
Wheatbelt	56	31	26
South West	50	34	41
Great Southern	81	47	38

**WA COUNTRY HEALTH SERVICE — CLINICIANS**

**262. Hon Donna Faragher to the minister representing the Minister for Health:**

Will the Minister provide a breakdown, by headcount and FTE, of the number of clinicians currently employed by the WA Country Health Service to provide assessment, early intervention and treatment services to children in the following categories:

- (a) speech pathologists;
- (b) occupational therapists;
- (c) physiotherapists;
- (d) social workers;
- (e) clinical psychologists;
- (f) paediatricians;
- (g) therapy assistants;
- (h) audiologists;
- (i) nurses; and
- (j) other clinicians not listed in (a) to (i)?

**Hon Stephen Dawson replied:**

- (a)–(j) The breakdown of clinicians (by FTE and headcount) currently employed by the WA Country Health Service (WACHS) to provide assessment, early intervention and treatment services to children is provided below:

Professional Group	FTE	Headcount
Speech Pathologist	52.6	60
Occupational Therapist	28.3	49
Physiotherapist	16	42.8
Social Work	9.4	21
Clinical Psychologist	1.2	2
Paediatrician	14.75	21
Therapy Assistants	23.05	42
Audiologists	2.7	5
Podiatry	0.3	4
Nurses (Developmental)	1	2
Dietitian	7.7	24

Note: The principal assessment, early intervention and treatment service offered by WACHS for children is the Child Development Service (CDS), therefore the data provided reflects staffing of this service as far as possible. FTE excluded from this data includes staff delivering acute inpatient, outpatient and emergency department services. The data is an estimate only, as services are provided based on clinical priority and service demand and are subject to re-allocation.

## CORONAVIRUS — VACCINE COMMANDER

**264. Hon Martin Aldridge to the Leader of the House representing the Premier:**

- (1) I refer to the media statement issued on 24 August 2021 titled “New WA COVID-19 Vaccine Commander appointed for WA” and I ask, why was it necessary to appoint a Vaccine Commander to manage WA’s COVID-19 vaccine rollout?
- (2) What powers will the Vaccine Commander hold which the Chief Health Officer does not already hold?
- (3) Will the Vaccine Commander be able to authorise mandatory vaccinations?
- (4) What additional costs are entailed by the appointment of the Vaccine Commander and the Vaccination Strategic Coordination Group?
- (5) Who are the members of the Vaccination Strategic Coordination Group?
- (6) How often will the Vaccination Strategic Coordination Group meet?
- (7) Please table any agendas, minutes, reports, or findings of the Vaccination Strategic Coordination Group to date?
- (8) Please table any advice, feedback, or guidance from your consultation with the Chief Health Officer in relation to the appointment of the Vaccine Commander?
- (9) Please table any advice, feedback, or guidance from your consultation with the Public Sector Commissioner in relation to the appointment of the Vaccine Commander?
- (10) What statutory responsibilities will Commissioner Dawson retain in regard to his role as Police Commissioner?
- (11) Will Deputy Commissioner Col Blanch receive any enhanced remuneration as a result of undertaking the day-to-day duties of Police Commissioner and, if so, please detail.?

**Hon Sue Ellery replied:**

- (1) WA needs to significantly increase the scale and pace of its vaccination program as eligibility is expanded and additional vaccine supply is secured. The role of COVID-19 Vaccine Commander was established to lead and drive the State’s COVID-19 vaccination program, so that 80 per cent of the eligible population can be vaccinated by the end of 2021. The appointment of a person with overarching responsibility to lead whole-of-State vaccine delivery is in line with approaches taken by other jurisdictions.
- (2) The Vaccine Commander retains the statutory powers of State Emergency Coordinator that he has exercised in management of the current emergency.
- (3) No. Only the Chief Health Officer has a statutory power to require vaccination.
- (4) Any costs or resourcing implications will be met within existing budgets.

- (5) Membership of the Vaccination Strategic Coordination Group (VSCG) will comprise the Director General of the Department of the Premier and Cabinet (chair); the Director General of the Department of Health; the Chief Health Officer; and the COVID-19 Vaccine Commander.
- (6) Weekly.
- (7) [See tabled paper no [754](#).]
- (8) The appointment of the Vaccine Commander was made by Cabinet. Consultation with the Chief Health Officer was undertaken to inform Cabinet deliberations and is Cabinet in Confidence.
- (9) The appointment of the Vaccine Commander was made by Cabinet. Consultation with the Public Sector Commissioner was undertaken to inform Cabinet deliberations and is Cabinet in Confidence.
- (10) Commissioner Dawson will continue to perform any functions that he is required to exercise personally under the *Police Act 1982* and will otherwise be supported in the performance of his role by his Deputies, in particular, Deputy Commissioner Blanch.
- (11) Deputy Commissioner Blanch is being remunerated to the rank of Commissioner whilst undertaking the day-to-day duties of Police Commissioner. The additional remuneration commenced on Monday 23 August 2021, the date of the Cabinet Decision appointing Commissioner Dawson as the COVID-19 Vaccine Commander, and will continue until 31 December 2021.

#### FINANCIAL MANAGEMENT ACT — SPECIAL PURPOSE ACCOUNTS

#### 265. Hon Dr Steve Thomas to the minister representing the Treasurer:

I refer to section 20 of the *Financial Management Act 2006* that allows the Treasurer to direct all or part of moneys standing in a special purpose account that the Treasurer deems not to be reasonably required for the purposes of that account to be credited to the Consolidated Account, and I ask:

- (a) for each of the financial years 2016–17 to 2020–21 inclusive, on how many occasions has the current or former Treasurer used the power under section 20 to transfer amounts from special purpose accounts to the Consolidated Account; and
- (b) for each of those occasions:
  - (i) what was the total value of all funds transferred from special purpose accounts to the consolidated account;
  - (ii) from which accounts and respective agencies or departments were these funds withdrawn and why; and
  - (iii) on what dates did the transfers take place?

#### Hon Stephen Dawson replied:

The Department of Treasury advises:

- (a) Three.
- (b) (i) \$112.5 million in total.
- (ii)–(iii) (1) Agency Cash Balance Review (\$70.4 million) – on multiple dates between 7 May 2018 and 19 June 2018 – following a review of agency cash balances, cash that is surplus to agencies' requirements was returned to the Consolidated Account to assist with the State's overall cash and liquidity management.

The following agencies returned surplus cash under section 20:

Commissioner for Children and Young People;  
 Corruption and Crime Commission;  
 Health and Disability Services Complaints Office;  
 Legislative Assembly;  
 Legislative Council;  
 Public Sector Commission;  
 Registrar, WA Industrial Relations Commission;  
 Salaries and Allowances Tribunal;  
 Training and Workforce Development;  
 Department of Treasury; and  
 Department of Water and Environmental Regulation.

- (2) Metropolitan Redevelopment Authority (\$20.7 million) – 27 June 2018 – following the sale of Lots 5 and 6 at Elizabeth Quay, in accordance with the terms of the approved project.
- (3) Metropolitan Redevelopment Authority (\$21.4 million) – 25 September 2019 – following the sale of Lots 2 and 3 at Elizabeth Quay, in accordance with the terms of the approved project.

## HEALTH — MATERNITY CARE

**268. Hon Brad Pettitt to the minister representing the Minister for Health:**

- (1) With regard to public maternity care in Western Australia:
  - (a) what proportion of women receive care through continuity of care programs at Western Australian public hospitals;
  - (b) for the years 2009–2020, how many women per year access each of the following models of care within public hospitals:
    - (i) GP shared-care;
    - (ii) Community midwifery care; and
    - (iii) Midwifery Group Practice; and
  - (c) for the years 2009–2020, how many of the total births in the state occurred in:
    - (i) public hospitals;
    - (ii) birth centres; and
    - (iii) through the publicly funded home birth program?
- (2) Data from the Australian Institute of Health and Welfare (2009–2019) shows that the proportion of births in birth centres in Western Australia is increasing, and I ask, can the Minister advise on the factors or initiatives that are contributing to this trend?

**Hon Stephen Dawson replied:**

I am advised:

- (1) (a) Of the 33,510 women birthing in WA, 2,470 (7.3%) had continuity of care through public Midwifery Group Practice models.
- (b) The Midwives Notification System (MNS) commenced collection of maternity models of care data for all births occurring from 1 July 2021. Models of care information is not available for births occurring before this date.
- (c) For the years 2009 to 2020 in Western Australia:
  - (i) 277,647 births occurred in public hospitals
  - (ii) 5,242 births occurred in birth centres
  - (iii) 2,747 births occurred through publicly funded home birth programs
- (2) The NMHS, Women and Newborn Health Service (WNHS) Family Birth Centre (FBC) is popular with families in Western Australia due to the options of personalising an intimate patient-family directed birthing environment whilst ensuring access to emergency services. WNHS has seen an increase in popularity for the MGP and FBC models, with women wanting to know their care providers throughout their pregnancy and post-natal journeys.

## WATER CORPORATION — LAND RESUMPTION — HARVEY

**269. Hon Dr Steve Thomas to the minister representing the Minister for Water:**

I refer to the resumption of by Water Corporation of land owned by Charlie and Angela Italiano of Harvey to host water tanks on Wellington Location 554, Honeymoon Road, Harvey, and I ask:

- (a) does the Minister accept that the tanks, and possible future additional tanks, are a blight on the property;
- (b) were the landowners paid fair and just compensation for the resumption of their land;
- (c) why was the independent valuation report by Glenn Miller of Glenn Miller Property Consultants ignored and not acted on in the resumption;
- (d) why was the comparison of like properties in the valuation accepted by the Water Corporation presented by Mr Wilson done with properties some distance away and within the area designated as alumina processing affected Area B near Wagerup; and
- (e) does the Minister stand by this valuation and, if so, why?

**Hon Alannah MacTiernan replied:**

- (a)–(e) The decisions referred to were all made during the period of the former Liberal National Government. In 2009, the then Minister endorsed a Taking Order process against the landowner. In 2010, the Water Corporation became the owner of the land and subsequently the tanks were built. In 2012, a compensation payment was made to Mr Italiano. In 2016, during the period of the former Liberal National Government, Mr Italiano commenced legal action against Water Corporation. The matters were scrutinised and subject to a determination of the Supreme Court.

## SHARK FISHERIES — SEA LIONS

**270. Hon Dr Steve Thomas to the parliamentary secretary representing the Minister for Fisheries:**

I refer to the closure of South Coast shark fisheries around sealion breeding areas, and I ask:

- (a) what additional travel have South Coast shark fishers been forced to undertake to maintain their businesses;
- (b) what compensation has been paid to impacted fishers;
- (c) are impacted fishers able to lease their licences to other people;
- (d) were any licences withdrawn or voluntarily surrendered as a part of the process; and
- (e) if yes to (d), how many and what compensation was paid?

**Hon Kyle McGinn replied:**

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) requires the Commonwealth Government to assess the environmental performance of fisheries and any potential impacts on protected marine species. To satisfy an approval condition, Australian sea lion gillnet exclusion zones were introduced in 2018 around important breeding colonies in the West Coast and South Coast Bioregions. The zones were negotiated between the State and Commonwealth Governments based on the best available science.

- (a) The Department of Primary Industries and Regional Development will conduct a review in 2022 of effort changes in the Temperate Demersal Gillnet and Demersal Longline Fishery following implementation of the zones and the availability of sufficient time series data.
- (b) As the requirements were introduced under the Commonwealth's EPBC Act to reduce the impact of fishing activity on a listed threatened species, there is no compensation payable on the part of the State Government
- (c) Yes. Licence holders in the Temperate Demersal Gillnet and Demersal Longline Fisheries have the ability to lease or sell their managed fishery licences or permits under current management arrangements.
- (d) No.
- (e) Not applicable.

## FRACKING — PFAS

**271. Hon Brad Pettitt to the minister representing the Minister for Mines and Petroleum:**

I refer to the recent report, "Fracking with forever chemicals", published by Physicians for Social Responsibility (USA), and ask:

- (a) is the Minister aware of the evidence in the report that major oil and gas companies, including at least one company currently operating in Western Australia, Chevron, have used per- and polyfluoroalkyl substances (PFAS) or substances that could degrade into PFAS in hydraulic fracturing ("fracking") for oil and gas in more than 1,200 petroleum wells in six U.S. States;
- (b) does the Department of Mines, Industry Regulation and Safety (DMIRS) monitor and record all chemicals used in all stages of fracking operations in Western Australia:
- (i) if yes to (b), where is this information made available to the public in a consolidated form;
- (c) Does DMIRS specifically investigate and record the use of PFAS, or substances that could degrade into PFAS, by fracking companies operating in Western Australia;
- (d) has DMIRS found any evidence that PFAS, or substances that could degrade into PFAS, have been used by fracking companies operating in Western Australia:
- (i) if yes to (d), please provide details of any usage found by DMIRS;
- (e) can the Minister guarantee that PFAS, or substances that could degrade into PFAS, have not been used by companies that have conducted fracking operations in Western Australia;
- (f) under existing legislation and regulations, are companies conducting fracking operations in Western Australia allowed to use PFAS, or substances that could degrade into PFAS:
- (i) if no to (f), why not; and

- (g) will the Minister ban the use of PFAS, or substances that could degrade into PFAS, in all fracking operations in Western Australia, and ensure DMIRS enforces such a ban:
- (i) if no to (g), why not?

**Hon Alannah MacTiernan replied:**

- (a) The Government of Western Australia does not regulate the oil and gas industry in the United States.
- (b) Yes.

Regulations already in place require that companies planning to undertake hydraulic fracturing must seek the approval of DMIRS for any chemicals that they intend be use for hydraulic fracturing activities.

In addition, in accordance with the Government's response to the Independent Scientific Inquiry into Hydraulic Fracture Stimulation in Western Australia, all hydraulic fracturing proposals will be referred to the EPA for assessment.

As detailed in *Western Australian Department of Health process for providing advice to the Environmental Protection Authority on human health risk assessments for hydraulic fracturing proposals* position paper, which was released last year, the EPA will refer aspects including proposed chemicals to the Department of Health for assessment.

- (i) This information is publicly available on the DMIRS website within Summary Environment Plans. As no hydraulic fracturing activities have been approved, or will be approved until the completion of required implementation plan actions, no relevant documents currently exist.

In addition, the following will also be available:

the proponent's peer-reviewed Human Health Risk Assessment, on the EPA's website;  
the EPA's report, published on the EPA's webpage; and  
the Chemicals Register, published on the Department of Health's website, listing the chemicals reviewed by the Department.

This is detailed in the *Western Australian Department of Health process for providing advice to the Environmental Protection Authority on human health risk assessments for hydraulic fracturing proposals* position paper, released last year.

- (c) DMIRS reviews all chemicals disclosed and undertakes inspections to check compliance.
- (d) No.
- (i) Not applicable.
- (e) No – the Minister did not have oversight of hydraulic fracturing activities undertaken prior to this Government.
- (f)–(g) The Minister for Environment is leading the WA Government's response to this issue and also has partial oversight of chemicals used in hydraulic fracturing for proposals assessed under the Environmental Protection Act 1986. The Minister for Mines and Petroleum and DMIRS support a coordinated whole of government approach.

PERTH CASINO ROYAL COMMISSION — HON NEVILLE OWEN

**272. Hon Brad Pettitt to the parliamentary secretary representing the Attorney General:**

I refer to the Perth Casino Royal Commission, and I ask:

- (a) who first nominated or suggested the Hon Neville Owen as a potential commissioner;
- (b) which Ministers were involved in the selection process;
- (c) who confirmed the selection of the Hon Neville Owen;
- (d) what personal and business interests did the Hon Neville Owen declare, prior to the start of the Perth Casino Royal Commission, and will the Attorney General table this conflict of interest declaration;
- (e) did the Hon Neville Owen declare his Directorship role of Clabon Pty Ltd and Redlake Enterprises as part of his conflict of interest disclosure to the State Solicitor's Office (SSO), prior to his selection as Commissioner;
- (f) when did the Hon Neville Owen first disclose his personal and business relationships with Mr Kerry Stokes to the SSO;
- (g) Why did the SSO not provide the information referred to in (f) to the Attorney General prior to August 2021;
- (h) to whom has the SSO provided the information referred to in (f), and when was this provided;
- (i) was the Attorney General aware of the relationships referred to in (f), prior to being informed by the SSO in August; and

- (j) if the Attorney General was made aware of the Hon Neville Owen's past and existing personal and business relationships prior to the start of the Perth Casino Royal Commission, would the Attorney General still have considered Hon Neville Owen to be a suitable candidate:
- (i) if no to (j), why not; and
  - (ii) if yes to (j), why?

**Hon Matthew Swinbourn replied:**

- (a)–(j) The Hon Neville Owen was appointed by the Governor in Executive Council following a process conducted by the State Solicitor's office.

The former justice was an obvious choice. He is perhaps the most qualified West Australian for the role, having sat on the HIH Royal Commission following a long career as one of the State's most senior judges.

All three of the royal commissioners are exceptional West Australians who have lived and worked in Perth for decades and would have managed countless perceived conflicts of interest during their distinguished careers.

The attacks on Commissioner Owen should cease. He and his fellow commissioners are undertaking important work on behalf of the West Australian public and that work should be judged on its merits when the inquiry has handed down its report.

GOVERNMENT REGIONAL OFFICERS' HOUSING — KALGOORLIE

**273. Hon Wilson Tucker to the Leader of the House representing the Minister for Housing; Local Government:**

Can the Minister please table the property condition reports for all Government Regional Officer Housing properties in Kalgoorlie–Boulder?

**Hon Sue Ellery replied:**

As at 28 September 2021, there are over 470 Government Regional Officer Housing properties in the Kalgoorlie–Boulder area.

Providing a property condition report for each would take a significant amount of time and effort, and it would be unreasonable to divert agency resources away from core service delivery activities for this purpose. However, if the member has a more specific query I will endeavour to provide the information.

Additionally, it should be noted that property condition reports typically contain detailed descriptions and photographs of each GROH premises. Releasing information of this nature without detailed review and extensive redactions would significantly compromise the privacy, security and safety of Government Regional Officers, including Child Protection Workers, WA Police Officers and Magistrates

ALCOA — CHEMICAL SPILL — WAGERUP REFINERY

**275. Hon Brad Pettitt to the minister representing the Minister for Mines and Petroleum:**

I refer to the spill of caustic slurry at Alcoa's Wagerup refinery in March 2021, and subsequent reports indicating that an investigation would be undertaken by the Department of Mines, Industry Regulation and Safety (DMIRS), and I ask:

- (a) what were the primary findings of DMIRS's investigation into the spill:
  - (i) will the Minister table the investigation's findings;
  - (ii) if no to (a)(i), will the investigation's findings be made publicly available; and
  - (iii) if no to (a)(ii), why not;
- (b) what did the investigation find as the root cause of this spill;
- (c) what is the estimated volume of material spilled during the incident:
  - (i) was the spill contained within the bund underneath the tank;
  - (ii) how much material was spilled beyond the bund underneath the impacted tank; and
  - (iii) how far did the spill travel beyond the bund underneath the impacted tank;
- (d) what was the predominant chemical composition of the material spilled;
- (e) what enforcement and compliance actions have been or will be taken as a result of the spill; and
- (f) if the questions above cannot be answered due to DMIRS's investigation still being in progress, when will the investigation be complete?

**Hon Alannah MacTiernan replied:**

- (a)–(f) An initial investigation found that a mud washer vessel had a major loss of containment. During attempts to restart the rake arm drives that had stalled after a process disruption, a rake arm suffered a mechanical failure inside the vessel, causing a section of the rake arm to puncture the steel flooring, creating a hole. Investigations are ongoing and additional causes may be identified as the investigation progresses.

The estimated volume of material, a process solution containing sodium hydroxide (caustic) and mud slurry, spilled during the incident was over seven million litres. Approximately two million litres was contained within the bund underneath the tank. Approximately five million litres overflowed into surrounding catchment areas. Of this, approximately 709 kilolitres went to unsealed ground beyond tertiary catchment areas. The spill remained within the operational footprint of the Alcoa Wagerup Alumina Refinery.

One improvement notice was issued by the Mines Safety Directorate and two remediation notices were issued by the Dangerous Goods Directorate of DMIRS for identified breaches under the *Mines Safety and Inspection Act 1994* and the *Dangerous Goods Safety Act 2004*, respectively.

DMIRS investigation findings are not generally tabled, as information in relation to completed investigations may be released via approved valid applications made to DMIRS pursuant to Section 11 of the *Freedom of Information Act 1992*.

## INSURANCE COMMISSION — BELL RESOURCES SETTLEMENT

**276. Hon Dr Steve Thomas to the minister representing the Treasurer:**

I refer to the Bell Resources settlement given to the Insurance Commission of Western Australia (ICWA) on 11 September 2020 of \$665.4 million, and the evidence given during a public hearing by the ICWA to the Standing Committee on Estimates and Financial Operations on 1 September 2021, and I ask:

- (a) can the Treasurer confirm the evidence of ICWA that the cost of the litigation to the Government was \$292 million;
- (b) if no to (a), what was the cost;
- (c) what was the amount of money returned to ICWA from the Bell Resources settlement;
- (d) what was the net return to ICWA of the Bell Resource settlement after costs were taken out; and
- (e) can the Treasurer confirm the statement by ICWA that the Board of ICWA is yet to make a decision about what dividend it will pay to the State Government from the net returned Bell Resources fund?

**Hon Stephen Dawson replied:**

The Insurance Commission of Western Australia advises:

- (a) Yes, \$292.9 million.
- (b) Not applicable.
- (c) On 11 September 2020, the Insurance Commission received a settlement amount of \$665.4 million. A further \$1.1 million was received during September 2020 and another \$37.1 million was received in July 2021, bringing the total recovered to \$703.6 million.
- (d) \$703.6 million was recovered from the settlement. Expenses paid between 1995 and 2021 total \$292.9 million.
- (e) As part of the annual dividend process and in line with its legislative obligations, the Board will make a dividend recommendation to the Minister following the finalisation of the 2020–21 financial results.

## VOLUNTARY ASSISTED DYING — PRACTITIONER TRAINING

**281. Hon Martin Aldridge to the minister representing the Minister for Health:**

I refer to the Voluntary Assisted Dying Scheme and Legislative Council question without notice 270, which was asked on 15 June 2021, and I ask:

- (a) by region, how many medical practitioners have registered to participate in training to date;
- (b) by region, how many medical practitioners have completed the mandatory training to date;
- (c) how many individuals have accessed the Regional Access Support Scheme; and
- (d) for instances where no practitioner is based locally and an application through the Regional Access Support Scheme has been made how many patients were treated by way of:
  - (i) an approved practitioner(s) travelling to the patient;
  - (ii) the patient travelling to the approved practitioner(s); and
  - (iii) Telehealth or similar?

**Hon Stephen Dawson replied:**

I thank the Honourable Member for some notice of the question.

- (a) As at 9 September 2021, the following number of medical\* practitioners have registered for access to date:
- (a) Metro – 96
  - (b) Peel – 9
  - (c) Goldfields – 2
  - (d) Great Southern – 17
  - (e) Kimberley – 7
  - (f) MidWest – 2
  - (g) Pilbara – 3
  - (h) South West – 12
  - (i) Wheatbelt – 3

Total Medical Practitioners – 151

\* Note that there are 5 Nurse Practitioners who have registered (4 in Metro region and 1 in the MidWest)

Total practitioners – 156

Ten of the practitioners who have registered will not go on to complete the mandatory training, due to either deciding not to proceed or being found ineligible.

- (b) 36 medical practitioners have completed all components of the mandatory training (as at 9 September 2021):
- (a) Metro – 29
  - (b) Peel – 1
  - (c) Great Southern – 1
  - (d) Kimberley – 1
  - (e) MidWest – 1
  - (f) South West – 3
- (c) Eight individuals have requested access to the RASS and have either received care, or have care planned to occur (as at 9 September 2021).
- (d) As at 9 September 2021:
- (i) 8 patients.
  - (ii) Nil.
  - (iii) Nil. No requests for access to the RASS for videoconferencing have occurred to date. Where appropriate, care supported via videoconference between the patient and practitioner has occurred from their residing locations and has not necessitated an application to utilise the RASS.

**WOOROLOO BUSHFIRE — REVIEW**

**282. Hon Martin Aldridge to the Leader of the House representing the Minister for Emergency Services:**

- (1) I refer to the Australasian Fire and Emergency Services Council (AFAC) inquiry into the Wooroloo Bushfire and question without notice 584, asked on 31 August 2021, and I ask:
- (a) will the Minister please table the letters and contract of engagement with AFAC to conduct the inquiry into the Wooroloo Bushfire.; and
  - (b) will the Minister please table any advice received by the Minister in relation to the establishment of an independent inquiry?
- (2) What was the cost of each of the following special inquiries under the *Public Sector Management Act 1994*:
- (a) Perth Hills Bushfire inquiry 2011;
  - (b) Margaret River Bushfire special inquiry 2011; and
  - (c) Waroona Bushfire special inquiry 2016?
- (3) What powers will the AFAC inquiry possess to compel information or evidence from witnesses?
- (4) Will AFAC deploy any staff from interstate to Western Australia for the purposes of conducting this inquiry?

- (5) If yes to (4), will any of these staff be required to travel to Western Australia from New South Wales, Victoria or the Australian Capital Territory?
- (6) If yes to (5), and noting Western Australia's controlled border arrangements, what arrangements have been made to permit entry for these staff into Western Australia and what requirements will be placed on these staff in respect to quarantine arrangements, COVID-19 testing, and vaccination status.?

**Hon Sue Ellery replied:**

- (1) (a)–(b) The Australasian Fire and Emergency Services Council (AFAC) has been engaged by the State Government to undertake an Independent Review of the 2021 Wooroloo Bushfire. The terms of the engagement were established under the AFAC Procedural Guideline for Conducting AFAC Independent Operational Reviews. There is no formal letter of engagement nor contract of engagement.
- (2) (a)–(c) This is a matter for the Minister for Public Sector Management, please refer this question to the Minister for Public Sector Management.
- (3) The State Government's primary focus is seeing what lessons can be learnt from this bushfire and AFAC's operational and subject matter expertise has been chosen to deliver this. The Independent Review does not have powers to compel information or evidence from witnesses. This has not hindered robust information-gathering by the Independent Review, through their briefing sessions with witnesses and stakeholders, and through the public submission process.
- (4) Due to COVID-19 coronavirus controlled border restrictions currently in place in Western Australia, AFAC staff are conducting their review activities remotely.
- (5) Not applicable.
- (6) Not applicable.

GOVERNMENT BUILDINGS — CLADDING — FIRE RISK

**287. Hon Dr Steve Thomas to the minister representing the Minister for Commerce:**

I refer to the Department of Mines, Industry Regulations and Safety's Building and Energy division coordinated Western Australia's State-wide cladding audit, and I ask:

- (a) do any Western Australian Government buildings still have high risk combustible cladding;
- (b) if yes to (a), which buildings still have high risk combustible cladding attached; and
- (c) if yes to (a), which does the Government anticipate that all combustible cladding will be removed from these buildings?

**Hon Alannah MacTiernan replied:**

- (a) Yes. Fifteen government buildings were initially identified as having cladding requiring further assessments. Four have since been cleared and for the remaining 11, the respective government departments are managing detailed fire engineering assessments and remedial works
- (b) The following departments have sites with combustible cladding:
- (i) Department of Health – six buildings;
- (ii) Department of Education – three buildings;
- (iii) Department of Local Government, Sport and Cultural Industries – one building; and
- (iv) Department of Training and Workforce Development – one building.
- (c) All government agencies are working to have the remedial works undertaken as quickly as possible. In the meantime, interim safety measures have been put in place to manage the risks

ENERGY — MUJA POWER STATION — STAFF

**291. Hon Dr Steve Thomas to the minister representing the Minister for Energy:**

For the financial years of 2016–17, 2017–18, 2018–19, 2019–20 and 2020–21, how many staff in the following categories were, or are, employed on a casual, part time, full time or consultancy capacity at Muja Power Station:

- (a) executive and senior management;
- (b) middle management and all tiers of management positions;
- (c) trades foremen, trades people and apprentices; and
- (d) contractors and consultants?

**Hon Alannah MacTiernan replied:**

Please refer to the table below.

<b>Financial Year</b>					
<b>Category of employment</b>	<i>2016–2017</i>	<i>2017–2018</i>	<i>2018–2019</i>	<i>2019–2020</i>	<i>2020–2021</i>
Executive and senior management	1	1	1	1	1
Middle management, and all tiers of management positions	23	22	22	28	25
Trades foremen, trades people and apprentices	109	100	103	112	105
Contractors and consultants	327	190	183	187	148
<b>Total</b>	<b>460</b>	<b>313</b>	<b>309</b>	<b>328</b>	<b>279</b>

