Parliamentary Debates
(HANSARD)

FORTY-FIRST PARLIAMENT
FIRST SESSION
2021

LEGISLATIVE COUNCIL

Thursday, 14 October 2021

Legislative Council

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THE PRESIDENT (Hon Alanna Clohesy) took the chair at 10.00 am, read prayers and acknowledged country.

HEALTH (MISCELLANEOUS PROVISIONS) ACT

Petition

HON NICK GOIRAN (South Metropolitan) [10.03 am]: I present a petition containing 2 262 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, urge the Attorney General to immediately release the recommendation made by the Coroner's Court in January 2020 to amend the Health (Miscellaneous Provisions) Act 2011.
>
> Our ongoing deep distress over the knowledge that at least 26 Western Australian babies have been born alive and left to die, sees us as committed as ever to advocate for reforms so that every prematurely born Western Australian receives the same standard of health care without discrimination due to the circumstances of their birth. In this context we are concerned that the Attorney General's refusal to reveal the proposed recommendation, denies us the opportunity to fully advocate for Western Australian babies in an open and transparent environment fitting of our modern democracy.
>
> We therefore ask the Legislative Council to inquire into this matter so that the recommendation can be tabled in Parliament without further delay.
>
> And your petitioners as in duty bound, will ever pray.

[See paper 792.]

PREGNANCY AND INFANT LOSS REMEMBRANCE DAY

Statement by Minister for Mental Health

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Mental Health) [10.05 am]: Tomorrow is Pregnancy and Infant Loss Remembrance Day, on which we not only remember pregnancy and infant loss but also recognise the impact this loss can have on our families and our wider community. I want to acknowledge John, Kate and Mary-Jane in the gallery here today and the work they have done to elevate awareness of pregnancy and infant loss.

I also wish to recognise the incredible support and pastoral care services provided by health professionals who work in the field of perinatal and infant loss. The dedicated perinatal loss specialist team at King Edward Memorial Hospital for Women consists of a multidisciplinary team of obstetricians, midwives, paediatricians, social workers, pathologists and psychologists. The team provides care for women undergoing pregnancy loss. For those who wish to proceed with a pregnancy with babies who are not expected to survive, the team assists parents to develop palliative care plans.

As well as providing care leading up to, during and after the birth, the service provides a perinatal loss clinic follow-up service where both physical and mental health are assessed. Other new services within the Women and Newborn Health Service that will provide pregnancy and infant loss support systems include the Stillbirth and Neonatal Death Society, or SANDS, and Red Nose Australia, through the Grief and Loss and Hospital to Home programs. These initiatives, which will provide ongoing support to bereaved families following stillbirth and newborn death, will be in place soon.

In June this year, the PathWest perinatal pathology department received $250 000 from the commonwealth to develop educational interventions to promote an increase in the rate of stillbirth autopsies in WA, and to help guide families through the autopsy process. The department's dedicated pathology team undertakes one of the highest rates of stillbirth autopsies in the country. While respecting that not all families desire an autopsy, for some, it helps provide answers.

The Safer Baby Bundle includes information about sleeping position, smoking, and foetal movements and growth, and there is individual risk assessment for all women, with the aim to birth as close to term as possible. This is now included in the existing *Pregnancy, Birth and your Baby* book.

The memorial garden is a special and significant site that is dedicated to the memory of a great many babies who have died, and we will treat it with the respect and dignity it deserves. The subdivision of Harvey House

and the memorial garden from KEMH is still progressing, with the WA Medical Museum board working through the legal process of becoming an incorporated body. Once confirmed, details of its governance and the licence will be communicated.

I appreciate that it will be a difficult day tomorrow for those who attend the ceremony at the rose garden, but you are not alone, and our thoughts are with you.

Members: Hear, hear!

PAPERS TABLED

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

EARLY CHILDHOOD SECTOR

Notice of Motion

Hon Lorna Harper gave notice that at the next sitting of the house she would move —

That this house —

(a) acknowledges that the early childhood sector provides vital education and care for children in the early years; and

(b) recognises the sector's workforce in ensuring high-quality safety, education and care of children.

BUSINESS OF THE HOUSE

Standing Orders Suspension — Motion

HON SUE ELLERY (South Metropolitan — Leader of the House) [10.09 am] — without notice: I move —

That so much of standing orders be suspended so as to enable the Council to sit beyond 5.20 pm on this day's sitting and take members' statements at a time ordered by the house.

By way of explanation, the government would like to complete today the Children and Community Services Amendment Bill 2021. To assist in that, the government has decided to give up private members' business. I appreciate the support of government members in agreeing to do that. There is also a disallowance motion that we need to do deal with today and the indication from members who want to speak on that is that it will take about 35 minutes. There are also two more budget speeches to be given, as the budget takes priority. I am conscious that today is not a normal Thursday. I anticipate that we will not need to sit beyond 5.20 pm, but in the event that we do, this gives us the capacity to do that. I appreciate the assistance of the house in achieving that.

Question put and passed with an absolute majority.

CLIMATE CHANGE AND GREENHOUSE GAS EMISSIONS REDUCTION BILL 2021

Introduction and First Reading

Bill introduced, on motion by **Hon Dr Brad Pettitt**, and read a first time.

Second Reading

HON DR BRAD PETTITT (South Metropolitan) [10.11 am]: I move —

That the bill be now read a second time.

I am very pleased to introduce the Climate Change and Greenhouse Gas Emissions Reduction Bill 2021. This climate bill is clearly focused on action this decade. It is a pragmatic bill that puts forward the kinds of actions Western Australia should be taking if we are going to play our fair part in creating a safe climate for our kids and grandkids, based on what the climate science is unequivocally telling us. The bill is designed to give certainty to industries and businesses that want to embrace the necessary low-carbon transition that lies ahead. It is a bill that will enable WA to best benefit from the wave of clean energy investment that will accompany the transition to net zero emissions. Importantly, this is not a bill that is focused on an abstract net zero target 20 or 30 years from now; it is a bill explicitly focused on emissions reduction action and the associated opportunities of this decade. It is a bill focused on opportunities to reduce WA's high emissions, to create jobs in clean energy and to reduce living costs for Western Australians. It is a bill focused on the urgency of reducing emissions, investing in renewable energy at scale and creating science-based energy policy—all vital in this decade.

This bill is the result of a climate expert advisory group that has been meeting regularly to advise me on the contents and targets contained within the bill. As a result of their extraordinary expertise, it is a bill that is pragmatic, based on the latest science and evidence, and completely achievable for WA. I want to thank each of these experts. Each of them freely gave of their time because they care about this state and the state of the planet. Thanks to Professor Bill Hare from Climate Analytics at Murdoch University, who is also an Intergovernmental Panel on Climate Change author; Professor Peter Newman from Curtin University, another IPCC author; Professor Petra Tschakert from the University of Western Australia, another IPCC author; Dr Jatin Kala from Murdoch University, another IPCC author;

Chantal Caruso, formerly from Clean State; Tamara Smith from 360 Environmental; Dr Martin Anda from Murdoch University; Dr Hugh Finn from Curtin University; Dr Bradley Hiller from the Asian Development Bank; Larissa Taylor, an agriculture and climate adviser; and Meri Fatin from WA Climate Leaders, who facilitated this amazing group of people. As members know, this is the cream of the crop in climate expertise in this state. As a result, this is not just a Greens bill; it is, instead, a bill that aims to reach across the political aisle to become legislation that all parties can support. It is a bill based on science and evidence, with a clear understanding of the particular greenhouse gas–emission reduction challenges that WA faces. It is a bill that is pragmatic and doable for Western Australia.

The bill will do a number of things. Firstly, it will set out targets for the reduction of greenhouse gas emissions and the increase in renewable energy generation. Setting hard, legislated targets will not only ensure WA makes a fair contribution towards reducing emissions, but also give our state the best opportunity to attract the huge wave of green energy investment that is underway globally. More specifically, the bill will legislate an interim emissions reduction target of 50 per cent by 2030 to accelerate the net zero transition. It will also legislate renewable energy generation targets of 50 per cent by 2025, and 90 per cent by 2030. Central to the bill is a Just Transition Plan for affected workers and communities. Bold climate action done well must protect the welfare of the most impacted individuals and communities.

Finally, the bill will establish an independent expert climate council to provide policy and scientific advice to meet the bill's targets. As a whole, this bill is about our future and the future of our loved ones. It is about the world our generation will leave to those who come after us. It is about protecting both our environment and our economic future. This bill will allow us to embrace the economic opportunities that a low carbon transition will create for Western Australia. We are well placed to be a clean energy superpower, if we get this right. The climate crisis extends beyond politics and this bill reaches across the political divide, and I hope it includes elements we can all agree on. Therefore, I urge all members to consider this bill as the first step towards multi-partisan action on climate change that is desperately needed in this decade.

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

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

[See paper 793.]

Debate adjourned, pursuant to standing orders.

CLIMATE CHANGE

Motion

HON DR BRAD PETTITT (South Metropolitan) [10.17 am] — without notice: I move —

That this house notes —

(a) the Paris agreement, the Intergovernmental Panel on Climate Change reports, and implications for climate here in Western Australia and globally;

(b) the opportunities that an ambitious transition to a low carbon economy creates for Western Australia; and

(c) that Western Australia is one of the few states not to have legislated targets for reducing carbon emissions and calls on the government to —

(i) develop as a priority, and bring back to this Parliament —

Does the Deputy President want me to continue? I realise that I should be reading this —

The DEPUTY PRESIDENT: Member, I have just noticed there are a few irregularities between what you are reading versus what you have given notice of. It may be better for you to move the motion standing in your name and then I will read the motion.

Hon Dr BRAD PETTITT: I move the motion standing in my name.

The DEPUTY PRESIDENT: Hon Dr Brad Pettitt has moved —

That this house notes —

(a) the Paris climate agreement, the latest Intergovernmental Panel on Climate Change reports, other associated climate science, and the implications of their recommendations for addressing climate changes here in Western Australia and across the globe;

(b) the economic opportunities that an ambitious transition to a low carbon economy creates for Western Australia; and

(c) that Western Australia is the only Australian state with rising carbon emissions and one of the few Australian states to not have legislated targets for reducing carbon emissions and calls on the Western Australian government to —

(i) develop as a priority, and bring back to this Parliament, a legislated target for reaching net zero carbon emissions and an interim target for 2030 that is consistent with the latest IPCC report and associated climate science; and

(ii) set up a climate expert panel to advise government with transparent and regular reporting mechanisms to the Parliament.

Hon Dr BRAD PETTITT: I am realistic and pragmatic enough to know that given the Labor Party's majority in both houses, the 2030 climate action bill that I introduced is unlikely to become law any time soon. What I do hope is that it becomes a useful template for action that will increase WA's climate ambition this decade. There is a huge opportunity here. Climate change is an environmental issue, as we are well aware, but it is also a moral issue. Importantly, it is an economic and social issue as well. I will go through each of those issues; let us start with the science. The environmental implications of climate change are extremely clear. We saw just this August the Intergovernmental Panel on Climate Change bring down its latest report, reinforcing the importance of 1.5 degrees as the basis for a safe climate. This is now unequivocal, but to do that there is a very important consensus emerging that globally we need to get our emissions down to 50 per cent by 2030 if we are going to continue to keep 1.5 degrees alive and have a safe climate.

The impacts of climate change have already been felt in Western Australia and around the world. I will not go on about this too much because I know that people in this house know this very well, but I will give some examples from the CSIRO and Bureau of Meteorology's most recent *State of the climate 2020* report. It shows that Australia's climate has warmed on average by 1.4 degrees since national records began in 1910. There has been a 20 per cent decline in winter rainfall in the southwest since 1970, a 75 per cent decline in water flowing into our water catchment dams, an increase in extreme fire weather and the length of the fire season, and oceans around Australia are acidifying and have warmed by around one degree since 1910. Members might have seen the Global Coral Reef Monitoring Network report that came out this week that showed that WA reefs had been impacted with coral bleaching more than the Great Barrier Reef. Sea levels are rising around the state as well.

No doubt climate change is a huge environmental challenge; that is becoming increasingly clear. I do not think there is any debate amongst sensible people about the implications of this. But our response to that is also a moral question. Kevin Rudd was right when he called climate change the greatest moral challenge of this generation. It is a uniquely wicked problem because those who create the problem are not often the ones who are impacted by it. The impacts are dispersed. It is clear that the solution to climate change is that every state, every nation and every person must play their part to get to net zero emissions. No doubt the federal government has been failing. I think we are all probably quite frustrated at the lack of federal action. I was pleased to see on the front page of *The West Australian* today the heading "What on earth are you waiting for?" pointed at Scott Morrison, asking why we are not doing anything. That is on the back of a United Nations report that came out earlier this year that said that out of 170 nations around the world, Australia is coming last for its action on climate change. That is not something that Western Australia needs to be part of. Our job as a state is to push the federal government for greater ambition and I think that we can do that. Unfortunately, at the moment, rather than pushing the federal government for greater ambition, Western Australia is in danger of being the laggard state of a recalcitrant nation. That is not to say that there are not good initiatives.

I want to acknowledge the work of Hon Alannah MacTiernan and the recent $61 million boost for WA's renewable hydrogen industry. Those kind of initiatives, as well as those in the carbon and agricultural space, show that there are good things happening, but they are not at the scale and not wide enough across the way that we are dealing with this issue here. To summarise it, I feel like sometimes WA has its foot on the hose of climate action and we need to do so much more. I will give an example. New South Wales recently committed to transition its entire fleet of 8 000 buses to electric buses. It has already ordered the first 89 of those, and 22 of them are already in service across Sydney. In WA, for some reason, we are feeling to need to trial two of them that we are waiting to arrive in Joondalup. This is not a technology that needs to be trialled anymore. We just need to get on and do this. South Australia is already building its second big battery after the first $91 million big battery by Tesla paid for itself in less than three years. WA is still going through the procurement for the first, with no second battery on the horizon. In Victoria we are seeing several billion dollars of new large-scale renewable energy projects in development. Disappointingly, the state, in its last budget, is not funding any new large-scale renewable energy projects. It is a huge opportunity for us to get above the 24 per cent renewables that we are at now. In fact, the target I talked about in my bill is to be at 50 per cent renewables by 2025, and 90 per cent by 2030.

On electric vehicles, the Australian Capital Territory is offering zero-interest loans of up to $15 000, no stamp duty and two years of free registration to encourage a greater uptake of electric vehicles. WA is the only state offering no incentives to get more electric vehicles on the road. It is time for WA to get a move on. When we look at these kinds of examples, it all adds up to WA being the only state in which carbon emissions are rising. The Northern Territory's

emission are also rising, but we are the only state, and we need to get on top of this. At the heart of this is targets. That is why I made targets the heart of my bill and this motion. Victoria's target is for its state emissions to drop by 45 per cent to 50 per cent by 2030, pretty well in line with what I talked about in my bill. New South Wales recently committed to a 50 per cent reduction in emissions by 2030, compared with 2005 levels—the same as in my bill. South Australia has already reduced emissions and is now aiming for 100 per cent renewable energy by 2030, which is even more ambitious than what I have in my bill. There are targets in Queensland, in Tasmania and in the ACT. WA is not on this list because we have only an aspiration for 2050, and that is it, with no interim targets in between. This is the problem. WA ends up following and not leading. We are playing catch-up when it comes to climate change.

At the heart of it, this is a major issue. If we were to take WA as a country, we would have some of the highest emissions per person of anywhere in the world. It is over 35 tonnes per person. To put that in context, that is almost double that of the United States per person—the gas guzzling US. That is four times that of China, more than five times the world average. To find anywhere nearly as polluting as Western Australia we have to look at places like Qatar and Brunei. Just think about that. When the world is clearly facing a climate crisis, Western Australia on a per capita basis is doing more to warm this planet than anywhere else. That should spur us into action and acknowledge that we need to step up more than anywhere else. We need a plan to do that. At the moment, all we have is a climate policy, and the climate policy, which some members would have seen released last year, is meant to be a plan to get us to net zero, but it does not do that. It is largely a bit of a grab bag of what we are already doing rather than a serious plan. The policy even acknowledges that under business as usual, emissions will keep going up for the next four years.

We did an analysis to ask where that plan would take us across this decade, if those things in it were implemented. Interestingly, the emissions in it drop by about only 12 per cent to 13 per cent. To put that in context, WA's ambition in its own climate policy is half the federal government's underwhelming ambition of 26 per cent to 28 per cent by 2030. It is a quarter of what the IPCC says we need to be doing. It is extraordinary. We are not doing our bit to make sure that we have a safe climate, meet the Paris Agreement and keep 1.5 degrees alive. That is why we are seeing that our emissions have gone up by over 20 per cent since 2005, whilst all other states' emissions have fallen. Queensland's has fallen by 13.7 per cent, New South Wales' by 17 per cent, Victoria's by 25 per cent and South Australia's by 33 per cent. Tasmania has dropped its emissions by 108 per cent and that state is now largely carbon neutral. If all others were to follow this level of ambition by Australia and WA, the planet would warm by three degrees or more. I think we need to understand that that is where we are currently going. The level of ambition currently in this state will result in a planet that will not be safe for our children.

If environmental arguments and the moral argument for why we need to do more to do our part do not persuade members, I hope the economic arguments will. Imagine a plan from which Western Australia could reap a dividend of thousands of jobs and tens of billions of dollars' worth of investment? Imagine a plan in which we could seize the first-mover advantage. I quote —

> "Preparing for the future means Australia must be more ambitious in the short term …
>
> …
>
> "Setting a more ambitious interim target … will drive new investment and bring forward action in sectors such as electricity where we can deploy commercially viable technology at scale. …
>
> "The best thing we can do for workers and for regional communities is to avoid playing costly and damaging catchup with a plan to prepare for inevitable change.
>
> …
>
> "Early action puts us in the box seat to take advantage of our world class skills, abundant resources and proximity to markets to secure existing jobs and create new ones.
>
> …net-zero emissions … must be done in a way that harnesses Australia's abundant natural resources to boost exports, drives investment in new technologies and delivers a stronger economy with more jobs."

Those are not my words; they are the words of the Business Council of Australia, which recently put out a report saying that we should be pushing for a target of between 46 and 50 per cent below 2005 levels by 2030—interestingly, the same target that I presented in my climate bill this morning.

The truth is that WA is in an extraordinary position. We have more land, more sunlight, more wind and more of the right minerals than anywhere else in the world. We are so well placed to benefit from the necessary clean energy transition ahead of us. But to quote the now New South Wales Liberal Treasurer, who was the Minister for Energy and Environment —

> An economic arms race to capture the next generation of investment, resource projects, exports, jobs and innovation is unfolding across the world.
>
> NSW wants to be at the front of the queue, positioning our state as both a renewable energy superpower and an economic powerhouse for the decades ahead.

They are the words of a Liberal minister. Does WA want it as much as New South Wales? NSW has set a target and has an ambition; is WA going to do as much as NSW? This is about jobs. According to an Ernst and Young report, a renewables-led recovery will create three times as many jobs as a fossil fuel–led one.

Clean State has done some great work in this space to show how the south west interconnected system powered by 90 per cent renewable energy—again, that is the target set in my bill—would create more than 8 600 jobs. There would be another 4 000 jobs if we could decarbonise LNG production and transition to renewable hydrogen. But we need a target—a target that can give certainty to investors. As the $2 trillion Investor Group on Climate Change said —

> "We have to be able to invest with certainty for the long term if we're going to invest billions of dollars in capital."

Only legislative targets can provide the certainty that industry requires. Of course, the other side of the economic argument is that these changes could save households money. Some really great work has been done showing that if we got this right, we could save households $5 000 a year in energy bills.

That brings me to the question of just transition and how we can do this. Some really great work has been done on that. I acknowledge the work that Ms Sharan Burrow, a former Labor Party representative and now general secretary of the International Trade Confederation, has been doing on climate-proofing and employment-proofing a just transition. That is absolutely what needs to happen. It should be happening not only in industry, but also in agriculture. I appreciate that I am an urbanite and do not really know as much about farming as my esteemed colleagues, but WA agriculture has a huge amount to lose from our drying climate; it also has a lot to gain from building climate-resilient systems. WA already has some of the most innovative and efficient farming practices in the world, but now we need to provide the right support to see a net zero transition in the farming sector. Of course, there is a 40 000-year unbroken Aboriginal culture around caring for country as well. There is a huge appetite to create restoration around the WA economy that I think could be quite transformative.

The other side of the economic argument is the cost of not acting. According to a study by Deloitte Access Economics, climate change–related disasters will cost Australia $94 billion a year by 2060 if nothing is done to tackle climate change. Let me say again: the cost of not acting is far greater than the cost of acting. This is at the heart of what we need to do. We need to start acting and, in parallel, we need to start talking about how we will adapt to climate change and what needs to happen to make ourselves more resilient. We need to get in front of this. The idea that we do nothing on climate change is no longer an option.

In conclusion, I want to start with a quote by Professor Ian Lowe, an esteemed professor in this space, who said —

> Reaching net-zero emissions will require intense policy focus, private investment and clear accountability—conditions only a firm numerical target can provide.

That is not an aspiration, especially for two or three decades in the future; we need clear targets for this decade. The world is changing. There will be huge risks for this state if we do not act, but there will also be huge opportunities if we do. All the world's advanced economies have set bold targets. The UK, USA and Germany have set interim emissions targets above 50 per cent. Fourteen of our largest 20 trading partners, covering 83 per cent of our exports, have signed up to net zero emissions targets by the middle of this century. The world is changing and the question is: is WA changing along with it? We cannot afford to be a rust-bucket state in a world that is moving quickly. It has been said that this is WA's Kodak moment. Will we continue to back industries that are not only morally wrong but also stranded in the tide that is coming? Kodak was extremely profitable in 2007, but by 2012 it had filed for bankruptcy. Things move quickly. Our future cannot be based on investing in more fossil fuels and more gas; it has to be about investing in clean energy and leaving fossil fuels in the ground.

I hope that this climate bill and motion will be the first step towards WA acting in this decade. It will be consistent with the science, consistent with WA's fair contribution, consistent with WA realising the economic opportunities that climate action will create for this state and consistent with reducing the living costs of Western Australians. It was very pleasing to see a report recently state that seven out of 10 Western Australians think that we should be setting targets and implementing domestic action to limit global warming by 1.5 to two degrees and to achieve net zero emissions.

I want to finish with a sort of misquote from Saul Griffith, who said, when he was talking about Australia, that WA, the laggard state of the recalcitrant nation, could easily lead the world. I hope that this motion is the first step to doing so, because this is exactly the change of mindset that is needed here in WA.

HON DR BRIAN WALKER (East Metropolitan) [10.38 am]: I would like to rise not just to support this motion but also to shout out vigorously for this motion. There is no alternative than to accept this motion. The science is more than clear. I am talking as a scientific person, for whom science is very important. Science will always demand that we examine the evidence and change our opinions based on the results of science—it is not actually static; otherwise, we would still be thinking that the sun revolves around the earth. The warming of the earth is coming to an imminent crisis and nothing has been done. It irritates me personally that people are still speaking about 2050. I think 2030 is too far in the future; we need to act now.

Hon Alannah MacTiernan: Are you seriously saying that nothing is being done?

Hon Dr BRIAN WALKER: No, I am not saying that.

Hon Alannah MacTiernan: You just said that; you sounded a bit like Greta Thunberg.

Hon Dr BRIAN WALKER: Maybe I will modify my words: I appreciate that action is being taken, but it is not nearly enough. When I listen to what Morrison is saying, I think we have a problem. Would you agree with that, honourable member?

Hon Alannah MacTiernan: I would agree that the federal government has been appalling.

Hon Dr BRIAN WALKER: Thank you.

We can move on to the idea that we have three pillars of society: agriculture, education and health. I am reminded of the science that is involved in these areas and thinking about the way that the human mind works. Historically, we can look at the very clear evidence from 1933 that things were not going well in the state of Germany, yet there was prevarication in the Parliaments of the world, particularly England, which attempted to manage the situation with appeasement measures and trying this and that. Well-meaning people on both sides decided to follow the best advice at the time, but, in the end, nothing adequate was done. Yes, preparations for war had been made, but not many, and then war broke out and millions died. Had action been taken in 1933, those millions of deaths and the destruction of the environment could have been averted.

I am thinking in my lifetime of the arguments for smoking. When it became absolutely clear that smoking was a good way of killing half the smokers in their middle years, anti-smoking measures were opposed by people who espoused pseudoscience to demand that smoking be allowed to continue as part of normal, civilised life. Even now that is normal in some countries. Millions have died because of the inaction when prevaricating about the science. We see it now with COVID-19. The actions of the vested interests—I do not know on which side—has resulted in inaction because we have been prevaricating: Is the science proven? Is the vaccine proven? Shall we implement vaccination policies? What about quarantine? The huge amount of misinformation and disinformation has allowed us to be sitting here still at risk because we have not taken appropriate action yet, although I will acknowledge that a lot has been done in Australia, but we are behind the curve, and that is caused by inaction due to the human mind being led astray.

There is a pattern here and we can see it. We see the same pattern of inaction on the science of climate change. We are looking at the evidence, taking a back step and allowing for different points of view, as we rightly should, but the vested interests are then able to stop progress from being made. I thank the government for taking the action that it has. I can heartily stand behind that, but we need more action now.

This morning I listened to the ABC news with great horror because the Liberal National Party in Queensland and the Liberal and National Parties in other states are determined to not vote in favour of climate action because it will impact on the voters in their regions and in Queensland, as if votes equate to life. We are indeed talking about life. I put it to members that it is not about getting votes or losing votes if we follow the climate science. If that is what members believe, I say loudly and clearly that they do not belong in Parliament. It is about the people.

We have looked at the economic argument that was very clearly made here and the potential losses due to inaction. I looked again with envy at a Tesla as I walked in this morning, thinking that I would be well advised to invest in an electric vehicle, but also realising that Western Australia is perhaps the only state that does not give any assistance or rebates for people who wish to buy an electric vehicle. I wondered why we are not capable of supporting such technology. Is it because we see innovation coming and think that we can take a back seat and wait until other people have proven the technology before considering doing something? Are we so backward? I would hope not. The state would benefit if we invested in innovation surrounding climate science, especially in agriculture. I was speaking only this morning about the benefits that could be achieved if we simply focused on producing clean food environmentally rather than resorting to chemicals that are polluting our environment and causing—I can speak with absolute certainty—a number of the cancer cases that I have seen due to the chemicals that we use in the environment.

I ask all members to support this motion to the maximum that we can, because it is not just about what is right; it is about our very life and the fabric of society. Inaction will equate to a loss of income, jobs, life and quality of life. It is intolerable to stand here and allow that to happen. I refuse to be part of that. I ask that we support this very valid and worthy motion. I stand side by side with the member on this, and I hope that all members of this esteemed house will do the same.

HON ALANNAH MacTIERNAN (South West — Minister for Regional Development) [10.44 am]: I am providing the government's response to this motion. I think it is very evident that in Western Australia it is Labor governments that have consistently been the first to accept the reality of climate change and then take action to deal with it. The Labor Party has no problem with its record. We will continue to accelerate our efforts, as it is very evident that the nature of the potential catastrophic affects is accelerating. We also absolutely understand that it is important to see the economic opportunities that lie before us in responding to climate change. I am very confident that our government has been taking the lead in many of these areas and that members will see rolled out over the

next few years more initiatives in the climate change space. We have created a new ministry. Minister Amber-Jade Sanderson is now Minister for Climate Action. We are very much sending the message that we not only are focused on accepting that climate change exists, but also that need to take action and we need to continue the work that we have been doing, and accelerate that work.

We have made a clear commitment to reach net zero emissions by 2050. We are looking at how we can structure getting to that point, what needs to be done to set interim targets and the way in which we can best entrench those interim and final targets to ensure that we have created an investment ecosystem that will see companies make the investments that are needed. As Minister Sanderson said on the radio this morning, we are looking at various legislative models. We want to set up a system that has the flexibility to increase targets, as necessary. We do not want this process to be ossified if, in the future, we have a more, shall we say, adverse upper house. We are looking at how to develop that system. We want to create an environment of legal certainty and we are working through the various options on that. Obviously, the United Nations Climate Change Conference—COP26—is coming up. The work that comes out of that forum will impact on our interim targets.

As a matter of interest, I will provide an example of how rapidly these things are changing. Within 18 months of launching our hydrogen strategy in 2019, we brought forward many of those targets by a decade because of the rate at which the technology was developing and the rate at which we saw the markets changing to embed within them a requirement to decarbonise. In a sense we are seeing this even in industries that do not respond to the moral imperative. We have always agreed on this side of the house that this is a grave moral challenge that we face. It has become very evident that those who do not share that moral compunction nevertheless are seeing very clearly in the marketplace, including in the marketplace for investment dollars, that a democratisation is going on, in a sense, in superannuation funds and shareholder activism, and that is really putting pressure on companies to act. As an interesting aside, in talking to some chief executive officers of big hydrocarbon companies, I found that at a personal level one of the things that is driving them is that they want their kids to be proud of them. Their kids no longer feel proud that their mother or father works in the hydrocarbon industry. We are seeing this groundswell. As demonstrated in this morning's paper, that 80 per cent of Western Australians and around 70 per cent of Australians want action is impacting on every level of life.

When we first came into government we were absolutely committed to responding to climate change. We took the position at that point that the target should be embraced by the federal government so we would have a national framework. I guess no-one anticipated that once Tony Abbott had been got out of the way, the inability to take action at a federal level would be sustained for such a long period. We have seen in this state and federally the inherent instability of that coalition, in which there are the green-on-blue wars that act against the broader interest of Australians. We like to think that we are the party that can put forward a coherent policy.

I do not want to spend too much time on this because I recognise that Hon Dr Brad Pettitt has brought forward this motion in a somewhat positive way. However, it is important to always remember that it was the absolutely absurd decision of the Greens back in 2009 that sank carbon pricing and created a political divide in this country. Two Liberals crossed the floor and voted with that bill, but unfortunately the Greens voted against us. That led to this extraordinary situation that we have here in Australia, unlike places such as Germany and the United Kingdom where there is true bipartisanship on the nature of the response to climate change and pricing carbon. Unfortunately, the Greens were the Trojan Horse that allowed Tony Abbott to move forward and create a sequelae that has led to a decade of disadvantage for this country. We saw a similar thing happen in the last Parliament with the plastic bag ban, when the Greens sought to disallow it because it did not go far enough: we were not going to make progress because they wanted to make more progress.

Hon Tjorn Sibma: A net zero approach!

Hon ALANNAH MacTIERNAN: Yes, a zero approach—no progress, and just sit there on their moral high horse.

In speaking to this motion, Hon Dr Brad Pettitt did not recognise that we are doing more than tinkering at the edges; that we are making significant inroads. Some of these things will take time. If we consider what we have been able to do, it is clear that when we came into government, the Barnett government had dismantled all the infrastructure around climate change. We had to rebuild capability in everything in energy policy right across government because all of that had been disbanded. The focus had been on reopening a coal-fired power plant that we had closed. It is an inaccuracy to say that we are not doing anything in battery policy.

There are different levers. We are investing $21 million to provide up to 95 fast-charging stations across the state. We have made clear commitments on the number of light vehicles that the state government will put in place. We have been making very significant investments in hydrogen. The member mentioned the $61 million in the last budget, which brings our total to over $90 million. In addition to that are significant funds, around an additional $150 million, for the continuation of the development of strategic industrial land for new industries, and in excess of $200 million for renewable energy projects. Additionally, we have a critical minerals task force and investment in developing a battery industry here. These things are slow when we have to start from the ground floor up, but under Minister Bill Johnston we are making real progress in that regard.

We are also on the path to developing a wind turbine manufacturing capability. Notwithstanding the decisions of Fortescue Future Industries, we are still committed to developing an electrolyser facility in Western Australia. We have 30 very active projects across Western Australia. We have the land, solar, wind, wave and resources to make this state a real boon for the decarbonisation of fuel. I hope the member will celebrate when we open the first hydrogen microgrid in Denham at the end of the year. We have been working very hard with Horizon Power. It is doing a great job getting that project up.

In addition, one of the things we need to focus on—I look at the people on the member's support list and I am sure some of them will understand this—is the impact land clearing has had on climate change. The story is not entirely one of carbon pollution. An emerging body of science tells us that this is a more complex thing that is happening, particularly in the south west of this state. The government is investing in a climate resilience fund and a land restoration fund. It has permitted carbon farming to be started.

[Member's time expired.]

HON TJORN SIBMA (North Metropolitan) [10.59 am]: At the outset I would like to signal my appreciation for Hon Dr Brad Pettitt for bringing this motion to the house, for discussing it in the terms that he has done and for the presentation of his draft private member's bill. He is obviously a genuine advocate in this space. I listened to his contribution with some interest, as I did to Hon Dr Brian Walker and to Minister Alannah MacTiernan. In a strange breakout of bipartisanship on a Thursday morning in this chamber, I may well disappoint the mover of the motion in expressing my similarity of view to the Minister for Environment; Climate Action in this state, Amber-Jade Sanderson, when I talk specifically about the essence of this motion—the introduction of legislative targets at the level of a state jurisdiction. This is not without its pitfalls. I will quote from the minister today because I think she holds a reasonable position that is in accord with mine. She states —

> "The government is considering legislation around targets and climate action … but legislation can be a really blunt and inflexible instrument," …
>
> "These targets will need to change over time and every time we need to change the target, we'd have to go back to the parliament to change [it].
>
> "There are mechanisms in place that we're examining that have more flexibility but are enforceable."

That comes from an ABC online article that was posted this morning. I will provide Hansard with the relevant information when it is required.

Although the minister and I might disagree on the details, the means and the mechanisms, it is completely inaccurate to say that there is absolutely no momentum for change. It is unfair to accuse even the government of Western Australia of doing nothing around carbon abatement or moving forward on the reduction of carbon emissions. One can disagree on its methods and progress, but it is an unfair categorisation. It is also somewhat ill-advised to overestimate—I mean this in the most charitable way—the capacity of a Western Australian Parliament to provide any sort of meaningful contribution to carbon abatement at a global level. We need to read what is proposed in the member's bill and in the motion in the context of broader global movements. Adaptation is occurring in Western Australia and Australia more generally, particularly in the corporate sector. The member mentioned the Business Council of Australia document, which I think was released earlier this week, that established quite clearly a net zero target by 2050 and I think a 50 per cent reduction, or thereabouts, by 2030. It is important to read through that document. I found it to be a very interesting and meaningful document, but it put into context the consequences of targets, because they are not consequence-free. A commitment even to net zero by 2050 comes with the consequence of a fundamental reordering of the Australian economic structure, and the Business Council of Australia recognises that. For someone like me, that is not necessarily cause for alarm, but it is absolutely something that we need to be alert to.

On the front page of *The West Australian*, Painted Dog Research, a marketing research company, provided results, which, frankly, were unsurprising. I do not think it is any great surprise that the vast majority of Western Australians want to see action on climate change, as indeed do their counterparts Australia-wide. I do not have the next paper with me, but I was also alerted to a similar study conducted by YouGov Australia polling either at the end of last week or very recently. It provided similar survey results in terms of personal commitment to wanting to see action. But the next series of questions were probably a little more revealing, because although a lot of people want to see action, very few of them want to pay a personal price for it. We cannot set macro targets in isolation from the impacts that they will have on the economic structure or ecosystem that individuals and communities inhabit. Some members of our community will more easily transition to a net zero future. Members can understand who those people might be in generational or educational terms or across any other demographic categorisation that they would like to make. I will put it this way: it is easy to explain to a university student the benefits and the potential economic upside for them personally, and perhaps society collectively over time, but to try to have that same conversation with a 54-year-old manager at a coal-power generation plant in Collie is another thing entirely. When we have these conversations, we need to peel back the macro and appreciate what that means for the micro. With all due respect—this is not meant in any condescending way—if we are to have meaningful conversations in this chamber and in this state about climate change action, we have to explain to people what it will mean for them individually. Sometimes those conversations will be far more difficult undertakings.

I will use this brief opportunity to outline some global trends, but, frankly, if we want to see where action is moving, we should just look at global capital markets. This tells the story. We are going to net zero by 2050 and probably faster, if only for the fact that the world's largest investment manager BlackRock, which has something like $8.7 trillion worth of capital that it can throw around the world in any direction it wishes to, has specifically stated that climate change risk is a significant driver in the reallocation of capital.

Hon Alannah MacTiernan: The finance markets have made the decision.

Hon TJORN SIBMA: Absolutely. They have made a decision, to a degree. To all those who are going to Glasgow in the next couple of weeks—I say this in the most charitable context—the decision has already been made. Those people might want to reassess their need to travel and to burn that fuel in getting there to have those conversations—that is probably a little bit too gratuitous.

What can we do at a state level? The state government is undertaking some action, but some other areas of concentration would be advisable. It has struck me—perhaps this is a difficult but not an insurmountable challenge—that this state government needs to develop a single point of view, a whole-of-government assessment, of what its carbon footprint is. If we want to see leadership, a state government, whether it be the current government or a future government, has to lead by example. This government is working on it and I think that there will be progressive action on this over the course of a number of governments, but opportunities abound in terms of deep and vastly more transparent offset markets in Western Australia—that is the priority—and we need to seriously reconfigure and reorganise our approach at a whole state level to land-use planning. That just cuts across the entire board. Do we have a Land Administration Act that permits for land assembly at the scale that someone like "Twiggy" Forrest is after, for example? But it also translates at a more micro and localised level. Are our bushfire planning and land-use planning parameters set appropriately? We have had petitions in this place to suggest that they are not. Those kinds of measures will provide some significant dividends as well. That is where a state government can and should continue to lead.

I have only half a minute left. I note a reference to the blue-on-green wars, apparently at a national level. On this side of the chamber in this particular jurisdiction, we are on a unity ticket. We want to see meaningful action that does not require blunt instrumentalist approaches that are just going to be gamed, unfortunately, because that is the way the world is. Thank you.

HON DR BRAD PETTITT (South Metropolitan) [11.09 am] — in reply: I want to thank each member for their comments. I will start with Hon Dr Brian Walker and the demonstration of leadership that he has shown. There are some amazing opportunities in this space that I know that he is passionate about, such as turning hemp into some amazing products, which will change how we think about building and the like. That is quite exciting and I appreciate the member's comments and thank him for his support.

To Hon Alannah MacTiernan, I get concerned when this government feels the need to wait for the 26th UN Climate Change Conference of the Parties, or COP26, as though there will be some great surprise —

Hon Alannah MacTiernan: No; we are not waiting.

Hon Dr BRAD PETTITT: That is what the minister said. She said that she was waiting until —

Hon Alannah MacTiernan: Waiting in terms of establishing an interim target. Now, this is an event that's going to be held next month, right? So we're not saying that we're waiting to do action. But in terms of establishing a series of interim measures, we'll be looking at those deliberations. It's not as if we're not acting. That's absurd!

Hon Dr BRAD PETTITT: I did not say the minister was not acting. But I think that idea that we wait to set targets is at the heart of this. Targets, especially interim ones, should be linked to the science and evidence, and there will be no surprises coming out of COP26. We know exactly what will be said and what needs to happen. At the heart of this, and this is part of the problem, is one of the things that has clearly emerged in the climate debate in the last few months is that delay is the new denial. No-one can seriously deny climate change anymore, but we are seeing too much inaction and too much delay. I warn the government to not fall into the trap of not acting consistently with the science. The truth of the matter is that we know exactly what COP26 will say and we need to get in front of this and, for me, that is at the heart of this motion. The idea of WA catching up is not the same is not the same as WA leading. I will not go back to rehashing conversations in 2009; we have all moved on since then. We saw the benefits when the Greens and the Australian Labor Party combined under the Gillard government to create a price on carbon. We saw carbon emissions in this country come down. I think we will see the benefits when we in this chamber collaborate across the aisle to make sure they come down again.

This government has failed to act. It has been here for four and a half years. One number I mentioned was that over the last term of government, the government put out over 7 000 media releases. Do members know how many of those were about climate and addressing the climate challenge? There were 13; that is 0.185 per cent. This is the biggest challenge that we are facing as a state and it is not getting the priority it deserves. This is at the heart of why I have moved this motion today.

Hon Alannah MacTiernan: I find that incredibly hard to believe, member.

Hon Dr BRAD PETTITT: It is very true. Go back and check that. There were 7 000 media releases and 13 of them were about climate; that is less than 0.2 per cent. As I said, minister, I think that you have actually been a leader in this space. I think that what you are doing in the green hydrogen space is excellent. But we cannot just have these small pockets of excellence in a sea of underwhelming action. That is why I am here to say: targets drive this.

Hon Tjorn Sibma talked about targets being a blunt instrument. Blunt is good if what we are trying to do is get a target. A hammer is a blunt instrument and it gets the nail in; that is its point! What we are trying to do here is drive climate action. Every other state has targets; many of those are legislative. Most other nations have targets; most of those are legislative. I do not know what makes WA exceptional around not wanting a blunt instrument in this case. I do know that the instruments we currently have a driving up emissions. Again, I repeat this: this state is the only state in which emissions have gone up. Let us judge the effectiveness of the current instruments. Emissions have gone up by 20 per cent, so it is actually not working. I put some targets on the table and some instruments that I know to work across other state and across the globe. I look forward to seeing this government come up with other ones. The importance of a blunt instrument is that it provides certainty for investment. We talked about the many trillions of dollars that are going to drive change. That investment needs certainty, targets and legislation that will not be moved at a whim. This is really, really important. It is why we are seeing targets being used all around the world.

This motion is also about outcomes. We talked about electric vehicles. It is good that we are doing charging, but the fact that we are doing nothing else means that the outcome for Western Australia is that we have one of the lowest uptakes of electric vehicles of any state in Australia, and Australia has the lowest uptake of pretty much any developed nation in the world. We are getting the outcomes that we deserve because of the policy settings that we are putting forward. Defending that which is clearly not getting as good outcomes is indefensible. That Fortescue Future Industries, or FFI, are moving the first of the green hydrogen plants to Queensland, not WA, is an outcome that I think we should be saying —

Hon Alannah MacTiernan: It is not a green hydrogen plant, right? You do understand that? It's not a green hydrogen plant.

Hon Dr BRAD PETTITT: Creating renewables-based hydrogen is really important. Why are those technologies not here in Western Australia but are going to Queensland instead? The heart of this motion is about outcomes. I agree that the financial markets have made the decision, as Hon Tjorn Sibma said. But the question now is: where will they decide to put their money? They will move it. Will they move it here to Western Australia? Will they get create new jobs here in this state? Will they move it to places that do set targets and have ambition and are serious about the climate? That is my concern. I am passionate about the climate because I can see the environmental consequences that will be terrible for our children and grandchildren. I feel morally outraged about our disproportionate contribution. Equally, the economic opportunity that I feel this state is in danger of missing out on because we are not making the most of this is unforgivable. We could do so well. We should be the leader.

Hon Pierre Yang: Honourable member, I think it is such a shame that you were not leading the federal Greens back in the day. Such a shame.

Hon Dr BRAD PETTITT: Thank you, member. That is very kind.

I put this motion forward in a multi-partisan way because I think the evidence is so strong now and the opportunities are there. I hope this debate coalesces a bit of energy in this space around climate change. I take Hon Pierre Yang's comments on board. I think the danger for the climate is when it becomes a partisan issue. We have seen how broken this issue is at a federal level. I do not think it is as broken as that at a state level at the moment, but I also do not think that we are realising the opportunities that a multi-partisan approach to ambitious climate action, consistent with the science, can do.

I thank everyone for their contributions. I think this has been a really worthwhile discussion. I really hope that on the back of this we can see some real ambition consistent with the climate science going forward.

Motion lapsed, pursuant to standing orders.

ESTIMATES OF REVENUE AND EXPENDITURE

Consideration of Tabled Papers

Resumed from 13 October 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 DONNA FARAGHER (East Metropolitan) [11.19 am]: I rise to say a few words about this year's state budget and the tabled papers. I do so to raise some matters that continue to cause me some significant concern but as we do not always get the opportunity to have a more free-ranging discussion on things, I also want to take the opportunity today to raise some matters about what I would like to see in next year's state budget, which I would like to think will be looked at in a positive manner by the government.

In opening my remarks, I would say that when we hear the constant commentary by the Premier, his ministers and members of the government about this budget, they are very, very pleased with themselves at the moment. The Premier is certainly very pleased with himself and always very pleased to be thought of as the "state daddy". I must say I find that term somewhat creepy, but nonetheless it is clearly a statement WA Labor is particularly pleased to promote. The reality is that a number of cracks are emerging across a number of fronts for this government, which thinks at the moment that it is invincible. I say to government that those cracks continue to increase in size, and they are becoming more difficult to manage. On each occasion that those cracks appear, the ministers in charge have been found wanting.

If we were to refer to just one portfolio today, it would have to be health and the challenges being faced not only in our hospitals, but across the health system. The system is in crisis. It is under significant pressure. We had a debate in this house just yesterday, but there are record ambulance ramping statistics, our emergency departments are under significant and enormous stress, and the list goes on. All the while, this is with COVID not in our community. This is not just linked to one hospital or area. In the East Metropolitan Region, for example, we are not immune. There was an article in our local *Echo News* a couple of weeks ago titled "Eight hour wait times at hospital" and it reads —

> HIGH demand on the emergency department at St John of God Hospital in Midland has seen patients asked to wait outside before they can be sent through for treatment, with others experiencing wait times up to eight hours long.
>
> A Midland woman, who did not want to be named, contacted *Echo News* after taking her elderly mother to the hospital on the night of September 22.
>
> "She was in a lot of pain but it was so busy in there, they put out a message that the wait time would be eight hours long and asked some people to wait outside because there was not enough room with the COVID seating restrictions," she said.
>
> A 21-year-old Stratton woman said she had the same experience at the hospital in August.
>
> "For anyone that wasn't in a life or death situation, the wait times were between six and eight hours," she said.
>
> "I was there as it was thought I had a burst ovarian cyst and I ended up going home because I was told I wouldn't be seen for about seven hours.
>
> "Myself and everyone else in the waiting room was told we had the option to wait out the hours or go home at our own risk."
>
> A spokeswoman for the hospital said they were experiencing "unprecedented demand on its emergency services at present, which is putting strain on its capacity and resources."
>
> "Patients are seen as soon as possible, according to the severity of their illness or injury, and not in order of attendance …

The article went on to say that area with COVID seating arrangements was being monitored.

I raise this hospital, because just a few short months ago, this government was going to strip funding from it. That is what it was going to do. Let us not forget that it was not until pressure was put on this government through the media and questions in this place that funding was restored. How much money was going to be cut? It was $10.6 million. That is not a figure that I or Hon Dr Brian Walker have plucked out of the air—I know he was asking questions about this matter as well—that is what the Minister for Health told me. He does not give me many answers in this place, but he gave me that one—$10.6 million was going to be cut. Thankfully, that very poor decision was reversed, but it is just one of a series of missteps that this government and this minister are making.

Health is, however, not just about our hospital system. There are other issues in our health system that is under stress. I have talked about this on numerous occasions over the years, and I will continue to do so. The early years of a child's life is a particular focus and interest for me from a policy perspective; it has been for a very long time. We know that investment in the early years of a child's life has long-term benefits. There is plenty of research to show it, and everyone knows it. Equally, access to early intervention supports when a child needs them most is really important—supports like those provided through the metropolitan child development services in areas such as speech pathology, paediatrics, occupational therapy, physiotherapy and others. Over a period of time I have been asking questions to the Minister for Health about wait times for primary school–aged children accessing these services. In the previous term of government, my initial questions were about speech pathology, and I will come to that more broadly in a moment. I was equally interested in other areas. The reason why I was asking those questions is that I have had many, many people, families, but also teachers and principals, talk to me about their concerns about wait times and children being able to access those services. I recognise that private health services are available that families can access, but they can be costly and out of reach for many families, so it is important we have a strong and responsive service provided through the Department of Health. I want to be very clear that I am not at all critical of allied health professionals. It is Allied Health Professionals Day today, so I give a shout-out to them for the great work they do—to the paediatricians and other medical staff who work really hard in these services. I also appreciate that there are a couple of reasons that might sit behind these longer wait times, but it is very clear to me that the wait times are increasing and greater investment is needed.

For the record, I want to go through some of the figures. On 13 February 2020, so prior to this current term of government, the response I received from the then Parliamentary Secretary to the Minister for Health was that the medium wait time for speech pathology was 4.8 months, occupational therapy 3.3 months and physiotherapy 0.9 months. That was for metropolitan child development services.

Fast forward to 11 May 2021, I received a response that, for the quarter of January to March 2021, the median wait times for children in the primary years of schooling to access speech pathology was 7.9 months, for occupational therapy it was 6.7 months, and for physiotherapy it had jumped to 6.5 months.

This week, the Minister for Health provided me with an answer to a question about wait times. He provided information for the quarter of April to June 2021. The wait times are now: speech pathology, 8.7 months; occupational therapy, 7.8 months; and physiotherapy, which had been 0.9 months back in February of last year, is now nine months. I repeat: nine months. In each of those areas, in an 18-month period we are seeing at least a near four-month increase in wait times. Equally, I asked questions earlier of the minister about paediatricians, audiologists and clinical psychologists. For the quarter between April and June 2021, these were the wait times: an audiologist, 3.5 months; a clinical psychologist, 10 months; and this one is unbelievable, a paediatrician, 16.1 months. I repeat: 16 months to see a paediatrician!

I appreciate that they are the median figures, but I would also argue—because I have been told—that many families are waiting a lot longer than 16 months to see a paediatrician and they are waiting a lot longer to see a speech pathologist. Members might have noticed that on occasion during question time I get a little frustrated with the responses provided by the Minister for Health. I apologise to the Minister for Mental Health, who unfortunately is the person who gets to provide the answers, because I appreciate that he is a good minister; maybe the Minister for Health could take a leaf out of his book. We know—because the minister told me—that additional funding was provided earlier this year. Actually, additional funding had been provided but it was not new funding. It was a redirection of funding so it was not new funding from the government. Nonetheless, additional funding to help reduce the wait times was provided to the Child and Adolescent Health Service for additional paediatricians and allied health staff between February and November of this year. The minister indicated to me that that funding was $1.6 million. We also know—because it was reported in *The West Australian* and confirmed in questions that I asked in this place—that a business case had been put to the Department of Health for that funding to continue. I asked questions of the minister and, quite rightly, prior to the budget he said that it was under consideration; it was cabinet-in-confidence. I get it.

I asked the minister, after the budget, whether he would provide it. I was perhaps being a little cheeky with regard to that question, but I thought I would ask the question anyway. Again, the response was that it was cabinet-in-confidence. I asked another question yesterday of the minister. I asked whether the business case for additional funding had been approved. I also asked —

> … how much additional funding has been allocated to this service in the 2021–22 financial year and across the forward estimates?

Again, the answer was —

> … budget submissions are cabinet-in-confidence and therefore are subject to cabinet confidentiality.

Minister, I know what "cabinet-in-confidence" is. I have actually been there—I have sat around the cabinet table; I know how it works. I understand that, but what I say to the minister is this: last time I checked, the budget has been tabled. That is why I am talking about it right now. Why can the minister not tell me whether additional funding has been provided for this service? He can tell me that, yet he will not, because he hides behind this notion of cabinet-in-confidence. It is absolutely pathetic.

I can only presume, based on the fact that the minister has not provided me with the information, that additional funding has not been provided. I would like to think I am wrong on this. I would like to think that the minister will say, "Hang on, we recognise that there's a problem and we're putting more funding in." I would say, "That's great, minister." I would give him a pat on the back. He is probably not getting many of those at the moment, but I would give him one! He could have told me that there was additional funding. There might be. Estimates week will be interesting. If I were the minister, I would be wanting to tell the opposition. I would be wanting to tell people that funding has been provided, but he has chosen not to. At this stage I have to presume that that funding has not been provided. I appreciate the minister does not like me asking these questions because he continually says "put it on notice", but I am going to keep on asking them because it is not good enough.

I am pleased that the Minister for Education and Training is in the house. While I am on the topic of allied health services, I sincerely believe that the state needs to consider other approaches to increasing access to allied health services for our students. The first cab off the rank would be to bring speech pathology services directly into schools. It is something that I have argued for some time, and I will continue to do so. I do so because I have done quite a bit of work and research around this, and spoken to many people. I know it works. It works in a number of other states, including Queensland and Victoria, and it could operate in a similar kind of way to school psychology services. Speech pathologists could work within clusters of schools right across the state.

I also know that it works because a number of schools, including in my electorate and in other members' electorates, use funds out of their one-line budget to have a speech pathologist. In some cases it might be an occupational therapist, but perhaps the majority would be with regard to speech pathologists. They are utilising their own funds to access speech pathology time. Obviously, there is a cost to that because something else misses out. The principals who are in charge very much say to me that they strongly value the role of the speech pathologist and as a result they feel that that investment is needed. It not only supports the individual child who is needing support, but also their teachers. A lot of communication goes between the two and it has a very positive effect.

I am raising this, and I raise it in a positive manner, because I do not care whether it starts as a trial; a trial would be a good thing because we could iron out any challenges, issues or whatever else at the beginning. I know that Victoria did that. It started with a trial and then implemented it. I genuinely believe and genuinely request that the Minister for Education and Training look at this. I see her nodding, so that is a good start. It is something that would be of benefit to students attending schools in this state. I say that because the reality is many kids are missing out at the moment. Supporting them early in their reading, writing and comprehension skills is critical; it is a no-brainer. That is important. Equally, I also argue—I will talk about a particular disorder in a moment—that giving children, or anyone, confidence, especially children, in their ability to successfully communicate with their friends in the playground, their family members, carers or members of the community, is something we all want. I do not think we can underestimate what young children face when they have those challenges to be able to communicate successfully. When they are trying to make friends and starting the whole world of education, we need to look at every opportunity we possibly can to make their life easier. Given those comments and reflecting on the fact that tomorrow is awareness day for a couple of important reasons, the first is Pregnancy and Infant Loss Remembrance Day. I hope, President, that I might get an opportunity to say something about that day tonight in members' statements. I thought I would just add that in there, President, just to give you forewarning!

Hon Samantha Rowe interjected.

Hon DONNA FARAGHER: I just thought I would try it out. The other is Developmental Language Disorder Awareness Day—or DLD—awareness day, which I know, President, you are also very aware of. I have raised DLD—I will call it that—in this place before. I think you have, President, as well. Given I have been on the topic of speech and language and my request about speech pathologists in schools, I wanted to take the opportunity to raise this disorder. Given that we have only one opportunity tonight in members' statements and that awareness day is tomorrow, I wanted to say a few words about this disorder today.

Members may or may not know that DLD is a communication disability that affects around one in 14 people. It starts in early childhood and persists through to adulthood. The goal of this year's awareness-raising campaign is to increase the early identification of the disorder and support for students at schools. It is targeted particularly at teachers but I also think it fits very neatly with the comments I have made about having speech pathologists working in schools. Last week, I received a package of information—I think all members might have received it—from an organisation called the DLD Project. Part of it was to ask that members of Parliament do their bit in raising awareness about this disorder. Given I will not have an opportunity to do that tomorrow, I would like to do it today. I refer to a statement the DLD Project released on 7 October, which gives a bit of a good snapshot.

For those not aware —

> DLD causes difficulties with speaking and understanding for no known reason. There are serious and long-term impacts, as it puts children at greater risk of failing at school and struggling with mental health and future employment.
>
> Developmental Language Disorder (DLD) refers to difficulties learning language and affects approximately 7% of the population. This makes it 7 times more common than autism and 46 times more common than childhood hearing impairment.
>
> People with DLD are 6 times more likely to suffer from anxiety and 3 times more likely to have clinical depression. They are also at significant risk of struggling with reading, spelling and mathematics.

The press release then reflected on a personal story of a person who lives with DLD. These are his words and I think they are important. They are from a young man by the name of Parker, who is 16 and the statement says —

> Parker was originally diagnosed with dyslexia in Grade 3 but due to continual difficulties at school that weren't totally explained by dyslexia he received a diagnosis of DLD in early 2020.

The following is a direct quote from him —

> "DLD feels like everything is going over my head all the time. When I talk, it feels a bit like I'm about to stutter. Everything rushes to your mouth at once. I have to stop the sentence and restart or move onto something else. My mates don't really notice, but I do," he explains.
>
> Spoken language is the lifeblood of the classroom. It underpins all learning, relationships and mental health, from the very beginning to the very end of school. Most students thrive in this rich learning environment, but for some, listening and talking can be overwhelming.

> Having a label has been life changing for Parker. It explains why he finds it difficult to understand when a teacher gives him an instruction and why he struggles to concentrate with his mind often going blank.
>
> "It's not that you're not listening or paying attention. Knowing you have DLD means you don't beat yourself up over it,"
>
> Parker wants people to know that having DLD doesn't mean you are 'lazy or stupid'. Just like him, the 1 in 14 people with DLD are working incredibly hard to keep up with what's going on around them.
>
> "People need to be patient and not get frustrated. It would be easier if more people knew about DLD."

I agree, Parker—I agree. This is the entire focus I have always had when it comes to matters surrounding the early years and early intervention. Perhaps it extends back to when I first trained as a school psychologist many, many years ago. We need to ensure that we invest in those early years and identify when there are issues, put strategies in place and support the individual child and their families. Some challenges that individuals have will be very complex. Some will require some more minor remedial improvements that will help them on their path to future success. However, what we do not want, and I think no-one in this house will want it, but unfortunately we are continuing to see, is kids falling through the cracks for a wide variety of reasons. When they get to the age of 15, sadly, as Parker says, there are people who then label children, thinking they are lazy or, in his words, stupid. These kids are not that; they are a lot more than that. Perhaps if they were given the right supports earlier, their trajectory would be different. I will keep on talking about the early years and early intervention because I actually truly believe—as I say I reckon everyone in this house would truly believe it—that the early years must be a priority. They must be a priority for any government and I will continue to go on about it.

I am glad the Minister for Education and Training is here. I will put in one more plug: I think speech pathologists in schools are a good thing, so I will leave that with the minister to look at.

Hon Sue Ellery: There are primary schools that already have their own arrangements and have school speech therapists. But like paediatricians, like a whole range of allied health as well, part of the difficulty is that the universities aren't producing enough of them, so even if we had billions of dollars to employ them, there would not be enough of them there.

Hon DONNA FARAGHER: I hear what the minister is saying, but on the information that I have, there certainly is capacity in the first instance to at least trial a broader approach to get a better understanding of what requirements are needed.

I agree with the minister, and I mentioned this before. I accept that a number of schools have speech pathologists, but they are paid for out of their one-line budget. I would like individual schools not to have to necessarily make that determination; they should be provided them, much like with the school psychology service. That is my thinking. It should not be up to schools to have to rearrange their budgets to get even a half day for a speechie; it would be really good if that service was provided more universally. That is the reason I am raising this matter, but I would be happy to have a conversation with the minister more fully outside the chamber.

On the basis of just talking about education, though, I want to acknowledge, and I am very pleased to see, that the Minister for Education and Training through the budget has reaffirmed the commitment to increase the number of school psychologists and chaplains for schools that would like a chaplain. On this particular point, both the Liberal Party and the Labor Party took the same policy. Both announced them at different times. I think we announced the school psychology commitment first and that was followed by the Labor Party's announcement; and the Labor Party announced the chaplaincy program first and we announced ours afterwards. But we were on a unity ticket, which I think is a very good thing. Both the school psychology service and school chaplaincy service play a valuable role within our school system. Both are slightly different, obviously, but both are complementary. When I go to schools, whether they are primary or secondary schools, the need for more school psychologist time is raised with me. They also want chaplains—normally they want chaplains there every day because the chaplain is very much part of the school community. Both play an important role, so I think that is a really important thing.

Having said that, I did not want to miss the opportunity to raise another area within the education portfolio, which the minister has heard me raise on a few occasions, and that is in relation to community kindergartens. I appreciate that amongst the very large education portfolio, the competing demands of community kindergartens are perhaps a very small part of the larger pie, but community kindergartens have always been an acceptable alternative to kindergarten programs based on school sites. There used to be hundreds of them, but, obviously, as more and more kindies were placed on school sites, the number of them has decreased. I think there are now 18 community kindergartens, but each of those community kindergartens are highly valued by the parents and students who attend them. Some of those kindies have been in place for well over 40 years. A number of community kindergartens are in the East Metropolitan Region. They are fantastic play-based, focused, purpose-built community kindergartens. I want to commend the staff who work in community kindergartens and the parent management committees, because they are run, effectively, by volunteers.

For those who might not have been here at the time, I will go back on a little bit of history. Back in late 2017, members might recall that the Minister for Education and Training at the stroke of midnight decided that she was going to cut a whole lot of education programs. Some of those decisions, fortunately, were reversed, like the Schools of the Air decision. It was a really good decision to cut that one! Anyway, that decision was reversed when the pressure became too great; others, however, were not. What happened? The minister created effectively a two-tier system: the ones that were good enough to be saved and the ones that were not good enough to be saved. The second group included, amongst other things, community kindergartens and the Herdsman Lake Wildlife Centre, which I have mentioned a few occasions in this place.

As an aside, I will say I was delighted to attend the reopening of the Herdsman Lake Discovery Centre a couple of weeks ago. I was very grateful for the invitation from the WA Gould League. I will say, though, that I found something a little ironic at the opening. The Premier opened it, which was great. He waxed lyrical about how fantastic the centre is and how important environmental education is. He thought it was fantastic. I agree, Premier. But, clearly, he has a very short memory, because it was his minister, the Minister for Education and Training, who cut funding and removed the education officer from the centre, and despite repeated requests to reverse the decision, she would not. I have to say that I agreed absolutely as I stood there and listened to the Premier say how fantastic the centre is. But he stood there and did not actually think, "Hang on! Didn't I cut their funding?" It was surprising not only to me, but also a few others I have to say. Nonetheless, I am very pleased that the centre has reopened with some support from Lotterywest, which is fantastic. I encourage anyone who has not been to the centre for a while to do so.

I come back to community kindies. As I said, they might be small in number, but in December 2017, the minister decided to increase the enrolment threshold to access funding and staff from 10 students to 16 without consulting anybody. What did that do? It created, and has continued to create, significant stress and pressure on some community kindergartens, particularly those in areas where there is not a high population growth, and a number of them are in the east metro region. So far, where student enrolments have been below 16, those exemptions have gone through and they have been able to continue to operate. What happened this year? I am concerned about what happened this year, so I put the minister on notice that I will be watching this very closely. This year work was done with the Community Kindergartens Association and the department to try to set up a better process. They brought forward the exemption request date if a kindy looked as though it was going to go below 16 enrolments—they should not have to do this so early anyway, because families move in, unsurprisingly, to areas after term 3, and parents might want their children to go to a particular kindy. Nonetheless, they brought forward the exemption request date so that the decision on whether a kindy would go ahead the following year could be made well before the end of term 3. What happened at the end of term 3? Some early notifications were given to a couple of kindergartens about whether they were under the initial threshold or whether they would be able to have a second class group. But two kindies were left in limbo—Pineview Community Kindergarten in Coolbellup and Mount Helena Community Kindergarten in my electorate. Despite repeated requests by the Community Kindergartens Association and the kindergartens themselves for a decision to be made, term 3 came to an end and it was "being considered". Parent management committees, staff and families did not know what was going on. The government might say that it does not matter—well, it does. People want to know; they want certainty. They followed the rules, yet the department and the Minister for Education and Training did not follow through on their side. I issued a media release on the first weekend of school holidays calling for an immediate decision to be made. That was ignored. I appreciate that the minister might not read my press statements; that is fine. However, if she did not want to do that, we know that the Community Kindergartens Association and the president of the Mount Helena Community Kindergarten had been on radio on at least two or three occasions, so what was going on was well known.

School holidays end and what do we find? There is still no answer. So on Tuesday this week I thought, "Righto, I'm going to ask a question of the minister to find out what is actually going on." I asked whether the exemption request had been considered and when it was considered; and, if not, why not? It was very interesting. The minister said earlier that it was just a coincidence. Clearly, it was a happy coincidence because I lodged the question and less than an hour later the approval for both kindergartens came through. How do we know that? I know. When I asked the question, I actually knew the answer, but it was interesting because the answer said that the information was communicated to the kindies on that day. It should not get to the stage when I have to ask a question in this house for those kindies to get certainty. It should not take that. It is just not good enough.

I know the minister will not do this, but I wish she would just put the threshold back to where it has always been, and that is 10. If it was at 10 this year, I would not even be having this conversation because both of the kindies have more than 10 students. I also point out, for those who might be interested, that if the department were to cut or close down one of those kindies, do members know how much it would save? I have asked in Parliament how much funding is provided to each of the kindies. This information is at 26 May this year. I will take out the salaries for the teachers and the education assistants because they are department staff, so that means they would be redeployed back into the department. There was some additional funding for COVID-19-related cleaning, so I will put that to one side because that is for a specific purpose. The 2020–21 grant and the administration support goes to the link school—so that does not even go to the kindy; it goes to the school it is linked to. When those two figures are combined,

$31 905.40 would be saved on Pineview Community Kindergarten and $32 019 on Mount Helena Community Kindergarten, a kindergarten that has been around for a very, very, very long time. I put to the government: is the stress and strain that it continues to place on these community kindergartens really necessary?

I appreciate that many families choose to send their children to a kindergarten on a school site. I have no problem with that. Great programs are provided on school sites. That is where my kids have gone. However, some families want to send their children to a community kindergarten—so let them, and recognise that some kindergartens, such as Mount Helena Community Kindergarten, do not have a high population growth. Sometimes it will have challenges being able to meet a threshold figure that, to be honest, was plucked out of the air. No consultation was conducted on that number or explanation given on how the minister arrived at it. The only reason it was arrived at was because the government clearly wanted to cut the number of community kindergartens. That is what it wanted to do, otherwise it would not have been seen as a savings measure, because it can save money from community kindergartens only if it has shut them down—to save around $30 000. I put this to the minister: I really wish she would just reduce the threshold. As I say, if she had done that, I would not even be talking about these two kindies right now because they would have been fine; they had more than 10 students. I ask the minister to reverse the ridiculous decision that she made back in 2017—I know she will not—which was completely unnecessary. All it has done is cause enormous anguish for a number of kindies.

Finally, I will end on something positive. It is Mental Health Week. I will raise quickly an initiative that I would like the Minister for Mental Health to consider. I appreciate he is out of the chamber on urgent parliamentary business. I will talk to him about this matter behind the chair. I am keen to know whether there might be some opportunities for greater support for the Mother–Baby Nurture project. I know the minister is aware of the project. He attended a Playgroup WA event that I also attended that highlighted the value of this program that has now been running for 10 years. The event was an opportunity to reflect on the successes of that program and also to release a video that highlighted six mothers and the value they had found from being part of that program. I understand that the program receives some funding from the Department of Health and I think another organisation in the south west that also provides the Mother–Baby Nurture program receives a bit of funding through the minister's portfolio, which is fantastic. However, it would be great if the program could expand into some areas where there are gaps. For those who are not aware of the program, it is a 10-week program targeted specifically to vulnerable mothers and their infants in their first six months of life. It aims to strengthen developing the infant–mother attachment relationship, which is really important, and to help improve overall health and wellbeing. Mothers can self-refer; however, I understand that the majority of participants are referred through tertiary hospitals such as the mother–baby unit at King Edward Memorial Hospital for Women, as well as other service providers across the metropolitan area.

The program is not designed to replace the professional psychological, psychiatric and other medical supports that can be provided to a mother and her family; it is there to complement those supports. One of the clear criterion is that the mum is struggling to form an attachment with her baby. It does not necessarily need to be a first-time mum, but the women who inevitably become involved in the project present with a range of symptoms in terms of distress. They may have self-reported symptoms of anxiety and depression and a host of risk factors. Establishing the attachment between a mother and a baby can be challenging for a range of reasons—everyone is assessed individually. We can never underscore the fact that becoming a first-time mum or a mum at any point in time can be difficult. People think of this rosy sort of scenario when a baby comes along—it is all beautiful, the baby sleeps, all those sorts of things. But not everything works according to Google, nor does it work according to all the books that we purchase before the baby is born that we all read religiously and think that that is how it is going to work. It does not always work that way. For some mums, their babies and their extended families, it can be a very difficult time. This program has been shown to have a very positive effect on those mothers and babies who have been involved. In the first half of this year, through the funding provided by the Department of Health, around 44 or 45 families participated in the program. I am very keen to have a chat with the Minister for Mental Health about this program, but I just wanted to reflect on it given that it is Mental Health Week. It would be really good if we could recognise that some really great programs and initiatives are underway in this state that have been supported by very dedicated professionals, researchers and others who want to make a positive difference to the lives of, in this case, mothers and their babies. I would like to think that there might be an opportunity at some point for some additional funding to be provided to enable this program to reach more families, which all of us would think is a good thing.

I will leave my comments there because I am fast running out of time. As I said, I wanted to end on a positive note. The Minister for Mental Health has just walked through the door as I am finishing, but I know that he will read my speech with a great deal of interest —

Hon Stephen Dawson: As ever.

Hon DONNA FARAGHER: As ever, thank you, minister. This is why he is a good minister. I ask the minister to look at that program more closely. I know that the Mental Health Commissioner and others are certainly supportive of its aims and what it seeks to achieve, so that would be a good thing. As a final plug, I would very much like to see speech pathologists come into schools. That would be a great start. I would certainly be very pleased with the minister if she were to introduce that well before next year's state budget.

HON STEVE MARTIN (Agricultural) [12.14 pm]: I rise to make a contribution to the discussion on the state budget and the tabled budget papers. I would like to begin by acknowledging the work of Minister MacTiernan, the other state ministers, the Treasurer and the Premier in putting together this significant document. It is important that we reflect occasionally on the uncertain times that we have gone through in the past 18 months and I appreciate the work that the government departments have done to put this budget together.

Earlier on I reflected how, in early April, some weeks after the COVID-19 pandemic had become apparent, I had sat next to the federal Treasurer very briefly at a dinner. I had a brief chat to Josh and said, "What does this mean?" We forget the level of uncertainty that state and federal governments faced at that time. At that stage he was facing what he thought was the Great Depression and he had to prepare for anything between that and what we have come up with. Our state and federal governments have responded remarkably well to the COVID pandemic to get us through to our current position.

Whilst deferring to my more experienced and more financially savvy colleagues, I will make some broad comments on the budget and then reflect on some areas of interest to me in my portfolios and the Agricultural Region more specifically. I am enjoying this role as an armchair critic. I have been preparing budgets for my small business for 25 years. I get through the work and then my farm consultant, for example, will flat out laugh at my efforts. My bank manager will say that I might want to double-check a few things and my accountant will tell me to go back and have another look. To sit back in this instance and cast a judgemental eye over someone else's handiwork is a great privilege. Broadly speaking, this is an impressive set of numbers—let us be honest. This is a $40 billion budget. The surplus is growing by the day; it was $5.6 billion on budget day and it is now $5.8 billion. That is absolutely a significant number. I want to make a couple of points about the state's economy and those numbers.

In my background as a farmer, I have relied very heavily on two commodities: the Australian dollar and rainfall. I understand that small business budgets are nothing like state and federal government budgets, but I was alarmed to find some similarities between a farm budget and the Western Australian state budget in particular. Our reliance as a state on iron ore—one commodity—has grown remarkably over the years and it is reflected in this budget. In 2011–12, the state budget was approximately $25 billion with 15 per cent of that revenue coming from iron ore royalties. Four or five years later in 2015–16, the state budget was $26.5 billion with a 14 per cent reliance on iron ore royalties. The estimated actual for 2021 is a budget of over $40 billion with a percentage of revenue from iron ore royalties of 28 per cent—nearly a third from one product. Based on those numbers, if China sneezes, Western Australia well and truly catches pneumonia. It is a strong number, but we are more reliant than ever on one commodity. For decades there has been talk in Western Australia of diversifying our economy. Both sides of politics have talked about that and now one-third of our revenue is derived from one product. I assume that we have never been more reliant on one product. The price of that product, like with all commodities, will fluctuate wildly. If we look back at the numbers, very recently the iron ore price was $US235.6 a tonne. That topped out a very short time ago and it is now around $US115, I believe —

Hon Dr Steve Thomas: It is $US120-odd today.

Hon STEVE MARTIN: It has gone down to $US120, so it has dropped by $US110 in weeks, not months. We are basing this budget on a commodity that moves, like all commodities do.

Hon Alannah MacTiernan: That is why, certainly in the out years, we have taken such a conservative approach to the price set. The gentleman sitting in front of you gets a bit aggrieved by that conservatism.

Hon Dr Steve Thomas: No, I agree with it; it is a good plan. It has honesty in it.

Hon STEVE MARTIN: Indeed, it is a very good plan. I will give members opposite an indication of how conservative they need to be; in 2016, the price was $US37.3 a tonne, so commodities go up and down.

Hon Darren West: A bit like wheat and wool.

Hon STEVE MARTIN: It is exactly like wheat and wool. That is why farmers are nervous and the state government should be nervous basing one-third of its economy on royalties from one product. More broadly, I acknowledge the impressive spend on the big ticket items like health and housing. In both areas it would be difficult to argue that a catch-up has not been required and that has taken a lot of money out of the budget. We could argue that the once-in-a-lifetime opportunity with the iron ore boom and the swollen coffers from the royalties is now a missed opportunity to do that big reform stuff, that Paul Keating–type stuff, in a budget—for example, payroll tax, stamp duty or property tax reform, which I will come to later, or some infrastructure in parts of the ag region where it is sadly needed.

I mentioned payroll tax in my inaugural speech. Members opposite may disagree; they may think it is a wonderful tax. I think it is an awful thing. I acknowledge that there has been some tinkering around the margins of payroll tax about when people start to pay it, but the numbers are quite stark. In 20 years it has gone from three-quarters of a billion dollars to the forecast out years nudging $4.5 billion. Every single year we take more payroll tax out of the system. This is a missed opportunity to have done something serious about it, which is unfortunate.

I will move on to some specific areas of interest for me, such as telecommunications, especially in regional Western Australia. I will give members a couple of quick examples that were brought to my attention recently.

Obviously, I live out there, so I am well aware. I was invited to Munglinup a couple of months ago to meet the locals about their telecommunications issues. It is a very small community. I met a young man named Kirk Whiting, who is a young farmer, a volunteer ambulance operator and a leading member of that small community et cetera. We met in town. There is virtually no signal in Munglinup. Normally, a community of that size would look to the black spot program to fill that need. If you are a young ambulance operator in that part of the world and you are called out to a job at three in the morning and you have no signal on the road or farm that you are travelling to the accident on, it is a frightening prospect.

Hon Alannah MacTiernan: Why haven't they been listed as a black spot?

Hon STEVE MARTIN: I am sure they are listed; they have not been funded. I will get to where they are getting their funding from shortly. People do not have adequate telecommunications in their area, not just for those emergency situations, but for running their businesses. This week an article in the *Midwest Times* referred to a patchy signal hurting the harvest. I will read from the *Midwest Times* —

> Poor phone reception in the Mid West is hurting the bottom line of businesses, including farmers who need to be connected to ensure their harvest efforts are maximised.
>
> With harvest here, it's crucial for farmers to have up-to-date market information on hand. But with frequent blackspots, that isn't always possible. Coverage maps of various mobile providers tell the same story in the Mid West—a short drive out of Geraldton and you're in the data dark ages.

Hon Alannah MacTiernan: We've just put extraordinary commercial-grade NBN for farming communities out of Geraldton.

Hon STEVE MARTIN: I am sure the locals have a different view at the moment—the data dark ages.

Travelling the major highways, as I am sure all regional members do —

Hon Alannah MacTiernan: It is a federal responsibility, but we have invested in digital funds and I am very surprised because a lot of those farms around Geraldton are actually part of that.

Hon STEVE MARTIN: I will pass on the minister's surprise!

I will continue with the article —

> Mid West Chamber of Commerce and Industry CEO Joanne Fabling said she struggled to find reception even along the coast.
>
> "If I drive from (Geraldton) to Dongara, unless I have purchased a special booster, I won't have any signal.

Several members interjected.

Hon STEVE MARTIN: I will get to the state's contribution on regional telecommunications. We have a regional telecommunications project: the regional conductivity program. There is a significant amount of money in the 2020–21 budget of $8.5 million, and in the out years, 2022–23, 2023–24 and 2024–25, there is nothing. Then we have the state agricultural telecommunications infrastructure fund in which there is $3.2 million in 2021–22. Then in 2022–23, 2023–24 and 2024–25, there is nothing. Therefore, I am assuming that the Munglinup residents who are right on the boundary of the Ravensthorpe and Esperance shires have now been funded $90 000 by those two shires for what they call a small cell that will cover approximately 1 800 metres, which covers the town of Munglinup. Currently, when Kirk Whiting drives his ambulance to get to a job after being called out in the middle of the night or if he is fighting a fire in Munglinup, there is no signal.

Hon Alannah MacTiernan: So what have they funded?

Hon STEVE MARTIN: It is called a small cell and I believe the Ravensthorpe and Esperance shires made equal contributions. I am not sure, but I think the local community may be kicking in some in-kind work as well, which will cover the town of Munglinup. At the moment, when harvest starts and the Co-operative Bulk Handling Ltd bin opens, people have an app on their phones to use when they deliver grain. They drive into the CBH bin, turn the app on—when they are parked of course—and it sucks too much data out of the system, so the shop EFTPOS will not work during harvest; there is such little data in that line. Those are some of the problems the people of Munglinup are facing. Of course, it is not only Munglinup or the midwest farmers who are facing those problems. I mentioned those major highways; for example, if you leave Brookton, heading west about a kilometre and a half out of Brookton, the signal drops out and you have approximately 90 kilometres with no signal on a very busy road. The Great Eastern Highway, Albany Highway and Brand Highway are some of the areas of the state where there is very little signal.

Regarding that horrible tragedy in Walpole in recent weeks, I heard a 6PR interview with the shire president down there talking about the response from the local search and rescue people. Very early on it was evident that there was very little mobile signal available to coordinate that search. The journalists were complaining because they could not ring back to 6PR to talk to Gareth Parker. That is a very popular little tourist spot, by the way, but there is no signal down there. Therefore, I look forward to a continued contribution from the state government in mobile black spot funding.

In the area of housing, a significant amount of money was mentioned in the budget, and it is well and truly needed. Regarding the Government Regional Officers' Housing, I saw recently that the Minister for Housing was in Broome making an announcement about nine houses being added to the GROH system, which is welcome. In the Kimberley over the last four and half years the Labor government has sold off 52 GROH homes. Although we welcome the addition of nine homes to that network, it will not fix it in a hurry. At that rate, it will take five years to get back to where we were four and half years ago. We still have teachers and police without adequate housing in regional Western Australia. That is disappointing. In all sorts of areas of housing we need that spend to be achieved as quickly as possible. The state has sold off 1 300 social housing stock homes. There has been an investment, but, again, it will be years before we get back to where we were four and a half years ago. Public housing waitlists are not coming down in a hurry. In fact, they are probably still growing.

I would like to refer to a recent article about something we have been hearing from the sectors related to housing and homelessness. On the face of it, the Western Australian economy is going remarkably well, and a good two-thirds of it is. But according to Foodbank and the Salvation Army, the bottom one-third is at least as vulnerable as ever; in fact, it is more vulnerable than ever. Twenty-eight per cent of people who have accessed Foodbank in the past 12 months have done so for the first time. Foodbank is seeing a change in its cohort. An article was published recently in *The West Australian* that talked about the two-phase economy in Western Australia, which is what we have been hearing from organisations like Foodbank. It referred to research done by a small lender, Judo Bank, that reveals the borrowing intentions for Western Australians. It said the top two-thirds of small to medium-sized enterprises were going beautifully; in fact, their borrowing intentions were significantly higher than the rest of Australia, but one-third of those small to medium-sized enterprises, a full one-third, said they were closing shop. That is the highest closure rate in the country. Our best is better than the rest, but our bottom one-third is the worst figure in the country. That is that boom-or-bust Western Australia stuff happening again. We are definitely seeing that in homelessness and the housing sector. I encourage the relevant ministers to speed the solution to homelessness along. I have asked a number of questions over recent months about the facility in Wellington Street and was assured yesterday that there was a gradual process in place to fill those beds. I was staggered by the response. I cannot imagine that homeless people are too keen on a gradual response. I would have thought that almost an emergency response was required. If level of need is being triaged, a homeless person putting a roof over their heads would require an urgent response. A gradual response to homelessness will not cut it.

While we are talking about what can be delivered when, I was doing some work on some of the *Budget statements*, and in the key budget aggregates—which I am sure honourable members have all pored over—there is a thing called the "asset investment program". We have had record numbers promised by the Treasurer, which is good. If we look at the performance over the last four years, there almost seems to be a natural cap on how much we can spend—how much we can do with the resources we have. Given the constraints at the moment with workforce shortages, the building market et cetera, it would be optimistic that that might be different this time. I will just give some quick numbers. They are staggeringly consistent. In 2017–18, across all departments, the asset investment budget estimate was $6 billion, the midyear review was $5.5 billion, the estimated outturn was $5.5 billion and the actual was $5 billion. That is a steady slide. In the 2018–19 asset investment program the budget estimate was $6.2 billion, the midyear review was $5.8 billion, the estimated outturn was $5.5 billion and the actual was $4.965 billion, which is a similar result. In the 2019–20 asset investment program, the budget estimate is $5.6 billion, the midyear review is $5.6 billion and the actual outturn is $5.1 billion. For 2020–21, the budget estimate is $7.5 billion—it is going to be a big year!—midyear is $7.5 billion; the estimated outturn is $5.9 billion—so we are sliding—and the actual is $5.8 billion. There seems to be a level of asset improvement that the state can achieve. I hope we do better than that this year and in the budgets of coming years. It will be interesting to see whether we can get past those numbers.

I would like to make some remarks on the forestry sector. I have been given that portfolio in my five months in the Parliament, and I thought it would be relatively quiet, but obviously recent developments have changed that.

Hon Alannah MacTiernan: I am sure you will enjoy working for your keep.

Hon STEVE MARTIN: Sorry?

Hon Alannah MacTiernan: Earning your shekel by having some work to do!

Hon STEVE MARTIN: I will use this time to bring members up to date on the local reaction to this sudden and shocking announcement, at least to the sector. The ministers might have had some inkling that it was coming, but the sector certainly did not. I was in Manjimup last week meeting with the Mottrams, who run a sawmill, Rockbridge Timber, just out of Manjimup. It is the classic family business. It is mum and dad, a couple of sons and up to 14 staff when it is busy. It is a lovely little small business. It is very uncertain about its future, as members would imagine. It was fascinating to see what it does. Previously a farmer, Dave Mottram literally built everything on that plant with help from family members and staff. This is an inspiring little small business. It gets second and third-grade logs, it gets offcuts and it finds piles of timber that the Forest Products Commission was going to burn up, so it literally gets the dregs from the suppliers. This is some of the product it supplies out of this very small plant in Manjimup: scaffold planks; jetty material, which are those big sleepers we see on the side of the jetty that this ships

bash up and down against; craypot material, and I am not entirely sure what that is; locks for the mining sector; crane outrigger blocks; stakes for the electric component for automated trucks; tile batons; tongue-and-groove flooring; furniture wood, and I will come back to furniture wood; tomato stakes; pallet material; sawdust; and pine blocks for the airport tunnel, which were just completed about 12 months ago, so it is contributing to Metronet.

Hon Alannah MacTiernan: Pine blocks?

Hon STEVE MARTIN: Pine blocks for Metronet. They were being used in the tunnel.

Hon Alannah MacTiernan: We have not done anything to change pine other than indicate we are going to plant more.

Hon STEVE MARTIN: I am just outlining. The government might be ending this business, so it will not provide the pine blocks, which the biggest pine operators, by the way, could not do, because at this little bespoke business, you turn up with an order and it will cut to specification. The big guys do not want to touch that sort of stuff. That business was putting its blocks into the Metronet airport tunnel. It also contributed materials for the footbridge near the Optus Stadium. There is also something else that took my fancy, which is wood microchips. Wood microchips are used for smoking pork products. Anyone who is a meat eater who has eaten those award-winning hams or bacon from D'Orsogna has probably been relying on the karri and pine microchips coming from Rockbridge Timber. That is the list of products that just one small business does.

Hon Dr Steve Thomas: A gluten-free health food!

Hon STEVE MARTIN: Gluten-free, indeed!

Rockbridge Timber is obviously now very nervous about what its future holds following the decision by the government.

In the budget, we hear about investment of $350 million in pine plantings. We are keen to see how that land will be acquired. I assume it will be a combination of freehold purchases and some sort of sharefarming agreement. The freehold purchases will be interesting. I assume that we are talking about very high rainfall areas. Growing pines requires a lot of rain.

Hon Alannah MacTiernan: Six hundred millimetres.

Hon STEVE MARTIN: There is 600 millimetres of rain only in a reasonably small part of the state. By the way, it is now about the most productive agricultural land in the state. Growing three tonnes of canola at Frankland or six tonnes of barley a hectare east of Bridgetown, the pine numbers would have to be fairly extraordinary to stack up. I wish the government well in its effort to purchase land from those farmers. If they are doing it, they are competing in that market against the next-door neighbours of those farmers and probably driving that price up, assuming they can afford to pay what the next-door neighbours will pay to run livestock or grow canola.

Hon Alannah MacTiernan: It will be a commercial arrangement.

Hon STEVE MARTIN: If there is one bidder on a property, there is a certain price; if there are two or three or four to five, there is a different price. That is good for sellers, of course; and good luck to the landholders.

Hon Darren West: They grow on that sandy, less productive country.

Hon STEVE MARTIN: On that sandy, less productive country at Frankland they are growing 2.5 tonnes of canola instead of three tonnes. At 600 millimetres of rainfall, there is very little non-productive agricultural land to plant a pine on.

Hon Darren West: There is plenty of suitable land for pines.

Hon STEVE MARTIN: There is very little agricultural land available in that part of the world. With 600 millimetres of rainfall, it is virtually hydroponics. When it rains, fertiliser is put on the crop and the pines will grow. We will see how that plays out. In the short term, the locals are very keen to see what this assistance package looks like. The sum of $350 million has been talked about. On the face of it, that does not appear to be anywhere near enough. Parkside's investment in its mill, for example, was rumoured to be about that price. We will see where that lands. I hope the locals will be consulted and involved in those discussions. There is still a lot of uncertainty. I understand that it has only just happened, but —

Hon Dr Steve Thomas: I think the Collie restructure is now up to $120 million. Is that a total of $120 million, minister?

Hon Alannah MacTiernan: I think it was $80 million in our first term of government and we have topped it up with another $20 million.

Hon STEVE MARTIN: It will be a significant number. The sum of $350 million does seem way short at the moment. I am sure the government will be digging into its pocket to help out.

I mentioned one of the products from Rockbridge, a local furniture manufacturer. We were on site when a very small order was being put together for a local Western Australian–based furniture manufacturer. I recently met with people from the Western Australian Furniture Manufacturers Association. That little sector has about 300 jobs involved. Jarrah almost markets itself. Furniture made in WA from WA's finest timber evidently walks out the store!

Obviously, those people are also very nervous about their future. One of the people we met with the other day had already booked a sea container of Indonesian hardwood—assuming he can get a sea container. He had already made that order. He was just responding to the uncertainty. In small business, uncertainty is death.

Hon Alannah MacTiernan: The supplies will continue.

Hon STEVE MARTIN: He is uncertain about that at the moment, minister; he really is. He is just reacting. His small business in Welshpool employs about 30 people. He has already pulled that trigger. He has been in touch with Indonesian suppliers, which makes the claims of environmental sustainability a Western Australian story, not a global story, if we are not providing it and we have sustainable forests, evidently. It will come from somewhere else. We have already seen that. I find that disappointing.

He also suggested that these pines that we intend to plant are absolutely useless for furniture. For example, the native tuart tree can be grown in plantations. Evidently, it grows faster than pine. On that high rainfall stuff, that might be something the government considers. That is a sustainable, long-term product.

Hon Alannah MacTiernan: I think that is a good point. Ask a question about it and I will get an answer!

Hon STEVE MARTIN: I will.

Hon Alannah MacTiernan: No; I think it is a good point.

Hon STEVE MARTIN: It is a good point.

Referring to karri plantations, I know the Western Australian market is very doubtful about karri because of white ants, but it is a fast-growing, sustainable local product that we can find uses for. Those timber manufacturers are very concerned about their future.

I am glad the honourable Minister MacTiernan is in the house because I am getting to a couple of topics dear to her heart. The Department of Primary Industries and Regional Development, on the numbers that I can find in the budget, appears to take a hit to its finances in the out years. On my numbers, the total appropriations provided to deliver services in 2019–20 was $196 million. By 2024–25, it will be $190 million. That is a significant cut to those numbers. The total cost of services was $450 million down to $435 million. That would be disappointing. I hope that does not lead to job cuts. I am sure the minister will be working hard in that regard.

A specific topic that I want to discuss around agriculture is frost. In the past couple of weeks, like the minister I believe, I have been to the eastern wheatbelt. There has been a severe frost event from about Corrigin to north of Bencubbin. At about the time of the Newdegate field days, it was very, very cold for a very long time. It was minus four degrees in one paddock I stood at in the Belka Valley and it was under zero for 10 hours. At that time of year, in September, that is catastrophic to wheat, canola, barley, lupins et cetera. If it gets that cold for that long, crops face severe damage. In the great southern and wheatbelt, frost is an annual threat to farmers. The minister is aware of the work by Dr Ben Biddulph, which is being funded through the Grains Research and Development Corporation and the state. Some good work has been done over the past 10 years. They have done all the obvious stuff. Farmers are well aware of the frost story. Crops that are planted early are at risk of frost. If wheat is planted earlier than barley, it is at risk of frost. The agronomic packages and all that work has been done. We have got to where we are this year. Farmers in drier parts of the state face an annual struggle, if you like: do we plant early and use every bit of moisture we have or do we wait, plant later and try to get through the frost window? In the eastern wheatbelt, they plant early. They use the moisture they have got. They are very, very vulnerable to frost.

Hon Alannah MacTiernan: Through InterGrain particularly, we have been developing some wheat varieties, such as Valiant, that are longer growing. Part of that is to address that issue. In addition to the work that Dr Ben Biddulph has been doing, InterGrain has been breeding wheat varieties to try to address that need for a longer harvest period.

Hon STEVE MARTIN: Yes, it has. There is an issue with that, though. At minus four degrees, it does not matter what sort of variety, it is going to do an awful lot of harm. I will come back to that. The minister is right and I will give her a response from the GRDC at the moment. I am referring to a story in a regional paper. This is from the Grains Research and Development Corporation on behalf of farmers in the eastern wheatbelt. The letter was titled "It's time to get serious about frost". This is from a farm consultant, Alan Peggs. Many of his clients were smashed by the frost. Alan Peggs said —

> "Just think about it—it is potentially the best crop you have grown and because it is a bin buster you have given it every chance to reach its potential with extra fertiliser, herbicides, insecticides and fungicides.

On one night, a grower could lose between 50 per cent and 70 per cent of their yield. The effect of that one night in September is roughly 700 000 tonnes. It is very hard to put an actual number on it, but 700 000 times 400 bucks means we are talking about an awful lot of money. They want some research done in different areas. They badly need barley and wheat varieties and cultivars that can tolerate minus five degrees. That is tough work in any area, other than through genetic engineering. Of course, the market for GM wheat is not there other than as a feed wheat, but a feed wheat with a reduced price that yields, as opposed to a normal wheat—a non-GM wheat—that is 90 per cent wiped out by a frost event, is a choice farmers would absolutely take.

I want to get to some recent research that Ben Biddulph has been doing that I urge the government to continue with.

Hon Jackie Jarvis interjected.

Hon STEVE MARTIN: I am sorry, Hon Jackie Jarvis will have to yell.

This is some research funded by CoGo and the Department of Agriculture and Food, which is about an ice nucleation active bacteria. This has been done in only the last 18 months.

Hon Alannah MacTiernan: I have had briefings from Dr Biddulph.

Hon STEVE MARTIN: It has shown some really interesting results. I will link it to the grower groups that the state has also funded and I urge the government to continue to do so. This research came about from some work at a local grower group some seven or eight years ago around the different responses from crops on stubble as opposed to burnt stubble. The assumption was that the presence of stubble was making the crop more susceptible to frost. It turns out, according to some of the research by Dr Biddulph and the department, that a bacteria forms on the stubble, and that is causing the problem.

Hon Alannah MacTiernan: Apparently that bacteria comes with the rain, which I can't believe.

Hon STEVE MARTIN: It does. If there is rain immediately before the frost, the bacteria —

Hon Alannah MacTiernan: The bacteria actually comes down with the rain. I thought it was very weird.

Hon STEVE MARTIN: I am not sure about that; I might have to check it, but it is present on the stubble and that makes the crops much more susceptible to frost. Again, we are talking about farmers wanting to conserve moisture by having stubble present, which in the eastern wheatbelt they absolutely need to do, or have a bare paddock that will lose moisture, so some work has to be done there.

Hon Alannah MacTiernan: It kills the soil biome and creates extraordinary heat levels in the summer areas to over 50 degrees. It's incredible.

Hon STEVE MARTIN: Some work on antibacterial products might be available. I believe they are used in horticulture and remove the bacteria to make the stubble less dangerous, in effect, to a frosty crop. I urge the department to continue that work.

That takes me to another area, and this is not such friendly news: namely, the hydrogen story and Oakajee. This is one of the missed opportunities in regional Western Australia, where a big-picture story could have been told around a facility like Oakajee. Oakajee is a bit like Lasseter's Reef; it is hard to find. It is on the map but it does not appear to exist. It has a long history, as I am sure members from the midwest will know. It goes back to 1976 when the state government released the Geraldton regional plan, which identified a rail corridor linking an industrial area in the Geraldton port to a proposed industrial estate and port at Oakajee—1976. We are a long way down the path and, sadly, not much has happened. In the recent state budget there was a $7.5 million investment, I believe, in an intersection, a roundabout or something at Oakajee. It is possibly a useful investment, but compared with the $400 million in the budget for Westport, a facility I assume is years away, possibly decades, it is a missed opportunity for the midwest.

Hon Alannah MacTiernan: It is not a missed opportunity. Honestly! The Barnett government was completely hopeless in relation to Oakajee both in the 1990s and again when it came back into power. We are actually developing an activation plan. We are at the beginning of a four-year term of government and —

Hon STEVE MARTIN: An activation plan, minister —

Hon Alannah MacTiernan interjected.

Hon STEVE MARTIN: I do not have a lot of time left. I will come back to the minister in a minute on Oakajee. An activation plan is a good idea!

Hon Alannah MacTiernan: You have to work out what you need to do. You can't go, like Colin Barnett did in the 90s and then again when he was Premier, say that it will happen. If you don't have a plan, it won't happen.

The ACTING PRESIDENT: Order! Hon Steve Martin has limited time.

Hon STEVE MARTIN: There must be an activation plan at Gladstone in Queensland because Andrew Forrest and the Fortescue Metals Group announced this week that a $1 billion green energy factory will —

Hon Alannah MacTiernan: It is an existing port.

Hon STEVE MARTIN: My point exactly, minister. From 1976 to 2021, the people around the midwest have been told Oakajee is about to happen and we get a $7.5 million roundabout. Andrew Forrest has voted with his feet in the $1 billion hydrogen investment, which will be made in Queensland.

Hon Alannah MacTiernan: What is it in?

Hon STEVE MARTIN: He got a good deal; he has got exactly what he wanted. He got a 40-hectare site with unimpeded port access. According to *WestBusiness*, it is something no site in WA could provide. Gladstone offered a fully serviced, 40-hectare site with unimpeded port access. I believe Oakajee owns about 6 000 hectares.

Hon Alannah MacTiernan: It's 5 000.

Hon STEVE MARTIN: It is 5 000. We needed 40 hectares that was fully serviced.

Hon Alannah MacTiernan: We are onto it.

Hon STEVE MARTIN: That was a missed opportunity, unfortunately.

Hon Alannah MacTiernan: Under Barnett, you spent all this money and achieved nothing. You kept on this wet dream —

Hon STEVE MARTIN: We are still talking about Colin Barnett, Acting President.

The ACTING PRESIDENT: Order, members!

Hon STEVE MARTIN: I will plough on.

One of the reasons Oakajee and potential investors in that industrial estate are nervous—well, they are not nervous, but they are not moving there—is the issue of power, electricity. For members who are not aware, at the moment the 330-kilovolt line heads north, stops at Three Springs, turns right and services Karara.

Hon Alannah MacTiernan: I seem to remember that in 2008 you pledged that you would take it all the way to Geraldton.

Hon STEVE MARTIN: I have not pledged anything at this stage. Again, I am talking about significant major opportunities in regional Western Australia that have been missed.

Hon Alannah MacTiernan: They haven't been missed.

Hon STEVE MARTIN: The 330-kilovolt line runs from Three Springs to the midwest, a unique part of Western Australia, with a significant port and wonderful renewable energy opportunities—the wind blows, the sun shines day after day, there is a gas pipeline that runs past and gas fields just south of Geraldton that could be utilised. For example, a fertiliser plant might be available to be operated, but at the moment the power stops at Three Springs. Nothing I have seen from the government indicates that it has any plans. Do not worry about Colin Barnett; I want to see some plans from this government about what it intends to do with the powerline that has got to Three Springs. Three Springs is a lovely town. Instead of it just turning right, it would be nice if the power kept going up the hill and went all the way to Geraldton and the midwest. That wonderful area around Geraldton and the midwest could be developed further. It is an outstanding part of the world that, first of all, needs Oakajee, and it needs a transport corridor, power and some more fresh water. It needs the desalination plant if that is required.

Andrew Forrest, by the way, is not investing in just Queensland; I believe he is investing in all sorts of parts of the country except Western Australia, which is disappointing.

Hon Alannah MacTiernan: You don't think he is investing in Western Australia with hydrogen?

Hon Dan Caddy interjected.

Hon STEVE MARTIN: I will read it again. Thank you for the interjection, Hon Dan Caddy. Here we go —

> … $1 billion green energy factory because the State did not have a viable site for the development.
>
> …
>
> WestBusiness understands Gladstone offered a fully serviced 40ha site with unimpeded port access, something no site in WA could provide.

It is $1 billion.

Hon Alannah MacTiernan: That is not a $1 billion investment.

Hon STEVE MARTIN: I am sure the minister knows better than Andrew Forrest when it comes to hydrogen, but I will move on.

Hon Alannah MacTiernan: I am saying it is not a $1 billion investment.

Hon STEVE MARTIN: Time is passing quickly.

Hon Dan Caddy: Not quickly enough!

Hon STEVE MARTIN: I look forward to hearing Hon Dan Caddy's considered budget speech.

For some time now the Labor government has been building expectations about the possibility of the tier 3 rail network being reopened. There has been a business case; actually, no.

Hon Dr Steve Thomas: Has there?

Hon STEVE MARTIN: I do not know. I believe an engineering survey has been completed.

Hon Darren West interjected.

Hon STEVE MARTIN: Yes; good to hear. I assume a business case is being put together.

Hon Darren West: They were closed by the previous government.

Hon STEVE MARTIN: Money has been allocated for some much-needed rail upgrades on the great southern line and some much-needed passing lanes. Communities that have attended the forums about road transport planning are still waiting for some information. I think it is incumbent on the state government to either do it or put them out of their misery because the level of expectation around those tier 3 lines has been raised.

Hon Darren West: You close them; we open them.

Hon STEVE MARTIN: Are we going to open them? Did I hear Hon Darren West just say that he is reopening the tier 3 lines? I will alert the *Countryman* and the *Farm Weekly!* This will be front-page news; minister: "Tier 3 is back"; it is not in the budget and we have not seen the business case, but Hon Darren West has committed to reopening the tier 3 lines. I will get hold of Greg Richards and the various members of that group and let them know.

Again, I urge the state government to come clean on that.

Sitting suspended from 1.00 to 2.00 pm

Hon STEVE MARTIN: I will conclude my remarks in my remaining time by making some comments on a couple of issues. There were developments on the hydrogen story over the lunchbreak, with a useful interjection from Andrew Forrest in *The West* online. I would like to refer to some of Mr Forrest's comments in my remaining minutes. "Andrew Forrest calls out WA Premier Mark McGowan over State's green energy ambitions" is the headline of the online article. It states —

> Iron ore billionaire Andrew Forrest says WA will continue to miss out on the clean energy projects of the future unless the State Government stops "dithering" and works harder to attract investment.

The good news is that Hon Alannah MacTiernan, the Minister for Hydrogen Industry, got a small pat on the back with Andrew Forrest saying —

> "I have to say … Alannah MacTiernan and … Roger Cook, they're kind of lone voices saying, 'We've just gotta get on with this'.

I agree with Andrew Forrest. I think the minister has been on the front foot on this hydrogen issue. Mr Forrest went on to comment —

> "Until Western Australia works out how to give people who want to develop large green hydrogen projects some security to get on and do it, then we're going to continue dithering."

The article refers to the factory that he is now building in Gladstone, stating —

> The factory, with an initial capacity of 2 gigawatts a year, would more than double current global production and provide hundreds of jobs during construction and operation.

Sadly, they will be Queensland jobs.

Hon Alannah MacTiernan interjected.

Hon STEVE MARTIN: I will not be taking interjections with only a few minutes left, minister. I apologise. Mr Forrest went on to say —

> "I've written to the Premier in increasingly strident terms, saying, 'Mate, we can't wish this into existence, you're either going to do it or not," …
>
> …
>
> Mr Forrest told the NPC —

The National Press Club —

> today that he would have preferred to invest in green hydrogen in WA but the Government had not done enough to support the new energy market.
>
> "Even though we've all got the best will in the world in Western Australia, and we have a Labor Government fully committed to carbon neutrality, actually, it's just words," he said,
>
> "We now need the actions. If you want to develop the hundreds of thousands of jobs in Western Australia, then you've got to get past the words, get past the rhetoric, get past the promises, and allow projects to be developed by granting tenure so that people can crack on."

That is a very timely interjection from Mr Forrest. It goes to my comments about missed opportunities in the midwest regarding Oakajee and a potential site for a hydrogen project.

I want to talk about a couple of other things quickly. I mentioned earlier that I visited the eastern wheatbelt recently to meet farmers and talk about the recent frosts. I was standing in a paddock south of Southern Cross—a father-and-son operation. It is a large farm with several backpacker staff. At the start of seeding in April–May, they could not keep the staff as they had abandoned ship for greener pastures. I do not think the father, who is getting on in years, would mind me saying that he was forced back onto the tractor in the middle of seeding. He informed me the other day that he fully expects to be working full time during harvest, despite being in his 70s. They cannot find any labour. Labour

shortages continue to be an issue all across Western Australia, including in the important agriculture sector. Again, Hon Alannah MacTiernan, as minister, had some involvement in this. We are now 18 months on, and we still have no reliable avenue of accessing labour.

Hon Alannah MacTiernan: Because the pandemic is still on.

Hon STEVE MARTIN: I think other states have done a better job, to be frank, than we have.

Hon Alannah MacTiernan interjected.

Hon STEVE MARTIN: Mr Acting President, if you do not mind, I will not be taking interjections in my remaining minutes.

The ACTING PRESIDENT (Hon Peter Foster): Order, members! Hon Steve Martin has asked for no interjections, and I note that he has only eight minutes left on the clock.

Hon STEVE MARTIN: Thank you, Mr Acting President. I will crack on, as Andrew Forrest suggests we do on hydrogen developments in Western Australia.

I am still concerned that those labour shortages look set to continue, and that is unfortunate, especially for 72-year-old Mr Della Bosca, who will be on that header at harvest time.

I would like to close with some good news out of the government's state budget. It was a very large budget and included some very worthwhile items, on which I could like to close in the spirit of bipartisanship. I absolutely welcome the investment in housing from Kununurra to Albany, including in the metropolitan area. We need that investment. Delivery will be the issue. It will take some time.

Funding has been provided for the homeless. I very much welcome the Treasurer's response to homelessness. We have $18 million for Boorloo Bidee Mia, which, according to the budget papers, has up to 100 beds. I hope they are filled as soon as possible. In particular, I wish to mention road safety funding. Those of us who travel on regional roads will know that plenty of work has been done on those roads, including building an extra metre on either side of certain roads, plus audible edge lines. That is a very valuable road safety mechanism and is much appreciated. I congratulate the government for that and wish it all the best in rolling out that program even further. That is an absolute lifesaver.

I see that 25 extra paramedics have been allocated. It is a boost for regional volunteer ambulance operators to know that they will have a full-time staff member on hand and hopefully a chopper back to Perth if there is a bad accident. Those paramedics are certainly much appreciated. Just a small but important comment: road access from Koojan Downs to the Andrew Forrest feedlot out of Moora has been a contentious issue for some time. I believe there is funding for that in the recent budget. That is an exciting development for that part of the world. That road will make that facility much easier to operate.

I very much look forward to taking part in the estimates process to dig deeper into the budget, and I have enjoyed making a contribution on the state budget.

Debate adjourned, on motion by **Hon Pierre Yang**.

WEAPONS AMENDMENT REGULATIONS 2021 — DISALLOWANCE

Motion

Pursuant to standing order 67(3), the following motion by Hon Dr Brian Walker was moved pro forma on 10 August 2021 —

> That the Weapons Amendment Regulations 2021 published in the *Government Gazette* on 2 July 2021 and tabled in the Legislative Council on 3 August 2021 under the Weapons Act 1999, be and are hereby disallowed.

HON DR BRIAN WALKER (East Metropolitan) [2.10 pm]: I rise for what will be my first disallowance motion, fully aware that the numbers in the house make it almost impossible for this motion to be supported, but I feel compelled to do so for a number of reasons. I have to say straight up that the gel blaster issue is not about the good and the bad; it is basically a procedural issue that we are dealing with and how things should be done properly.

I take no personal position on this issue, but I take on board that a lot of people have been contacting me to see whether this regulation can be disallowed because they have felt disenfranchised, not suitably respected and disrespected. I remind members that the Western Australia Police Force and the Minister for Police moved to ban, by regulation, a toy gun—the gel blaster. I was a little ahead of the curve and was warned by interested parties that this would happen, so I reached out to the Minister for Police and asked for a briefing. I got a response 10 weeks later. That was quite surprising. I am on record as having concerns about my staffing limitations. I think maybe I should redirect that concern to the minister. Maybe he needs more staff, because he had no time to deal with this. I found it quite disrespectful. Before members attempt to say that this was a COVID issue, it was well known beforehand, so I will not allow that excuse. It looks to me as though it just was not taken seriously enough, and that is another point of concern for me. If the minister is not going to be bothered about the concerns of a member of the Legislative Council, I would be quite concerned. Am I just an annoyance to the minister? This is another example of a lack of consultation and proper process.

There are hundreds of gel blasters in WA and the people who use them say that they are harmless. There is an enthusiastic sports group and its members have been labelled as criminals. They have not even had the chance to sit down with the minister for him to listen to what they have to say. Even real criminals get their day in court, but the gel blaster community did not. They have this disallowance motion, but I do not think it will prove in their favour. I think we have issues with democracy and transparency as well. Had the minister sat down with them, they might have raised some of the following points. The WA Police Force argues that it had 147 call-outs to gel blaster incidents in 2020. I agree that that seems excessive and needs to be addressed. The gel blaster community is saying yes, but those incidents have not ever been verified. They have been stated but not verified. It turns out, as far as I am led to believe—I am happy to stand corrected—that these incidents were related to the very presence of declared illegal gel blasters and not to any incidents that occurred. I am aware of an incident reported in the news in which a gel blaster that mimics a real weapon was used in an attempted robbery. I can well understand why that might be cause for concern. However, there have been only three other incidents. I think we ought to be more circumspect about that.

It is interesting to note that Queensland, with twice the population, had 10 gel blaster incidents in the first half of 2021. The number of gel blasters in Queensland could easily be 100 times the number of gel blaster toys in WA, so why the disparity? The industry here—it is an industry—attracts players who are ready to part with their cash. The WA industry argues that the Queensland police have undertaken a proactive public education campaign to support the industry. I have a copy of the education campaign. When I find it, I would like to seek leave to table it.

The proactive public education campaign hits all the right spots. It speaks of responsibility and informed decision-making and potential, but not mandatory, penalties for misuse rather than for being in possession of a gel blaster. They are all very sensible points, and it has been a very successful campaign, if the numbers are anything to go by. The local clubs tell me that they tried to convince WA police to take a similar educational approach, but to no avail. They tell me that it is like talking to a brick wall. I spoke to some police officers about that, and they agreed with the gel blaster users that the action taken in WA was inappropriate. I understand also that other police officers would have a different point of view, but this is something we ought to look at. Have we really done the best to look after some reasonable, sensible sports groups, or have we done the wrong thing by them?

The local sports groups have said in their press comments that there is a concern about the possibility of gel blaster toys being converted into working firearms. That would seriously concern me, too. I think everyone here should be concerned if a toy can be converted into a real firearm. Let us see the proof of that. The National Shooting Council would not agree. It put in a freedom of information request to try to work out what evidence the police and the minister had to back up that claim. Members, there is no evidence.

I will read into *Hansard* for the record a short paragraph of some findings released last week in a draft advisory to the federal Minister for Home Affairs, Hon Karen Andrews. The findings state —

> The parts of gel blasters and airsoft firearms are interchangeable with each other and can be used to create workable firearms that fire propellent rounds. New information shows there is a correlation of risk between gel blasters and airsoft firearm. Airsoft firearms are prohibited from import by the Commonwealth Government.

We are talking about a toy being converted into another toy. There is no correlation with real weapons. I am a weapons user. I have a .22 and a .23, and I enjoy shooting targets and have been trained to shoot at humans, although I have missed them all so far! We are not talking about a toy being transformed into that which I would use as a weapon. It could be that the WA police are clutching at straws. It would be nice if the minister had sat down with either the industry or me, because he might have judged the matter better, but he did not do either.

However, I will agree with the minister on one issue, and it is the very serious point about someone who walks around in public with a firearm, whether it is real or a replica, such as a gel blaster, an airsoft rifle or a spud gun, if anyone remembers those. Anyone who carries a weapon in a threatening manner and tries to rob a store, whether the weapon is real or a replica, and who fails to put down the weapon when the police demand they do so, should expect to be dealt with as though they had a real weapon. I see no reason why they should commit a crime armed with an item that may be a weapon and not expect to be dealt with as though they were serious. To get shot and claim that the police ought to have known that it was a toy is completely inappropriate. People must be responsible for their actions. I quite agree with the police minister. There are no ifs or buts: if someone fails to comply with a police command to drop a weapon, they ought to expect the police to take them seriously. I am not going to defend any other action. But I am also not going to stand here and accept the overreach and excess of what has happened to these gel blasters.

I have not touched yet upon the content of the Minister for Police's somewhat slow response, so I will do that now. He spent two paragraphs reminding me that the law is Queensland is not the law here in Western Australia. Um—I do not recall suggesting it was. However, he added —

> In Western Australia, to be defined as a firearm, a weapon only has to be capable of discharging or propelling any type of missile, shot or projectile.

By that definition, an elastic band that has been put around a bit of bent up paper would be defined as a weapon—a firearm. This is complete overreach. That is the definition, and it is an unacceptable definition.

We then get to the crux of the matter, the WA Police Force advice to the minister. WA police says gel blasters should be banned for the following reasons. The first is that they can be mistaken for lethal weapons by community members and police officers. I quite agree. Yes, they can. As I said earlier, if we are going to treat this weapon like a real weapon, a person carrying it should be treated as though they were carrying a real weapon, no ifs or buts. I do not expect police officers in the line of duty to put themselves at risk of being shot by criminals. They can take action as they need to deal with the problem. I have no time at all for people who stand posing with a fake weapon and then demand at the end of that to be held unaccountable and be treated as though they were carrying a toy. In fact, I saw recently, in America of all places, that there is a cover for a gun that is designed to make it look like Lego bricks. People can a walk into a store with a real gun that is covered to look like Lego bricks. I have serious problems with that, too. That should be banned.

The second point made by WA police is that gel blasters can be converted to create workable firearms. I am not sure about the parliamentary language I am allowed to use. "Lying" probably is not the correct word—an "erroneous" understanding would probably be a more fit word. Gel blasters cannot be converted to create a workable firearm that would project bullet. They can be converted only to another toy.

The third reason put by WA police is that someone who was wielding a gel blaster could be shot by police responding to an incident. Yes, they could—absolutely they could. I remember here, for those who are not as old as I am, *Life of Brian*. That is a wonderful film. I love the name. There is a beautiful scene in that film, if members recall, where the terrorists were going to invade the home of the Qantas pilot, kidnap his wife to meet their demand to free Palestine, and chop her into pieces bit by bit if their demand was not met. The final part was, "and it will all be your fault". That film is as important today as it was in 1979. This is another example of that. Someone wielding a gel blaster could be shot by police responding to an incident—and they would deserve it. If a person is threatening someone with a weapon, even if it is a gel blaster, they deserve to be shot, and it would not be the police's fault; it would be their fault.

I promised the Leader of the House that I would not speak at length. I have covered the main issues I want to address. The need for this debate could have been avoided if we had treated this a bit differently, with a bit of tact and a bit of consultation. We are dealing here with a toy, not with a firearm. I have full respect for WA police, but in this particular case WA police could have taken a different path to managing this. There are police officers who would agree with me, and there are those who would disagree with me. I would suggest we should have followed the example of the police in Queensland, who prefer to educate rather than dictate.

Thirdly, everyone involved in this has showed a kneejerk reaction, from the Minister for Police down, by refusing from the outset to engage with stakeholders. When taken in combination, we could call it Keystone Cops. I would prefer to describe it as something more dictatorial and more of a "Let's solve the problem with a quick expedient ban; no-one is going to complain much." I am complaining. The users are complaining. It is not serving a community of people who are using a toy, with great effect and great pleasure for themselves, and with no harm to others, and who are now being declared criminals. I think this is inappropriate. I would ask that the disallowance be granted.

The ACTING PRESIDENT (Hon Peter Foster): Just before I call the next speaker, Hon Dr Brian Walker, are you tabling that document?

Hon Dr BRIAN WALKER: Yes; it is tabled.

The ACTING PRESIDENT: Thank you.

[See paper 794.]

HON ALANNAH MacTIERNAN (South West — Minister for Regional Development) [2.24 pm]: I thank Hon Dr Brian Walker for bringing this forward, but we are not going to support the disallowance. We gave very careful consideration to this matter before we made the decision to introduce the regulations. We are very determined that this is in fact the right course of action and that it is indeed necessary to protect community safety.

Although I acknowledge that there are people in the community who are unhappy, and that the member is suggesting that there are certain police officers who do not support this particular provision, we have received a line of advice from the Commissioner of Police. This has been very much something that has been initiated by the police. WA Police Force has put to our government and to the then Minister for Police a very plausible case for why gel blasters need to be banned as a matter of public safety.

I will read from the notes that have been provided to me by the Minister for Police. It states —

> There have been a number of incidents in the community where gel blasters have been used during robberies, assaults, domestic violence offences, and being armed in a way to cause fear.

That is happening. This has not been made up. It continues —

> They have also been connected to drug seizures and during bail and VRO breaches. Between 2017 and 2020 there were 1,559 call-outs for Police to attend incidents that involved Gel Blasters, with 147 active shooter incidents in 2020.

I find it unbelievable that the member who moved this disallowance is suggesting that this is not a live issue and that there are no statistics to support it. The member has said that he agrees that if the police say to a person, "Put down your gel blaster", they should be required to put it down. But people do not generally ring up the police before they engage in a robbery, assault or domestic violence offence. The police are not there to get those people to put down their gel blaster. Clearly, these gel blasters are being used as an instrument of intimidation. We are not suggesting that every person who has a gel blaster and all those members of the community who use gel blasters are up to no good. But the reality is that we have a problem, and that these weapons—these toys—are being used in this way.

There is a lack of clarity elsewhere. We have taken a step to provide legislative clarity around these articles and to prioritise community safety.

The advice goes on to say that since the prohibition came into effect, WA police have seized over 1 700 items —

> These were mostly weapons, parts and ammunition, and almost 200 of these items seized related to offences including assault with intent to rob, going armed to cause fear, and possessing a weapon in company with drugs, conspiracy to commit and offence, assault a public officer and breach of bail.

Quite clearly, this is happening out there in the community. Although there are some good people, nevertheless, these gel blasters are being used in a way that is making it harder to successfully police and their use is generating crime. It is not surprising that the police were strongly of the view and sought our approval to legislate by way of subsidiary legislation against these matters. It continues —

> … the Government has considered the potential for injury that these weapons can cause, particularly to children.

As well as the problem of these gel blasters being used to facilitate the commission of crimes, these weapons have the potential to cause injury. It continues —

> New generation Gel Blasters sold in Australia are reported to fire projectiles at a velocity in excess of 395 feet per second. To put this into context, this exceeds the speed at which an arrow fired from a compound bow travels.

We know the level of injury that can create. Physics and human anatomy, of which the member is well aware, tells us that these weapons can inflict significant harm. It continues —

> A report by the Director of Ophthalmology at the Queensland Children's Hospital, referred to eight incidents of children presenting in Emergency as a result of injuries caused by gel blasters within a six-month period. The report warns of the serious impact of gel 'bullets' on the eye, and some patients can be left with an increased risk of developing secondary conditions …
>
> It is difficult for members of the community and for Police to distinguish between … a real firearm and what is a Gel Blaster …

We think that the evidence is clearly showing that not only is there a risk of injury, but these gel blasters are being used to facilitate the commission of crimes. There are some very interesting examples of how these items have been causing real fear and damage, including —

1. In December 2020, Police attended an incident in Osborne Park where a male suspect blocked some people leaving work with his … vehicle. The suspect produced a handgun and started firing at their vehicle with projectiles hitting the car. The handgun was later identified as a gel blaster.
2. In another incident in December last year, Police were called to Ellenbrook where a group of males were seen running into bushland with rifles wearing hoodies and masks. Police attended the scene and apprehended the group. Their vehicles were searched and it was confirmed that the weapons the group had were gel blasters. The gel blasters were extremely realistic and resembled actual firearms.
3. … in January this year, Police attended an incident in Stirling where a man was suffering from paranoia and serious mental health problems. The man was armed with firearms and knives, and had made several threats about ending his life. Officers attended the address to conduct a welfare check, and as they approached the house, observed the man behind the front door glass panel pointing what appeared to be an AK type rifle at Police. The man threatened Police, ordering them to back-off, and claimed that he had two semi-automatic rifles.

   The TRG were called to attend the property, and after a period of time the man eventually left the house and surrendered to Police.

A search of the premises revealed that the guns that resembled the AR15 and AK military-style rifles were gel blasters. We can imagine the risk that this poses. If an individual points a very realistic weapon at the police, the police need to respond to protect their lives. They might subsequently find that was a gel blaster, but they may have acted quite properly with lethal force to protect themselves. It continues —

4. In April, a male suspect held up a pharmacy stating that he had a bomb, a gun and a knife in his backpack. He told the pharmacist he wanted to end his life through "suicide by cop".

Apparently that is a thing —

> TRG negotiators attended the pharmacy and the holdup eventually ended.

The weapon that the man used to threaten the pharmacist was subsequently found to be a gel blaster. It continues —

> 5. Most recently … two men —

Appeared —

> to shoot towards people outside the Coolup roadhouse. Through CCTV footage, staff from the roadhouse witnessed one man loading something into the bottom of what looked like to be a rifle. The roadhouse staff immediately locked the store and went to the back-room, fearing that the armed man may enter.
>
> Police were called and the men were found to be in possession of a gel blaster. The men were arrested and charged with being armed in a way that may cause fear …

> Gel Blasters do not currently meet the definition of a 'firearm' under the *Customs (Prohibited Imports) Regulations 1956*. The Australian Border Force currently requires that states and territories advise whether Gel Blasters may be imported into the jurisdiction. Before these regulations were enacted, there was some ambiguity as to whether Gel Blasters fit the definition of a 'firearm' under the Firearms Act.
>
> Community and officer safety is at the forefront of Gel Blaster legislation.

Although we do not want to limit people's engagement in harmless fun, the risk to community safety is clearly too high here, as we have outlined in those clauses. It continues —

> The inclusion of Gel Blasters as a prohibited weapon under the Weapons Regulations excludes these articles from the definition of a 'firearm' and creates clarity that they are prohibited in Western Australia.

As I understand this, we are not defining them as a firearm but we are describing them as a prohibited weapon under the weapons regulations. It continues —

> In order to reduce the risk of harm, enhance community safety and provide clarity about the law, it is now an offence for a person to bring or send a Gel Blaster into Western Australia, or for the person to carry, possess, purchase, sell, supply or manufacture a Gel Blaster. The penalty for this offence under the Weapons Act is imprisonment for 3 years and a fine of $36,000.
>
> I … note that Gel Blasters are being treated differently to paintball guns as the hopper on top of a paintball gun does not allow them to be mistaken for a real firearm. Gel Blasters mimic the action and appearance of Category D firearms and handguns, and both Police and the Government do not want these war games being played out in the community and creating fear who ordinary people who may believe the weapons are real firearms.
>
> …
>
> Before these regulations were enacted, the WA Police Force consulted with Gel Blaster owners and persons representing groups involved in Gel Blaster activities including the Chairperson of the WA Airsoft and Gel Ball Club Inc. WA Police also consulted with other states and jurisdictions in relation to the control of Gel Blasters, and it was determined that the prohibition of Gel Blasters was considered the most effective long-term approach to removing the risk to police and the community.
>
> As a part of this process prior to his decision on amending the Regulations, the Minister for Police also met with representatives of the WA Airsoft and Gel Ball Club Inc.
>
> …
>
> As Gel Blasters were never explicitly legal in Western Australia, there will not be compensation offered for anyone who purchased Gel Blasters before the ban was introduced.

I think this is a very serious matter. Quite clearly, these weapons not only have the potential to be used, but also have been used to aid violent behaviours, and we need to reduce the risk to our community safety.

HON PETER COLLIER (North Metropolitan) [2.41 pm]: I stand on behalf of the Liberal–National alliance to make some comments on the disallowance motion. I thank Hon Dr Brian Walker for bringing the motion to the chamber. Considering he stood and said that he did not have a view on gel blasters, he pretty much dispelled that myth! Having said that, I take on board the honourable member's comments.

I would like to make a couple of comments. There are two issues here. The first is the process. With that in mind, I imagine over the last few months everyone in this chamber has been inundated with emails from the gel blaster community. Certainly, members on this side of the chamber have.

Several members interjected.

Hon PETER COLLIER: Really—only a couple. I have had heaps and heaps of them. I suggest that they may have targeted non-government members.

Hon Darren West: I got blasted with emails!

Hon PETER COLLIER: Well, they have been very selective about government members.

I do not want to take up too much of the house's time, suffice to say, from communication with those members the one issue that stands out as profoundly deficient in this whole debate is the process by which this decision was made; that is, the community feels it was completely disenfranchised from the decision-making process. It was not consulted at all prior to decision being made. That is definite; that is a fact. I have had communications with the minister, and the minister spoke with one particular group, but that was more an information-giving session rather than an information-gaining session. Therefore, I have a degree of sympathy for the gel blaster community and understand that people feel that the activity that they have engaged in for a period of time has been cut from them. The carpet has been ripped out from under their feet and they feel that they did not have an opportunity to value-add to the debate and the decision was made for them. I take that on board and it probably could be a lesson for not just this minister, but also the government. When the government is dealing with a particular cohort of people, as we all know, unless it wants to suffer the consequences following the decision—inevitably there will be people opposed to any government decision—it needs to bring the community along with it and at least give people an opportunity to make some sort of comment prior to that decision being made. In this instance—I think I am on very safe ground with this—the gel blaster community feels that no consultation or communication took place, and that is why people feel so disaffected.

That is one issue. The second issue, of course, is the issue itself. The minister went through a number of examples of when gel blasters have been used for criminal activity. That is quite clear. It is a fact, and I will get to that in a moment. The mechanics of the issue are that historically the Australian Border Force regulations have always determined that gel blasters are imitation firearms. Because they were classed as imitation firearms, they were forbidden. In 2017, the Brisbane Magistrates Court allowed them in Brisbane. The court ruled that in Queensland gel blasters were not firearms. What happened next was that gel blasters from Queensland were imported into Western Australia. That is how they did it, even though, at the national level, they were illegal.

Following the Queensland decision on 22 December 2017, Australian Border Force issued a notice that stated —

> Where these devices resemble a real firearm, they will be classified as an imitation of a firearm under the Regulations. Police Certification issued by state and territory police firearm registries is required to import an imitation of a firearm.

Following the Magistrates Court decision and the Australian Border Force notice, gel blasters were still imported into Queensland and then to WA, but the Western Australia Police Force did not provide certification for the gel blasters in WA. In fact, the importation of gel blasters from Queensland to Western Australia is illegal; we just need to clarify that. I think the gel blaster community acknowledges that but wants to find a way through it. That is what it was hoping for.

I will not relay information about the Western Australia Police Force's very, very emphatic concerns about gel blasters because I think the minister did that quite comprehensively. I will not repeat a lot of the information she went through. Suffice to say, by coincidence I had a briefing with the Commissioner of Police and several other police when this issue was at its height and they were emphatic that gel blasters be deemed illegal. They said that they are dangerous and, more than that, they have been used in a number of instances of illegal activity. Far be it for me as shadow Minister for Police to go against what the police want. I have taken them at their word; they were quite emphatic to me that they want clarified that gel blasters are illegal. Having said that, police obviously spoke with the government. On 14 June 2021, in response to Western Australia Police Force's request, the Minister for Police announced the amendments that would deem gel blasters to be a prohibited weapon under regulations made pursuant to the Weapons Act 1999. The classification of gel blasters as prohibited weapons came into effect on 3 July 2021. An amnesty was offered so that gel blasters could be surrendered, and that is where we are at the moment.

The effect of this disallowance would be to ensure that gel blasters continue to be used. As far as the Liberal–National alliance is concerned, we heed the concerns of police and we understand the disenfranchisement of the gel blaster community because of the lack of consultation, but we will not be supporting the disallowance. We are doing that because we understand and acknowledge the fact that gel blasters have been used for criminal activity and continue to be illegal. They have always been illegal. It was as a direct result of the decision made in Queensland in 2017 that they have been imported into Western Australia, but they have always been imported illegally. For those reasons, the Liberal–National alliance will not be supporting the disallowance motion.

HON JAMES HAYWARD (South West) [2.48 pm]: I will not take up much of the house's time today, but I want to say that I have met some of the groups in Albany and I have been inundated with emails and contacts at my office as well. I think they estimated there are about 240-odd users of gel blasters in an organised group in Albany and around 2 000-odd members, as I understand, in the Perth cohort. In the scheme of things, it may not be a lot

of people, but some of these people, who were mostly males, talked to me about how they used these activities to help with their own mental health and bits and pieces, and how it was important to them. I accept that this activity was important to them. I certainly thank the honourable member for bringing this motion to the house. Although the motion will not be supported and will fail, it has at least given us an opportunity to air these concerns and to make sure that the government understands that when it makes these decisions, it has a responsibility to communicate to these people. The minister spoke quite well and outlined a number of incidents that I do not think were previously on the public record. They may have been reported, but in her response the minister outlined quite a comprehensive list of crimes that had been committed that were certainly part of the driving force for this. I do not think that the gel blaster community understands that, because I do not think people took the time to take them on the journey.

I would have liked to have supported the community; however, it was certainly pointed out to me in a briefing that these items were always illegal and, on that basis, there was no way to be able to fight for this disallowance. Having said that, I urge the government to think about whether there is any potential for some kind of registration in the future. Obviously, what has been done has now been done, but there may perhaps be a way forward with some more organised activities. The activities that the minister spoke about are already illegal. It is my understanding that all someone needs do is say that they have a weapon in their vehicle to commit the offence of going armed in public, even if they do not in fact have a weapon. There are laws that already deal with those matters.

Hon Alannah MacTiernan: The laws deal with them, member, but the presence of these things actually facilitates the crime.

Hon JAMES HAYWARD: I understand that. Also, the relative availability and low cost of the items potentially make it easier for people with the wrong intentions to get hold of them. I understand what the minister is saying. All I am saying is that this community of people was overlooked and not taken on the journey. I think the government should do better in terms of that in the future.

Another thing might be worth thinking about. I know that there will be no buyback scheme. These items are often not that expensive—they certainly cost less than a conventional or actual firearm—but, with the good grace of the government, there may be an opportunity to provide some kind of incentive for these organised groups to perhaps move to a different format, such as paintballing. Perhaps the government could find an opportunity to provide a small incentive to those people to be able to do that, such as meeting them halfway, following the experience they have had. I will leave my comments there. I encourage the government to do the best it can to listen to these people and give them some kind of pathway forward.

Question put and negatived.

CHILDREN AND COMMUNITY SERVICES AMENDMENT BILL 2021

Committee

Resumed from 13 October. The Deputy Chair of Committees (Hon Peter Foster) in the chair; Hon Samantha Rowe (Parliamentary Secretary) in charge of the bill.

Clause 53: Section 124B amended —

Progress was reported after the clause had been partly considered.

Hon NICK GOIRAN: I think we had concluded our consideration of clause 53 just before we rose yesterday, but before we pass it, a number of matters were potentially taken on notice, so this might be an opportune moment for an update.

Hon SAMANTHA ROWE: Last night, the honourable member asked who else is authorised to receive mandatory reports. I can advise that principals of the Department of Education and Catholic Education Western Australia are an approved class of persons. Also, the officer in charge of the child assessment and interview team and child abuse squad are an approved class of person. Mandatory reporters can submit their mandatory reports of child sexual abuse via their principal, who will submit a report on their behalf as soon as possible after receiving the report. They must not change or amend any part of the report. Being an approved class of person does not mean that the mandatory reporter can report directly to the mandatory reporting service if they have concerns about their principal not reporting, and both the Department of Education and Catholic Education WA have policy guidelines that set that out.

Hon NICK GOIRAN: Are the principals at those schools, whether they be public schools or otherwise, a person approved by the CEO under section 124B(2)(b) or a person who is a member of a class or persons approved by the CEO, which is (2)(c)?

Hon SAMANTHA ROWE: I am advised that it can be either.

Hon NICK GOIRAN: Yesterday, I was trying to get to the bottom of the three classes of people who can receive mandatory reports. The first is the CEO, who is the director general of the Department of Communities. The second is a person approved by the CEO and the third is a person who is a member of a class of persons approved by the CEO. With regards to the second and third categories, both require approval by the CEO. I am trying to ascertain who the director general has approved for category (2)(b) approval and who has been approved for a category (2)(c)

approval. It may be the case that there are none in one category and a range of people in the other; equally, there could be a volume of people in both categories. I am trying to ascertain whether they are all being used at the present time.

Hon SAMANTHA ROWE: I am advised that it is category (c).

Hon NICK GOIRAN: Again, to be clear, is the answer that category (c) is in use or that school principals are category (c)? It would make a lot of sense if school principals are category (c), which is a person who is member of a class of persons approved by the CEO. Is it the case that the CEO has not approved any person as a receiver of mandatory reports under section 124B(2)(b)?

Hon SAMANTHA ROWE: Yes, that is correct.

Hon NICK GOIRAN: Is there any utility of this provision or any intention by the government or the CEO to approve such persons under this power?

Hon SAMANTHA ROWE: Not as this point in time.

Hon NICK GOIRAN: Will the government contemplate an amendment to remove the provision?

Hon SAMANTHA ROWE: No.

Clause put and passed.

Clause 54: Section 124BA inserted —

Hon NICK GOIRAN: For the purpose of assisting the passage of the bill and the parliamentary secretary and her advisers, I indicate that the remaining questions that I will be asking relate clauses 54, 59, 61, 62, 70 and 72. Debate on clause 72 will take a bit of time because that is where the issue of the extraordinary police-like powers comes up.

It is fair to say that clause 54 is not without some controversy. Section 124B(1)(b) states that a person who is in the specified list has an obligation to report if they believe on reasonable grounds that a person has been the subject of sexual abuse that occurred on or after the commencement date or is the subject of ongoing sexual abuse. Section 124C sets out the form and content of the reports that need to be made under section 124B. If a specified person believes on reasonable grounds that a child has been the subject of sexual abuse—if they form that belief in the course of their work, whether it is paid or unpaid—they must report that belief as soon as practicable to the individuals we spoke of earlier; that is, the CEO or, if the person reporting is a teacher, they can report to the principal at the school because that is a class of person that has been approved by the CEO, but they must do it in accordance with section 124C, which sets out the form and content of the report. I will explain why this is particularly important here and why there is some controversy. I hasten to add that I have absolutely no experience or expertise in the confessional—I have never been to one in my life—but a group of individuals in Western Australia obviously utilise it and this provision impacts them. As it has been explained to me, the person conducting the confession, which might be a priest, may not know the identity of the person providing the confession. In circumstances in which the person conducting the confession is not aware of the identity of the person providing the information, would that satisfy the test of believing on reasonable grounds that a child has been the subject of sexual abuse?

Hon SAMANTHA ROWE: I am advised yes.

Hon NICK GOIRAN: That would be the case because just because the person does not know the informant—they are being provided with a piece of information anonymously—does not mean that the information provided would not be sufficient for the person to develop a belief on reasonable grounds that a child has been the subject of sexual abuse. I turn to section 124C, which sets out the form and content and states that the report must include the name and contact details of the reporter—I take it that that is a reference to the mandatory reporter, not the person who has provided the information—and the name of the child or, if the child's name cannot be obtained after reasonable inquiries, a description of the child. Going back to the example I gave earlier, I will use the word "informant". If the specified person does not know the identity of the informant and they have received some information that does not contain the name of the child and if they do not know who the informant is and are therefore unable to make any further reasonable inquiries and get a description of the child, will they be able to comply with the provisions of the act?

Hon SAMANTHA ROWE: I am advised that yes, they will still have to comply under section 124C(3), even if they give their name. If they are still of the belief that a child has been the subject of sexual abuse or is the subject of ongoing sexual abuse, they still have to comply with the provisions in section 124C, even if they cannot give the child's name or a description.

Hon NICK GOIRAN: Then we have a problem with the way the act is drafted. Section 124C(3) states —

> A report is to contain …

It is not discretionary. If someone submits one of these reports, we should keep in mind that if they do so falsely or do not put it in in the first place, they might be subject to a penalty of $6 000. They have to provide this statutory report, which must contain the details set out in subparagraphs (a) to (e). Those subparagraphs are deceiving because it might indicate to people not familiar with the act that there are only five provisions, but once upon a time a provision

was curiously inserted by parliamentary counsel described as (ea), so six provisions need to be complied with. The first provides that the name and contact details of the reporter be contained in the report. Evidently, the person knows their own name and their own contact details. I come back to (b), which is the one that I think is causing the problem. Subparagraph (c) is discretionary—I use that word cautiously—because it is subject to the information actually being known by the reporter. If the reporter does not know the information, such as the child's date of birth, where the child lives and the names of the child's parents, they are obliged to include it in their report because they can only do so to the extent that they know that information. Subparagraph (d) relates to the grounds for the reporter's belief that the child has been the subject of sexual abuse, which we dealt with earlier. Once again, subparagraph (ea) relies on actual knowledge by the reporter, to the extent that they know the name of the perpetrator and so forth. Subparagraph (e) refers to any prescribed information, which we will come back to later.

My point is that under subparagraph (a), we can see that evidently the person knows their own name and contact details. Subparagraphs (c) and (ea) are subject to the person having that knowledge. If they have it, they have to provide it and if they do not, there is no problem. Under subparagraph (b), if someone is going to provide a report, they have no option but to include the name of the child or if the child's name cannot be obtained after reasonable inquiries, a description of the child must be obtained. How will someone provide a mandatory report if they do not know the name of the child or if they do not have a description of the child?

Hon SAMANTHA ROWE: I am advised that the provision that we are dealing with is not being amended. It has been working well since 2009.

Hon NICK GOIRAN: There is no dispute there whatsoever. Proposed section 124BA is a brand new provision. We are including provisions for ministers of religion. I am trying to ascertain how this new provision that we will be inserting will work in practice in light of section 124C. They cannot be seen in isolation because the provisions for ministers of religion include an obligation to comply with section 124C. My point is that if someone is receiving a confession and they do not know the identity of the informant and the information that they receive is sufficient for them to have a concern and a reasonable belief that there has been child abuse but they do not know the name of the child and do not have a description of them, can they make a mandatory report that complies with the act? They can provide information voluntarily; there is no dispute there. Anyone can do that. We can see the director general and provide information now if we have it at our disposal. I am talking about a compliant statutory mandatory report. Does it need to include the name of the child or, if it does not include the name of the child, a description of the child?

Hon SAMANTHA ROWE: All I can tell the member is that it has been working well since 2009. That is really all we can say about it.

Hon NICK GOIRAN: When a mandatory report is submitted to the department, from time to time, are some mandatory reports found to be noncompliant?

Hon SAMANTHA ROWE: I am advised that we are not sure; we do not know that.

Hon NICK GOIRAN: I will stop that line of questioning. I think we will end up being told that the information is not available at the table.

Under section 124C, there is an obligation to provide any other information that is prescribed. What prescribed information needs to be provided under section 124C(3)(e)?

Hon SAMANTHA ROWE: There is no further prescribed information.

Hon NICK GOIRAN: Does the government have any intention to prescribe further information?

Hon SAMANTHA ROWE: Not at this stage.

Hon NICK GOIRAN: Once again, I think the parliamentary secretary has been most helpful this afternoon. I am probably satisfied that this provision will not work in practice. I do not really have any further questions on this clause but I will make a final comment on this provision. The answers that have been provided today reconfirm in my mind that the provision will be inoperable in practice. By that, I mean that a number of practical issues will arise. It may well be the case in subsequent consultations that the department will have with relevant individuals over the next 12 months that these types of matters may be addressed. It strikes me that in circumstances in which neither the name of the child nor a description of the child is known to the mandatory reporter, they cannot comply with section 124C(3). In the absence of that information, they will no longer have a mandatory obligation, quite apart from what the vast majority of Western Australians would say is an ethical obligation. I understand, certainly during the Standing Committee on Legislation's inquiry last year, that there is overwhelming support by ministers of religion to be mandatory reporters. In fact, I cannot recall the committee receiving any evidence of any minister of religion saying that they should not be a mandatory reporter. I do not recall that being the case. However, I do recall that a small subset of this class of persons was concerned about how it might work in practice in light of the nature of that particular process of religious confession, which, as I said, I have absolutely no experience in. However, I am concerned that we will misleadingly be of the view that somehow this provision will work in practice. I am not satisfied that that is the case. I think it will be impractical for these individuals to report in the unique circumstance

that we were discussing. They will not know the identity of the informant and cannot make any further reasonable inquiries. They will not know the name of the child and will not have a description of the child. In those circumstances, they will not be able to comply with the provision.

We have a further problem because if either the police or the department wants to prosecute a person under proposed section 124B who fails to report, with a maximum penalty of $6 000, they will not have the evidence to sustain the charge. If the department and the police prosecute the charge of failing to report, they will need to know the name of the child and have a description of the child and be able to demonstrate that the reporter knew one or both of those things at the time and failed to report. If the person themselves did not know it, evidently, the department and the police will not be able to sustain that charge.

I will leave my comments at that. I have said all along that although proposed section 124BA is consistent with the recommendation of the royal commission—the opposition does not dispute that; we have always said that we support the recommendations that arose from the royal commission—it is one thing to support the recommendations and another for them to work. It is not clear to me in these circumstances whether the provisions will operate as intended.

Clause put and passed.

Clauses 55 to 58 put and passed.

Clause 59: Section 132 amended —

Hon NICK GOIRAN: Clause 59 is based on the twenty-fifth recommendation of the statutory review. At this point in the lead-in to the twenty-fifth recommendation, the reviewers said —

> The Review is aware that on at least once occasion the Court has adjourned a secure care continuation application. The secure care provisions did not envisage that a court might adjourn an application for either an order to continue a secure care arrangement that has been made by the CEO or an interim order (secure care). As secure care involves removing the liberty of a child for a limited period of time, it was intended that a determination on the validity of a child's admission to secure care should be made at the earliest possible instance.
>
> The Review discussion agreed that if the Court is satisfied of the threshold, a secure care arrangement must be made. There were not thought to be any circumstances in which an order should not be made if the Court is satisfied "*there is no other suitable way to manage that risk and to ensure that the child receives the care the child needs*."

That led to recommendation 25, which states —

> The Act should be amended to provide that a court must consider the grounds for making a secure care arrangement under section 134A(1) at the first court appearance and, if satisfied they have been met, the Court must make a continuation order or an interim order (secure care).

Why has a provision been made at clause 59 for exceptional circumstances?

Hon SAMANTHA ROWE: I am advised that the court should have some flexibility for exceptional circumstances in particular cases; for example, if there was an urgent medical reason or the attendance of the child at a family funeral.

Clause put and passed.

Clause 60 put and passed.

Clause 61: Section 143 amended —

Hon NICK GOIRAN: I ask the parliamentary secretary to look at this clause, which will amend section 143 by deleting the definition of "proposal" as it currently stands in the act. Clause 62 will insert new section 143A. Why are we removing the requirement that a proposal be a written document?

Hon SAMANTHA ROWE: Honourable member, I am advised that it is a written document and that it has to be a written document.

Hon NICK GOIRAN: On what basis does the parliamentary secretary say that it needs to be a written document? I know it might be the desire that it be a written document, but pursuant to the provision that is being inserted, why does it need to be written?

Hon SAMANTHA ROWE: Honourable member, I am advised that it still has to be provided to the court.

Hon NICK GOIRAN: It might need to be provided to the court, but does that necessarily mean that it will be provided in written form?

Hon SAMANTHA ROWE: Yes, it does.

Hon NICK GOIRAN: Is there no way that it would be received in any other form by the court, and has there been consultation with the court to confirm that it would not accept it in any other form?

Hon SAMANTHA ROWE: That is correct.

Hon NICK GOIRAN: The other question on clause 61 relates to subclause (3), which seeks to delete section 143(4) and insert a replacement subsection (4). For what purpose has the requirement to submit a proposal with an application been changed to "as soon as practicable after the application is made"?

Hon SAMANTHA ROWE: I am advised that the substantive amendments to sections 143(3) and (4) were requested by the Department of Communities lawyers to achieve consistency when a section 143 written proposal must be provided to the court. When the department makes an application to bring a child into the CEO's care under a protection order, a proposal must be lodged as soon as practicable after the court finds the child to be in need of protection. Under current subsection (3), when an application to replace a protection order with another protection order is made, the written proposal must be provided when the application is made. This is difficult when the application is to replace a supervision protection order with a time-limited protection order or an until-18 protection order.

Hon NICK GOIRAN: The explanation that is provided is that the government is seeking to insert the phrase "as soon as practicable after the application is made" because it has been difficult to comply. I note that the government said "difficult", not "impossible". Can the parliamentary secretary elaborate on the circumstances in which it has been difficult to comply?

Hon SAMANTHA ROWE: I am advised that we do not have that information with us.

Hon NICK GOIRAN: The parliamentary secretary has done an outstanding job on this very important piece of legislation, which is the primary piece of legislation that guides child protection in Western Australia. We now have a provision that will replace section 143(4) with completely new language, and when asked why this is necessary, we are told by the government that it is because it has been difficult to comply. When we ask the parliamentary secretary to explain what she means by "difficult", we do not have that information available. If we do not have that information available, how do we know that it has been difficult in the first place? If the government knows that it is difficult, it must therefore know why it has been difficult to comply.

My frustration is that when we are seeking to fulfil our duty to scrutinise this legislation, which the departmental officers will have a duty under the law of Western Australia to comply with, and the courts have a duty to interpret, there is no other time for us to ask the questions to get this right—this is it. This is the house of review. If we do not get it right, guess who suffers? It is the kids who are in the care of the state, some 5 300 of them, who suffer. We found out recently that for at least two of them, the department does not even know where they are. One of them had been missing for up to 84 days as at 31 August, and the other one had been missing for 40 days as at 31 August. That is the type of Western Australians we are dealing with in this particular situation, with protection orders and supervision orders. We are then told by the government, "Well, in certain circumstances, we would like not to provide the proposal to the court, as we have had to do in the past; we would like to do it after the application is made. The reason we would like to do that is that it has been difficult, but we cannot tell you why it has been difficult, because we do not have information available for you now." The problem is that we are then compelled to agree with the new words that are proposed to be inserted, without an adequate explanation, and we are effectively frustrated from being able to do our job properly.

With that said, parliamentary secretary, because we will not be able to make progress on this particular provision, could I ask that that specific issue be taken on notice and be provided on another occasion, even if it is behind the chair?

Hon SAMANTHA ROWE: Yes, honourable member.

Clause put and passed.

Clause 62: Section 143A inserted —

Hon NICK GOIRAN: This clause seeks to insert a new section 143A. This amendment is based on a number of recommendations in the statutory review—namely, recommendations 8, 10, 40, 57 and 65. Overall, I think this clause implements those five recommendations quite well. In fact, I make the observation that the proposed amendment to insert new section 143A(3) to (5) is a particularly good inclusion, because it will help provide some of the checks and balances that are necessary to try to address when there has been bias on the part of the department in making an application for a child. That said, I am curious to know why, if in certain circumstances reunification is not an option in the view of the CEO, the CEO would then authorise an application for a time-limited order.

Hon SAMANTHA ROWE: I am advised that a short extension might be required in order for reunification to progress—for example, if the parents are unwell.

Hon NICK GOIRAN: Proposed section 143A(4) states —

> A proposal under section 143 for a protection order (time-limited) must —
>
> …
>
> (b) if the CEO is of the opinion that such arrangements would be contrary to the best interests of the child or not practicable—contain an explanation of the reasons for the opinion.

Is the parliamentary secretary saying that the rationale is that that is intended to be the case only when the CEO is temporarily of the opinion that such arrangements would be contrary to the best interests of the child?

Hon SAMANTHA ROWE: I am advised that there may be consideration of placement with another family member.

Hon NICK GOIRAN: I do not think that necessarily explains why the CEO would apply for a time-limited order in circumstances in which the CEO was also of the opinion that reunification was not an option. That said, clause 62 requires that all proposals for time-limited orders must outline the proposed arrangements for reunification or provide an explanation as to why this would not be in the best interests of the child, or not practicable. Is the parliamentary secretary in a position to indicate to the chamber, when it says "or not practicable", in what circumstances the CEO would consider that to be the case?

Hon SAMANTHA ROWE: I am advised that it might be the case that the parents cannot be located. They could be interstate or they could have passed away.

Hon NICK GOIRAN: We are talking here about when the CEO has come to the conclusion that reunification is either not in the best interests of the child or not practicable. The parliamentary secretary is saying that there could be a circumstance when the CEO says that reunification with the parents would be in the best interests, but we simply cannot make it happen because they have disappeared, for example.

I take the parliamentary secretary to proposed section 143A(5). Why is it that only extensions of time-limited orders "must include plans for securing long-term stability, security and safety in the child's relationships and living arrangements"? Why would we not do the same for until-18 orders as well?

Hon SAMANTHA ROWE: I am advised that it is because we do not want children to drift while they are in care on a time-limited order and we want to make sure that there are plans for stability for that child.

Hon NICK GOIRAN: Yes, but would the same principle and desire not exist for an until-18 order?

Hon SAMANTHA ROWE: Yes.

Hon NICK GOIRAN: The desire is the same in both instances, so why would we not include the plan in both instances?

Hon SAMANTHA ROWE: I am advised that it is in the principles that the objectives of planning for the care of a child who is in the CEO's care include to achieve continuity and stability in the child's living arrangements.

Hon NICK GOIRAN: The parliamentary secretary is saying that it is implied for until-18 orders, but it is necessary to specify it for time-limited orders. I find that odd because I would have thought that if it was implied, it would be implied across the board. We are making a specific example here for time-limited orders, but we are not doing the same for the other. In a different Parliament in a different composition, I would be inclined to move an amendment to ensure that there was consistency between the two. It is not apparent to me why we would rely on an implication for one but be specific for the other.

Hon SAMANTHA ROWE: I am advised that it applies to both, but there is a particular concern about not extending time-limited orders unless it is absolutely necessary.

Clause put and passed.

Clauses 63 to 69 put and passed.

Clause 70: Section 195 deleted —

Hon NICK GOIRAN: Clause 70 deletes the entirety of section 195. Why are we doing that?

Hon SAMANTHA ROWE: It is because we are inserting proposed part 10A.

Hon NICK GOIRAN: According to the government, it is intended for proposed part 10A to, in effect, replace existing section 195?

Hon SAMANTHA ROWE: Yes, that is correct.

Hon NICK GOIRAN: Is that as a result of a recommendation from the statutory review?

Hon SAMANTHA ROWE: No, it is not.

Hon NICK GOIRAN: Why are we doing it?

Hon SAMANTHA ROWE: I am advised that the department's investigation and enforcement powers under section 195 of the act are limited when the Western Australia Police Force is not involved in the prosecution. They apply only to the employment of children provisions in part 7. The new provisions will strengthen the powers of authorised officers of the department and industrial inspectors from the Department of Mines, Industry Regulation and Safety. They will also extend the powers of authorised officers to apply in relation to all offences under the act, not just the employment of children offences.

Hon NICK GOIRAN: What was the genesis of these amendments if it was not the statutory review? Who has advocated for these extraordinary powers to be provided and the existing powers to be deleted?

Hon SAMANTHA ROWE: It was the result of a particular case.

Hon NICK GOIRAN: Is the parliamentary secretary happy for us to take up that line of questioning on the case?

Hon Samantha Rowe: Yes; at clause 72.

Hon NICK GOIRAN: By way of interjection, the parliamentary secretary indicated that will be fine.

I have a final question on clause 70, with which the government is seeking to delete section 195. If section 195 of the act were to be retained and new part 10A withdrawn, how would that impact on the operation of the legislation before us—keeping in mind the bill has 76 clauses?

Hon SAMANTHA ROWE: I am advised it would make prosecutions more difficult.

Hon NICK GOIRAN: At the moment, the only powers that exist are under section 195, so when the parliamentary secretary says "more difficult", does she mean that the status quo will be retained?

Hon SAMANTHA ROWE: Yes, it would be retained.

Hon NICK GOIRAN: The government's proposition is that the existing provisions are inadequate and that is why it wants these enhanced powers. I know that there was an appetite for us to consider this issue further at clause 72, but I think on reflection it is better that we deal with it now, because one option available to members is to oppose the deletion of section 195 by way of opposing clause 70, and if that were to be successful, the consequence would be to oppose clause 72. Those two clauses are inextricably linked. Can the parliamentary secretary provide us with some detail of the case that caused a desire for these enhanced powers?

Hon SAMANTHA ROWE: It was in relation to the prosecution of two teachers and was in the media yesterday. I believe it was concluded by the Supreme Court yesterday.

Hon NICK GOIRAN: If the case has concluded, the parliamentary secretary will have no problem providing some information about it. It is fortuitous that it should have happened yesterday; can the parliamentary secretary explain to us why the prosecution of these two teachers, which concluded in the Supreme Court yesterday, means that the department needs these enhanced powers? What was the outcome of the case in the Supreme Court?

Hon SAMANTHA ROWE: I am advised that the Supreme Court upheld the conviction.

Hon NICK GOIRAN: Help us understand this, parliamentary secretary. This would have all happened under the existing powers in section 195 of the act. The government's argument is that the existing powers are inadequate and need to be enhanced, yet we are told they were sufficient to obtain a conviction. There was an appeal to the Supreme Court and it has upheld the conviction. It seems to me that section 195 is working extremely well and this case is not an example of why the enhanced powers are needed.

Hon SAMANTHA ROWE: Just to be clear, section 195 is only about the employment of children. The case that we were referring to relates to mandatory reporting. The initial investigation was done by the police.

Hon NICK GOIRAN: Once again, does that not identify that the existing system is working well?

Hon SAMANTHA ROWE: No, because the police may decline to investigate.

Hon NICK GOIRAN: Just bear with me for a second, parliamentary secretary. The chamber is being told that section 195 seems to be inadequate at the moment and therefore needs to be deleted and replaced with this enhanced part 10A. The explanation that has been provided for why this is necessary is the case that was finalised yesterday. That case involved mandatory reporting and relates to two teachers. They have been investigated by the police, whom the department work with from time to time. We had a discussion yesterday about whether that might even be enhanced with some information sharing, and we might take that up in estimates next week. Nevertheless, in this particular case, the police fulfilled their duty. As I understand it, the police investigated and it led to a conviction. If it is working that well and it can result in a conviction that is even upheld by the Supreme Court, it does not look like there is any problem here that needs fixing. I am trying to identify what the problem is. The parliamentary secretary did say that the police might not take it up. Evidently, they did take it up in this instance; otherwise, there would not have been a conviction. What is the mischief here that we are trying to fix?

Hon SAMANTHA ROWE: I am advised that, yes, the police did the initial investigation in this case but our childcare services investigators took over, and they advised that they did not have sufficient powers for the future.

Hon NICK GOIRAN: What powers did they need? The sequence of events is that the police started the investigation, some departmental people got involved, and the outcome was a conviction. Is that not what we want? What we want is for people in government to fulfil the role that they have been asked to do. The chief investigators in Western Australia are the police force. We do not need Department of Communities people running around as a second police force if the police are fulfilling their duty and it is leading to convictions. There is even an opportunity for people who feel aggrieved to appeal to the Supreme Court. The parliamentary secretary told us that the Supreme Court yesterday upheld the conviction. That is a good thing. That is an indication that the system is working well. Keep in mind here that we are talking about a new regime that is being implemented without the support of a statutory review. Most of what we are doing in this bill—the vast bulk of it—has come out of the statutory review or the royal commission. This is the one element that has just come out of the ether. Upon examination, it

appears that the system is working incredibly well. Is there any further information that the parliamentary secretary is able to provide to us about the alleged problems in the investigation of this case that would warrant the deletion of section 195 and the insertion of proposed part 10A?

Hon SAMANTHA ROWE: As the honourable member is aware, investigations and prosecutions are currently largely undertaken by WA police, who have their own powers to investigate but who make independent decisions about whether to investigate based on police priorities and other related matters. There have been instances in which the police have decided not to investigate. That is why we are looking for these powers.

Hon NICK GOIRAN: That is fine, but that is quite a different explanation from what was provided earlier. I asked about the genesis of this amendment and was told that there was a case. When I asked for further details about the case, I was told that it was a case involving two teachers and that it was resolved yesterday with the upholding of a conviction. That case provides no justification whatsoever for these extraordinary police-like powers to be provided to the department. Now, it appears that that case is not why the government wants these powers at all; it is actually because the police have declined to investigate some other unspecified cases in some unspecified instances. I think that was the explanation. How common is that?

Hon SAMANTHA ROWE: I cannot say. We do not know.

Hon NICK GOIRAN: So —

The DEPUTY CHAIR: Hon Nick Goiran, are you dealing with clause 70?

Hon NICK GOIRAN: Absolutely! My word, deputy chair. We are dealing with clause 70, which is looking to delete the existing investigative powers available to the department so that the government can, in two clauses' time, insert a new regime with more police-like powers. The opposition would like to know the justification for enhancing these powers that will effectively have child protection officers running around like a second police squad. That is what is at stake with this clause. I would very much like to provide the government with some bipartisan support for these enhanced powers, but we cannot provide bipartisan support if we are not provided with an explanation. The first explanation provided yesterday was about a case. Under further examination, it appears that that has absolutely nothing to do with why the police powers are needed. Then we find out it is because of so-called instances in which police have declined to take up the cases put forward to them by the department. We ask about those cases and no information is available from the government. The government wants these extraordinary police powers for the department but no-one has any information to be able to tell us about instances in which WA police did not take up a case. I recall that in this very Parliament—the forty-first Parliament—we had a situation in which, in a like fashion, crucial information was withheld from the Parliament because the only people who could have provided it to us were WA police. In that instance, we were told that WA police were not available. At a subsequent stage, that was found to be untrue. This highlights precisely why we need to make sure that when the government brings bills before the Legislative Council, the house of review, we have information available to us. If the government wants to have multiple police squads running around Western Australia and investigating things, it is quite entitled to do that. It is entitled to have that view, but it needs to be able to provide some form of justification or explanation for these types of powers. My question to the parliamentary secretary is: has there been any consultation with the WA police on these provisions?

Hon SAMANTHA ROWE: We do not believe so.

Hon NICK GOIRAN: Let us get the sequence right here. The Department of Communities has existing powers of investigation. It is unhappy with those existing powers of investigation and would like this enhanced version.

The department said that these enhanced powers are necessary because the Western Australia Police Force has not been picking up its complaints. In effect, the department said that Western Australian police have not been doing their job, and because they are not doing their job, the Department of Communities wants to be the second police squad in Western Australia. Did the department talk to the Western Australian police? The response from the department and the government is, "We do not believe so." I do not think it is asking too much to expect at some point the Minister for Child Protection to pick up the phone to ring the Minister for Police and say, "We've got a problem. My departments, the Department of Communities and the department for child protection, are not being serviced properly by your police force. Your police officers are not taking up our complaints. We need to do something about this, Minister for Police. If you don't do something about, I will ask Parliament to empower my department for child protection and my Department of Communities to be a second police squad. What do you have to say about that, Minister for Police?" I would not have thought that it was asking too much of the McGowan government to make sure that one minister picked up the phone to talk to another—but apparently not.

It is only on 14 October 2021 that we find out the stunning revelation that the two ministers are unable to speak to each other. What really worries me is that next week, we will have estimates. The Leader of the House, with the concurrence of the President, has kindly arranged and facilitated the use of this chamber next week. We have vacated an ordinary sitting week to undertake our annual estimates process. It is on the public record that next week, one of the agencies coming in is the Western Australia Police Force. What happens next week when during the session with the police I say to the Commissioner of Police, "Would you believe that last week, the parliamentary secretary for

child protection told the Legislative Council that evidently the powers of investigation under the Children and Community Services Act are inadequate and that the reason for that is because there have been "instances" in which your officers have been unwilling to take up the case? What do you have to say about that, Mr Police Commissioner?" What will happen if the Commissioner of Police says, "That's absolute garbage. That's never happened. My police officers are first-class. I've never had any complaints from the Minister for Police, the Minister for Child Protection or the Premier. No-one has raised these things with me"? It will be too late because we can get that information next week but it is not available to us now. The government wants us to pass police-like powers for the department without providing us with information about any instances whatsoever of the system failing. In fact, when I asked about it earlier this afternoon, I was told about a Supreme Court case that had been finalised yesterday. After further inquiry, it is evidently the case that the system is working well because the police were involved in that particular matter and it resulted in a conviction. The offenders had a right to appeal—I assume it was the offenders who appealed to the Supreme Court—and the Supreme Court upheld the conviction. When we ask whether there has been any consultation between the department and the Western Australian police, the answer is, "We don't believe so."

In the briefing that I received a long, long time ago—5 February, according to my notes—it became clear that these new powers have been sourced from the Child Care Services Act 2007. I think the parliamentary secretary mentioned that during the second reading debate. Noting that the government would like to delete section 195 and replace it with proposed part 10A, will the proposed powers be identical to the powers available in the Child Care Services Act or will be there be a differentiation between the powers; and, if so, what are the differences?

Hon SAMANTHA ROWE: They are almost identical.

Hon NICK GOIRAN: What differences exist between the two powers? Will the bill provide more or less enhanced powers?

Hon SAMANTHA ROWE: I am advised that there are minor differences. The member may have received a copy of those differences during the briefing.

Hon NICK GOIRAN: That is indeed true but, nevertheless, the shadow Minister for Child Protection having a list of the differences does not aid those who are responsible for the interpretation of the legislation. That can only be done if it is on the parliamentary record. I do not have a problem if the list is provided by way of a tabled paper. If it is brief, perhaps it can be read into the record, but if it is extensive, perhaps it can be tabled.

Hon SAMANTHA ROWE: It is quite extensive so I seek leave to table the attachment of the comparison between the Child Care Services Act and part 4, "Compliance and enforcement".

[Leave granted. See paper 795.]

The DEPUTY CHAIR (Hon Jackie Jarvis): Parliamentary secretary, can I confirm that the paper that was tabled relates to clause 72 even though we are dealing with clause 70. I get that they are linked.

Hon Samantha Rowe: Yes.

Hon NICK GOIRAN: It is impossible to deal with the two clauses in isolation; they have to be dealt with together. If it is of any comfort, this is the last round of debate, so in one respect it makes no difference whether we are talking about it during debate on clause 70 or clause 72. As I said earlier, it is important to the opposition because it is a live option to seek to oppose clause 70 and, as a consequence of that, oppose clause 72. But if clause 70 were to pass, evidently we would need to have clause 72 because we cannot have no investigative powers whatsoever.

I understand that the powers in section 195, which we are looking to delete in clause 70, apply to authorised officers. Who are the authorised officers with section 195 powers?

Hon SAMANTHA ROWE: I am advised that we can provide that information to the honourable member outside of this process because we do not have it on us.

Hon NICK GOIRAN: Is sufficient information available at this time to indicate the volume of authorised officers who have these powers?

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

Hon NICK GOIRAN: There is also reference to designated officers. Who is a designated officer with these powers?

Hon SAMANTHA ROWE: It is the same situation. A designated officer is the same as an authorised officer.

Hon NICK GOIRAN: Would it be typical for a caseworker to be an authorised officer?

Hon SAMANTHA ROWE: We do not know.

Hon NICK GOIRAN: I will make the obvious observation that if the government wants to delete an existing provision, it is good to have information at the table as to how the existing provision works so that we can ascertain whether we want it to be removed.

I note that these authorised officers are currently only authorised to investigate offences under part 7. Who currently provides notification of suspected offences that are under the jurisdiction of authorised officers?

Hon SAMANTHA ROWE: I am advised that most investigations are done by industrial inspectors.

Hon NICK GOIRAN: Are those industrial inspectors different from the authorised officers?

Hon SAMANTHA ROWE: They are part of the definition of an "authorised officer", which means —

(a) an officer designated to be an authorised officer under section 25 for the purposes of this Part; or

(b) an industrial inspector.

Hon NICK GOIRAN: Who investigates the offences that are not under the jurisdiction of authorised officers?

Hon SAMANTHA ROWE: I am advised that that is the problem. That is why we want this section included.

Hon NICK GOIRAN: So, no-one in Western Australia has the power to investigate offences that are not under the jurisdiction of authorised officers?

Hon SAMANTHA ROWE: Obviously, the police do.

Hon NICK GOIRAN: Certain offences under the Children and Community Services Act can be investigated by these authorised officers. Then there are these other offences that cannot and are therefore investigated by the police, although I accept, as we have heard, that apparently there are some issues with that.

We go back to the issues that can be investigated by authorised officers. Is that working well?

Hon SAMANTHA ROWE: Yes, as far as we know.

Hon NICK GOIRAN: The existing provisions with respect to authorised officers are working well; they do not need any more enhanced powers. As far as the government is aware, it is working well. The only issue that remains is there are instances in which the Western Australia Police Force will not investigate matters of concern to the department but the department does not have the power to investigate.

Hon SAMANTHA ROWE: I am advised that, yes, that is correct.

Hon NICK GOIRAN: The tremendous thing for me and the parliamentary secretary is that we both have the opportunity to be with the Commissioner of Police during the Standing Committee on Estimates and Financial Operations hearings next week. We will see what the police have to say about this matter. When we raise it with them next week, it will be the first time they have ever been consulted on this matter. That should be interesting.

Clause 72 can only be passed if clause 70 is also passed because it is a consequence of it. Who would be responsible for investigating suspected offences or providing notifications of suspected offences?

Hon Samantha Rowe: Sorry, honourable member; do you mind repeating that?

Hon NICK GOIRAN: If we pass clause 70, there will be bipartisan support for clause 72 as a consequence. We need some form of powers. If that happens, who will be responsible for investigating suspected offences and providing notifications of suspected offences?

Hon SAMANTHA ROWE: Having similar powers in legislation administered by the department means that investigators trained to investigate criminal offences under this act can be assigned to investigate matters under the Children and Community Services Act 2004 using powers that are very familiar to them. Investigators will not be caseworkers used to care and protection matters; they will be investigators trained and experienced in investigating criminal offences.

Hon NICK GOIRAN: Are we talking about a new crop of investigators?

Hon SAMANTHA ROWE: No.

Hon NICK GOIRAN: Do these investigators already exist within the department? Are they employed by the department?

Hon SAMANTHA ROWE: I am advised that they are already within the department. They are investigating childcare services breaches or working with children breaches.

Committee interrupted, pursuant to standing orders.

[Continued on page 4490.]

QUESTIONS WITHOUT NOTICE

SHELLFISH FARMING — ALBANY — REPORTS

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

I refer to the environmental assessments report in support of shellfish farming in Albany, dated July 2021, commissioned by the Department of Primary Industries and Regional Development and undertaken by BMT.

(1) Given the qualification in the addendum to the report that "BMT wishes to emphasise that the results presented herein are based on a one-dimensional hydrodynamic model, coupled to a simple ecosystem model. It relies

on several assumptions, many of which are untested, or if not characterised by significant uncertainty", will the minister now refer the south coast aquaculture development zones to the Environmental Protection Authority for assessment prior to making any decisions regarding the zone that may impact on other existing uses?

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

Hon DARREN WEST replied:

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

On behalf of the parliamentary secretary representing the Minister for Fisheries, I provide the following answer.

(1) No.

(2) As part of the planning process, the Environmental Protection Authority chair advised that the proposed approach of the Department of Primary Industries and Regional Development in respect of environmental monitoring and management of the zone was reasonable and would lead to appropriate environmental outcomes. The EPA position was dependent on best-practice management and monitoring programs being in place to enable an adaptive management approach for the zone. This position was also supported by the Department of Water and Environmental Regulation. DPIRD has existing legislative powers to ensure that effective monitoring and adaptive management can be implemented and will work with the aquaculture industry and DWER to ensure the environmental sustainability of its operations.

SYNERGY — GENERATION UNITS

808. Hon Dr STEVE THOMAS to the minister representing the Minister for Energy:

I refer to question without notice 783 on the capital values of Synergy generations, answered yesterday.

(1) Will the minister please provide the official definitions used by the government for "current capital value", "listed depreciation value" and "impairment value"?

(2) Do any of the values listed in the answer to question 783 include provisions for decommissioning and rehabilitation; and, if so, where are each included and to what values?

(3) Given that the substantially newer Bluewaters power station has had its current capital value written down to zero by its private owners and given the significant taxpayer operating subsidies received by the Muja and Collie A power stations, why have they not had a complete asset writedown?

(4) Has Moody's and/or Standard and Poor's reviewed the asset values of the Muja and Collie A power stations; and, if so, on what date and what values did they ascribe?

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question.

The Minister for Energy has provided the following answer.

(1) Synergy's 2021 annual report is prepared in accordance with Australian accounting standards.

(2) No.

(3) Synergy evaluates the requirements for asset writedowns from a whole-of-portfolio perspective rather than considering each asset individually.

(4) No.

IRON ORE ROYALTY REVENUE

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

(1) What is the current price of iron ore as measured by Treasury?

(2) What was the average iron ore price for the first quarter of the 2021–22 financial year?

(3) What was the total iron ore royalty income by month for the first quarter of the 2021–22 financial year?

(4) What was the total iron ore royalty revenue to the state in the first nine months of the 2021 calendar year?

Hon SUE ELLERY replied:

I thank the member for some notice of the question.

I provide the answer on behalf of the minister representing the Treasurer.

(1) The current price is $US123.35 per tonne.

(2) The average price was $US163.8 per tonne.

(3)–(4) This information will be available following the release by Treasury of the September *Quarterly financial results report*, which will be within 60 days of the end of the quarter.

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

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

I refer to the parliamentary secretary's answer to my question without notice of 12 October 2021 in which he informed the house that the Attorney General had not heard the voice message referred to in the Corruption and Crime Commission report dated 26 November 2020, nor read a transcript of same.

(1) Has the Attorney General received any documents about the voice message, other than the CCC report and its erratum?

(2) If yes, will the parliamentary secretary table those documents?

Hon MATTHEW SWINBOURN replied:

I thank the member for some notice of the question.

(1)–(2) Yes. As page 7 of the first report of the Legislative Assembly's Procedure and Privileges Committee states —

> The paragraph refers to a text message sent to Mr Phil Edman; the footnote refers to a telephone call.
>
> The Office of the Attorney General sought clarification from the Corruption and Crime Commission on this inconsistency in its *Report on electorate allowances and management of electorate offices*, and received a response dated 3 December 2020, which I now table.

[See paper 796.]

ABORIGINAL AFFAIRS — CARING FOR COUNTRY—CARING FOR SELF PROGRAM

811. Hon DONNA FARAGHER to the Minister for Education and Training:

I refer to the joint ministerial media statement titled "Support for Aboriginal youth through 'caring for country—caring for self' program" released on 17 August 2021 regarding the introduction of a new pilot program aimed at supporting the development of Aboriginal youth.

(l) Has the pilot already commenced; and, if not, when is it expected to begin?

(2) What is the duration of the pilot program and where is it being delivered?

(3) What is the total amount of funding allocated to deliver the pilot program?

Hon SUE ELLERY replied:

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

(1) Yes. The pilot commenced on 19 July 2021.

(2) The duration of the pilot is 12 months. It is being delivered in Northam and is servicing the surrounding areas in the wheatbelt.

(3) The total amount of funding is $244 200, including GST.

PRISONERS — FUNERALS — TRAVEL EXPENSES

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

I refer the minister to his response to question without notice number 766 asked on Tuesday, 12 October 2021.

(1) What was the total number of funerals attended by prisoners in 2018, 2019, 2020 and 2021 to date?

(2) What factors were responsible for the significant increase in the cost of prisoners attending funerals from $401 000 in 2019 to over $1.4 million in 2020?

Hon ALANNAH MacTIERNAN replied:

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

(1) In 2018, it was 345; in 2019, it was 434; in 2020, it was 708; and between January and August 2021, it is 625. That is a total of 2 112.

(2) Meeting the cultural needs of Aboriginal prisoners is an important responsibility for Corrective Services. The provision of compassionate leave implements a recommendation of the Royal Commission into Aboriginal Deaths in Custody and is especially important for Aboriginal people who often have significant cultural obligations to attend funerals. In 2017, a report from the Inspector of Custodial Services noted the declining level of compassionate leave for prisoners to attend funerals and recommended that the then Department of Corrective Services provide more options for prisoners to take compassionate leave to attend funerals so they could maintain connection with their family and community. Following this review of the criteria for funeral attendance, a more culturally appropriate definition of family was included. This saw the number of prisoners eligible to apply and be approved for funeral leave increase.

WATER — SOUTHERN SEAWATER DESALINATION PLANT

813. Hon Dr BRAD PETTITT to the minister representing the Minister for Water:

I refer to recent reports that the Water Corporation has failed to meet requirements of ministerial statement 792 to purchase renewable energy and offset the greenhouse gas emissions from the Southern Seawater Desalination Plant.

(1) When did the Water Corporation become aware of this noncompliance?

(2) How long has the "process for returning SSDP to compliance … been protracted"?

(3) Has the Water Corporation achieved full compliance with requirements 792:M11–1 and 792:M12–l in any reporting years since production began in 2011?

(4) Has the Water Corporation surrendered any or all of the renewable energy certificates from purchasing renewable electricity as required?

Hon ALANNAH MacTIERNAN replied:

I thank the member for some notice of the question. The Minister for Water provides the following information.

(1) Water Corporation has been reporting publicly in the compliance assessment reports required by ministerial statement 792 that it has been noncompliant with condition 11-1 of ministerial statement 792 since 2015.

(2) Water Corporation has submitted a greenhouse gas management plan for the southern seawater desalination plant to the Department of Water and Environmental Regulation and is continuing discussions with that department as to its implementation.

(3)–(4) Yes.

WATER CORPORATION — INFRASTRUCTURE — ALBANY AND GREAT SOUTHERN

814. Hon JAMES HAYWARD to the minister representing the Minister for Water:

I refer to the upkeep of regional water and wastewater infrastructure in Albany and the great southern.

(1) How many water mains have burst or had water retention issues in the Albany local government area since the 2018–19 financial year? Please detail in tabular form the year, the locality, estimated amount of water released, total time taken to resolve, and the cost to Water Corporation.

(2) In relation to the recent acceleration of the Sleeman Avenue landslip in Miramar, has Water Corporation investigated whether or not the estimated 140 000 litres of water had an impact on the water slip?

(3) Would the minister please provide a breakdown of investments for maintenance of infrastructure in Albany for the financial years 2017–18 through to 2020–21?

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question. The level of detail that is required is quite extraordinary for a question without notice of which some notice is given. The Minister for Water has said the following.

Due to the level of detail required, it is not possible for me to provide an answer in the time available, and request the member place this question on notice.

NATIVE FOREST — LOGGING — TRANSITION PACKAGE

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

I refer to the native forestry transition group referenced in the response to question without notice 706 asked on 14 September 2021.

(1) Has the native forestry transition group been established?

  (a) If no to (1), when is the group expected to be established?

  (b) If yes to (1), when is a detailed plan for the $50 million Just Transition plan expected to be finalised and released?

(2) Will the government please table which stakeholders, if any, have been approached to take part in the native forestry transition group?

Hon ALANNAH MacTIERNAN replied:

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

(1)–(2) The inaugural meeting of the native forest transition group is scheduled to be held on Thursday, 28 October 2021 in Bunbury. The Department of Jobs, Tourism, Science and Innovation is in the process of inviting organisations to provide a representative to sit and participate on the native forest transition group. These organisations include Chamber of Minerals and Energy of Western Australia; Forest Industries Federation of Western Australia; the Western Australian regional Chambers of Commerce and Industry; Unions WA; Shire of Manjimup; Shire of Nannup; Shire of Bridgetown–Greenbushes; South West

Aboriginal Land and Sea Council; Western Australian Local Government Association; Department of Jobs, Tourism, Science and Innovation; Department of Training and Workforce Development; Forest Products Commission; South Regional TAFE; and South West Development Commission.

The Just Transition plan will be finalised before the end of 2022.

BIOENERGY — COLLIE

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

I refer to the state government's October 2021 publication *Welcome to Collie: Your investment destination*, targeting private investment in Collie industry, which on page 16 states —

> There is significant opportunity for the development of bioenergy and bioproducts industries in the Collie region …

(1) What are the specific bioenergy and bioproducts industry opportunities in Collie?

(2) What building blocks are in place for bioenergy and advanced bioproducts industries in Collie?

(3) What biomass supply chains will the state government commit to deliver in order to provide prospective proponents in Collie?

(4) In light of this glossy marketing exercise, why did the McGowan government abandon its commitment to build a $30 million biomass energy plant and a $30 million solar farm, and why is it so far behind in its commitment to establish timber plantations to grow biomass feedstock?

Hon ALANNAH MacTIERNAN replied:

(1)–(4) I do not accept the premise of many parts of that question. It is true that in 2016 we made commitments that coming into government we would have the $30 million biomass plant and a $30 million solar farm. Indeed, the member is someone I understood was calling for us to do this—that is, to weave those amounts of money into the Collie industry attraction fund and the Collie futures fund. The whole purpose of that was not saying that there was not going to be any bioenergy or bioproducts industries—indeed, there are some being worked on—but it was to give us greater flexibility. To date, I think we have allocated in the order of $50 million towards projects that cover a wide variety of things, and not simply bioenergy. Of course, there are bioenergy products that are part of the plan. For example, the document includes information on the Renergi Pty Ltd bioenergy and bioproduct project. We are supporting Renergi to deliver a commercial-scale demonstration plant in Collie that will recycle municipal solid waste and biomass to produce bio-oil and biochar. Quite clearly, the Collie region has the basic building blocks to support a bioenergy and bioproducts industry, as well as many other industries. The potential biomass sources are varied and include private supplies of horticulture, waste and waste from broadacre cropping. The region around Collie has the right climatic conditions for growing a wide range of feedstock.

CORONAVIRUS — VACCINATION PLAN — REGIONS

817. Hon COLIN de GRUSSA to the minister representing the Minister for Health:

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

I refer to *Local government area (LGA) COVID-19 vaccine rates* and the *SA4–Geographic vaccination rates,* both published by the commonwealth on 11 October 2021, that identify that parts of regional Western Australia have the lowest vaccination uptake in Australia, and to question without notice 616 that Hon Martin Aldridge asked in this place on 2 September.

(1) Can the minister please outline the state government's strategy to address the critically low rates of vaccination uptake in regional WA, particularly in the state's north?

(2) Is the minister considering any incentives to ensure communities in WA's north have access to the vaccination in a timely manner; and, if so, please provide detail?

(3) Has the minister written to the commonwealth to request local government area vaccine rates for remote communities classified as outback north and outback south so we can have a more transparent overview of the gaps in the vaccine rollout?

(4) Please table any correspondence in relation to (3).

Hon SUE ELLERY replied:

I thank the honourable member for some notice of the question, which I provide on behalf of the minister representing the Minister for Health.

(1) The WA Country Health Service is rolling out mass vaccination clinics in priority areas across regional Western Australia. The mass vaccination clinics are delivered in partnership with other health service providers, including Aboriginal medical services, general practitioners, Aspen Medical and pharmacies and

supported by local organisations and industry. Mass vaccination clinics have been held in towns in the Kimberley, Pilbara and southern regions, with further towns being planned across the midwest, goldfields, south west and wheatbelt. The pop-up mass clinics are in addition to the WACHS-run vaccination clinics available at regional hospitals, small hospitals and nursing posts across country Western Australia.

(2) No.

(3) WA Health has requested that the commonwealth provide increased access to information about vaccinations in remote communities—in particular, vaccination rates.

(4) Not applicable.

CARING DADS PROGRAM — PEEL REGION

818. Hon NICK GOIRAN to the minister representing the Minister for Child Protection:

I refer to the explanation during Legislative Assembly Estimates Committee B on 21 September 2021 that an election commitment of $110 000 was allocated to Stronger Families to deliver the Caring Dads program in the Peel region.

(1) How will fathers who are alleged to have abused or neglected their children or exposed them to the abuse of their mothers access this program?

(2) How will the outcomes of this trial be measured?

(3) Will the minister table the agreement made by Stronger Families?

Hon DARREN WEST replied:

On behalf of the parliamentary secretary representing the Minister for Child Protection, who is away from the house on urgent parliamentary business, I provide the following answer.

(1) By referral from a state government agency or a community sector organisation.

(2) Stronger Families will provide two six-monthly reports to the Department of Communities to assess the outcomes.

(3) The Department of Communities has a grant agreement with Stronger Families based on the state government's standard template, which is publicly available.

PLAYGROUP WA

819. Hon DONNA FARAGHER to the Minister for Education and Training:

I refer to the Enhanced Transition to Schools project.

(1) How many schools have an established community-based playgroup operating on or near their school site?

(2) Will the minister provide a list of the schools referred to in (1)?

Hon SUE ELLERY replied:

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

(1) The Department of Education does not have this information. It is reported by and is the property of Playgroup WA.

(2) Not applicable.

CITY OF MELVILLE — MISCONDUCT ALLEGATIONS

820. Hon PETER COLLIER to the Leader of the House representing the Minister for Local Government:

I refer the minister to the City of Melville.

(1) Have any serious misconduct complaints been made against any elected councillors that registered electoral gifts from the Alfred Cove Action Group?

(2) If yes to (1), have any been vetted by the Corruption and Crime Commission and passed on to the Department of Local Government, Sport and Cultural Industries for action over the past 12 months; and, if yes, how many?

(3) If yes to (1), how many of these complaints have been dealt with and what was the median time for resolution?

(4) If yes to (1), what is the status of the remaining complaints that have not been dealt with?

Hon SUE ELLERY replied:

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

(1)–(4) The Department of Local Government, Sport and Cultural Industries advises that due to applicable confidentiality provisions of the Local Government Act 1995, it cannot disclose specific information on

individual complaints or complaints about specific elected councillors. However, if the honourable member would like a briefing regarding the complaints handling process outlined in the Local Government Act 1995, the minister would be pleased to arrange one.

In regard to the City of Melville generally, the department has received 10 complaints relating to alleged serious breaches and 48 complaints related to alleged minor breaches since January 2019. The department publishes information on complaints handled by the Local Government Standards Panel. The 2020–21 annual report for the standards panel was tabled in the Legislative Assembly on 15 September 2021. I will check that it was tabled in here as well. The annual report identifies that the average time taken to finalise complaints made to the standards panel concerning all local governments in 2020–21 was 145 days.

SENIORS — HEALTH CARE — COLLIE

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

I refer to transport options for seniors in Collie to access health care in Bunbury.

(1) Can the minister advise what transport options seniors in Collie have if they wish to access healthcare services in Bunbury and are not able to drive?

(2) Can the minister confirm that seniors in Collie do not have access to the patient assisted travel scheme as Collie is too close to Bunbury?

(3) Is the minister concerned that seniors in Collie may not seek required medical treatment in Bunbury as the cost of transport can be prohibitive?

(4) Will the minister work with his colleagues in other portfolios to ensure seniors in Collie have the same opportunities to access health care as seniors in the metropolitan area?

Hon SUE ELLERY replied:

I answer this on behalf of the minister representing the Minister for Health. I thank the honourable member for some notice of the question.

(1)–(4) A number of services are available for seniors living in the regions. Pensioners can access two free trips on Transwa services each year. Collie Community Home Care offers subsidised transport services to seniors. Transport to medical appointments might be available as part of commonwealth home support and home care packages. The Country Age Pension Fuel Card scheme provides up to $575 annually. The taxi user subsidy scheme is available to people with a vision, mobility or cognitive impairment that prevents them from accessing public transport. Department of Veterans' Affairs clients can access free taxi services to attend medical appointments.

The patient assisted travel scheme subsidies are available to people who have to travel more than 100 kilometres each way to access their closest medical specialist or if they have to travel more than 70 kilometres each way for renal dialysis and chemotherapy. The distance from Collie to Bunbury is 55.5 kilometres. Therefore, patients are not eligible for PATS subsidies for this journey. The PATS policy provides for exceptional rulings that take the individual circumstance of an application into account. Telehealth services are provided at Collie Hospital and a range of visiting services are also provided.

SOCIAL HOUSING — REGIONS — MODULAR CONSTRUCTION

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

I refer to the government's answer to my question without notice 750 asked on 16 September 2021.

(1) When does the government expect the design phase of the plan to deliver 134 modular homes in regional WA to be completed?

(2) Is the expected completion date acceptable in light of the severity of the housing crisis, particularly in regional Western Australia?

Hon SUE ELLERY replied:

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

(1)–(2) The McGowan government will invest $2.1 billion into social housing over the next four years, which includes the recently announced record investment of $875 million as part of the 2021–22 state budget. This is the single largest one-off investment into social housing in the state's history and will provide an immediate boost to social housing. Modular construction, in addition to traditional construction methodologies, ensures that more homes can be delivered in regional locations given current market constraints. Early tender advice has been publicly advertised notifying that the Department of Communities will be seeking expressions of interest to establish a prefabricated residential housing builders' panel. The establishment of the panel is a crucial component of the design phase and is being expedited to address social housing demand.

FORRESTFIELD–AIRPORT LINK — PROJECT COSTS

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

I refer to the Forrestfield–Airport Link project.

(1) What was the original total cost and project time line from commencement to completion of the project at the time that the first contracts were signed?

(2) What works of the project have been initiated and completed to date?

(3) What changes of scope have been applied to the project since the McGowan government was elected to power in March 2017; and, what is the proposed cost of each of those changes in scope?

(4) Have there been any cost over-runs on the original scope of work during construction of the project; and, if yes, what are these?

(5) What is the current expected total cost and project time line from commencement to completion of the project?

Hon SUE ELLERY replied:

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

(1) The original total cost was $1.96 billion.

(2) As per the ministerial media statement of 7 July 2021, track laying is complete with all three stations in the fit-out stage.

(3) Works essential to the project, but not adequately planned for by the former government, include turnback facilities at Claremont station and Bayswater station and a multistorey car park at High Wycombe station. These works have not been impacted the overall project budget.

(4) No.

(5) The estimated total cost of $1.861 billion is available on page 629 of the 2021–22 state budget paper No 2, volume 2. As per the ministerial media statement of 7 July 2021, the line is expected to become operational in the first half of 2022.

ENVIRONMENTAL PROTECTION (COST RECOVERY) REGULATIONS 2021

824. 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 the three analyses commissioned by the Department of Water and Environmental Regulation and undertaken by Ernst and Young and Lisa Byrne Consulting that underpin the cost recovery model proposed under the draft Environmental Protection (Cost Recovery) Regulations 2021.

(1) Can the minister provide those documents, in whole or in part, to industry stakeholders before the conclusion of the consultation phase on 22 October?

(2) If not, why not?

Hon SUE ELLERY replied:

I thank the honourable member for some notice of the question. I answer on behalf of the minister representing the Minister for Environment.

(1)–(2) I am advised by the Department of Water and Environmental Regulation that as part of the consultation with stakeholders, the department has offered to provide direct briefings on the documents and data to interested stakeholders. This invitation is open until the close of the consultation period.

SEXUAL ASSAULT LAWS — RECOMMENDATIONS — COMMISSIONER FOR VICTIMS OF CRIME

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

I refer to the answer given on 17 June 2021 to my question without notice 300 in which the parliamentary secretary advised that a working group has been convened, which includes the Director of Public Prosecutions and relevant agencies, and the revelation in the answer to my question without notice on 15 September 2021 that the terms of reference had yet to be finalised. Will the parliamentary secretary now table the terms of reference?

Hon MATTHEW SWINBOURN replied:

I thank the member for some notice of the question. I provide the following answer on behalf of the Attorney General.

As an informal forum, the working group did not end up considering or endorsing terms of reference. Terms of reference for the steering committee, working group and reference group in relation to the sexual violence strategy are still to be finalised.

SAFEWA APP — COMPLIANCE

826. Hon COLIN de GRUSSA to the minister representing the Minister for Health:

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

I refer to a report from ABC News on 9 October 2021 showing that usage of the SafeWA app has plummeted from a high of around 19 million check-ins per week to fewer than 10 million check-ins per week.

(1) Is the use of the SafeWA app still mandatory; and, if so, how is the government ensuring compliance?

(2) What measures is the state government taking to address the potential risk of a COVID-19 outbreak, given the complacency around the SafeWA app?

(3) How many weekly check-ins on the SafeWA app occurred in the week of 7 to 13 June?

(4) How many weekly check-ins on the SafeWA app occurred for the most recent week on record?

Hon SUE ELLERY replied:

I thank the honourable member for some notice of the question. I provide this answer on behalf of the Minister for Mental Health.

(1) Yes; use is mandated by the Contact Register Directions issued by the State Emergency Controller under the Emergency Management Act 2005. Authorised officers may inspect premises to monitor compliance with contact register requirements.

(2) The government continues to require use of the app and encourages this through communications. WA remains in a state of emergency and the government has multiple measures in place to help keep WA safe. The potential risk of a COVID-19 outbreak is addressed through multiple public health outbreak management strategies, including the COVID-19 vaccination program, travel and border restrictions, testing and quarantine requirements, use of COVID safety plans and guidelines, outbreak management and response plans, and the use of the SafeWA app and contact registers.

(3) There were 9 442 653 check-ins.

(4) From 6 to 12 October 2021, there were 8 787 146 check-ins.

MANDURAH RAIL LINE

Question without Notice 791 — Answer Advice

HON SUE ELLERY (South Metropolitan — Leader of the House) [5.02 pm]: I would like to provide an answer to Hon Sophia Moermond's question without notice 791, which was asked on 13 October 2021.

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

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

(1) There have been 8 full days of planned disruptions on the Mandurah line for both regular maintenance and project works during this period. The vast majority of disruptions are planned for weeknights and weekends to ensure impacts on passengers are minimised.

MARKET-LED PROPOSALS

Question without Notice 798 — Supplementary Information

HON SUE ELLERY (South Metropolitan — Leader of the House) [5.02 pm]: On behalf of the Minister for Mental Health representing the Minister for Finance, I table additional information in respect of Legislative Council question without notice 798, asked by Hon Colin de Grussa on 13 October 2021.

[See paper 797.]

WA COUNTRY HEALTH SERVICE — STAFF

Question without Notice 795 — Answer Advice

HON SUE ELLERY (South Metropolitan — Leader of the House) [5.02 pm]: On behalf of the Minister for Mental Health, I would like to provide an answer to Hon Neil Thomson's question without notice 795 asked on 13 October 2021.

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

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

I thank the Honourable Member for some notice of the question.

(1) Prior to 1 October 2021, the T1 form (termination form) managed by Health Support Services did not collect data pertaining to reason for resignation. Data collected via exit surveys are voluntary, anonymous, and confidential in nature and therefore not readily available for analysis. According to data available at 13 October 2021:

(a) Broome: 11 resignations.

(b) Derby West Kimberley: 1 resignation.

(c) Wyndham East Kimberley: Nil

(e) Port Hedland: Nil

(2) As of 13 October 2021, a total of 20 (0.19%) active WACHS employees that are subject to the public health directions have not complied or have not indicated a plan to receive the vaccination prior to returning to work in a tier 1 or residential aged care facility. There are zero WA Country Heath Service employees working in tier 1 facilities that have not produced evidence of their vaccination status, an approved medical exemption, or an approved temporary exemption.

(3) No.

PRISONERS — FUNERALS — TRAVEL EXPENSES

Question without Notice 766 — Correction of Answer

HON ALANNAH MacTIERNAN (South West — Minister for Regional Development) [5.03 pm]: I would like to provide a correction to the answer to question without notice 766, asked by Hon Peter Collier on 12 October. I understand this data has been revised by the Minister for Corrective Services. I apologise for the error and table the revised information.

[See paper 798.]

PLANNING, LANDS AND HERITAGE — EROSION — NORTHAMPTON

Question on Notice 292 — Answer Advice

HON ALANNAH MacTIERNAN (South West — Minister for Regional Development) [5.03 pm]: Pursuant to standing order 108(2), I wish to inform the house that the answer to question on notice 292, asked by Hon Dr Steve Thomas, MLC, on 14 September 2021 to me in my capacity representing the Minister for Lands, is expected to be provided on 26 October 2021.

LEGISLATIVE COUNCIL CHAMBER — DESKS

Statement by President

THE PRESIDENT (Hon Alanna Clohesy) [5.04 pm]: Members, while advisers are arriving I just want to make a brief statement. When the house rises this evening, I ask that you take a moment to clear your desks of personal and work material prior to leaving Parliament as next week this chamber will be occupied by the Standing Committee on Estimates and Financial Operations for its budget estimates hearings. Any items remaining on desks tonight will be cleared by staff and retained until the next sitting week.

CHILDREN AND COMMUNITY SERVICES AMENDMENT BILL 2021

Committee

Resumed from an earlier stage of the sitting. The Deputy Chair of Committees (Hon Dr Sally Talbot) in the chair; Hon Samantha Rowe (Parliamentary Secretary) in charge of the bill.

Clause 70: Section 195 deleted —

Committee was interrupted after the clause had been partly considered.

Hon NICK GOIRAN: Prior to the interruption for the taking of questions without notice, we were considering clause 70 and its interrelation with clause 72. For the benefit of members, what the government seeks to do at clause 70 is to remove the existing investigative powers available to the Department of Communities and after deleting and removing those powers at clause 72 insert a new regime that will have more enhanced powers, which I have referred to previously as "police-like powers". Prior to the taking of questions without notice, we identified that the government says that these new enhanced powers are necessary because the Western Australia Police Force, according to the department, has not been willing to take up the department's complaints and investigate matters, and because the police is not doing its job, the department needs to have these expanded powers. Yet when I asked the government to provide details of these instances, it was unable to do so. That information is not available to the chamber today.

In addition, we are told that when the powers have been used most recently, including in the Supreme Court case that finalised yesterday, they have been working well. The department has authorised officers who use the section 195 powers at the moment, and we are told that as far as the government is concerned they are working well. Regarding the Supreme Court matter yesterday, it dealt with a mandatory reporting matter that was investigated by the police. It seems to be working well. There was a conviction and there was an appeal and the appeal was upheld. Everything seems to be working well with the exception of the allegation by the Department of Communities that, in effect, WA police is not doing its job; it is not able to take up the cases, and so the department needs to step into the breach and have these extraordinary powers.

That being so, the type of powers that are proposed are the ones set out in part 10A, which are found in clause 72. Just prior to the interval for the taking of questions without notice, the parliamentary secretary indicated—I just need confirmation of this, parliamentary secretary—that the investigators that will be undertaking the work under this new part 10 of this new enforcement enhanced regime will include those authorised officers or those who investigate the offences under the Child Care Services Act 2007.

Hon SAMANTHA ROWE: I am advised, yes, it will include them.

Hon NICK GOIRAN: This is a massive problem. Students of history will know of the review undertaken by Prudence Ford. One of the recommendations of the Ford review was the separation of childcare compliance from the department that administers child protection. I refer to the second paragraph of the explanatory memorandum for the Childcare Services Bill 2007, which states —

> The Review report recommended the restructuring of the Department, by the creation of two departments, one relating to child protection and one to communities … It further recommended that the Child Care Licensing and Standards Unit together with the current resources be transferred to the Department for Communities …

The whole idea was to separate those functions, and now everything will be collapsed back into one department. We are destined in child protection to make the same mistakes that led to the Ford review in 2007. Seemingly, the only justification the parliamentary secretary can provide is that the Western Australia Police Force will not take up cases for child protection. But there has been no consultation with police. Next week, when the parliamentary secretary and I attend the estimates hearing with police, will be the first time, apparently, that there will be some consultation with police on this matter.

This matter is very significant and I do not think, with respect, that all members of the chamber appreciate how significant it is. We are talking about providing police-like powers to non-police officers. Earlier this week, we debated some tabled reports by the Joint Standing Committee on the Corruption and Crime Commission about allegations of excessive use of force by police officers and how the body that oversees that, the Corruption and Crime Commission, had serious concerns. Well, the joint standing committee had serious concerns that the CCC was not overseeing allegations sufficiently. History tells us that a previous Parliamentary Inspector of the Corruption and Crime Commission also had those same concerns. That is a robust system whereby police officers have the capacity to use force against individuals, conduct searches and seize documents et cetera, yet it is overseen by a very powerful body, the CCC, which is overseen by not just the parliamentary inspector, but also the joint standing committee.

We are about pass a provision between clause 70 and clause 72 that will try to provide those types of powers to what was the Department for Child Protection and Family Support and is now under the new mega-amalgamated Department of Communities. Investigators will not be subject to the same types of provisions as police. Police have specific provisions for police misconduct that must be referred to the CCC, but they will not apply to these investigators to whom the government would like to provide the same types of powers.

Keeping in mind that the government has said that the existing powers, to the best of its knowledge, are working well with respect to authorised officers, I strongly urge members to consider opposing clauses 70 and 72, because the parliamentary secretary has advised us that the rest of the legislation could still operate. All the mandatory reporting requirements, care plans, leaving care plans, cultural plans and every other element of the legislation could still operate well irrespective of whether clauses 70 and 72 are passed. The only difference will be that the department will have to use its existing powers of investigations, which we are told are working well, and with regard to mandatory reporting have led to two teachers being convicted and their conviction being upheld. These are all in circumstances in which there has been absolutely no consultation with police, and we are being expected to pass these laws today, on the last sitting day before we have the opportunity to have a discussion with the police commissioner next week during estimates.

It seems to me that there are two reasonable options. One is to defer consideration of this significant issue until we have heard from the police commissioner next week or alternatively to oppose clauses 70 and 72, which would have the effect of the status quo with respect to investigations remaining. I think members can have confidence that that is an appropriate course of action in circumstances in which we know that the existing system is working well, there has been no consultation with police and it will have no material impact on the rest of the bill.

Division

Clause put and a division called for, the Acting President (Hon Dr Sally Talbot) casting her vote with the ayes.

The ACTING PRESIDENT: Hon Dr Brad Pettitt, there is a standing order stating that you are not allowed to enter the chamber after the bells have stopped ringing.

Hon Dr Brad Pettitt: I think I was in before they stopped ringing.

The ACTING PRESIDENT: The advice of the people with me who had their eyes on you said that you were not.

The division resulted as follows —

Ayes (18)

Hon Klara Andric	Hon Peter Foster	Hon Stephen Pratt	Hon Dr Brian Walker
Hon Dan Caddy	Hon Lorna Harper	Hon Martin Pritchard	Hon Darren West
Hon Sandra Carr	Hon Jackie Jarvis	Hon Samantha Rowe	Hon Pierre Yang *(Teller)*
Hon Kate Doust	Hon Alannah MacTiernan	Hon Matthew Swinbourn	
Hon Sue Ellery	Hon Ayor Makur Chuot	Hon Dr Sally Talbot	

Noes (6)

Hon Peter Collier	Hon Donna Faragher	Hon Steve Martin
Hon Nick Goiran	Hon Dr Steve Thomas	Hon Colin de Grussa *(Teller)*

Pairs

Hon Wilson Tucker	Hon James Hayward
Hon Kyle McGinn	Hon Martin Aldridge
Hon Rosie Sahanna	Hon Neil Thomson
Hon Stephen Dawson	Hon Tjorn Sibma

Clause thus passed.

Clause 71 put and passed.

Clause 72: Part 10A inserted —

Hon NICK GOIRAN: As I indicated to members earlier, if clause 70 had been passed—it sought to delete the existing powers under section 195—it would have been important that the powers provided at clause 72 be agreed to because, in their absence, there would simply be no powers for investigation. Although in my view as shadow Minister for Child Protection and shadow Attorney General they have not been made out by the government for the reasons we discussed at clause 70, nevertheless they must be passed because of the situation in which we find ourselves. This bill was considered by the Standing Committee on Legislation in the last Parliament. Chapter 5 of its report deals with enforcement provisions and review and the powers of workplace inspectors and authorised officers. The committee made a number of recommendations, including recommendations 18, 19 and 20, that deal with this clause. Recommendation 18 states —

> The Minister representing the Minister for Child Protection explain, in relation to clause 71, —

Keeping in mind, parliamentary secretary, that clause 71 is clause 72 in this bill —

> proposed section 214C(4), the justification for providing an authorised officer with the power to enter a place in the absence of the occupier's informed consent or an entry warrant.

What is that explanation?

Hon SAMANTHA ROWE: The effect of proposed section 241C(3) and (4) is to authorise an authorised officer or an industrial inspector to enter a place without informed consent of its occupier or an entry warrant. These proposed subsections do not provide an unqualified right to enter; they apply only to a place in which a child is employed or the officer or inspector believes on reasonable grounds a child is employed or may be employed in the future. Further, the authorised officer or industrial inspector may enter only at a reasonable time and only for the purpose of investigating a suspected offence under part 7 of the act relating to the employment of children or to monitor compliance with that part of the act. These powers provide an extra level of safety and protection to children who may be at risk as a result of employment in breach of part 7. Proposed section 241C(3) is broadly consistent with section 195(2) of the act, except that section 195(2) is silent in respect of occupier consent or an entry warrant. It was always intended that the entry power in section 195(2) could be exercised without occupier consent or an entry warrant. In this regard, it should be noted that the act currently does not include any provisions for an application to be made for an entry warrant. Proposed section 241C(4) puts the matter beyond doubt by making express provision to the effect that occupier consent or an entry warrant are not required if the criteria set out in proposed subsection (3) are met.

It should be noted that proposed section 241C(4) is consistent with section 98(3) of the Industrial Relations Act 1979, which provides inspectors with powers to check compliance with the act, and section 42(2) of the Child Care Services Act 2007.

Hon NICK GOIRAN: The nineteenth recommendation from the Standing Committee on Legislation in respect of this same provision also said that the government—in this case the parliamentary secretary—provide to the Legislative Council —

> a) an explanation of whether the lack of compliance may be admissible evidence in proceedings for the offence of failing to comply with a direction

b) justification for the abrogation of the privilege against self-incrimination in relation to all offences under the *Children and Community Services Act 2004*.

Does the parliamentary secretary have an explanation for that?

Hon SAMANTHA ROWE: Honourable member, I do. For part (a), the committee would like to know whether a lack of compliance with a direction under proposed section 241E(1) may be admissible evidence in proceedings for the offence in proposed section 241G of failing to comply with a direction without reasonable excuse. Proposed section 241E(1) provides that an authorised officer or an industrial inspector may do various things for an authorised purpose, including direct a person to give information or to answer a question. Proposed section 241E(5) provides that any information or answer given in compliance with a direction under proposed subsection (1) is not admissible in criminal or civil proceedings other than proceedings for perjury or the offence of giving false information under proposed section 244. To bring a prosecution for failing to comply with a direction under proposed section 241G, evidence of the noncompliance would be needed. Proposed section 241E(5) is not relevant here because that proposed subsection applies only in the context of an individual who has complied with a direction.

For part (b), proposed section 241E(1) provides that an authorised officer or an industrial inspector may do various things for an authorised purpose, including direct a person to give information, answer a question or produce a record or document. Proposed section 241E(4) states that a person is not excused from complying with a direction under this section on the ground that doing so might tend to incriminate the person or render the person liable to a penalty. This is broadly consistent with what is currently provided in section 195(6) of the act. However, as pointed out by the committee, section 195(6) only applies to directions given for the purpose of the "Employment of children" provisions in part 7 of the act, whereas proposed section 241E(4) will also apply to directions given for the purpose of investigating a suspected offence under another part of the act. Proposed section 241E(4) is equivalent to section 43(1) of the Child Care Services Act 2007.

The experience of the department in the childcare sector is that these types of provisions are typically used to issue directions to people who are witnesses to suspected offences—for example, employees with competing loyalties or contractual duties of confidentiality who may wish to assist an investigation but are concerned about being seen to act on a voluntary basis. The giving of a direction means that the department can access a potentially valuable source of information while at the same time the employee can preserve their relationship with the employer under investigation. There is frequently little or no purpose in issuing a direction to a person of interest in an investigation. This is because proposed section 241E(5) provides that any information or answer given in compliance with a direction is not admissible in evidence against the individual in criminal or civil proceedings other than proceedings for perjury or an offence under section 244 of the act of giving false information. In any event, no weight could be placed on information or answers given by a person of interest and the preferable course of action would be to apply for an entry warrant. It is considered appropriate that this investigative tool be an available option in respect of all offences under the act.

Clause put and passed.

Clauses 73 to 76 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

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

CONSTITUTIONAL ELECTORAL LEGISLATION AMENDMENT (ELECTORAL EQUALITY) BILL 2021

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon Matthew Swinbourn (Parliamentary Secretary), read a first time.

Second Reading

HON MATTHEW SWINBOURN (East Metropolitan — Parliamentary Secretary) [5.33 pm]: I move —

That the bill be now read a second time.

I rise to introduce the Constitutional and Electoral Legislation Amendment (Electoral Equality) Bill 2021. The purpose of the bill is to establish a whole-of-state electorate, abolish group voting tickets and introduce optional preferential voting for the Western Australian Legislative Council. Each of the six existing regions will be replaced with a whole-of-state electorate for the Council. The bill will remove the reference to the metropolitan area of Perth in the Electoral Act 1907 because the metropolitan boundary will no longer be used to delineate the three contiguous

regions known as North Metropolitan, South Metropolitan and East Metropolitan. The bill will amend the Electoral Act 1907, the Constitution Act 1889 and the Constitution Acts Amendment Act 1899 and will make consequential amendments to the Local Government Act 1995 and the Salaries and Allowances Act 1975. The bill will repeal the Electoral (Ballot Paper Forms) Regulations 1990. This bill will reform the Legislative Council, addressing well-known anomalies that have been canvassed from multiple quarters both interstate and locally over a long time.

In the words of Australia's leading electoral analyst, Antony Green, AO, in his blog in March 2021, "The WA Legislative Council's electoral system is the worst in the country." Western Australian political commentator Paul Murray wrote in 2017 that the Council "has a long and inglorious history as the most undemocratically elected parliamentary chamber in Australia". Veteran political scribe Peter Kennedy earlier this year described the Legislative Council as "the last blatant gerrymander in Australian politics". The WA Legislative Council has the most extreme malapportionment of any state or territory in Australia. It lags behind most legislatures in the developed world. A whole-of-state electorate is not a unique proposal. The South Australian and New South Wales upper houses have been elected using the state as a single electorate for many years. In South Australia, the change to become a single statewide upper house electorate was introduced in 1973 by the Dunstan government and contested for the first time in 1975. In 1977, the Wran government introduced reforms to provide for members of its Legislative Council to be elected by voters across the whole state of New South Wales. Neville Wran's reforms also transformed the New South Wales Council from a house indirectly elected by the members of Parliament in joint sittings to a house directly elected by the people—a change that required a referendum at the time. The introduction of a whole-of-state electorate did not require a referendum in New South Wales, and it does not require a referendum here in WA.

As far back as 1995, the Western Australian Commission on Government concluded that there is no justification for the electoral system to be weighted on a geographical basis because proportionality will ensure that a diversity of views are represented in the Legislative Council. The Commission on Government was established by the then Premier, Richard Court, as his government's response to shortcomings in governance exposed by the WA Inc royal commission.

I turn now to group voting tickets. The problem of malapportionment, or regional vote weighting, is compounded by the group voting tickets system in the Council. Groups lodge an automatic list of preferences enabling electors to simply number one box and have their preferences distributed to each of the other candidates in accordance with the wishes of the group they voted for. The system was first introduced in the Australian Senate as a solution to the chronic high rates of informal voting and designed to make voting easier while retaining full preferential voting. At the time of implementation in Western Australia, there were fewer political parties and it was not anticipated that the group voting tickets system would be the catalyst for the formation of new parties. Over time, parties learnt how to engage in preference swaps to "game" the system by what is now known as "preference harvesting". The preference arrangements, although published on the website of the Western Australian Electoral Commission and in a limited number of other places such as the ABC election pages, are neither well understood nor visible to the vast majority of WA electors. Because the system deals with preferences in an opaque manner, it effectively stymies elector choice. The group voting tickets system has now been abolished in the Australian Senate and in the electoral systems for the upper houses of New South Wales and South Australia. The combined effect of malapportionment and group voting tickets resulted in the anomalous election of a Daylight Saving Party candidate with 98 primary votes or just 0.2 per cent of the vote in the Mining and Pastoral Region of the Legislative Council.

Hon Wilson Tucker was elected to the Mining and Pastoral Region, a region with just 69 651 enrolled electors at the 2021 election. This compares with 449 182 electors in the South Metropolitan Region, 427 779 in the North Metropolitan Region, 423 759 in the East Metropolitan Region, 242 983 electors in the South West Region and 103 378 electors in the Agricultural Region. Each of these regions elects six members, producing the undemocratic vote weighting that Antony Green, Paul Murray and Peter Kennedy highlighted.

In April this year, the Minister for Electoral Affairs established the Ministerial Expert Committee on Electoral Reform to conduct a review into the electoral system for the Legislative Council. The committee's terms of reference were to make recommendations on how electoral equality might be achieved for all citizens entitled to vote for the Council and recommendations on the distribution of preferences. The committee was chaired by eminent barrister, Mr Malcolm McCusker, QC, who was also WA's thirty-first Governor. Its other members included John Curtin Institute of Public Policy executive director, Professor John Phillimore; Law Reform Commission of WA member and University of Western Australia Law School professor, Professor Sarah Murray; and University of Notre Dame Director of Public Policy, Associate Professor Martin Drum. Submissions to the Ministerial Expert Committee on Electoral Reform from the WA public and stakeholders widely condemned the group voting tickets system.

I turn now to regional vote weighting, and pose the following questions: Why should a vote in Kalgoorlie be worth 3.5 times more than a vote in Albany? How is it fair that a vote in Kalbarri is worth 1.5 times more than a vote in Geraldton or that a vote in Broome is worth 6.2 times more than a vote in Burns Beach? Wundowie is just nine kilometres down the road from Wooroloo and yet a vote in Wundowie is worth four times more than a vote in Wooroloo. This bill will abolish both group voting tickets and malapportionment in the Legislative Council.

There are widely accepted fundamental principles for a democratic parliamentary electoral system. Two of the most important democratic principles of Parliament are representation of the people and accountability to the people. The basic task of a democratic electoral system is to translate votes of the people into seats—to transform the expressed will of the voters into people who will represent it. Representation is key to designing a fair system.

Equally, it is important that the mechanisms of the electoral system be as transparent as possible and known to voters, political parties and candidates well in advance in order to avoid confusion and distrust in the results they produce at elections. An electoral system must also be inclusive. This means that not only as many citizens as possible are able to vote, but also it does not discriminate against any one group in society, minority or otherwise. These are not controversial principles; they are widely accepted. Indeed, in 1980 Australia ratified the International Covenant on Civil and Political Rights, which states at article 25 that every citizen has the right to vote and that vote shall be of equal value.

Let me take members through the history of the Legislative Council. The franchise for the Legislative Council has continually evolved over the last 130 years. The Legislative Council was established in 1832, and included five official members, all of whom also constituted the Executive Council. From 1870, the Council was partially elected; that is, some members took office after being elected while others were Legislative Councillors by virtue of appointment. In 1890, Western Australia gained self-government in most domestic matters and was given a constitution establishing a system of parliamentary responsible government. The Legislative Council was reconstituted as the upper house of the new Parliament. It was not until the Constitution Act Amendment Act 1893 that the Legislative Council became fully elected; however, that franchise remained limited to landowners and those of a prescribed level of income. The initial changes during the 1890s were to reflect an increase in metropolitan population.

During the period 1894 to 1962, voting for the Legislative Council remained voluntary. The franchise for the Legislative Council underwent change, particularly in its first 20 years. In 1899, it was altered to permit joint owners of property to vote, adding a new category of voter to the Legislative Council's enrolment rolls. The vote was also given to women who met the property qualifications during this year, ending the Council's history as a house elected solely by males with property. Women were not permitted to stand as candidates until 1920. The restrictive property qualifications that maintained the Legislative Council's position as a house representing wealth and property were relaxed in 1911. There were, however, no other major changes to the franchise until 1962, when Indigenous Australians and the spouses of property owners were acknowledged as qualifying to vote.

Universal suffrage was finally introduced in 1963, with the Constitution Acts Amendment Act (No. 2) 1963, and the Council consisted of a series of two-member electorates, called provinces, with half the members being elected at each election for a six-year term. Since 1989, members have been elected via a form of proportional representation by single transferrable vote. Under this system, multiple members from a given region are elected by a combination of quotas and preferences. Following amendments contained in the Electoral Amendment and Repeal Act 2005, the number of members was increased to 36. The 2005 reforms, however, increased the previous level of regional vote weighting in the Legislative Council. The Council now comprises six regions and, as previously mentioned, each returns six members.

It is important to understand the role of the Legislative Council. The primary role of the Legislative Council is to be a house of review. It is not the role of the Legislative Council to mirror the Assembly in terms of its form and function. The Council reviews legislation brought from the Assembly and initiates bills that are not money bills and those with non-controversial subjects. The Council also has a role to scrutinise and review public appropriation and expenditure. The government is formed in the Assembly, regardless of the composition of the Council. The Legislative Assembly is the house of Parliament where the party or coalition that can maintain majority support on the floor of the Assembly puts forward its policies and major legislative initiatives.

In 1995, the Commission on Government report concluded that —

> Rather than merely duplicating the function of members of the lower house who are constituency representatives as well as members of the governing or opposition political parties, members of the upper house need to be encouraged to take a larger perspective of the governance of the State. Instead of focussing on their constituency and party concerns, the goal of any effective house of review should be to encourage those members to represent interests and ideas and thus think and act for the entire State rather than a particular constituency or political party. Only then can members effectively function as reviewers of government activities.

Members, this bill is steeped in equality, and democratic values. Malapportionment that benefits a select minority is a grievous and oppressive injustice to all other voters. Every voter, wherever they are, can claim to have unique circumstances that ought to be considered. Far from entrenching the major parties, in a whole-of-state electorate with 37 members the quota of the vote for a candidate to be elected will be just 2.63 per cent. This virtually guarantees that a range of diverse interests can access seats in Parliament. All interests will be able to compete on an equal basis for a share of parliamentary power.

At its heart, this bill seeks to restore the franchise of the individual over particular sectional interests. The basic unit of the community is the citizen. It is the citizen to whom the franchise should attach. Even this basic premise has proved controversial in our community over time. Voting rights have varied according to ethnicity, nationality, property ownership, marital status, sex, age, capacity and criminal history. Fundamental to our decency as a community should be a principled commitment to recognising and respecting the individual dignity of every citizen and to do so from the operating presumption of equality.

This bill, the electoral equality bill, is based on the recommendations of the final report by the independent Ministerial Expert Committee on Electoral Reform. I say "independent" in the following context. The government set the policy question—how to best achieve electoral equality in the Legislative Council. It then asked a panel of leading experts in electoral and constitutional law to turn their independent minds to providing the Minister for Electoral Affairs with the best way to achieve reform, drawing from their extensive expertise in the complex fields of constitutional law and psephology. It was called a ministerial expert committee because its purpose was to inform the minister. However, the question put to it was resolved using the independent exercise of the members' collective intellect. The committee called for public submissions and published a discussion paper to elicit responses from the community. A total of 184 submissions were received, the vast majority of which were published online.

I turn now to the main features of the bill, starting with the whole-of-state electorate. Proposed section 16C in the bill provides —

> The State is a single electorate (the ***whole of State electorate***) for the purposes of the election of the members of the Council.

Under a whole-of-state electorate, the vast majority of seats will be filled by groups or candidates reaching quota, maximising the choices available to voters. The quota will be drastically reduced from 14.28 per cent in the current regions to 2.63 per cent of the whole-of-state electorate.

Clause 19 will delete section 16H(1) from the Electoral Act 1907. This will remove the reference to the three contiguous regions, known as the North Metropolitan Region, being a region that is generally to the north of the Swan River; the South Metropolitan Region, being a region that is generally to the south of the Swan River; and the East Metropolitan Region, being a region that includes the hills and foothills of the Darling escarpment.

Clause 19 will also delete section 16H(2), which provides for the metropolitan area of Perth. There will no longer be regions, and the metropolitan boundary will no longer be used to delineate the three contiguous metropolitan regions. Minority viewpoints will be proportionately represented and it will permanently remove the need for both the drawing and, following demographic shifts, redrawing of electoral boundaries. One statewide electorate puts the level and range of diversity largely into the hands of electors.

Group voting tickets will be abolished in the Western Australian Legislative Council. In Australia, there are two types of divided ballots for upper houses. The first is divided ballots with group voting tickets—the current system in Western Australia and Victoria. The second type of divided ballot incorporates voter preferences both above the line and below the line. This type of ballot is used in New South Wales, South Australia and the Australian Senate. All three of these jurisdictions have abolished group voting tickets. The ministerial expert committee recommended that a whole-of-state electorate should be established in conjunction with the abolition of group voting tickets and the introduction of optional preferential voting, to give voters greater control over their preferences.

Voting will become an easier task, enhancing participation in elections. Under the existing system, all candidates had to be preferenced for a vote to be formal, subject to minor errors. At the last election, for some regions, this meant numbering as many as 64 squares below the dividing line on the ballot paper. This is akin to a wholly inappropriate numeracy test to earn the privilege of voting. Clauses 10, 63, 65, 68 and 73 of the bill will remove references to group voting tickets and voting ticket squares, and introduce optional preferential voting. Candidates will no longer be able to lodge a voting ticket with the Western Australian Electoral Commission that preferences all candidates in an election. This puts an end to a system that is, as I have noted, neither well understood nor visible to the vast majority of WA electors.

Electors will no longer be constrained by a compulsory preferential voting system but will be able to choose candidates under an optional or semi-optional preferential system. If they choose to vote above the line, they can number as many squares as they wish for the groups in their preferred order. If they choose to vote below the line, where there are more than 20 candidates, they must number "1" through "20" and can choose to preference all candidates but are not required to do so. In the rare event that there are fewer than 20 candidates, they must number all candidates when voting below the line.

In another significant consequence, this bill will increase the Legislative Council from 36 to 37 members. The bill will amend section 5 of the Constitution Acts Amendment Act 1899 to provide that the Council is to consist of 37 elected members. With an even number of seats, the vote by the community required to secure a majority of seats is above 50 per cent, often significantly so. Having an odd number of Council members makes it more likely for a party that wins a majority of votes in the community to win a majority of seats, thereby reflecting the will of the people. An odd number of seats also addresses the anomaly associated with the President's casting vote.

Currently, with 35 members entitled to a deliberative vote, there is very rarely the need for the President's casting vote. Increasing to 37 members means that if 36 members vote and the vote is tied, the President's casting vote will now have value.

Clause 4 of the bill will amend section 47 of the Constitution Act 1889 to provide that the Council cannot continue to operate if the election wholly fails or is declared absolutely void. Under the existing section 47, the Council may continue to operate in circumstances in which an election for a region failed or was void. Although this was appropriate in a regions-based electorate, it is not appropriate for a whole-of-state electorate. This amendment provides that the Council cannot continue to operate when the whole-of-state election fails or is declared absolutely void. An election would be deemed to have wholly failed if no candidate was nominated or no candidate was returned. This amends section 89 of the Electoral Act. In that case, a new writ will be issued for a supplementary election. In addition, prior to the amendments in clause 54 of the bill, a Council election would have always been deemed to have wholly failed if a candidate had died between nomination and close of polls.

Under section 162(3) of the Electoral Act, the Court of Disputed Returns has the power to declare an election absolutely void in circumstances in which illegal practices were committed in connection with the election. If any election is declared absolutely void, a new election is to be held, pursuant to section 172(1)(c) of the Electoral Act. When a person who is not qualified is elected under sections 76A or 76B of the Electoral Act, it can be contested in the Court of Disputed Returns and, if voided by the court, a new election will be held.

Clause 54 of the bill will amend the provisions relating to the death of a candidate. Under the act, a new election was required in every case when a candidate had died after close of nominations but before close of polls. The bill will now provide that, when more than one seat is to be filled and a candidate who dies during the relevant period is then elected, the vacancy provisions will continue to apply. Section 146E(7) and item 20 of schedule 1 of the Electoral Act will now provide that in the case of a multi-member election, when a candidate dies between nomination and close of polls, the recount provisions will also apply. Although a new election is appropriate for a single region, these amendments will avoid the need for a costly and time-consuming whole-of-state election. As I mentioned, under a whole-of-state election of 37 members, the quota for election will be just 2.63 per cent or approximately 45 000 votes. The ministerial expert committee recommended that measures be taken to minimise what could result in an unwieldy or impracticable ballot paper, such as the infamous "tablecloth" ballot paper in the New South Wales upper house election in 1999, which contained 233 candidates.

It is important that measures do not unduly restrict the ability of members of the community to nominate as a candidate, either individually or as a group. There should be opportunities for groups or candidates who have a genuine foundation of community support. The registration requirements for parties have been tightened to manage the size of the ballot paper. Clause 34 provides that two or more parties cannot rely on the same person as a member for the purpose of qualifying or continuing to qualify as an eligible political party. South Australia requires a party to have 200 unique members to gain registration and New South Wales requires 750 unique members. The federal government has just introduced a bill requiring 1 500 unique members. In line with the recommendations of the ministerial expert committee, the bill requires that applications for registration must be accompanied by 500 unique declarations as to membership of a party.

Clause 37 provides that parties cannot contest a general election—that is, have their name on the ballot paper, nominate candidates or receive electoral funding—unless they have applied to register at least 12 months prior to the issue of the writs. The ministerial expert committee recommended a six or 12-month period prior to the election date. Parties in Western Australia will now be required to pay a $2 000 fee on application, mirroring the arrangements in New South Wales.

Clause 39, which creates new section 62KA, provides that parties must provide annual returns for continued registration. This has been adopted from the New South Wales electoral system. It is the intention that a return will be signed by the relevant party official and require signed declarations from members only when the membership details of the 500 members change, or as required by the Western Australian Electoral Commissioner. This will allow the Electoral Commissioner to verify that each party continues to remain eligible for registration. The ministerial expert committee recommended that independent candidates must demonstrate a degree of popular support to access the ballot. The committee recommended that a significant number of electors be required to nominate an independent candidate and that these electors must not have nominated another candidate.

Clause 47 will require that independent candidates who apply for nomination are to have 250 supporting declarations from enrolled electors, thereby demonstrating community support for their nomination. This mirrors the requirement in South Australia. Currently, the nomination fee for candidates in WA is $250. The ministerial expert committee recommended that the fee be increased given that the candidate is seeking statewide support. South Australia requires a $3 000 nomination fee for upper house candidates. New South Wales requires $500.

Clause 49 of the bill will increase the fee for Legislative Council candidates to $2 000, but it will be capped at $10 000 for five or more candidates. As per existing provisions in the Electoral Act, the nomination fee will be returned should a candidate be elected or their group achieve four per cent of the primary vote.

The bill provides measures that will ensure that the size of the ballot paper is manageable. On the divided ballot paper used for Legislative Council elections in Western Australia, Independent candidates are grouped below the line in the same columns to prevent the ballot paper from stretching horizontally in an unwieldy fashion. The government recognises that a new quota of 2.63 per cent could lead to an increase in the number of candidates; therefore, it is critical that the size of the ballot paper is managed so as not to repeat the chaotic tablecloth ballot that occurred in New South Wales. Managing the size of the ballot paper includes recognition that attaining a square above the dividing line on the ballot paper is a privilege. Government formed the view that it is not unreasonable for groups to have a minimum number of candidates in order to attain a square above the dividing line on the ballot paper. Clause 63 will insert new section 113B(5)(b), which provides that groups are entitled to a square above the line when there are five or more candidates in the group.

Clause 63 also will insert new section 113B(3)(b) and (c), which provides that in the case of an election where more than one Legislative Council seat is to be filled and where there are two or more groups, registered party groups are to be printed in columns sequentially from the left across the ballot paper, followed by other groups, and that the order within both groups will be in accordance with section 80(1). Clause 63 also will insert new section 113B(3)(d), which provides that ungrouped candidates are to be printed in one column or, if there are too many names, in two or more columns, in the order determined under section 87(6).

Previously, the death of a candidate for a region between the close of nominations and close of polls required a new election for the region. Clause 54 will amend section 88 of the act so that a new election will not be required in every instance. Section 146E(7) will be amended and new clause 20 will be inserted into schedule 1 to provide that in the case of the death of a candidate for the Council, when more than one seat is to be filled and there are more candidates than seats, the vacancy provisions will apply so that there is a recount of candidates. Without these amendments there would be the requirement and expense of holding a new election for the whole of the state following the death of any candidate for the Council between nomination and the close of polls.

The bill will insert new part 9 into the act to provide for a transition period. The act will continue to apply if a vacancy arises in the Council prior to 22 May 2025 and members in the Council continue to represent regions before the commencement of the amending provisions or, in the case of a vacancy occurring in the Council, before 22 May 2025.

New section 217 provides for continued registration of parties following commencement of the act. All existing parties may apply for continued registration within 12 months after commencement of the act. If they do not apply, their registration will be cancelled. If they do apply, their application will be considered under the new registration provisions in new section 217(1) and (3).

New section 217(3) provides that the Electoral Commissioner must cancel a party's registration if the party does not make an application within 12 months of commencement of the act or if satisfied that the application would have been refused under section 62J.

Before I commend the bill to the house, let me emphasise that this bill will achieve electoral equality for all electors in Western Australia. It will not reduce regional representation, as any citizen can nominate to run as a candidate and would require only 2.63 per cent of the vote to be elected, rather than the 14.28 per cent as is the case now. It will retain proportional representation in the electoral system for the Legislative Council. The bill will provide for an electoral system that will reflect the expressed will of the voters. All Western Australians want a system that is fair. The new model will mean that the percentage of votes a political party receives determines the percentage of seats they will win. It cannot be fairer than that. It does not discriminate against any one group in society. It will provide every voter in Western Australia, regardless of their postcode, with 38 representatives—their local lower house member and 37 upper house members. The group voting tickets system, which has been roundly criticised by the public and stakeholders, will be abolished. Preferences will now be transferred according to the voter's will and not from party to party without the voter's consent. Sensible measures will be introduced to manage the size and design of the ballot paper.

Geared as it is towards advancing the interests of all Western Australian voters, it is fitting for the last word on this bill to go to a member of our community. I quote Gerald Hitchcock, who wrote to the ministerial expert committee —

> Your vote must count the same whether you live in Esperance or Success, in Hall's Creek or Margaret River. Whether you feature in the Rich List or on Centrelink records. Whether you are dynamic and innovative or phlegmatic and compliant. Whatever kind of person you are, and wherever you live, you are equally subject to the laws, and so should have an equal say in determining who makes those laws.

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

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

[See paper 799.]

Debate adjourned, pursuant to standing orders.

PREGNANCY AND INFANT LOSS REMEMBRANCE DAY

Statement

HON DONNA FARAGHER (East Metropolitan) [6.04 pm]: I rise tonight to say a few words in advance of Pregnancy and Infant Loss Remembrance Day, which will be formally recognised tomorrow, 15 October. It is a day that has now been recognised in this state since 2014. As we have a few new members in this place, this is perhaps an opportunity to reflect on the history of how this day came to be recognised in WA. Back in 2013, a lady by the name of Kate De'Laney, whom I will say a little more about in a moment, put pen to paper and wrote to the then Premier, Colin Barnett, with a request that Pregnancy and Infant Loss Remembrance Day be formally recognised in this state. I was the Premier's parliamentary secretary at the time and I recall that after he had received that letter, he called me in for a chat. He thought that recognition of the day was important and a very good idea, but he wanted my thoughts on the proposal. My response to Colin was very clear: it was a definite yes from me. So then began the process of ensuring that the day was formally recognised in this state, and that obviously occurred the year following, in 2014.

Every day, here in this state, across Australia and obviously around the world there will be families who are grieving the loss of their baby, whether through miscarriage, stillbirth or having a child who has died shortly after birth. Although there have been significant medical advances in research and treatment over the years, the very sad reality is that one in every five Australian women will endure the loss of a baby in their lifetime, and in some cases it will occur on more than one occasion. Often even today, this loss is not talked about openly, yet the grief of the families is real and prolonged. It is because of this that this day is very important. It is an important day to recognise this grief. It is an important day to recognise the doctors, medical professionals and researchers who work in this field. It is a day to recognise those who provide important pastoral care and support to families who are grieving. It is an important day to raise awareness and understanding.

As I do every year, I particularly want to recognise the dedication and commitment of John and Kate De'Laney in ensuring that this day was formally recognised in this state. For those members who do not know, Kate lost seven babies through miscarriage. Every year, John and Kate come to Parliament, as they did today, to listen to the ministerial statements that are made both in the other place and here in the Council. They bring with them their lovely daughter, who is my very good friend Mary-Jane. It is because of them that this day is recognised. It is also because of their advocacy that this year we saw federal Parliament agree to a motion to recognise the day at a national level. In my view, and I think everyone would agree, that is a great achievement. I know that other states had already formally recognised the day like us, but subsequent to that decision of the federal Parliament, other states and territories have now moved similar motions in their Parliaments to acknowledge or recognise the day. Although members might not notice, in addition to the blue and pink ribbons I am wearing today, I have a little lapel pin in the shape of Australia, with pink and blue. I see that the President has one, too! That was given to me by John, Kate and Mary-Jane, and clearly to the President as well, after the motion had passed successfully through the federal Parliament. They provided some of those pins to members and others who have been supporters of their cause. I am very pleased to be able to wear it today.

In closing, I have one favour to ask of the President. The President will know that in previous years Parliament House has had coloured lighting to light up the house in colours to mark important days throughout the year. I am aware that the lighting was not the best and as such a decision was made in the last Parliament that it would not continue until such time as improvements to the lighting were made. I appreciate that that perhaps requires some additional funding at some point. I am happy to assist the President to advocate to secure additional funding through the Treasurer for Parliament in the future or to find a way that Parliament can ensure that the lighting can be fixed. It might be a small thing for many, but having Parliament House reflect the colours of important days is actually important for many people. I certainly hope that this time next year the house will be lit up in pink and blue for all to see.

With that, I am looking forward to attending the service, which the President has attended with me many times, tomorrow at the rose garden at King Edward Memorial Hospital for Women to once again recognise this important day.

House adjourned at 6.11 pm