Parliamentary Debates
(HANSARD)

FORTY-FIRST PARLIAMENT
FIRST SESSION
2021

LEGISLATIVE COUNCIL

Tuesday, 22 June 2021

Legislative Council

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

PROTECTION OF INFORMATION (ENTRY REGISTRATION INFORMATION RELATING TO COVID-19 AND OTHER INFECTIOUS DISEASES) BILL 2021

Assent

Message from the Governor received and read notifying assent to the bill.

PARLIAMENTARY HANDBOOK

Statement by President

THE PRESIDENT (Hon Alanna Clohesy) [2.04 pm]: The twenty-fifth edition of the *Parliamentary handbook* is currently being prepared for publication. This important publication forms part of the historical record of your service and contributions as a member of the Council. On your desk you will find a copy of your biographical entry as it will be published in the handbook. Please take a moment to review this document, note any amendments you may wish to make and then hand the form back to the chamber staff. A Word version has also been emailed to you. If no response is received by Friday, 2 July 2021, it will be assumed that your entry is correct and will be printed as such.

VISITORS — ST PATRICK'S SCHOOL

Statement by President

THE PRESIDENT (Hon Alanna Clohesy) [2.05 pm]: Before I call for petitions I would like to welcome the students of St Patrick's School to the Legislative Council and acknowledge them in the public gallery. You are very welcome to the Legislative Council. We hope you enjoy your time with us.

Members: Hear, hear!

MINES, INDUSTRY REGULATION AND SAFETY — BUILDING PRACTICES — COMPLIANCE

Petition

HON NICK GOIRAN (South Metropolitan) [2.05 pm]: I present a petition containing four 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 support this petition, in the public interest, requesting an inquiry into the governance of DMIRS and residential/commercial building practices relating to compliance required under the relevant acts, regulations, codes, policies and public accountability as listed:
>
> - Building Act 2011, when introduced, removed the authority for LGAs to inspect the construction of homes. This has placed all regional areas of WA at a severe disadvantage as the services of building inspectors, structural engineers and private building surveyors are not readily available. There is very little information available to WA homeowners about their responsibility to ensure that they employ a private building inspector, since this is no longer the authority of LGAs;
> - Performance solutions can be provided when deviations from standards are engineered into a house plan and are required to be attached to the application to the LGA, but it appears this is not the case. They are not a remedy for defective noncompliant work;
> - *Building Services (Registration) Act 2011* s29 requires all SAT orders to be registered but BEI have had a database restriction preventing the uploading of information on to the Register for the last nine years. This has only recently been remedied;
> - Building inspectors who are undertaking work to identify such things as structural defects are not registered nor do they need any industry experience;
> - Homeowner/public access to the Australian Standards was revoked from all national libraries approximately two years ago due to a breach and has not been restored. Access to Australian Standards details for the public is required;
> - There is a lack of referrals to LGAs for noncompliant work when detected in site audit inspections by BEI inspectors. BEI inspectors do not have the power/authority to accept defective work, performance solutions and variations to a building contract without the homeowner's knowledge;

- Builders can choose to have their cases for serious offences dealt with by the BSB rather than SAT as the penalties are less than those at SAT;
- Since engineers and architects are exempt from Australian Consumer Law guarantees to provide a service fit for purpose, it is imperative that engineers and architects be registered in Western Australia;
- *Home Building Contracts Act 1991* s28 prevents builders from contracting out of their liability/warranty, as advised by WA Consumer Protection. However these waivers are being included in private contracts/agreements;
- The WA Government has been slow to implement the recommendations of the Shergold Weir report (2018), WA Auditor General reports and reports recommending the registration of engineers;
- Defective, noncompliant works detected or reported, and which breach *Building Act 2011* s27 and s37 requirements, are not being referred to LGAs or addressed adequately to protect homeowners;
- BEI and SAT processes and decisions are biased toward builders and routinely adversely affect homeowners.

We therefore ask the Legislative Council to support a committee inquiry addressing the matters raised and dependent on the findings refer this Petition's concerns to an appropriate authority for further investigation in the public interest.

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

[See paper 327.]

JOINT SELECT COMMITTEE ON PALLIATIVE CARE IN WESTERN AUSTRALIA

Final Report — Palliative care in Western Australia—Progress report — Government Response — Statement by Minister for Mental Health

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Mental Health) [2.09 pm]: I rise to inform members of the house that the McGowan government welcomes the findings and recommendations made by the Joint Select Committee on Palliative Care in Western Australia in its final report, released on 19 November 2020. We acknowledge the work of the committee in conducting this inquiry, including the extensive stakeholder consultation that occurred across the sector to inform the findings and recommendations of the report. Palliative care, and end-of-life care more broadly, has been a major focus of the McGowan government in recent years, particularly following the release of the first report of the Joint Select Committee on End of Life Choices, *My life, my choice*.

Although much progress has been made throughout WA in palliative care, demand for these services will continue to grow with more people living longer with chronic life-limiting conditions. It is therefore important to continue working to achieve the system-wide changes required to improve access to and raise awareness of palliative care, which aims to improve the quality of life of people facing life-limiting illness and their family or carer through the prevention and relief of suffering.

Many of the findings and recommendations made in the final report build on preceding and current work being undertaken by the Department of Health and aligns with the direction and objectives outlined in the *WA end-of-life and palliative care strategy 2018–2028*. The report noted considerable progress on a range of initiatives. It also highlighted gaps in which further work is required, particularly around addressing workforce issues, further increasing access to palliative care services, facilitating system navigation and supporting community-based volunteer groups that provide invaluable support and services to patients with life-limiting illnesses, their families and carers. The report also addresses the need for better data collection to accurately record palliative care activity and better inform funding processes.

The McGowan government will continue to work with the sector around these issues to ensure palliative care services are widely accessible to those who need it. Work has already commenced in the Department of Health regarding the planning, governance and resources required to support the range of activities that work toward achieving the recommendations outlined in the report.

I now table the government's response to the Joint Select Committee on Palliative Care in Western Australia.

[See paper 328.]

ASIAN RENEWABLE ENERGY HUB

Statement by Minister for Hydrogen Industry

HON ALANNAH MacTIERNAN (South West — Minister for Hydrogen Industry) [2.13 pm]: Our government is very concerned and perplexed by the premature rejection of the expanded Asian Renewable Energy Hub project proposal. The project is a globally scaled wind and solar renewable energy project 220 kilometres north of Port Hedland, with the potential to transform the Pilbara economy and to set a path to decarbonisation. In October 2020, the project

received state government environmental approvals for the first 15-gigawatt stage. The federal government granted it major project status late last year and, on 16 December 2020, conditionally approved the first stage under the commonwealth's Environment Protection and Biodiversity Conservation Act 1999. On receiving environmental approvals for stage 1, the project proponents made submissions for an expanded 26-gigawatt second stage to the Western Australian Environmental Protection Authority.

Key revisions from the original project include the addition of downstream processing facilities utilising seawater and renewable power to produce green hydrogen and ammonia; the building of desalination plant intake and discharge pipelines; ammonia production export pipelines and load out, which will extend into commonwealth waters approximately 20 kilometres offshore; replacing fly-in fly-out or drive-in drive-out construction and operation workforce models with the construction of a new town.

In May 2021, the public consultation period commenced for the expanded second stage of the project under the commonwealth EPBC act. This referral was made with the understanding that the state environmental assessment was already underway at the level of public environmental review. Last week, the federal Minister for the Environment made a determination that the revised proposal was "clearly unacceptable". Acknowledging that the expanded project has more complex environmental considerations that will need to be worked through, this decision at such an early stage is perplexing. The decision appears to have occurred with no meaningful engagement by the federal government with either the proponent or the state. Typically, with complex projects, the federal government would work closely with the proponent and the relevant state government agencies to identify issues of concern and attempt to resolve potential environmental impacts before making a final ruling. This does not appear to have occurred on this occasion and the project has been summarily rejected.

The federal ruling was made just one month after the referral of the project was made. By contrast, the initial Adani coalmine approval was worked on for four years. The rapid rejection of this project sends the wrong messages about Australia as a leader in the emerging renewable hydrogen industry, and has potentially far-reaching implications for proponents considering investing in hydrogen in Australia. This project has the potential to show just how we can transition away from fossil fuels towards green energy generation. I urge the federal government to work constructively with the proponent to work through any issues of concern.

Point of Order

Hon PETER COLLIER: President, I was just listening to that ministerial statement. I refer you to standing order 103(2), which states —

> A statement must impart factual information relating to public affairs, and must not contain debateable matter other than matter that is inherent in the content of the statement.

President, that statement most definitely contained debatable material.

Several members interjected.

The PRESIDENT: Order! I am taking advice and I would welcome that advice being taken in silence.

I was listening intently to the minister's statement and I considered that although it was not within the usual language of some other ministers—it was unique to that minister—it contained factual information and opinion and expressed disappointment. All those—disappointment and opinion—I do not consider in the context of this statement to be debatable. There is no point of order.

PAPERS TABLED

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

STANDING COMMITTEE ON PUBLIC ADMINISTRATION

Thirty-sixth Report — Terms of reference: Inquiry into the delivery of ambulance services in Western Australia — Tabling

HON PIERRE YANG (North Metropolitan) [2.24 pm]: I am directed to present the thirty-sixth report of the Standing Committee on Public Administration, titled *Terms of reference: Inquiry into the delivery of ambulance services in Western Australia*.

[See paper 329.]

Hon PIERRE YANG: The report that I have just tabled advises the house that on 17 June 2021, the Standing Committee on Public Administration resolved to establish an inquiry into the delivery of ambulance services in Western Australia—in particular: how 000 ambulance calls are received, assessed, prioritised and dispatched in the metropolitan area and in the regions; the efficiency and adequacy of the service delivery model of ambulance services in metropolitan and regional areas of Western Australia; whether alternative service delivery models in other jurisdictions would better meet the needs of the community; and any other matters considered relevant by the committee. The committee intends to table its report by March 2022.

BILLS

Notice of Motion to Introduce

1. Transport Legislation Amendment (Identity Matching Services) Bill 2021.

Notice of motion given by **Hon Sue Ellery (Leader of the House)**.

2. Fair Trading Amendment Bill 2021.

Notice of motion given by **Hon Alannah MacTiernan (Minister for Regional Development)**.

TEMPORARY ORDERS

Notice of Motion

Hon Sue Ellery (Leader of the House) gave notice that at the next sitting of the house she would move —

That the temporary orders set out in the attached schedule be adopted and agreed to until their expiry at the end of the forty-first Parliament.

[The schedule is as follows.]

TEMPORARY ORDER

MOTIONS ON NOTICE

1. Duration of Temporary Order

This Temporary Order applies from 1 July 2021 until the end of the 41st Parliament.

2. Definitions

For the purposes of this Temporary Order a Private Member means a member who is not:

(a) a Minister;

(b) a Parliamentary Secretary; or

(c) the President.

3. Quota

(1) Subject to (2), the number of opportunities available to members of a political group in each calendar year of sittings shall be a quota calculated as the sum of:

$$\left(\frac{\text{Number of Private Members of political group}}{\text{Total Private Members}} \times 100\right) \times \left(\frac{\text{Number of sitting weeks}}{100}\right)$$

rounded to the nearest whole number.

(2) Where the sum of quotas exceeds sitting weeks or a political group has a quota of zero, the quota of the political group comprising the greatest number of members supporting the Government shall be reduced so that as the case requires:

(a) the sum of quotas equals sitting weeks; and

(b) each other political group has a minimum quota of one.

(3) As each item of business is disposed of, the quota of the relevant political group reduces accordingly.

(4) No political group shall in any calendar year exceed its quota unless provided for in this Temporary Order or the Council otherwise orders on motion without notice.

4. Annual schedule of allocation

(1) Standing Order 66 is suspended for the duration of this Temporary Order.

(2) There shall be an Annual Schedule of Allocation of Motions on Notice for business taken under Standing Order 15(2) which sets out the pro rata allocation of dates between political groups in accordance with their respective quota.

(3) The President shall table the Annual Schedule of Allocation of Motions on Notice:

(a) following the tabling of a schedule of dates for sittings of the Council under Standing Order 6, which is to apply for the forthcoming calendar year; or

(b) following a general election when members of the Council are declared elected, which is to apply to the calendar year from when those members take their seats.

(4) The Annual Schedule of Allocation of Motions on Notice tabled under (3), and any subsequent variations to the Schedule under (5) or (6)(b), shall be published in the Weekly Bulletin.

(5) Subject to (8), the Annual Schedule of Allocation of Motions on Notice shall only be varied:

(a) to take into account any change to the Business Program ordered by the Council under Standing Order 17; or

(b) by an agreement to exchange allocated dates that is communicated in writing to the Clerk by each of the parties to the exchange by 4.00pm on the Wednesday prior to the earliest allocated date that is the subject of the exchange agreement.

(6) Subject to (7), at the time for publication of the Weekly Bulletin on the Friday preceding the sitting week, the Clerk shall publish the first mentioned notice of motion listed on the Notice Paper in the name of the Member of the political group allotted the business under SO 15(2) in the Annual Schedule of Allocation of Motions on Notice.

(7) Where multiple notices of motion in the names of Members of the political group allotted the business under SO 15(2) are listed on the Notice Paper and the leader of that political group advises the Clerk in writing by 10.00am on the Friday preceding the sitting week of an alternative listed notice of motion, the Clerk shall publish that notice of motion in the Weekly Bulletin.

(8) If no notice of motion in the name of a Member of the political group allotted the business under SO 15(2) is listed on the Notice Paper by 10.00am on the Friday prior to the allocated date, unless the Council otherwise orders on motion without notice:

(i) business to be taken under Standing Order 15(2) for the following week shall be vacated and the Council is to proceed to other business; and

(ii) the political group listed on the Annual Schedule of Allocation of Motions on Notice for the following week shall have its total quota allocation in the Schedule reduced as if the allocated session for Motions on Notice had proceeded.

(9) The consideration of notices taken under Standing Order 15(2) for the period from the opening day to when members elected at the general election take their seats shall be selected by lot drawn by the President on the adjournment of the opening day.

5. Debate on motions on notice

The total time for debate on each motion on notice and speaking times in Chapter IV are amended as follows:

(1) SO 21 Time Limits on Speeches is amended by inserting after the time limits under the heading "Bills (Second and Third Reading)", the following:

Motions on Notice (SO 15(2))

Mover	20 minutes
Responsible Minister or Parliamentary Secretary	20 minutes
Other Members	20 minutes
Mover in Reply	5 minutes
Amendments to Motions on Notice	
All Members	5 minutes

(2) SO 23 Maximum Time Limits for Certain Business Items is amended by deleting paragraph (a) in clause (1) and inserting instead:

(a) Motions on notice (SO 15(2)) 120 minutes

6. Reply and disposal of business

(1) When an item is not earlier disposed of, at 5 minutes before the end of the time provided for the consideration of the item, the President is to interrupt proceedings to allow the mover of the motion to speak in reply for not more than 5 minutes. If the mover elects not to make a reply the member interrupted may continue their speech.

(2) At the close of debate or at the expiry of the maximum time limit, the President is to put every question necessary to dispose of the motion forthwith and successively without further amendment or debate, unless the motion is withdrawn as provided by the Standing Orders.

(3) When an item is disposed of prior to the expiry of the maximum time limit the period for motions on notice concludes and the Council is to proceed to other business.

TRAFFIC OFFENCES — TETRAHYDROCANNABINOL

Notice of Motion

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

That this house urges the McGowan government to legislate to introduce a complete defence to the presence of THC in a driver's oral fluid or blood in circumstances where —

(a) the driver has a valid doctor's prescription for a medicine containing THC;

(b) the offence does not involve dangerous or reckless driving; and

(c) an officer has not established driver impairment.

TEMPORARY ORDERS — MOTIONS ON NOTICE

Made Order of the Day — Motion

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

That the notice of motion I have just given for the temporary orders in relation to motions on notice be made an order of the day for the next sitting of the house.

PARLIAMENTARY SUPERANNUATION BOARD

Appointment of Members — Motion

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

That Hon Martin Pritchard and Hon Dr Steve Thomas be appointed as members to the Parliamentary Superannuation Board.

PARLIAMENTARY SERVICES COMMITTEE

Appointment of Members — Motion

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

That the following members be appointed to the Parliamentary Services Committee —

Hon Martin Aldridge, Hon Donna Faragher, Hon Peter Foster, Hon Lorna Harper and Hon Shelley Payne.

BUILDING AND CONSTRUCTION INDUSTRY (SECURITY OF PAYMENT) BILL 2021

Committee

Resumed from 16 June. The Chair of Committees (Hon Martin Aldridge) in the chair; Hon Alannah MacTiernan (Minister for Regional Development) in charge of the bill.

Progress was reported after clause 133 had been agreed to.

Clause 134: Section 64 amended —

Hon Dr STEVE THOMAS: To be honest, minister, I think we are just about at the end of this process. Hon Nick Goiran and I were trying very hard to get us to the end of the bill in the last sitting week and we nearly managed it; we tried to curtail the debate as much as possible. I suggest that there will not be too many speakers on this debate. Clause 134 will my final clause; I just want to make a couple of brief comments on it. It comes on the back of new part 5A, which provides for proposed section 63A, which are the anti-phoenixing clauses. Clause 134 provides that in the definition of "reviewable decision" after paragraph (d) to insert —

(da) to declare that a person is excluded from being registered as a building service contractor under section 63C …

How will proposed section 64(1)(da) interact with the proposed new section 63? I want to make a couple of brief comments. Proposed section 5A is possibly the most important part of this bill because it relates to anti-phoenixing clauses. I am sure that I am not the only member in this place who has seen the destruction of a company only to see the principals of that company immediately rise in an alternative form with a different name and with their assets largely protected; they are either hidden in family trusts or amongst the property of family members. I have seen examples of both over what now seems to be many long years around business in Western Australia. This is a particularly important proposed section of this bill. I am sorry that we did not quite finish it on Thursday last week. Potentially, we could have given clause 133 a fair degree more questioning but we were attempting to assist the minister in her agenda to get the bill finished. It is important to make sure that under proposed part 5A, the board will have the capacity to prevent people from being registered and examine whether phoenixing is occurring, and I think that is a very good outcome. If there is a reflection, how will proposed section 64(1)(da), which is to declare that a person is excluded from being registered as a building service contractor, interact with clause 133, which seeks to insert new part 5A?

Hon ALANNAH MacTIERNAN: Sorry, I was trying to grasp what is going on here. I will tell Hon Dr Steve Thomas what I have been able to glean and if he needs further clarification, I am happy to provide that.

As I understand it, effectively, the structure is seeking to allow there to be a review the first time that the board determines that a person is a declared person. That is reviewable and it can go to the State Administrative Tribunal but if SAT upholds that and the person is declarable but they then seek registration a second time and that is rejected, that is not renewable. This will stop an endless cycle of recontesting that provision. It is making sure that when the matter is first considered, it is subject to review, but there is no right of review after the first time it has been upheld.

Hon Dr STEVE THOMAS: That makes sense. Proposed section 64(1)(da) means that a person who has been excluded is precluded from applying again. Is a time frame attached to that or a time frame attached to the original exclusion that comes in under proposed section 63A?

Hon ALANNAH MacTIERNAN: There are two periods. One is what is called a temporary exclusion and that is when there has been a single insolvency, and that can be for a period of up to three years. When there have been two or more insolvencies in the space of five years, a permanent disbarment can take place.

Hon Dr Steve Thomas: And that's under 63.

Hon ALANNAH MacTIERNAN: Yes, that is right.

Clause put and passed.

Clauses 135 to 141 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

HON ALANNAH MacTIERNAN (South West — Minister for Regional Development) [2.40 pm]: I move —

That the bill be now read a third time.

HON DR STEVE THOMAS (South West — Leader of the Opposition) [2.41 pm]: Madam President—President; I have done it again! Sorry, President; I will eventually get there. You can teach an old dog new tricks eventually but you have to be repetitious about it, unfortunately. I am gradually getting there with this.

I want to make a few brief comments about the Building and Construction Industry (Security of Payment) Bill 2021. I want to thank the minister and her advisers for their assistance during the process and, obviously, the ministerial advisers from the other place and the ministerial office who assisted in the briefings in the lead-up to this. This is an important piece of legislation. It has been very pleasing to get through this in a very constructive manner. Parts of this bill will stand this state in good stead into the future. I was particularly pleased to see the anti-phoenixing part of this legislation, which I think has great potential. There is no absolute guarantee that phoenixing will not occur, because every time legislation is passed, either at a state or federal level, with the intent to prevent the sort of activity we are talking about, we usually see that some very smart lawyer finds a way around it in the end. If that happens, we will find ourselves legislating the same thing again in the not-too-distant future. As happened with the federal tax act, we will find ourselves back here at some point trying to refine this legislation. That has always been the case, and I imagine it will always remain the case when people seek to benefit.

I have a couple of general comments about this bill. The most important part is its statutory trust component, which is in part 4. The retention trust is a valuable tool. I make the point, as I did during my contribution to the second reading, that we need to acknowledge and recognise that this will not ring fence the entirety of a project's cost; it will ring fence, by estimate and by practice, between five and 10 per cent of the project's cost to provide some reassurance to subcontractors that they will have security, particularly in terms of the costs they have incurred. It will not be the be-all and end-all and it is not an absolute guarantee; I suspect it was never intended to be. I know that that debate will be ongoing.

As I said several times during my second reading address and during the committee stage of the bill, I accept the government's position that it is very difficult to introduce and maintain statutory cascading trusts as such. I am sure that that debate is not over. I am sure we will debate this process of cascading trusts in the future. It was a recommendation of a couple of reviews—the Murray review and particularly the Fiocco review. I have no doubt that it has not gone away. There is no complete and utter protection in the business community for the entirety of a contract. In the end, this comes back to an issue of contract law. We have to make businesses aware that it is in their interests to be across contract law as much as possible. We need to make sure they are getting the best possible contracting advice. It is one of the most difficult things to advise the community and business on. Talking about contract law is fraught with danger; it is a role for the experts.

I will make this point as I finish. I understand there was some pressure on the government to bring forward this legislation. The collapse of Pindan, amongst other smaller companies, has made this a priority. It should be noted by the house that the regulations that accompany this and the proclamations will all take, generally speaking, at least a year to go through the process. Those people who think that this is a solution to a current exercise, or the current process of Pindan, will be sadly disappointed—it is not. It will take a year, as it does with many of these things, to get a lot of things in place that might mitigate the damage caused by a similar event sometime in the future. But it will certainly not protect subcontractors in the future beyond that five to 10 per cent margin that we will have in the trust system. It will not be an absolute panacea in a very difficult case. It is not the solution to Pindan. The issues around Pindan will go ahead unabated. We will see the breakdown of Pindan. We will see what companies pick up and which subcontractors are left out in the cold. It is an ongoing saga; I suspect we have not seen the last bits of Pindan play out.

This bill is a step in the right direction. For that reason, the opposition has engaged in a very constructive debate with the government on it. The legislation at least takes a step towards giving some security to subcontractors in the future, and we therefore support the bill.

HON ALANNAH MacTIERNAN (South West — Minister for Regional Development) [2.46 pm] — in reply: Thank you, Madam—sorry; thank you, President. My God; the Leader of the Opposition led me astray there. That was my first error in that regard!

I thank all members of the opposition and the crossbench for their support of the legislation. I thank the Leader of the Opposition for his endeavours to get this through in a timely fashion. I give a shout-out to my colleague in the other place Hon Amber-Jade Sanderson, who worked very hard to make sure this legislation came on as soon as possible. I want to acknowledge again the efforts of people such as Hon Kate Doust and Hon Matthew Swinbourn who, in a variety of ways, have been working on this issue for a number of years. Whenever we introduce this type of legislation, it is rarely able to address the disasters that are already underway, but it certainly provides a framework for the future. I agree with the Leader of the Opposition that the phoenixing provisions are very important. As someone who started the argument about that in this place some 25 years ago and was able to encourage

the then government to get legislation through and then take through further legislation when we were in government in the noughties, I am pleased to see that we are continuing that effort and strengthening it whenever limitations are shown.

On the Leader of the Opposition's comment about retention trusts, they are generally expected to be somewhere between five and 10 per cent, but I think this has to be read in conjunction with the protections in the security-of-payment provisions. It is really important to understand that those two things feed in together. On that ability to, by right, issue a bill for payment within 30 days, if it is not responded to within an adequate time for an order for payment to be sought, there will access to a rapid adjudication process. All these things are going to be very important in rebalancing the risk. Whether someone is a subcontractor or a builder, they are in business and business carries risk. We are seeking to re-calibrate and rebalance that risk so that small subcontractors in particular do not carry too heavy a burden of risk. I also think that the whole security-of-payment mechanism will limit the scale of catastrophe. When a company is beginning to struggle, it does not pay, bills start accumulating and then payments are not made for 45 days and then 60 days and then 90 days. This system will create a different discipline within the building sector. Although nothing that we do here—we are politicians, not gods—will solve every problem, I think this will go a long way to providing some very profound structural and cultural reform in the building sector.

As the Leader of the Opposition has said, a lot of work needs to be done in the next 12 months on the first tranche and then in the following 18 months to have all the regulatory framework nailed down and to have in place all the education and standard forms that will help make this a very practical system for those in the industry to operate under. An implementation road map will be released in the near future so that industry can prepare for the reforms. This road map will set out in more detail the implementation frameworks that we have talked about during the discussion of this bill in the house.

Again, I thank all members for their support and I commend the bill to the house.

Question put and passed.

Bill read a third time and passed.

SUPPLY BILL 2021

Second Reading

Resumed from 27 May.

HON DR STEVE THOMAS (South West — Leader of the Opposition) [2.52 pm]: Thank you, President. I got it right this time!

The PRESIDENT: I had not noticed.

Hon Dr STEVE THOMAS: It is nice to see that I am rubbing off on the Minister for Regional Development, though. I am very pleased with that. We will see whether that can continue and I can convince her ultimately to vote Liberal.

Hon Alannah MacTiernan: I'm not having a lobotomy any time soon!

Hon Dr STEVE THOMAS: We will see how we go with that one. We will take every bit we can!

The Supply Bill 2021 is the second phase of the government's economic administration, following on from the Treasurer's Advance Authorisation Bill 2021 that we debated a couple of weeks ago in this house. For those members who are new to the chamber, we said at the time that the Treasurer's advance bill was to take care of additional expenditure in the 2020–21 financial year and the Supply Bill is to look after expenditure at the beginning of the 2021–22 financial year. It is obviously the case that under the Financial Management Act, the government has leeway of a couple of months in which it is allowed to expend money before a supply bill is required. A supply bill is generally like an appropriation bill. Every bit of expenditure of the government is supposed to be approved by an act of Parliament that goes through both houses for review. All supply bills must originate in the lower house; that is the Westminster system. The upper house has limited capacity to amend those bills, as long as it does not involve significant expenditure. Obviously, the opposition is not proposing to put forward any amendments to the bill to change expenditure, but the government has that leeway under the Financial Management Act for the first two months of a financial year.

Of course, we now have this new system whereby we have fixed terms of Parliament. We also found ourselves in a rather awkward situation last year with the COVID-19 pandemic, when the budget was delayed. It is traditional in Western Australia, and in most Parliaments in fact, that the budget for the following financial year comes down towards the end of the current financial year. Members will note that historically, for the most part, we have dealt with budgets in May, so that we can deal with the expenditure that starts on 1 July. The budget is usually read in in the first couple of weeks of May. The lower and upper houses then debate those bills for several weeks with the intent that they will be passed by 30 June so that there is an act of Parliament that allows for the expenditure in the following financial year. That makes sense, because we want to make sure that we are doing the right thing and are holding the government to account and scrutinising its expenditure as much as possible. Governments quite often get it wrong, so it is important that we keep an eye on that process.

There are some impending changes to the Financial Management Act. The Financial Legislation Amendment Bill 2021 will come to this place, I presume, in the second half of this year, because it is not on the government's priority list at the moment. That bill will take care of some of the issues with the need for additional supply bills, and that kind of makes sense. They are going to be a regular feature now, unless we amend the Electoral Act to change the time for our fixed elections. If the election is as late as March, I suspect that every four years we will have a deferred budget.

I thought that the government would have been more advanced this year, given that it was likely to be returned at the 2021 election. It did just manage to scrape home! That being the case, I thought it would have been a little further along the track and would not have to introduce the Supply Bill and an appropriation bill and then bring down the budget in September this year. I accept that September is a better option than October, which is what we did during the COVID crisis last year. We do not often find ourselves in a position in which the budget is effectively brought down in October. Usually, in around September, we get the end of financial year statements from the previous financial year, so last year we got a budget update and then three months later we got a pre-election financial update. All those things roll through fairly quickly, so it is a fairly fluid event, but we are going to find that that will happen more and more often.

It is the case that the amendments to the Financial Management Act are good and we will support the government's intent along those lines when we get to that bill. In fact, given that they have come from a couple of different reviews of the Financial Management Act, I suspect that some of them were recommendations from the previous Liberal–National government that have been adopted by the current Labor government, so I think we will find that there will be a fair degree of unanimity—we will be on a unanimity ticket on that bill.

I want to make a few comments about the economy in general. I note that Hon Dr Brad Pettitt is away on urgent parliamentary business, which is often the way if a member is the only representative of their party; it is hard work. If he were here, I would tell him that it has generally been my tradition as the economics spokesperson for the opposition in this house to seek to table at least one chart during an economics debate. This chart is an updated chart of one that has been tabled in this house previously. It is a chart of revenue expenditure relative to population. The previous chart went up to 2017–18, which was the first year I came back to Parliament and tabled the chart. It is interesting that when the last three financial years are added, it makes a significant difference.

I would not mind talking to this chart, so for the education of members, I seek the leave of the house to table *Revenue v expenditure v population in the 2000s: Baseline 2001*.

[Leave granted. See paper 330.]

Hon Dr STEVE THOMAS: The minister will probably say no to the next one, but we will see how that goes.

Hon Tjorn Sibma: Be confident.

Hon Dr STEVE THOMAS: We will see how we go! I do like to run through charts. Without doubt, we live in extraordinary economic times. We are in the next mining boom in Western Australia. Over the next four years, new members might occasionally hear me speak about the McGowan mining boom and the question that I put to the then Treasurer back in February 2019 about what we could expect from iron ore prices in the future. In February 2019, of course, the iron ore price jumped from its long-term average of about $US70 a tonne to about $US93 a tonne. To me, it looked like a trend was starting. The question I posed to the Treasurer was: what will happen to the budget if the iron ore price stays above $US90 a tonne for a considerable time? I will not seek to table the answer that I got, because members can look it up; I am sure I will reference it a few times in the future. The Treasurer's answer was that a price of $US90 a tonne or better from February 2019 was "highly unrealistic". The price has stayed reasonably good since then. In answer to a question asked in the sitting week before last on the government's expectations of how high the iron ore price might stay, I was pleased that the Treasurer's answer went from "highly unrealistic" at $US90 a tonne to "plausible" over $US110. I am pleased there has been some shift in the Treasurer's advice, because I have to say that it has been something of a wild ride!

It is interesting when the government talks about its good financial management. Let us have a little look at what the iron ore price has averaged over the last 12 months or so and the impact of that on the budget, because it impacts on the need of the government to seek a supply bill, for example; it impacts on what the government needs to expend. The last time we asked for the average iron ore price in the current financial year, it was running at about $US136 a tonne, but over the intervening weeks up to today, the price of iron ore has gone over $US210 a tonne. The last time I looked was yesterday, and it was $US213 a tonne. Did the price exceed $US90 a tonne in the period after February 2019? I would have to say that, yes, it has done pretty well.

What does that mean in terms of government revenue and for the government's bottom line? In the lead-up to the current financial year, the government was about $4 billion ahead of its budget estimates. What this government does quite well is that it puts in conservative estimates of the iron ore price. The minister will stand up and say that that is far better than putting in highly optimistic estimates for the iron ore price, and he is absolutely right.

Hon Stephen Dawson: Are you giving my speech for me?

Hon Dr STEVE THOMAS: The minister will not have to do it! I am trying to save him time. We are trying to be efficient with the time.

Hon Stephen Dawson: That is very helpful; I appreciate it.

Hon Dr STEVE THOMAS: We are here to help; we have always been here to help!

The minister will stand up and say that, and he will be absolutely right—it is far more effective to have a low estimate. The federal government has always put in a low estimate of the iron ore price. The reason for doing that is that when the price is much higher at the end of the financial year, there is extra money that the government did not have in its budget. That is effectively free money, as it were.

Hon Stephen Dawson: Well, it's to pay off debt.

Hon Dr STEVE THOMAS: It is free money because it is not in the budget. We will get to debt repayments in a little while.

The government effectively has free money that comes in on top of the budget. In the simplest of terms, the government sets itself an annual budget with income expected to look like this and expenditure expected to look like this. Obviously, if income is higher and expenditure is lower, it is a winner. If the opposite occurs, it is the reverse. It is absolutely the case that this is a clever economic measure of the state to budget low and receive high. That is what this government has done. I am not saying that what it has done through that process is a bad thing; I think it is a reasonable option to take. I have always said that. In fact, I think I have said that some Treasury officials who put forward some of the early optimistic estimates from 2014 to 2017 should have been shown the door based on their performance, as some ridiculous numbers went in there. If the government budgets low and receives high, it obviously has free money in hand. I have tried to calculate the free money from the inception of the McGowan mining boom, as it were, from February 2017 to the beginning of this financial year—does the minister need help spelling "McGowan mining boom"? No? Excellent. My calculation is that the free money involved in that is in the region of $4 billion. That is effectively through that little bit of 2019 and then the rest of 2019–20. The next year, 2020–21, is a more interesting year. There is an expectation, not just by me, but also by a number of economists around this state and Australia, that the level of iron ore revenue that this government can expect is in the order of $10 billion. If we take the budget assumptions of this government about its level of expenditure, it is looking at a $5 billion surplus. We are absolutely in uncharted waters. Iron ore revenue of $10 billion dwarfs anything received by the former Liberal–National government. It is a massive amount of revenue. Bear in mind that the iron ore price under the previous government went up to $US180 to $US190 a tonne and stayed there for a time. It stayed between $US100 and $US130 a tonne for a longer time. That iron ore boom was significant.

If the clerks can at some point bring me back my original chart, I might be able to give the information to members in purely graphic form so that I can demonstrate exactly what I am talking about. I am talking about a massive amount of money. When we have a boom in Western Australia, revenue generally outgrows expenditure. If we look at a chart of revenue versus expenditure for at least the last 50 years, which I have not included in the chart that members will be able to look at when they ask for it—they will be able to look it up in other ways—expenditure and revenue sit very close to each other, and have done for a long time. There are little flexes here and there, but they have generally stayed very close to one another. The first mining boom we had was from 2003 all the way to 2013–14. The chart shows a flattening off of revenue in 2008–09 during the global financial crisis. Members might say that the global financial crisis was a major hit, and it certainly was worldwide, but in Western Australia, revenue did not recede; it flattened. This is an important point when we discuss the revenue and expenditure of this state—what we call the fiscal economy.

The fiscal economy is not the same as the general economy, and the government's revenues and expenditures do not alter with the same sort of business sense that occurs in the wider community. During the global financial crisis there was effectively one financial year of flat economic growth, so it did not change. What did go up over that period was expenditure. It is interesting to note—if honourable members decide to look at this chart, which I suggest they do—that the lines that diverge between state government revenue and state government expenditure that split apart in about the 2002–03 financial year came back together at the end of the global financial crisis, when revenue corrected. Effectively, we were really starting to see roughly balanced budgets between expenditure and revenue at that point. In fact, revenues were significantly higher.

To me, the time between 2002–03 and 2008–09 really was in effect the first boom overseen by Labor. I genuinely attribute that to Eric Ripper more than I do to Geoff Gallop and Alan Carpenter, because Eric Ripper was the Treasurer at the time. I have to say in hindsight that he did a relatively good job as Treasurer. Although it could be argued that he should have splashed the money out a bit more, the reality is that every good Treasurer is a skinflint, whether they are dealing with the local sports club or running the state or the country. I have enormous respect for Eric Ripper. I thought he managed to get significant investment into some major projects. From memory, he put $1 billion into the Perth to Mandurah rail line, and he put the first billion into Fiona Stanley Hospital. But he had the benefit of the initial boom, which was the most significant boom in Western Australia. I think I said at the time that it was the most significant boom that Australia had seen up to that point, because around the end of that time,

I was the shadow Treasurer, as I am today. In my view, it was without doubt the biggest boom that Australia had seen. It was bigger than the Bendigo and Ballarat gold booms of the 1800s, and, in my view, bigger than the gold booms in Western Australia. There was a massive increase in revenue.

As we go through and look at that chart, we see that once the global financial crisis was over, rather than a significant correction, because of the price of iron ore at that point and particularly because of the stimulus packages in China, revenue continued to outstrip expenditure growth. We had faster expenditure growth than revenue growth, but it was still in catch-up mode at that point. It was not until the major turnaround in about 2014 that we suddenly saw expenditure outstripping revenue. Then we saw a major significance when, for the first time, there was a drop in revenue. People will tell us that revenues crashed in 2014. They did drop, and expenditure continued to rise. That did not turn around again until February 2019, when, once again, the iron ore price started to really skyrocket.

Members who take the time to look at that chart will see that we are currently in the McGowan mining boom period of 2017-plus. The question as we look at supply bills is: how long is that going to last and at what point will the financial management of this state start to look at another correction? I do not call it a crash; I have never called it a crash. The price of iron ore has sometimes dipped to what we might consider crash levels, which in the current term would probably be $US30 to $US50 a tonne. That is getting back to a price that would start to impact on production and expansion. If the price goes back to the normal long-term run, I think at the moment that would be sitting at around $US70 a tonne, bearing in mind that the cost of production for most of those major iron ore producers at the moment is probably just under $US20 a tonne. There are significant profits to be made even at $US70 a tonne, but what will happen is that the state of Western Australia will suddenly find itself having to increase its financial management considerably.

Let us have a look at this at the moment. This government has received $4 billion in free money, let us initially call it. Up until the beginning of the current financial year, it is looking at a budget surplus of $5 billion, and that is exclusively down to the iron ore price. Iron ore revenues for the state in a traditional year are in the region of $5 billion; in a good year, $6 billion; in a slightly poorer year, $4 billion. The revenues range across that level of income. Not only economists but also the government's own Treasury statements say that iron ore revenues this year will be $10 billion. The last quarterly report that came out stated that iron ore revenues this current financial year are now predicted to be $10.7 billion for the full year. That is twice the average iron ore royalties. The government is talking about a $5 billion surplus because it is getting in an extra $5 billion in iron ore royalties.

It is absolutely the case that the government has spent some money on responding to the COVID pandemic; I accept that. The government's original package was $5.5 billion. I have questioned the government in this place on the accuracy of comments and it now suggests that the government's total expenditure is $7 billion and a bit as the total cost of COVID. I suspect it has had to roll in a fair bit of normal operating activity, because I have not seen precisely where it has derived these figures from. I will be interested to see how we break down that additional part of revenue. But $7.5 billion is still significantly less than the $9 billion and a bit free money that the government has received above the budget purely on iron ore revenues alone over that period.

This government has been the benefactor of this enormous boom. That has meant that this state is one of very few jurisdictions—perhaps the only jurisdiction in the world—that has actually made a profit out of COVID. We say, not cynically, that because the world has had to prop up its economy, governments across almost all nations have splashed out on major infrastructure projects, and there are not many infrastructure projects these days that do not require a significant amount of steel. While Brazil still struggles with a number of issues—not only the fact that the COVID pandemic is still impacting its own people, but also, if we read the latest reports, some concerns around the construction of other dams like the dam that has impacted on supply—the expectation is that the price of iron ore will stay up for some period to come. We made a profit out of the COVID response in places like China, the US and Europe and through secondary countries. We have made a profit out of COVID by a couple of billion dollars. We should not be ashamed of that. For those of us who sit on the right wing of politics, we should never be embarrassed by or resentful or envious of a profit being made. I think that is a good thing, but it needs to be acknowledged that this government is rolling in cash. It needs to be acknowledged that this government is in a better position than any government that has preceded it to start expending on the things that it should to look after the people of Western Australia.

I am the first to acknowledge that the previous Liberal–National government did pretty well out of revenues for the first part of its term. From 2008 to 2014, it was doing okay, thank you very much, but from 2014 to 2017, that correction occurred. A correction will occur at some point under the current government as well. It is interesting to predict when that might be. I have been in debate with a number of economists around Australia as to when we think that correction will happen. The most conservative estimate I have had so far is from one of the major banks, which suggested that $US110 a tonne by December this year was a likely decline. I would have said, speaking to other economists, that it would stay higher than that for longer. I would have said that estimate is probably 12 months early, and that we may well be looking at $US110 a tonne by the end of 2022. I would expect us to be more in the region of $US130 or $US140 a tonne by the end of this year, because those stimulus packages around the world do not abate for another couple of years, and I do not think that there is an expectation that the full supply from Brazil will be on train at that time. I think the end of next year is a far more likely time that we will see production ramp up and costs moderate. The long-term moderation of costs is absolutely essential. I do not think anyone is suggesting

that these prices should be sustained in the long term, because it is probably unrealistic and if we maintain these particularly high prices, it will start to drive out industry. My suggestion is that we will have a fairly long period of more sustained prices. When I said $US90 a tonne, rather than "highly unrealistic", the answer in February 2019 should have been, "Maybe that will last to the end of 2022. It might go a bit longer yet." What does that do? It adds billions of dollars into the war chest of the current government. That is not a bad thing, as long as its expenditure is reasonable and appropriate and it looks after the people of Western Australia. I do not think that anybody could argue that there are not better ways to expend the finances in this state. We always have to be careful, of course, because everybody comes to this argument with a vested interest. Before I came in here, I had a meeting with someone who said, "If you just put $150 million into my project, the world will be a better place." I have lost track of the number of meetings I have had along those lines, so we have to be careful.

Services are under extreme stress in Western Australia, whether in health or accommodation and housing. A large number of people require assistance and this government is in a position to help in a way that no government in the past has been, yet it consistently refuses to do so. We will have some arguments, because I know that the government will be in a wage warfare situation in 2022. I think it will be particularly interesting as it maintains its $1 000-a-year wage increase policy for public servants. To see how that plays out will be very interesting. It will be interesting to see how the various members of the Labor Party backbench engage in that particular debate. I am looking forward to that one and seeing, over a year or so, which members succumb to the pressure of the Premier versus the pressure of the unions. We are in for some fun times with that one. Far be it for me to be cynical and enjoy myself with it, but I think that will be critical.

We will also have some critical debate around other areas of service, such as the health system in particular. I accept that we need to be very careful. If we were to promise and deliver every health outcome every person seeks, we would bankrupt the state even in the middle of the McGowan mining boom. We have to be careful about how we do that. If we were to do that at the moment, we would have to try to build in non-structural change. I know that does not seem to make sense, but I explain it like this. If we make a change that consistently results in change in future years, we are making a structural change to the budget. If we suddenly gave every public servant a 10 per cent pay rise, the next year they would be getting a 10 per cent pay rise and then if every pay rise after that adopts another 10 per cent, that would be making a structural change to our expenditure. If we do something simple such as build an additional hospital, we will have to staff it and run patients through it and it will make a structural change to our budget. The problem this government will have in probably 2023, which will be sort of 18 months to two years from the next state election, is that if it builds in structural change using the multiple billions of dollars of free money it has floating around at the moment, suddenly its budget will go into deficit in 2024 and 2025. That is why the Premier is playing hardball with the unions in particular and the public service. He is happy to look a bit meaner at the moment because he does not want to build a structural deficit into his budget in 2024 and 2025 as he goes to an election.

I think the Premier takes this issue of self-promotion of financial management a step too far. I mean, this government has lucked into the biggest mining boom that we have ever had in terms of height of the mining boom—not so much length and longevity yet. We will see how long it lasts. With the absolute price of iron ore and an additional $5 billion in one financial year and iron ore prices over $US210 a tonne, this government has lucked out. Good luck is not the same as good financial management. This Premier has now anointed himself the Treasurer, which is an issue I want to come back to in a little bit.

Hon Darren West: Most Premiers have.

Hon Dr STEVE THOMAS: Not all Premiers; some have. Richard Court certainly did. Some have done. Geoff Gallop did not.

Hon Darren West: Only two.

Hon Dr STEVE THOMAS: Geoff Gallop did not; there are plenty who did not. Alan Carpenter did not.

We will come back to whether he is doing a good job on that one. It is absolutely the case that he has lucked out. Two years into his first term of government, it started raining iron ore, which turned into gold halfway through. The government has made an absolute fortune, so it will be in the process of working out how to spend this additional revenue. It made an additional $9 billion. If the price stays up as predicted over the next, say, 18 months, I suspect we can expect another $4 billion, possibly $5 billion, maybe as high as $6 billion, additional revenue above the budget. Honourable members will be pleased to know the current budget put up the projection for iron ore for this financial year. It was originally in the 60s. It went up to $US96. In the forward estimates years, it is back to $US65 and a bit, $US64, $US64, $US64. The government is doing this clever thing whereby it is making sure it has a low estimate so it has additional money to spend. Good luck to them except for the acknowledgement that it is good luck. Relying on a COVID outbreak, a dam bursting in Brazil, health issues in Brazil and a worldwide COVID infrastructure spend as a response is not financial planning. The government has been the beneficiary of some amazingly good luck. That is great. But let us talk about how this correction is going to go. As it comes back down, the Premier; Treasurer will suddenly find himself with a far more normal budget in which the free money will disappear. He has to build into the coming budget and the budget after that, in my view, spending that does not change the long-term trajectory of the government. That will be the difficulty.

If I were the government, I would be doing stuff like this. I would be investing in reducing waiting times for surgery and trying to invest in the current health system to get those things down as best we could. I would be investing in increasing the housing stock for social housing whilst I have the money to do so. Numbers vary with exactly how far down we are in housing stock, but let us say we wanted to put a couple of thousand units of housing stock back into the system as a land purchase, plus by the time we add the bureaucratic component on top, it would not be much cheaper than building your own four by two. Let us round it out to half a million dollars per unit.

Hon Steve Martin: We are 1 300 down.

Hon Dr STEVE THOMAS: We are 1 300 down, so let us go with 2 000 and be more generous. If we were in charge, we would go higher because we are just generous that way. If we put 2 000 houses out there, that is a $1 billion exercise. With 2 000 houses at $500 000 a pop, suddenly we are spending a billion bucks. To be honest, we are never going to have a better opportunity to invest in the welfare of Western Australia than we do currently. I do not think we will ever see—I hope we never see—another outbreak of disease that has the same sort of impacts that COVID has had. When COVID came through, we had an excellent debate on what it did and did not look like. I put this position in the COVID debate, and I have not changed it: I do not think that COVID is the great pandemic of the twenty-first century. I really do not think that is the case. If we look at 100 years ago, Spanish flu came through. Estimates vary on Spanish flu, but my memory is that the estimated death rate is between 30 million and 50 million in a population of, let us say, four to five billion at the beginning of the twentieth century. In 1920, 1921, after World War I, troops were travelling around the world and that spread Spanish flu. It is probably unfair to call it Spanish because the Spanish do not like it being called that, but it was a significant amount of death. The proportional death rate for Spanish flu was far higher than that of the current COVID-19 crisis at the beginning of the twenty-first century, 100 years later. There is every likelihood that there will be another pandemic around the corner. The interesting thing we will have to face going forward as a community, at both state and commonwealth government level, is that we will have spent a fortune at commonwealth government level to respond to this pandemic. This is the first worldwide pandemic in which governments have effectively thrown open massive expenditure to prevent the financial impacts hitting people.

Those who are interested in the history of economics will remember that there was a great debate in the 1920s about whether governments should have thrown more money into expenditure during the Great Depression to cover the fact that the private sector had largely collapsed. That was, to some degree, the birth of Keynesian economics. There are economists who suggest that you can just spend whatever you like; that government cannot fail, and therefore you can just keep spending. Governments around the world have joined in on that. The United States government debt is, at the moment, in the order of $28 trillion, and there is not a budget surplus in sight. Australia's debt is heading towards $1 trillion. That is pretty small in comparison with the US, but it is still a significant amount of debt. Countries around the world are debt-funded.

The question we will ultimately face is this: when COVID-19 came along, countries could afford to go deeply and heavily into debt to make sure that the impact on citizens was minimised—there was still an impact, but it was certainly minimised—but will they be able to do the same thing if there is another pandemic in 10 years' time? We will not have paid off any of the current debt by then. At what point do we start the downwards spiral of debt to the point at which we can no longer service it? If, for example, we have in 2030 another influenza virus, which is far more easily transmitted and has higher mortality rates, and we are still borrowing at that point, have not paid off any of the COVID-19 debt and are getting into a much higher debt level, will there come a point at which the whole system crashes?

Western Australia will be in a very different situation. Western Australia is in a position in which iron ore, as a result of the COVID-19 response, has kept our income up to the point where we have made a profit out of COVID-19. We might be optimistic and say that national governments around the world will do the same thing in 2030, if that virus arrives then, so we will potentially make a profit in the future, but we cannot rely on that. At some point money runs out, particularly if interest rates start to go up.

This government has been the recipient of a massive amount of money, and I ask members to have a look at that updated chart; they will see the government's current boom in place. It is important to acknowledge that we cannot continue to rely on those levels of revenue beyond, I suspect, the next 18 months to two years. The correction will have to come, but as we get to that correction, it will be time for the government to focus on the needs of Western Australia rather than the government's political standing, particularly with regard to the reputation of the Premier and his desire to be seen as a good financial manager. He is putting that in front of the welfare of Western Australia, and it is time for that to end.

Mention was made earlier about the Premier giving himself the job of Treasurer. I am the first to acknowledge that that is not an unusual situation; certainly, it occurred with Richard Court, so it does happen. The question is whether his performance as Treasurer has been up to scratch. I want to take a few minutes to talk about that, because on his first day reading in legislation to the Western Australian Parliament as Treasurer, it did not work.

The Supply Bill 2021 is a very small bill; it is a four-clause bill. The Treasurer also tabled an explanatory memorandum in the lower house. One would have thought that the Treasurer would have been pretty well across a four-clause bill because it is simple and uncomplicated. It has a short title and a commencement clause; clause 3 is the clause that issues the money, and clause 4 basically says that the money is to be available for the services and purposes voted for by the Parliament. It is a very simple bill; one would reckon that it would be pretty hard to mess it up.

A one-page explanatory memorandum was first tabled in the Legislative Assembly. It said that clause 3 was for the issue and application of money being granted as supply for the year beginning on 1 July 2021 and ending on 30 June 2022. That is the bill, and that is accurate. The explanatory memorandum for clause 3 got it wrong, though. In its original form, it stated —

> This clause provides for the issue and application of $15,108,098,500 (fifteen billion, one hundred and eight million, and ninety-eight thousand, five hundred dollars) from the Consolidated Account for the 2020–21 financial year.

One might think that it was just a slip of the pen that he had put it in the wrong financial year; it is only $15 108 000 000 in change. But $15 billion is a fair bit of money, in my view, and more importantly, this is in a bill that is four clauses long. The explanatory memorandum is less than a page long. I do not know how many advisers there are, or whether the Premier and Treasurer read the explanatory memorandum before he tabled it. I do not know how many advisers in Treasury and in the Treasurer's office looked at this and ticked it off, and suddenly it was tabled before the Parliament, but obviously not enough.

I wonder if I might seek leave to table the original explanatory memorandum that was tabled in the lower house?

[Leave granted. See paper 331.]

Hon Dr STEVE THOMAS: I thought the minister might oppose that one!

Hon Stephen Dawson: I was going to!

Hon Dr STEVE THOMAS: I would not have been upset if he had; that is okay! Give him another gold star, someone! The Minister for Mental Health is an excellent minister and very helpful.

Hon Tjorn Sibma: Platinum grade!

Hon Dr STEVE THOMAS: He is going up!

Hon Sue Ellery: It was me!

Hon Dr STEVE THOMAS: Gold star for the Leader of the House, sorry! We assumed it was the Minister for Mental Health. He absorbs all the goodwill that comes across; he is like a sponge! It is terrible!

In the briefing we got for this bill I managed to point out that the government had made a mistake in the explanatory memorandum. I thought that the response would have been, "Oh, thank you very much. We'll fix that. Oops! Yeah, we'll wear that." No doubt some very displeased conversations took place when they returned to their various offices. In an amazing twist of fate, we had also been briefed on the Treasurer's Advance Authorisation Bill 2021 and we had asked for additional information to support the proceedings of that bill. The response we got back was, "No, you're not having it because you told the public we'd made an error in the Supply Bill." As I said with regard to the Treasurer's Advance Authorisation Bill 2021, I thought that was an incredibly petulant response and I think it was beneath the dignity of ministers. I am sure the Leader of the House and the Minister for Mental Health would not have approved of such an action. I thought that was immensely petulant of the Premier acting as the Treasurer, when we are actually just trying to help and correct. I thought that was a very poor behaviour and I think it reflects a degree of arrogance on the part of the Premier that he would take umbrage at a mere $15 billion error in his explanatory memorandum. Members might argue that one financial year does not matter, but I think it is important to get these things right. I guess a small error in a bill with 140-something clauses, which is what we have just completed, is fair enough. But given that the Supply Bill 2021 has only four clauses and the entire bill, explanatory memorandum and, from memory, the second reading speech could each fit on one page, I would have thought that it was worth a bit more scrutiny than that. It is the case that an error was made; we pointed it out and received a petulant response, but not in the Legislative Council, which, in my view, is the chamber that ultimately counts. I thank the Leader of the House and the Minister for Mental Health for being above such pettiness in this chamber. It behoves well for the formality of this chamber.

I am coming to the conclusion of my remarks. The bill will effectively allow the government to expend funds on our behalf for the first four months of the current financial year. As I said, under the Financial Management Act 2006, the government can normally expend money for up to two months anyway but once again, because of the election, we are looking at a deferred budget. Obviously, Treasury struggled to make sure that legislation was through in time in October last year to allow for appropriations. I understand that October appropriations are problematic and therefore the aim is to try to get this in in September. I ask the minister to confirm that that is what needs to happen. I think it makes sense that the government aims for a September budget. The opposition is obviously happy to try to assist the process to allow the government to run the state during that period of time. It would be foolish of us to attempt to argue that supply should be blocked, which would mean that the government could not do what is wants to do.

My final point is this: it is not just the fact that we support the government expending moneys to run government in Western Australia; we are asking the government to look at the way it expends it, particularly in the middle of the highest mining boom in the history of Western Australia. At a time when the government has the greatest capacity to do good things and fix some of the issues in Western Australia, it does not appear to be doing so. We urge the government to look at where it may expend that money because the people of Western Australia deserve better.

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Mental Health) [3.42 pm] — in reply: I thank the Leader of the Opposition for his contribution this afternoon and for his indication of the opposition's support for the Supply Bill 2021. When the Leader of the Opposition stood in this place with his chart, I thought—I shared this thought with Hon Dan Caddy, MLC, who is away from the chamber on urgent parliamentary business—that he reminded me very clearly of Alan Kohler from the ABC, who loves a chart. If the leader is not in this place in the future, perhaps he could take a role on ABC news. He held that chart very well.

I also thank the Leader of the Opposition for his suggestions about how the state finances should be spent. He will have to wait until September to see the budget. I confirm that 9 September is indeed budget day this year and there will be lots of good news at that time. I take exception to the use of the words "free money" because just like there is no such thing as a free lunch, there is certainly no such thing as free money. Higher royalty income helps the government put together the budget and, importantly, we have been able to use revenue windfalls to reduce debt and support service delivery since we came to office in 2017. The honourable Leader of the Opposition also made the point that the way that we in Western Australia estimate the price of iron ore is not dissimilar to how his colleagues in the federal Liberal–National government estimate iron ore prices. Certainly, we are not going to change how we do that.

I was happy to allow the Leader of the Opposition to table the explanatory memorandum. Mistakes are often made and it is regrettable when that occurs, but no process is immune to errors; they inevitably arise from time to time. In fact, there have been many instances of errors in documents considered by Parliament, including this house. I am reminded that when the Graffiti Vandalism Bill 2015 was debated in this house, Hon Michael Mischin advised the house that an error had been in his second reading speech and that error related to finances. Further, several amendments were made to the Road Traffic Act 1974 by the Road Traffic Legislation Amendment Bill 2016, including those to rectify mistakes introduced into the Road Traffic Act by the Road Traffic Legislation Amendment Act 2012. Mistakes happen from time to time. I acknowledge the fine work of the Treasurer. In fact, I make the point that since Western Australia began, a significant number of Premiers have also served as Treasurer. It is more extraordinary for the Premier to not be the Treasurer. I had a list somewhere but I cannot find it now; I will bring it to Hon Dr Steve Thomas's attention at a later stage of the year.

Back to the chart for a second, it is worth pointing out—again, I thank the honourable member for tabling his chart—that it shows very clearly that under successive Labor governments, revenue has generally exceeded spending, allowing us to contain net debt by running surpluses, which, of course, is the reverse of what happened under the coalition government, certainly in the latter years. Yes, I, too, place on the record my congratulations to Hon Eric Ripper; he did a great job as Treasurer, as did Treasurer Wyatt as Treasurer and as Premier Mark McGowan is doing.

Again, I thank the opposition for its support of this bill. On behalf of the Treasurer, I look forward to reading the budget into this house later in the year. There will be plenty of good things and lots of good news in that budget, so stay tuned. I commend the bill to the house.

Question put and passed.

Bill read a second time.

[Leave granted to proceed forthwith to third reading.]

Third Reading

Bill read a third time, on motion by **Hon Stephen Dawson (Minister for Mental Health)**, and passed.

SUNDAY ENTERTAINMENTS REPEAL BILL 2021

Second Reading

Resumed from 3 June.

HON DR STEVE THOMAS (South West — Leader of the Opposition) [3.49 pm]: Thank you, Acting President.

Hon Sue Ellery interjected.

Hon Dr STEVE THOMAS: Everybody loves to hear my dulcet tones, I am sure.

Several members interjected.

Hon Dr STEVE THOMAS: We have had a good economics discussion this afternoon. I think it has been excellent and I thank you all for your forbearance. I know that Hon Samantha Rowe is very keen on economic debate. I am sorry that, as a government member, she cannot contribute as much as she would like.

A member: Or should.

Hon Dr STEVE THOMAS: Or should. She could educate the members around her a bit, as best she can—or try to! I am not referring to Hon Kyle McGinn.

Hon Alannah MacTiernan: We have not got the god squad with us today.

Hon Dr STEVE THOMAS: That is a bit rude.

Hon Tjorn Sibma: It is very rude.

Hon Dr STEVE THOMAS: People are driven by different things. That does not make some of us right and some of us wrong necessarily.

We are dealing with the Sunday Entertainments Repeal Bill 2021. As a good right-wing member of the conservatives, I am always in favour of reducing regulation and restriction. In my view, the bill before the house will do precisely that. I say from the outset that the opposition will be supporting the Sunday Entertainments Repeal Bill 2021. I understand it is effectively the same as the bill presented at the end of 2019; the Sunday Entertainments Repeal Bill 2019—nearly two years ago. This bill will remove a regulation that says that industries and business owners must seek the permission of the Minister for Commerce to use a place for paid public entertainment on Sundays, Christmas Day or Good Friday. It seems a fairly obvious position that it would be good to take government out of those decisions as much as possible. That does not mean that it is open slather. The trading hours legislation will still apply to all of those things. If people considered that this suddenly is a significant change in trading hours, for example, it is not. It is a fairly simple bill. It will remove the requirement to apply to the minister to use premises on Sundays, Christmas Day or Good Friday. We are dealing with some very small bills today—not the previous one, which was the Supply Bill. This three-page bill will not have a huge impact on anybody. It has been argued for a long time that we should try to minimise the impact of work on a Sunday for family benefit. That position has long been put, not just by let us say conservatives, or religious or Christian members of the community; I also understand that it has long been held by the Shopkeepers' Union. The shoppies—is that the correct name?

Hon Martin Pritchard: Shop assistants' union.

Hon Dr STEVE THOMAS: The shop assistants' union. I am sure the union is good friends with many members opposite. Joe Bullock has long been a champion of trying to maintain a separation on Sundays.

Hon Alannah MacTiernan: I think he is on your team now!

Several members interjected.

Hon Dr STEVE THOMAS: We could hope that as many members as possible might see the light and join the enlightened —

Hon Alannah MacTiernan: You are most welcome to Joe; I can tell you.

Hon Dr STEVE THOMAS: Hon Tjorn Sibma started as a shop assistant.

Hon Tjorn Sibma: I was a member of the shoppies union; just so members know. Look what happened to me! There is hope.

Hon Dr STEVE THOMAS: He saw the light. He rose to the occasion!

It has long been the case there have been advocates on all sides to restrict the capacity of everybody to be engaged in commerce on a Sunday. I do not propose to get into the debate about whether the Sabbath is truly a Sunday or a Saturday, and the history of that. That might be a debate for another time. Let us look at the potential impact. It is a good thing that we have a minimisation of restrictions and red tape around particularly being able to entertain ourselves on a weekend. It is not the case that those of us in Parliament, or those of us who hold strong views on whether a Sunday should be kept for pure rest, as it were, wish to inflict that upon the wider community. It is absolutely the case that many people use Sunday for recreation that is not necessarily restful. This legislation is aimed primarily at that. For those people who like to go to concerts in a public place on a Sunday, dare I say it those who go to some sporting events et cetera, in my view do not need to seek the permission of the minister of the day about whether those venues should be used. I think the venue owners would agree with me. It is absolutely the case that the more we can do to minimise this sort of impost on business, the better.

The Sunday Entertainments Repeal Bill is a very simple bill. We might be able to put some questions to the minister during this second reading stage that might obviate the need to go into Committee of the Whole, but let us see how we go. I am interested to know when proclamation is expected. Surely this would not require a great deal of time before proclamation. When precisely can we expect proclamation to occur? That is something we should know out of the process. It remains the case, under the bill before the house, that a person who knowingly keeps or uses a part of their business for public entertainment or amusement—I am not quite sure what the restrictions are on what is considered amusement; how "amusement" is defined might be an interesting debate in itself!—on any Sunday, any Christmas Day or Good Friday in any year and to which persons are admitted by payment, commits an offence. Generally speaking, the government has been able to give an exemption to that process. This bill will streamline it so that people are no longer required to seek that exemption.

In terms of slightly more information, could the minister indicate when we are likely to see the act proclaimed and when will we likely see it come into effect? I presume the minister's advisers would be able to give us a slightly more concrete definition of "public entertainment". I am particularly interested in the definition of "amusement". That could mean almost anything. Obviously, the minister at the end of the process can vary or cancel any of the declarations. This is a pretty small bill.

Hon Alannah MacTiernan: It is hard to know whether things like lions versus Christians are public entertainment or amusement.

Hon Dr STEVE THOMAS: Some might say that the chamber we find ourselves in is for public entertainment.

Hon Sue Ellery: It is not amusing.

Hon Dr STEVE THOMAS: The Leader of the House has probably missed the best joke so far! It is amusing on occasions, but generally not. It could be considered, I suspect, public entertainment.

This is a very simple bill. It does not change anything significantly as to what is allowed to occur on a Sunday. We all know that people go to football on a Sunday, whether it is Aussie Rules, rugby or soccer, and we pay to go in. All of those public domains require a ministerial exemption, but upon the passage of this bill that will no longer be required.

As I say, I think it is obviously a good thing if we can reduce the amount of red tape around these things. I have always been somewhat of a deregulationist on those sorts of restrictions, even to the point of shopping hours and particularly in the metropolitan area. I remember writing a plan for deregulation back in 2008 when I was the shadow Treasurer in the other place—the place that shall not be named. We started that process of deregulation. I acknowledge that it takes time, particularly with wider shopping hours, which I know the shoppies union would probably have more problem with, but if we gave it a time frame and a plan rather than simply debating it and either announcing it or rejecting it, we might have a better chance of getting a better outcome. In this case, we do not need to plan for this. This is a very simple bill. It is a simple step that we intend to take and approve in this chamber. On behalf of the opposition, I say that we support the bill put forward by the government.

HON ALANNAH MacTIERNAN (South West — Minister for Regional Development) [4.00 pm] — in reply: I thank members for their thoroughly modernising spirit and, I predict, their collective preparedness to support this updating of legislation. I note that the Leader of the Opposition raised the issue of working hours and whether it is appropriate to have some sort of limitation on trading hours in order to maximise opportunities for individuals. I must admit that I have supported some restrictions on shopping hours, not just because I was a retail worker for many years, but also because my mother was a shop steward with the shoppies union. She actually led the first strike of a department store in Melbourne. It was owned by "Bondy", so members can imagine the issues they were having at the time.

I think there are some issues. We want enough flexibility for people to enjoy the retail experience, but of course we should not be naive, because some of the calls for the massive expansion of shopping hours are not founded on any reality. The Australian Open is supposed to be the biggest event in Melbourne, but back in the pre-COVID days, when people went into the CBD, there was not a shop open after six o'clock. Sometimes I think a fair amount of hype has surrounded the extended shopping hours debate.

The member has raised some important issues. He has sought clarification on the difference between entertainment and amusement. Entertainment is something that involves active and non-active people. It involves people who are performing and people who are watching. Amusement is a slightly broader concept that could involve people being actively engaged in the process, such as people getting on rides or going into amusement parlours. It involves a person interacting with machinery or whatever to effectively entertain themselves, as opposed to there being a performer and an audience. I hope that satisfies the member's need to have some clarity about the difference between an entertainment and an amusement.

Hon Dr Steve Thomas: I am not sure that Parliament is either of them!

Hon ALANNAH MacTIERNAN: Do members on that side use it to entertain themselves? I am not sure. I do not think there is much of an audience, so I am not sure that we are entertaining anyone else! Anyhow, hopefully we are performing an important process.

I have sought advice on the proclamation. I know that Minister Sanderson is very keen to get this legislation proclaimed on the earliest possible occasion, because we have had many false dawns with it. It has been introduced twice and passed once through the Assembly. I am advised that subject to the availability of our good friends at the Parliamentary Counsel's Office and their timetable, the proclamation will be drafted as quickly as it can and this vital piece of cost-saving and time-saving legislation will be passed.

I thank all members very much for their support. I commend the bill to the house.

Question put and passed.

Bill read a second time.

[Leave granted to proceed forthwith to third reading.]

Third Reading

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

AGRICULTURAL PRODUCE COMMISSION AMENDMENT BILL 2021

Second Reading

Resumed from 27 May.

HON COLIN de GRUSSA (Agricultural — Deputy Leader of the Opposition) [4.06 pm]: I rise to make a contribution on behalf of the opposition on the Agricultural Produce Commission Amendment Bill 2021. I indicate that I am the lead speaker for the opposition on the bill. As members will be aware, this bill had its genesis last year, but, more broadly, the Horticultural Produce Commission Act 1988 established the commission as a statutory authority, and then that act was amended in 2000 to become the Agricultural Produce Commission Act. That act's intention was to extend the availability of producers' committees more broadly than was originally intended under the Horticultural Produce Commission Act.

Back in 2000 when the Horticultural Produce Commission Bill was debated in this place, there was a lot of debate, as members can imagine, and I am sure there will be a number of contributions on this bill from members on this side of the chamber. A great deal of that debate focused on many aspects of the legislation and the changes being made, not the least of which were the changes to include broadacre and grazing industries under the act. After some negotiation, the minister's representative in this place at the time, Hon Murray Criddle, proposed some amendments to change the definition of who would be included under the act, and much debate ensued on that aspect of the bill.

The proposal at that time was to amend "industry" to include the words "a horticultural industry and such other agricultural industry as may be prescribed". However, in debate, members in this place did not accept that amendment and accepted instead an amendment that was moved, interestingly enough, by a former member for the Agricultural Region and someone for whom I have a great deal of respect, as I am sure do members on the other side, Hon Kim Chance. The amendments moved by Hon Kim Chance were debated at length and eventually supported by members from the then Greens and the Democrats, to change the proposed amendment to specifically exclude the words "broadacre cropping and grazing industries", as had been in the act, from that point on. The 2000 amendment bill incorporated an amendment in clause 3 that specifically defined "agricultural industry" as meaning "a horticultural industry and such other agricultural industry as may be prescribed but excluding broadacre cropping and grazing industries". It specifically excluded those industries from coming under the Horticultural Produce Commission Act at the time.

Subsequent to the implementation of that act in 2000, a legislative review of the act was conducted in 2006. The review reported in August 2006. The report made a number of recommendations. A number of those recommendations are around the continuation of the act and the different aspects of the act. Following that review, the government at the time tried to amend the act but was unsuccessful. I will go through the recommendations, because it is important to have those recommendations noted. It would also be appropriate if the minister in her response could provide a bit of a summary—which I have not seen yet—of which particular amendments have been adopted out of that 2006 review, and we will then be more aware of what is going and what the government will do in this term, and what it did in its previous term, in respect to that review. The review committee concluded —

1. The Act should be continued as it is providing industry with a mechanism to finance activities which otherwise would not be available.
2. The broadacre and grazing grower associations are polarised on whether the scope of the Act should be broadened to include their industries.

I do not think it is news to anyone that that polarity, as it were, is still there —

3. The mechanism to establish a producer committee, although protracted, does provide a high level of stakeholder consultation. The current process should remain unchanged.
4. Weighted voting on production is meritorious but too difficult to implement.
5. The mechanism used to raise the charge has the hallmarks of a duty of excise. The Review Committee decided amending the Act in line with similar legislation in other States to reduce the risk of a Constitutional challenge is not warranted.
6. The functions of producers' committees should include a wide range of educational and policy development activities.
7. Three minor amendments to the Act will correct omissions and duplications.
8. Appointment of Commissioners should be less proscriptive but the terms of their tenure should remain unchanged.
9. Compliance powers of the Commission need strengthening to include appointment of inspectors with the necessary powers.
10. The Commission's administration charges to a producers' committee should as far as practicable relate to the cost of services provided.

11. The preparation of management plans in partnership with industry stakeholders will improve consultation between the Commission and grower stakeholders.

12. As long as strict guidelines are enforced the introduction of compensation schemes are feasible.

13. The Commission and its producers' committees should consult with relevant peak industry bodies and other stakeholders but they should not have a statutory involvement.

It is useful to consider those recommendations. These go back some time. I am sure that when the minister provides an outline of what the bill will do in implementing those recommendations, a number of those recommendations will be well understood. Indeed, in the engagement that I had last year, which I will talk about in a little bit, about the first iteration of this bill, the existing producer committees were broadly supportive of many of the provisions that were proposed to be implemented.

It is interesting to note the second point on page 4 of the review —

> Given the polarisation of views of the two broadacre grower organisations, the Review Committee was unable to make a consensus recommendation on increasing the scope of the Act to include the broadacre industries. Including an opt out provision and changing the voting system would increase the support for expanding the scope of the Act. However, the inclusion of both of these conditions may not result in full support for increasing the scope of the Act to include the broadacre industries.

I will come back to that at a later point. It is worth remembering that although those things would potentially increase support for the bill from some of the organisations out there, they may not change the views of all the organisations in terms of this legislation.

Members who were in this place 2019 will be familiar with the Agricultural Produce Commission Amendment Bill 2019. That bill was introduced into this place in order to implement many of those recommendations in the 2006 review. However, one of the key differences in the bill at that time was that it included an amendment to change the definition of "agricultural industry" by deleting the words "as may be prescribed but excluding broadacre cropping and grazing industries" and insert the words "prescribed for the purposes of this definition". The bill sought to define an "agricultural industry" as an industry that may be prescribed for the purposes of those definitions, so that any industry, essentially, could be covered.

Obviously, subsequent to the introduction of this bill, there was a great deal of discussion among agricultural communities and representative groups about what this legislation would mean. It is fair to say that there is not a good understanding in broadacre agriculture of what the Agricultural Produce Commission does. There is a lot better understanding in the horticultural industry because it is a lot closer to the produce commission and it is used quite widely by people such as avocado growers, wine producers, beekeepers and egg producers. The understanding by those industries of what producer committees do and what the Agricultural Produce Commission does is much higher, but in the broadacre context the understanding is not quite there.

Hon Alannah MacTiernan: Member, can I just ask a question?

Hon COLIN de GRUSSA: Yes, minister.

Hon Alannah MacTiernan: I am sure that was the case originally with horticulture and viticulture et cetera, and probably one of the reasons why it is not known in broadacre is because it is not a facility that is available to them. I think it is a chicken-and-egg situation there.

Hon COLIN de GRUSSA: Potentially, minister, but the issue becomes what is the need for it in broadacre agriculture, and if that understanding is not there, the natural reaction from people is, "Why another levy?" I think it has been well demonstrated that that reaction has been pretty strong. As a result of this bill coming in, there was quite a bit of debate in broadacre land and in pastoral land about what the bill would mean for those industries. As a consequence of that, the Minister for Agriculture and Food moved to refer the bill to the Standing Committee on Legislation for inquiry. I was a member of the Standing Committee on Legislation and was involved in that inquiry, as was my colleague, the Leader of the Opposition, Dr Steve Thomas, who was seconded onto the committee for that inquiry. The end result of that inquiry was the forty-fifth report of the Standing Committee on Legislation, *Agricultural Produce Commission Amendment Bill 2019*. It makes a number of observations and recommendations. To date, I have not seen a government response. I note that this report was, of course, handed down very late in the last Parliament, so that is fair enough, but it would be good to get some clarity on the government's views or responses to the findings and recommendations of the Standing Committee on Legislation's forty-fifth report, *Agricultural Produce Commission Amendment Bill 2019,* so that the house can understand the government's response to the various issues raised and addressed in this report.

That inquiry was interesting. I encourage members to read the report. It is not a long report by any means compared with some of the other reports we get in here at only 60 pages including the appendices, but it makes some good observations and explains the purpose of the legislation, as well as discussing to some extent the views of the various organisations out there that represent agriculture. There are quite a few organisations in that space. The report explains

what a producer committee does and refers to the establishment of producer committees. That is pretty important because these committees have the power to charge a service fee to any grower of that produce. Obviously, that may concern some people. It is reasonably essential that when a committee is established, as many producers as possible are voting to establish the committee, and the establishment of the committee requires majority support, but that is a little bit up in the air. However, in general, I think the commission does a pretty good job of ensuring that it brings as many growers as it can on that journey of the process of establishing a committee, and therefore the end result is a committee that, in the case of the horticultural industries, tends to have the support of a fair number or a majority of the participants within that committee.

The horticultural industries have been able to do various different things with those committees such as research and development, industry promotion and marketing—those sorts of things. As an example, the Carnarvon banana growers have developed a scheme that provides for almost a compensation or insurance for when crops are damaged or lost due to cyclones, for example, so that they have enough money to pay out those growers and producers. That is quite a good use of these committees and enables an industry to support itself in that respect. It has been used well by other industries for marketing and other various things. I think those are examples of good use of these producer committees by the horticultural industries, and I think the producer committees are certainly supported by those industries.

I talked earlier about consultation on the 2019 bill. At that time, I spent a considerable amount of time talking to the various committees and organisations involved in agriculture and horticulture. At that time, those existing committees were all very supportive of the bill. The correspondence I received from those committees was that they were supportive of this legislation. They were supportive of the fact that they were going to see some of the changes from the 2006 review implemented. However, when it came to the aspect of including broadacre cropping and grazing, they were ambivalent, because it did not affect them. They were concerned that their producer committees needed some of the changes in this legislation as was proposed in 2019, but they were not concerned about the inclusion of broadacre cropping and grazing because it did not affect their industries. I think it is a fair point to remember that although the members of those committees are definitely very supportive guys and girls, that was in the context of supporting the legislation from the point of view of their own particular industries.

Consultation was widely held over the period of the 2019 bill being introduced and then before it was referred to committee. Of course, once it was referred to committee, further consultation occurred within the committee inquiry. At that time, there were mixed views; certainly, many people from the broadacre sector were very fearful of the Agricultural Produce Commission and the inclusion of broadacre. Indeed, people were concerned or perhaps a little sceptical that it would actually provide any benefit to them. But, as I said, those members of the existing producer committees were very supportive in general of the proposed amendments to the legislation, and so I guess it was an interesting consultation period to understand what those guys were thinking.

There are a variety of views across the broadacre industry. That is not unusual; it is agriculture. Farmers in general are a very independent and free-thinking lot who will have a variety of views on any one subject. I do not think that is unusual. However, it was most noticeable from my perspective that two pretty strong views were put on either side of the fence to an extent from both the major farm organisations. The Pastoralists and Graziers Association of WA was very much opposed to the inclusion of broadacre and grazing industries in the Agricultural Produce Commission Act. WAFarmers was supportive to an extent, except that in recent conversations it has said that it still wants to see opt-out provisions in the legislation. I think it is important that that is considered as well. Certainly, the views were dichotomous to some extent, although the opt-out provision is pretty important as well from WAFarmers' perspective.

In terms of the feeling out there among the farmers themselves, from those farmers I have spoken to—I did speak to many of them over that period, and I had a great deal of unsolicited correspondence from farmers at the time—to a tee, there was not a single piece of correspondence from anyone that was supportive of the inclusion of broadacre in the Agricultural Produce Commission Act. A couple of organisations and grower groups expressed some interest in the potential inclusion of broadacre agriculture in the act, but the overwhelming majority—if not all—of the correspondence I had from farmers was very much against these proposed amendments to include broadacre. For the rest of the act, it was almost the reverse of what the producer committees said. The producer committees were happy to see most of the amendments but could not care less about the inclusion of broadacre cropping or grazing. The farmers out there were pretty much the opposite; they did not want to see broadacre grazing and cropping included but were not too worried about the other amendments because they did not affect them. Subsequently, quite a number of views have been expressed. It is important that we understand the thinking of the various industries out there and ensure that we take into account their views when we consider this legislation.

The 2019 bill differs from the 2021 bill, and I am sure the minister will explain the differences. As far as I can see, the difference is clause 4, which will amend section 3. The 2019 definition of "agricultural industry" in section 3 will be amended by the 2021 bill, which will insert —

> is prescribed for the purposes of this definition, other than an industry that concerns livestock enterprises conducted on land under a pastoral lease;

I think that is the minister responding to concerns from the pastoral industry about its inclusion in the act should this bill be passed. I am a little concerned that that may capture pastoral industries that operate not only on pastoral lease land—for example, operations that also have freehold property where animals are transferred in order to be grown out before they are sold. I am interested in the minister's feedback on whether that is a potential risk of that amendment. It seems that it will include only livestock enterprises conducted on land under a pastoral lease, regardless of whether that business operates on both pastoral lease and freehold land. I asked this question in a briefing.

Debate interrupted, pursuant to standing orders.

[Continued on page 1767.]

QUESTIONS WITHOUT NOTICE

TIER 3 RAIL LINES — BUSINESS CASES

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

I refer to the Western Australian government's commitment to developing three business cases for the reopening of three tier 3 grain lines in the state, being Quairading to York, Kulin via Yilliminning to Narrogin and Kondinin via Narembeen to West Merredin.

(1) What is the status of the three business cases committed to by the government?

(2) What investment is required to facilitate the reopening of the tier 3 lines?

(3) What funding model, including a potential state–federal mix, will the government commit to for the reopening of the tier 3 lines?

(4) Have any or all of the business cases committed to by the state government been submitted to Infrastructure Australia; and, if so, which business cases?

(5) Will the government table the business cases; and, if not, why not?

Hon SUE ELLERY replied:

I thank the member for some notice of the question.

(1) Business case development is underway.

(2) The estimated costs for the respective tier 3 lines were released on 24 September 2020. These estimates will be refined through the business case process.

(3) Funding models will be determined following the business case process and negotiations with the commonwealth.

(4)–(5) Business case development is currently underway.

IRON ORE MINE PRODUCTION EXPANSION — APPROVAL APPLICATIONS

318. Hon Dr STEVE THOMAS to the minister representing the Minister for Mines and Petroleum:

(1) On how many occasions since March 2017 has the state government received applications for approval to expand iron ore production from any mine in Western Australia?

(2) Which mines did the applications in (1) apply to?

(3) What was the increase in tonnage applied for in each application and what was the increase in tonnage approved?

(4) On how many occasions since March 2017 has the state government rejected applications for approvals to expand iron ore production from any mine in Western Australia?

(5) Which mines did the applications in (4) apply to?

Hon ALANNAH MacTIERNAN replied:

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

(1) It is not possible to accurately answer this question with a figure as the types of approval needed would depend on the specific circumstances of each application. No one single approval is required to expand iron ore production at a mine. Multiple different approvals are usually required under relevant legislation. These may include additional tenure and mining approvals under the Mining Act 1978 and/or the relevant state agreement act and/or various environmental approvals and licences/permits under the Environmental Protection Act 1986.

(2)–(5) Not applicable.

CORONAVIRUS — VACCINATION CLINICS — REGIONS

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

I refer to COVID-19 vaccination clinics.

(1) Of the regional COVID-19 vaccination clinics listed on the Healthy WA COVID-19 vaccine website, please indicate which clinics are permanently based or mobile clinics?

(2) What are the lease arrangements for the permanent vaccination clinics? Please table, detailing when the lease expires and total cost to date for each lease?

(3) How many vaccines have been booked to date at each clinic?

(4) How many staff are based at each clinic?

(5) Is there any regional vaccine rollout plan post 23 July; and, if yes, please table.

Hon STEPHEN DAWSON replied:

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

I have been advised that further time is required to answer this question. The information will be provided to the member by 23 June 2021.

MINISTERIAL EXPERT COMMITTEE ON ELECTORAL REFORM

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

I refer to the work of the Ministerial Expert Committee on Electoral Reform.

(1) How many submissions were received by the committee as at the closure date of 5.00 pm on Tuesday, 8 June?

(2) Were any submissions formally received by the committee after the closure date; and, if so, how many?

(3) As at 9.00 am today, Tuesday, 22 June, how many of the total number of submissions received by the committee have been uploaded onto the government's WA electoral reform webpage?

(4) Have any submissions unrestrained by caveats of confidentiality not been uploaded onto the webpage?

(5) If yes to (4), which submissions, and why have they not been uploaded?

Hon MATTHEW SWINBOURN replied:

(1) The committee received 184.

(2) Three submissions were granted 48 hours' additional time.

(3) The committee has uploaded 100.

(4) Yes.

(5) Submissions are still being processed in the order in which they were received.

CORRUPTION AND CRIME COMMISSION — ACTING COMMISSIONER SCOTT ELLIS — MEETINGS WITH ATTORNEY GENERAL

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

I refer to the limited role of the Attorney General set out in the Corruption, Crime and Misconduct Act 2003.

(1) In the current financial year, on how many occasions has the Attorney General met with Acting Commissioner Scott Ellis?

(2) Further to (1), how many of those meetings were, in part or in whole, for the purposes of —

  (a) being furnished with evidence that may be admissible in the prosecution of a person for a criminal offence;

  (b) consenting to the prosecution of a simple offence outside the three-year limitation period;

  (c) requesting that the Director of State Records treat any records otherwise than as restricted access archives;

  (d) providing an indication on whether material in the possession of the commission will be released to the commission's investigators; and

  (e) any other reason?

(3) Further to (2)(e), what were those reasons?

Hon MATTHEW SWINBOURN replied:

(1) Two.

(2) (a)–(d) None.

(e) See (3).

(3) These were unexplained wealth–related matters and arrangements regarding not having a full-time commissioner; and incoming government briefing and budget position.

SCHOOL PSYCHOLOGISTS

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

I refer to the answer to question without notice 1112 asked on 15 October 2020 which refers to the provision of Department of Education school psychology services to community kindergartens.

(1) Can the minister advise whether community kindergartens access these services via the linked school or directly from the department?

(2) What was the total amount of funding allocated to deliver these services in —

(a) 2017;

(b) 2018;

(c) 2019; and

(d) 2020?

(3) How many school psychologists, by FTE, were allocated to deliver these services to community kindergartens in the years referred to in (2)?

Hon SUE ELLERY replied:

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

(1) Community kindergartens receive a nominal FTE allocation for support from school psychology services and have access to the school psychology services at their linked public school, as well as other services provided by the department's school psychology services.

(2) It is not possible to provide the total amount of funding allocated to community kindergartens for school psychology services. The school psychology service delivery model is primarily based on school psychologists attached administratively to one school and providing support across a number of schools, including community kindergartens and it is not possible to identify the funding associated with community kindergarten students.

(3) The dedicated FTE nominal allocations for community kindergartens are provided below.

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

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

Year	Total FTE allocated for Community Kindergartens
2017	0.38
2018	0.44
2019	0.40
2020	0.40

Hon SUE ELLERY: The nominal allocation is not inclusive of service delivery shared between the linked primary school and the community kindergarten to provide a flexible and responsive service depending on need; additional system supports, including child and parent centres, access to the Triple P program, and critical incident consultancy support; and the supply of lead school psychologists on the most complex cases.

PROTECTION OF INFORMATION (ENTRY REGISTRATION INFORMATION RELATING TO COVID-19 AND OTHER INFECTIOUS DISEASES) BILL 2021

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

I refer to the passage of the Protection of Information (Entry Registration Information Relating to COVID-19 and Other Infectious Diseases) Bill 2021 through the Legislative Council on Thursday, 17 June 2021.

(1) Did the minister or anyone from his office request that a representative from Western Australia Police be available to assist the parliamentary secretary to the Minister for Police during the committee stage of the bill?

(2) If yes to (1), when and to whom was the request made to WAPOL?

(3) If yes to (1), what was the response from WAPOL to the request?

Hon STEPHEN DAWSON replied:

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

(1) No. The legislation was developed under the Attorney General's portfolio by officers at the Department of Justice and the Parliamentary Counsel's Office. The advisers at Parliament were, as is usually the case, those who were involved in the development of the bill and who could explain how the legislation will work. The police minister's office was contacted; however, the Commissioner of Police was interstate. The Parliamentary Secretary to the Attorney General was provided with the incorrect advice.

(2)–(3) Not applicable.

HOUSING — RENT AND EVICTION MORATORIUM

324. Hon Dr BRAD PETTITT to the parliamentary secretary representing the Attorney General:

I refer to the raising of the moratorium on evictions and rent increases on 29 March 2021.

(1) How many form 12 applications to court to terminate a tenancy have been lodged to date?

(2) What is the total number of termination notices from public housing since the moratorium was lifted?

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.

(1) The number of form 12 applications seeking to terminate a tenancy lodged in the Magistrates Court of Western Australia from 29 March to 21 June 2021 was 1 256.

(2) This question falls under the housing portfolio and, as such, should be asked of the Minister for Housing.

MEDICAL CANNABIS — PHARMACEUTICAL BENEFITS SCHEME

325. Hon SOPHIA MOERMOND to the minister representing the Minister for Health:

I thank the minister for his answer to my question without notice 282 on 16 June on medicinal cannabis and the pharmaceutical benefits scheme. Further to his answer, and the correspondence tabled and date stamped 14 November 2018, will the minister list this as an agenda item for the next Council of Australian Governments Health Council meeting; and, if not, why not?

Hon STEPHEN DAWSON replied:

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

No. There is an established and legislated process for medicines to be assessed, recommended and listed on the pharmaceutical benefits scheme. To maintain the integrity of the PBS, medicinal cannabis products should be required to meet the exact same standards of quality, safety, efficacy and value for money as other funded medicines.

POLICE — CANNABIS OFFENCES

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

I thank the minister for his response to my question without notice 214.

Is the minister able to inform the house how many cannabis-related arrests have been made in the past calendar year, or in the most recent year for which data is readily available, and how many of those arrests resulted in —

(a) court appearances; and

(b) convictions?

Hon STEPHEN DAWSON replied:

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

The Western Australia Police Force advises that a response cannot be given in the required time frame. The honourable member may wish to place the question on notice.

(a)–(b) These questions will need to be referred to the parliamentary secretary representing the Attorney General for a response.

SAFEWA APP — ACCESS — POLICE INVESTIGATION

327. Hon MARTIN ALDRIDGE to the minister representing the Minister for Police:

I refer to the passage of the Protection of Information (Entry Registration Information Relating to COVID-19 and Other Infectious Diseases) Bill 2021.

(1) On what date did the Commissioner of Police first become aware that the Western Australia Police Force was accessing or seeking access to SafeWA data for investigations?

(2) On what date was the operational guidance referred to in correspondence between the police commissioner and the director general of the Department of Health on 19 March 2021 issued; and will the minister please table that document?

(3) On what date or dates did the police commissioner converse with the director general of the Department of Health in relation to this matter; and will the minister please table any related correspondence?

(4) On what date and at what time were WA Police Force advisers sought by the state government to assist with the passage of the aforementioned bill through the Legislative Council; and for what reason were WA Police Force advisers not available to assist the Legislative Council in its consideration of this bill?

Hon STEPHEN DAWSON replied:

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

The Western Australia Police Force advises the following.

(1) It is the commissioner's recollection that it was on or about 26 February 2021 when a broadcast was published on the matter.

(2) The date was 26 February 2021. Please refer to the tabled paper.

[See paper 332.]

(3) Discussions were had with the director general of the Department of Health on 11 March 2021. Please refer to the documents tabled in response to Legislative Council question without notice 284, tabled paper 290.

(4) Please refer to Legislative Council question without notice C352.

PRACTICAL DRIVING ASSESSMENTS — BUNBURY

328. Hon JAMES HAYWARD to the Leader of the House representing the Minister for Transport:

I refer to the report on GWN7 News of the evening of 17 June relating to driving test delays.

(1) Will the assessors mentioned by the minister be permanently assigned to the Bunbury assessment centre?

(2) How many FTE-equivalent driving assessors are assigned to each Department of Transport assessment centre?

(3) Does the minister anticipate wait times for learner drivers to significantly decrease at the Bunbury assessment centre as a result of the extra staff assigned?

(4) Is the minister committed to reducing wait times and addressing high failure rates for learner drivers; and, if so, what targets is the minister working towards?

Hon SUE ELLERY replied:

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

(1) The Department of Transport is addressing the longer-than-usual wait times at Bunbury by temporarily increasing the number of driving assessors. These additional bookings have been possible due to an assessor temporarily relocating to Bunbury and another assessor returning to work following leave.

(2) The number of FTE-equivalent driving assessors assigned to Department of Transport assessment centres ranges from one to 13.93.

(3)–(4) Approximately 100 additional practical driving assessments are expected to be available in Bunbury over the next two weeks. The online booking system is live and can be accessed 24 hours a day. Tests are released for dates several months in advance, and bookings for dates prior to this are also released on a daily basis for each driver and vehicle services centre. Candidates are encouraged to regularly check the online booking system, as availability is updated frequently. Candidates are also encouraged to gain as much driving experience as possible to improve their ability prior to booking their assessment.

KIMBERLEY JUVENILE JUSTICE STRATEGY

329. Hon NEIL THOMSON to the minister representing the Minister for Corrective Services:

I refer to answers to question without notice 108 asked by Hon Ken Baston, MLC, on 19 February 2020 regarding funding for the Kimberley juvenile justice strategy. The answer to part (3) stated that a series of Kimberley-wide recommendations would be delivered by December 2020.

(1) Which agency or organisations are responsible for developing these recommendations?

(2) Has this series of recommendations been delivered to the minister for consideration and implementation?

(3) If yes to (2), on what date, and are they publicly available?

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

Hon ALANNAH MacTIERNAN replied:

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

(1) The Department of Justice is leading the interagency response to the Kimberley juvenile justice strategy in partnership with Aboriginal community controlled organisations in the Kimberley region.

(2) Yes.

(3) The recommendations were provided to the minister on 29 April 2021. The results of consultation undertaken by the Kimberley Aboriginal Law and Cultural Centre, including the resulting recommendations, are publicly available on the KALACC website.

(4) Not applicable.

PUBLIC HOUSING — WAITING LIST

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

I refer to the growing public housing waitlist in Western Australia.

(1) For the end of each financial year 2016 to 2021, what is the total number of people represented by applications on the public housing waitlist?

(2) How many of these people are under the age of 18?

Hon SUE ELLERY replied:

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

(1) As at the end of each financial year, the total number of people on the public housing waitlist was 36 167 in 2016; 29 544 in 2017; 23 257 in 2018; 22 927 in 2019; and 23 928 in 2020. End of financial year figures for 2021 are not yet available.

(2) The requested information about the age of people represented by the applications on the waiting list is not readily available in the Department of Communities' information systems. I therefore ask the honourable member to place this question on notice.

FOREIGN BUYERS SURCHARGE — REVENUE

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

I refer to the McGowan government's foreign buyers surcharge, which was announced in the 2017 state budget as four per cent and increased to seven per cent in May 2018.

(1) What income has the foreign buyers surcharge raised for each of the financial years 2018–19, 2019–20 and 2020–21?

(2) How many transfers of residential property did the surcharge apply to in each financial year?

Hon STEPHEN DAWSON replied:

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

(1) In 2018–19, it was $5 504 212.70; in 2019–20, it was $19 039 018.50; and in 2020–21, as at 31 March 2021, it was $11 706 000.

(2) In 2018–19, it was 208, and in 2019–20, it was 570. The data for 2020–21 will be available at the end of the financial year.

MARINE FINFISH NURSERY — GERALDTON

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

I refer to the finfish nursery in Geraldton.

(1) Does the Department of Primary Industries and Regional Development have a new time line for this project to proceed; and, if yes, what are the revised dates of construction and operation?

(2) How many jobs is the facility intended to create directly? Please provide a breakdown of part-time, full-time and casual.

(3) How much has Aquaculture Consultancy and Engineering, the Netherlands-based engineering consultant, been paid to date?

(4) Is it now DPIRD policy to not proceed with certain infrastructure projects unless a legally binding agreement has been signed; and, if yes, when was this change made?

Hon KYLE McGINN replied:

I thank the member for some notice of the question.

(1) A time frame has not been established and is subject to the current review.

(2) During construction, we anticipate up to 50 full-time local jobs. When operating, the nursery will require a minimum of four full-time and two part-time positions.

(3) Aquaculture Consultancy and Engineering has been paid $77 951.

(4) There is no specific policy in this respect as the circumstances of each project will differ and require case-by-case consideration.

CORRUPTION AND CRIME COMMISSIONER — REAPPOINTMENT

333. Hon TJORN SIBMA to the parliamentary secretary representing the Attorney General:

By way of explanation, I have confirmed that limbs (2) and (3) of the question are redundant and I am focused on question (1), as identified in the written question.

I refer to the Corruption, Crime and Misconduct Amendment Bill 2021. Will the government continue with the precedent of appointment that it is establishing by way of this bill and seek to introduce a further bill or bills naming a replacement commissioner to the Corruption and Crime Commission should the position become vacant for any reason before the conclusion of Mr McKechnie's five-year term?

Hon MATTHEW SWINBOURN replied:

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

The government would consider similar legislation to the Corruption, Crime and Misconduct Amendment Bill 2021 only if the outstanding candidate, as chosen by the independent nominating committee chaired by the Chief Justice of Western Australia, was not able to be appointed by the method under the Corruption, Crime and Misconduct Act 2003. The Department of Justice is currently conducting a full review of the act, which includes the appointment process set out under section 9. This is being done with a view to Parliament having the opportunity to debate reforms to the current section 9 process, which has been the subject of multiple calls for amendment, including by Hon Nick Goiran as Chair of the Joint Standing Committee on the Corruption and Crime Commission in the thirty-ninth Parliament and Gail Archer, Senior Counsel, in her statutory review of the act.

CORRUPTION AND CRIME COMMISSIONER — ENTITLEMENTS

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

I refer to how the Corruption and Crime Commission's funding is applied, specifically to the benefit expenses applicable to the commissioner and acting commissioner.

(1) Since the commencement of the financial year on 1 July 2020, what have been the employee benefits, superannuation and Australian Accounting Standards Board 16 non-monetary benefits incurred by the commission for Acting Corruption and Crime Commissioner Ellis?

(2) What were the employee benefits, superannuation and AASB 16 non-monetary benefits incurred by the commission for Commissioner McKechnie in the preceding financial year until his term of appointment ended on 27 April 2020?

Hon MATTHEW SWINBOURN replied:

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

(1) As at 31 May 2021, the amount was $293 677.

(2) For 2019–2020, the amount was $572 084, inclusive of termination payment—that is, accrued leave.

METROPOLITAN CHILD DEVELOPMENT SERVICES — REFERRALS

335. Hon DONNA FARAGHER to the minister representing the Minister for Health:

I refer to the Child and Adolescent Health Service's school entry health assessment, which is offered to all children when they start school.

(1) How many assessments were conducted in 2020?

(2) Of those assessments referred to in (1), how many resulted in a referral to the following services provided by the metropolitan Child Development Service —

(a) physiotherapy;

(b) occupational therapy; and

(c) speech pathology?

Hon STEPHEN DAWSON replied:

I thank the honourable member for some notice of the question. Child and Adolescent Health Service's Community Health advises the following.

(1) There were 24 894 initial school entry health assessments completed for kindy-aged students during the 2020 school year.

(2) (a) There were 48 referrals for physiotherapy;

(b) there were 64 referrals for occupational therapy; and

(c) there were 352 referrals for speech pathology.

POLICE — MEDICALLY RETIRED OFFICERS — REDRESS SCHEME

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

I refer to the Western Australia Police Force redress scheme.

(1) As of 1 June 2021, how many applicants have there been to access the redress scheme?

(2) How many applicants have been approved and how many have been rejected?

(3) What has been the average payout?

(4) What has been the maximum payout?

Hon STEPHEN DAWSON replied:

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

The Western Australia Police Force advises the following.

(1) There have been 366.

(2) Two hundred and sixty-five applicants have been approved and 101 rejected.

(3) The agency is currently unable to provide a response. On 17 March 2020, it was advised that payments made to officers ranged from $20 000 to $150 000.

(4) It was $150 000.

NET ZERO EMISSIONS — 2050 TARGET

337. Hon Dr BRAD PETTITT to the minister representing the Minister for Environment:

I refer to the state government's *Greenhouse gas emissions policy for major projects*, which commits the state government to achieve net zero greenhouse gas emissions by 2050 and further commits the government to working with the Australian government to achieve a 26 to 28 per cent reduction by 2030. I also refer to the recent approval of the greenhouse gas abatement program for the Pluto LNG facility expansion, which includes nearly an additional one million tonnes per annum of carbon dioxide equivalent emissions.

(1) From which sectors of the state and national economy is it anticipated that the reductions to meet the state government policy targets will come?

(2) How much is each of those sectors expected to contribute?

Hon STEPHEN DAWSON replied:

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

(1)–(2) The *Greenhouse gas emissions policy for major projects* outlines the McGowan government's commitment to working with all sectors of the economy to achieve net zero greenhouse gas emissions by 2050. The *Western Australian climate policy* was released in November 2020 and outlines actions that include the development of emissions reduction strategies for key sectors of the economy. The government has also demonstrated leadership by committing to transition its own operations to net zero by 2050. The relative contribution of different sectors to the goal of net zero emissions by 2050 will be identified as we work through pathways for low-cost abatement opportunities with key sectors of the economy.

MINISTERIAL EXPERT COMMITTEE ON ELECTORAL REFORM

338. Hon MARTIN ALDRIDGE to the parliamentary secretary representing the Minister for Electoral Affairs:

I refer to the electoral reform process embarked upon by the state government, which was not on the agenda immediately prior to the last election.

(1) Is the ministerial expert committee on track to report by the end of June 2021?

(2) Will the minister please list the submissions made to the committee to date?

(3) Will the minister commit to releasing the report of the committee; and, if so, when?

(4) What is the expected total cost of the ministerial expert committee to date, and what are the individual costs incurred for committee members to date?

Hon MATTHEW SWINBOURN replied:

I thank the member for some notice of the question. I provide the following response on behalf of the Minister for Electoral Affairs.

(1) Yes.

(2) Submissions are publicly available as they are processed at www.waelectoralreform.wa.gov.au.

(3) The minister will table the report in Parliament after it has been considered by government.

(4) The total cost is yet to be determined. So far, the committee has incurred $3 312.08 in advertising costs.

DOG AMENDMENT (STOP PUPPY FARMING) BILL 2021

339. Hon JAMES HAYWARD to the Leader of the House representing the Minister for Local Government:

I refer to the Dog Amendment (Stop Puppy Farming) Bill 2021, which has been read for the first time in the Legislative Assembly.

(1) Of the pet shops in Western Australia that sell puppies, have those been consulted to determine the source of their puppies?

(2) If yes to (1), what are the findings and what proportion of these puppies were sourced from puppy farming?

(3) To date, how many infringements have been issued in WA regarding poor animal welfare related to puppy farming?

Hon SUE ELLERY replied:

I am sorry, honourable member, I do not have an answer in my file and I am about to wrap up question time. I will give the member an undertaking that I will provide that answer tomorrow, without the member having to ask it again.

NUMBAT HABITATS — PRESCRIBED BURNING PROGRAM

Question without Notice 310 — Supplementary Information

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Mental Health) [5.01 pm]: With reference to question without notice 310, asked by Hon Tjorn Sibma on the previous sitting day, I would like to table the Department of Biodiversity, Conservation and Attractions' internal review of the DON 100 Weinup prescribed burn that it conducted on 25 March 2021.

[See paper 333.]

SYNERGY — GENERATION OUTPUT

Question without Notice 297 — Answer Advice

HON ALANNAH MacTIERNAN (South West — Minister for Regional Development) [5.02 pm]: On Thursday, 17 June, the Hon Dr Steve Thomas asked a question to me in my capacity representing the Minister for Energy. I undertook to provide that answer to him. I seek leave to incorporate that response into *Hansard.*

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

I thank the member for the question. The following information has been provided to me by the Minister for Energy

(a)–(d) Please see the table below.

Financial Year	Coal	Gas	Renewable
2017–2018	5,878 GWh	1,504 GWh	98GWh
2018–2019	4,943 GWh	1,512 GWh	6GWh
2019–2020	4,473 GWh	1,513 GWh	5GWh
2020–2021 (YTD May 21)	3,782 GWh	1,265 GWh	2GWh

Notes:

- Each gigawatt hour (GWh) is equal to 1,000 megawatt hours.
- The table does not include exports from distributed energy resources, such as household solar.
- Information for (a) through (c) is taken from page 9 of Synergy's 2019–20 annual report, which can be found at www.synergy.net.au/About-us/News-and- announcements/Annual-reports/Synergy-2020-annual-report.
- Information for (d) is taken from the website of the Australian Energy Market Operator (A.EMO), www.aemo.eom.au/en/energy-systems/electricity/wholesale-electricity-market-wem/data-wem.

LENNOX WEIR

Question without Notice 251 — Correction of Answer

HON ALANNAH MacTIERNAN (South West — Minister for Regional Development) [5.02 pm]: In reference to an answer given to question without notice 251 on Tuesday, 15 June 2021, I would like to correct the record and provide further information to the house.

The answer provided on 15 June was based on information provided to me by the Minister for Water. I advised —

(e) The Water Corporation and the Department of Water and Environmental Regulation are unaware of the report mentioned.

The Water Corporation has now identified that this report is *Aquatic fauna and flora surveys at the Lennox Weir, Busselton*, which was prepared for the Water Corporation by the Centre for Sustainable Aquatic Ecosystems at the Harry Butler Institute, Murdoch University. Robyn Paice was one of six authors of the report. I now table that report and apologise to the house.

[See paper 334.]

SAFEWA APP — ACCESS — POLICE INVESTIGATION

Question without Notice 327 — Answer Advice

HON MARTIN ALDRIDGE (Agricultural) [5.03 pm]: I have a point of order. In question time today, I asked the minister representing the Minister for Police a four-part question. The minister's response to part (4) was —

Please refer to Legislative Council question without notice C352.

The problem with this answer is there is no such thing as Legislative Council question without notice C352. I suspect our hardworking Hansard reporters will correct the laziness inherent in this answer. I suspect that C352 was a question asked by Hon Peter Collier. The problem is that if Hon Peter Collier had not asked that question, this answer would refer to nothing. I raise with the President, as I have raised it with the former President on another occasion, the way the government answers these questions. It would have been far easier for the government just to repeat the answer given to Hon Peter Collier in the question that I asked.

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Mental Health) [5.05 pm]: I am very happy to take that issue up with the minister. The answers to questions from that minister only came in during question time today. I had not had a chance to read it before I gave it. I am happy to take that question away and provide an updated answer to the house.

The PRESIDENT: Hon Martin Aldridge is quite correct in that sometimes there have been inconsistencies with the numbering system. The number that is given when a member lodges a question is different from that in *Hansard*. It is not uncommon. Therefore, there is no point of order, but I thank the minister for his offer to pursue that information on behalf of the honourable member.

MINISTERIAL EXPERT COMMITTEE ON ELECTORAL REFORM

Question without Notice 338 — Answer Advice

HON MARTIN ALDRIDGE (Agricultural) [5.06 pm]: I have another point of order. In question time today, I asked the parliamentary secretary representing the Minister for Electoral Affairs —

(2) Will the minister please list the submissions made to the committee to date?

That is obviously the Ministerial Expert Committee on Electoral Reform. His answer was —

(2) Submissions are publicly available as they are processed at www.waelectoralreform.wa.gov.au.

I refer to rulings of previous Presidents, including a reminder by you in recent weeks, about referring members of this house during question time in particular to websites. I ask the President to reflect on the answer given by the parliamentary secretary.

Hon Sue Ellery: By interjection, honourable member, I think you make a reasonable point. I will take that up; to check that the answers do not do that.

The PRESIDENT: Thank you, Leader of the House, for your interjection. There is no point of order given that, as usual, those kinds of issues arise. I thank the Leader of the House for undertaking to pursue that matter with her colleagues.

PARLIAMENTARY SECRETARY TO THE ATTORNEY GENERAL

Protection of Information (Entry Registration Information Relating to COVID-19 and Other Infectious Diseases) Bill 2021 — Committee of the Whole House — Personal Explanation

HON MATTHEW SWINBOURN (East Metropolitan — Parliamentary Secretary) [5.07 pm] — by leave: It has come to my attention that during the course of the Committee of the Whole House stage of the debate on the Protection of Information (Entry Registration Information Relating to COVID-19 and Other Infectious Diseases) Bill 2021 on Thursday, 17 June 2021, I provided a response that was not correct. During the course of the proceedings in committee, I was asked about the availability of WA police advisers to provide advice to me at the table. I provided a response based on the advice available to me at the table to the effect that WA police had been contacted and that they had advised that they did not have available anyone senior enough who was familiar with the matter. I have

now become aware that this response, while provided in good faith, was not correct and only contact with the office of the Minister for Police as to the availability of police advisers was made and WA police was not contacted on that day as to the availability of advisers. I apologise to the house for providing incorrect information.

STANDING COMMITTEE ON PROCEDURE AND PRIVILEGES

Sixty-second Report — Interim report—Review of standing orders (speaking times) — Tabling

THE PRESIDENT (Hon Alanna Clohesy) [5.08 pm]: I am directed to present the sixty-second report of the Standing Committee on Procedure and Privileges titled *Interim report—Review of standing orders (speaking times)*.

[See paper 335.]

The PRESIDENT: The committee was directed to report on speaking time limits by 22 June 2021. A majority of the committee recommends changes to speaking times for second and third reading debates. It recommends no change to speaking times for the Committee of the Whole House and no change to the procedure for first reading in which the question is put without debate or amendment. A minority report, authored by Hon Martin Aldridge and Hon Tjorn Sibma, does not recommend any change to speaking times at this time.

Recommendation 1 — Adoption — Motion

HON KYLE McGINN (Mining and Pastoral — Parliamentary Secretary) [5.09 pm] — without notice: I move —

> That recommendation 1 contained in the sixty-second report of the Standing Committee on Procedure and Privileges, *Interim report—Review of standing orders (speaking times)*, be adopted and agreed to.

I seek leave to continue my remarks at the next sitting of the house.

[Leave granted.]

Debate adjourned, pursuant to standing orders.

AGRICULTURAL PRODUCE COMMISSION AMENDMENT BILL 2021

Second Reading

Resumed from an earlier stage of the sitting.

HON COLIN de GRUSSA (Agricultural — Deputy Leader of the Opposition) [5.10 pm]: Before question time, I was looking at a comparison between the Agricultural Produce Commission Amendment Bill 2019 and the Agricultural Produce Commission Amendment Bill 2021 and, as far as I can identify, the differences are in clause 4(1), which seeks to insert into section 3(1) of the act a definition of "pastoral lease" as having the meaning given in section 3(1) of the Land Administration Act 1997, and in clause 4(2), which seeks to change the wording to "is prescribed for the purposes of this definition, other than an industry that concerns livestock enterprises conducted on land under a pastoral lease". When we had a briefing on this bill last week, the briefers were unable to answer a question asked by Hon Steve Martin about whether that definition could potentially capture those who operated on both a pastoral lease and freehold land. That is certainly something we seek some clarity on from the minister in her reply.

Going back a little to the process of consultation that I talked about earlier, I reached out to a number of the existing committees and also to the broadacre industry and others to get feedback on the 2019 bill. Indeed, the majority of those producers' committees responded, although a couple did not, so I would like to acknowledge the contribution that they made in discussing this bill with me and enlightening me on what they do under the Agricultural Produce Commission and how it has helped their horticultural industries. I would like to thank those representatives of the citrus, egg, strawberry, pome, potato, veggie, wine and avocado industries, as well as, of course, the Kimberley Pilbara Cattlemen's Association, WAFarmers and the Pastoralists and Graziers Association, all of whom I spoke with at various lengths in the process of consulting on the 2019 legislation. As I said, a variety of views were expressed.

A number of submissions to the Standing Committee on Legislation identified some issues, and most of those focused largely on clause 4, which will amend section 3 of the act to include broadacre agriculture within the definition. One of the things the committee identified, and it is discussed at some length in its forty-fifth report on the Agricultural Produce Commission Amendment Bill 2019, is what exactly is broadacre cropping and grazing. It appeared to committee members at the time, and certainly to me, that there was no clear definition of a broadacre industry. In fact, there could be some industries that were considered broadacre that were of a smaller scale and industries that were not considered broadacre, and that did not seem to make a lot of sense. The committee went to some length to try to resolve what exactly is broadacre farming, but the issue is that during the inquiry and the committee's deliberations, it became quite clear that understanding what broadacre means is quite important.

As outlined in paragraph 3.32 of the report, the Department of Primary Industries and Regional Development agreed that the phrase "broadacre cropping and grazing industries" probably lacked clarity and that if it were to remain in the APC act, it would need to be better defined. I would argue that a definition should be included anyway. Perhaps the minister can enlighten us on why that is not included or outline that in her response to this report. Should

clause 4 be adopted and the definition in the act change, "broadacre" will still need to be prescribed potentially for industries that are considered to be broadacre. In that instance, it would probably be useful to have a definition to provide clarity for producers who may come under the act.

One of the other key concerns raised by many groups in both presentations to the committee and in conversations that I had had around the traps was that under the Agricultural Produce Commission Act, a new levy would be imposed on their industry. In fact, those involved in broadacre agriculture already pay a significant levy. It is important to address that concern, because the reality is that this is different in some respects from a levy in that it is a fee for service. In return for the payment of a prescribed fee, a producers' committee is entitled to charge a fee for the service that it provides to whatever industry it represents. It could be for any number of things, and I have talked about marketing; research and development; insurance, such as in the Carnarvon banana example; and many other different examples. That is the service provided for the fee charged. It is a little different from a levy that is imposed regardless, which the industry has to pay, with very little understanding of what it actually gets for that levy.

It is also important to understand—I think the committee went on to refer to this in the report, but I do not have the page in front of me—that a number of horticultural industry members also pay significant federal levies, so they pay an Agricultural Produce Commission fee for service in addition to those levies. But they still find benefit for their particular industry in paying that fee for service. It is fair to say that the broadacre industry —

Hon Alannah MacTiernan: What do you mean by broadacre, member?

Hon COLIN de GRUSSA: That is right, minister. Perhaps we should define it.

Hon Alannah MacTiernan: If you don't know what it means, how can you talk about it?

Hon COLIN de GRUSSA: Why has the minister not put it in the bill?

Hon Alannah MacTiernan: We're not talking about it in the bill anymore.

Hon COLIN de GRUSSA: Are we not?

Hon Alannah MacTiernan: No.

Hon COLIN de GRUSSA: So what is a broadacre industry, then?

Hon Alannah MacTiernan: You're not understanding.

Hon COLIN de GRUSSA: The minister is removing the exemption, but what is she exempting?

Hon Alannah MacTiernan: We're actually removing reference to broadacre, so the fact that you don't understand it does not mean anything. You're being helped by the legislation because we're not referencing it anymore.

The DEPUTY PRESIDENT: Order! Members, I think these types of exchanges will be most useful in the Committee of the Whole stage.

Hon COLIN de GRUSSA: I think it is actually important to understand what broadacre industries are referred to in the act, and therefore what broadacre industries would potentially be covered should the bill succeed. There was a fair deal of concern in agricultural land by producers of wheat, barley and canola, and sheep as well, that a new fee would be imposed upon them, with very little understanding of what that would deliver for them. That concern was raised by a number of groups. To some extent, I can certainly understand that. Farmers pay significant levies for the production of their product, and perhaps there is some question about the benefit of those levies. There are certainly plenty of different views about what is the best value for producers from the fees they pay at the federal level. There are certainly those who would support the continuation of some of those federal levies. However, the potential for this extra imposition obviously concerns people, and they are worried about it, because it is a potential additional cost to their business, with, as I said, little understanding of what benefit that would offer them.

In addressing some of the changes proposed in the bill, as the Minister for Agriculture and Food outlined in her second reading speech, another proposed amendment to the Agricultural Produce Commission Act 1988 is to remove the word "broadacre" at clause 4. That proposed amendment is relatively minor in comparison with many of the other changes that are proposed as a result of the 2006 review and other identified issues. A lot of those changes are very much welcomed by the existing producers' committees. They include extra provisions with regard to compliance and enforcement. That is quite important. The committees that I spoke to certainly did identify that those were important changes for them, to make sure that people are complying with their obligations under the act, and that, conversely, the funds that are being collected are being used by those committees as intended to support the industry.

Clause 11 of the bill provides for non-producers to be appointed to producers' committees. That may be a good option to provide particular expertise on a committee. It will not be a bad option for many committees to have that expertise. However, producer members would still have only voting rights, which I think is a good thing. The bill also provides a more defined process for the functions of producers' committees to include responsibility for additional produce. That will be useful as well. As I said, many of those committees are very supportive of these

proposed changes. The bill will also provide the commission with the power to have weighted voting at a poll. That is an interesting one. There are many examples in the agricultural industry of a relatively small number of producers who produce a lot of a particular product by virtue of their scale. Weighted voting would perhaps provide an opportunity for the vote of those producers to be more reflective in the establishment of a committee. The vote of those producers who are producing the bulk of a particular commodity, for example, would have a greater impact on the establishment of that committee and effectively have more value. I do not think that is a bad thing. In fact, most of the committees that I spoke to certainly saw that proposed amendment as a good opportunity.

Another important amendment is the capacity for regulations to provide for a circumstance in which a charge for the services provided by a committee could be waived, refunded or reduced. This is being called an opt-out clause. The industry, in particular WAFarmers, dare I say from a broadacre industry context—or perhaps a currently excluded broadacre industry context—is supportive of an opt-out provision. However, from the conversations that I have had with it, it still wants to see that opt-out provision in the legislation. It is concerned that having it in regulation is not transparent. I have been advised that WAFarmers' support for this bill is conditional upon that opt-out provision being provided for in the legislation. Keen-eyed members will note the existence of issue 1 of supplementary notice paper 18, which has an amendment in my name to introduce an opt-out provision into the legislation. We will get to that when we go into the committee stage of the bill. That is my attempt to satisfy the requirement of WAFarmers that the opt-out provision be included in the legislation.

Of course the Pastoralists and Graziers Association of WA is not supportive of any attempt to bring either pastoralists or the currently excluded industries, such as wheat, barley, canola and others, under the provisions of the act. It would prefer that those industries were exempt under the act, as they have been to this point. Even though the minister has made an attempt in the latest iteration of this bill to improve that definition somewhat to exclude enterprises conducted on land under a pastoral lease, it is my understanding that the PGA is opposed to the Agricultural Produce Commission now including industries such as grazing, as well as wheat, barley, canola and others. When we get to that clause, no doubt there will be some debate on the merits of the changes proposed by the minister. At this stage, I can indicate that that is the view of the industries that I have spoken to. It is fair to say that since the Horticultural Produce Commission Act 1988 was amended in 2000 to become the Agricultural Produce Commission Act, those views really have not changed. In reading the *Hansard* of the debate in 1999 and 2000, both the Pastoralists and Graziers Association and the Western Australian Farmers Federation as it was at the time, now WAFarmers, were still very much concerned that their industries did not want to be included under that act at the time, and, indeed, if they were to be included, they wanted to have an opt-out provision, and an amendment was made to exclude those industries from being covered by the act. That amendment was clunky, because the definition of "broadacre" was very poor and potentially would have been open to challenge if anyone had wanted to do that at the time, but no-one did. However, nothing has really changed in the view of those industry groups from that time, with the exception to some extent of WAFarmers, which is very much supportive of many of the provisions and sees some opportunity for the currently excluded industries to be included. However, it would want an opt-out provision in the legislation, as I said, hence my attempt on the supplementary notice paper to try to get that in.

I will not go on for too much longer; I know that other members want to make a contribution to the debate on this legislation. It is important to acknowledge those groups that I have consulted with, and I know that the minister has also had consultation and certainly has had views expressed by many individuals and groups, as I have, on this whole process. I think it is fair to say that the review that took place in 2006 identified a number of things within the act that need changing. It always surprises me—maybe it should not, but it does—that it can take so long to get some of those things implemented. A number of amendments need to be made.

Hon Alannah MacTiernan interjected.

Hon COLIN de GRUSSA: I am not blaming anyone, minister. I am not taking interjections at this point. I am just making an observation that the wheels of bureaucracy turn slowly, whichever side of the chamber one is sitting on. A number of key recommendations came out of that review for those existing committees and I look forward to those changes being implemented. As we go through the bill in more detail during the committee stage, of course, we will have some time to flesh out what each of the particular clauses will do and how they will impact on the various committees, as well as, no doubt, some quite lengthy discussion on the merits of changing that definition in clause 4 to include the broadacre industry.

I can indicate at this point in time that the opposition is supportive of many measures within this legislation. However, our support for the legislation is contingent on an opt-out provision being included in the legislation. It is also incumbent upon us having a discussion on that definition in clause 4 and the attempt to exclude pastoralists. We will see where we land on that one.

For now, members, I will leave it there and pass on to others who may want to contribute.

HON STEVE MARTIN (Agricultural) [5.31 pm]: I rise to make a contribution to the second reading debate on the Agricultural Produce Commission Amendment Bill 2021. This is my first contribution to a second reading debate. I am glad it is on an issue that is close to home. I represent the Agricultural Region. This bill will have a significant impact in a very small way on a large section of that region. As Hon Colin de Grussa has said, most

of the proposed amendments are administrative, and we support the modernisation of the bill, as do the existing agricultural producers' committees. That is a good thing. The minister is being cute about calling it "broadacre" or not; the sector knows what it is. The debate is about the inclusion or otherwise of grain and livestock and other cereal production into this process, and I will get to that. I will also follow up on some of Hon Colin de Grussa's comments on the forty-fifth report of the Standing Committee on Legislation. I will be referring to that and to the minister's second reading speech.

This has been quite a lengthy process. It has been brought to my attention since 2006, I believe, when there was a review of the act. I know that government moves slowly, but that was 15 years ago, and we are still getting to this. A number of ministers have had a go at this and we are still getting there.

Just for background, the APC was established over 30 years ago under the Horticultural Produce Commission Act 1988. Its primary function was to support the horticultural industry. It established producer committees to market their products. It was expanded in 1999 to include other small agricultural industries. Basically, it was never designed to deal with the complexities of broadacre agriculture. Now we are trying to shoehorn a large sector into an act that was originally set up for those smaller niche industries, as important as they are, and, as I said, the amendments to this process will be useful for them.

I refer to some items in the minister's second reading speech. As the minister said, most of the proposed amendments are of an administrative and operational nature; that is fine. There are compliance and enforcement provisions that will be useful. Clause 11 will allow non-producers to be appointed to committees, and that will be a useful outcome for the existing committees.

The bill includes power for the commission to have weighted voting. I have some questions and comments on that. As Hon Colin de Grussa said, at our briefing with the department, which was very informative, there was not great clarity on how that weighted voting might be arranged. There seem to be regulations that need to be sorted before we have a clear picture of what that will look like, and I guess that is a little bit of a concern, because, again, we just do not know what that will look like.

Reading from the minister's second reading speech, she said that weighted voting —

> … would be utilised only if there were sufficient industry data available to the commission for it to make the determination in the best interests of the relevant agricultural industry.

To me, that reads as though it is for the commission to decide rather than industry. I have some concerns about that. We talked about the exclusion of broadacre cropping. In the second reading speech, the minister said —

> … the bill now provides an exclusion for an industry that concerns livestock enterprises conducted on pastoral land.

Thinking about that, it was brought to my attention that, for example, a cattle station in the Kimberley might own and operate a feedlot in the Midlands. It might ship the cattle to the feedlot in the Midlands and then sell it to Harvey Beef. If the point of sale was in the non-pastoral part of the state, would that sale then incur a levy or fee for service, or whatever we call it, if there were one for the cattle beef industry? I think there needs to be some clarity about what pastoral land means and how far it can reach. A trade in reverse could be fodder or hay produced in, say, the great southern and then shipped up to and sold on a pastoral property. The bill refers to livestock, but I think we need some clarity on that pastoral land distinction.

The minister talked about an opt-out clause. She said —

> This, in effect, is an opt-out clause, providing the ability for regulations to be made on the process for producers to opt out or have their charges refunded or reduced.

I know that there is certainly an issue between the various farmer lobby groups, as we have heard. The Pastoralists and Graziers Association has very strong views on this. I am getting mixed messages from WAFarmers about its view on the opt-out clause, so I do not think it has a clear position. There are levels of support for an opt-in clause, and there are certainly strong levels of support for that clause to be in the bill, not the regulations, so I do not think it is correct to suggest that industry is completely onboard with one way of operating this.

I will move on to the forty-fifth report of the Standing Committee on Legislation. I understand there has not been a government response to this because of the timing of the tabling of the report.

Hon Alannah MacTiernan: No; it's just that's not how it works.

Hon STEVE MARTIN: That is fine; it was tabled in September 2020. I understand. There are a couple of issues. Right at the start of the report, finding 3 states —

> Charges imposed under the *Agricultural Produce Commission Act 1988* are unlikely to duplicate other levies and charges.

I found that extraordinary, but I will come back to that.

I am sure that the minister will refer to some of the recommendations at some stage in this debate. Recommendation 1 is important. It states —

> The Minister for Agriculture and Food explain why it is necessary for clause 4(2) of the Agricultural Produce Commission Amendment Bill 2019 to insert the words 'prescribed for the purposes of this definition' into the definition of 'agricultural industry' in section 3(1) of the *Agricultural Produce Commission Act 1988*.

That is the committee's response, and it refers to prescribed persons.

Hon Alannah MacTiernan: Could you clarify that again?

Hon STEVE MARTIN: I am talking about some of the recommendations in the report. Could we please have a response to recommendations 1 and 2. Part 3 refers to the process for establishing producers' committees. Paragraph 3.7 states —

> Once the Commission has published the notice of an intention to form a producers' committee, it then undertakes the informal phase of gauging the level of industry support for a producers' committee and educating that industry about the APC Act.

Once the commission has published something about forming intent, it then undertakes to find out whether there is any interest from the industry. I am not sure whether that is the right process. I would have thought that if industry were knocking the commission's door down, it might then start the process. As the report says, it can be a long process. I think the wine producers' committee took 10 years to establish. For the commission to somehow discover, mysteriously, that there is a need out there and then talk to industry about it seems to be the wrong way around.

Further on, the report refers to functions of and services provided by producers' committees. It states —

> Section 12 of the APC Act sets out 14 functions and services that may potentially be performed or provided by producers' committees. These include:
>
> - advertising and promoting the agricultural produce
> - controlling or developing the means of controlling pests and diseases
> - conducting research
> - conducting educational or instructional programmes

I refer again to finding 3, which states —

> Charges imposed under the *Agricultural Produce Commission Act 1988* are unlikely to duplicate other levies and charges.

We flick through a few pages and it tells us what a producers' committee could do. Let us go through them. The first dot point is "advertising and promoting the agricultural produce". I am wearing a woollen suit. Somewhere on it will be a Woolmark logo. It is a very well known brand across the world. Wool producers, as I was until recently —

Hon Stephen Dawson interjected.

Hon STEVE MARTIN: There it is, Hon Stephen Dawson. Exactly; I hope everyone has one. It is Australian wool. It is a wonderful brand. It is an expensive brand for wool producers to fund. We do it willingly, but we already fund it through our Australian Wool Innovation levy. That is covered. That is just one example of how those broadacre sectors fund "advertising and promoting the agricultural produce".

The second dot point is "controlling or developing the means of controlling pests and diseases". The Biosecurity and Agriculture Management Act immediately springs to mind. I will give members an example. The BAM act controls wild dogs in parts of the wheatbelt and great southern. I know a few producers around Lake Grace who make a contribution. It is worked out around shire boundaries. If someone is in the shire boundary and the BAM act applies to them, they pay the levy. One of the producers whom I know of in that area, for example, pays his wild dog levy through the BAM act. I believe there are matching funds, minister.

Hon Alannah MacTiernan: Yes. It's called "recognised biosecurity groups".

Hon STEVE MARTIN: Indeed. This producer does not run livestock. Wild dogs, in effect, chase kangaroos out of his crops. He does not mind the odd wild dog running around but he is being included in this prescribed area and he will pay a levy through the BAM act. The second dot point, "controlling or developing the means of controlling pests and diseases", is already covered by the BAM act.

The third dot point is "conducting research". Grain growers all across Western Australia pay tens of millions dollars in Grains Research and Development Corporation levies for that purpose. I am sure that the minister will join me in arguing that we do not get the best value for money from that levy spend or that enough dollars come back to Western Australia. It is collected federally and heads east and then we are sent back some occasionally. We have areas of research that are not being met by the GRDC, but to suggest we are not funding it properly is false. We certainly conduct research. They are just some of the issues I have with the duplication of functions in the existing levy structures and this new proposal.

Page 23 refers the skeleton weed levy. For the non-grain farmers, this will be new to them. We have paid the skeleton weed levy for a long, long time. It is a very rare and very nasty plant that appeared in the eastern wheatbelt decades ago. Every summer, farmers would volunteer their time and their money through this levy and hunt for skeleton weed. We would sit on the back of a ute and drive over endless acres of land at East Hyden looking for this one little yellow flower. Only very rarely would we find one, but we paid the skeleton weed levy. As it became apparent that this superweed was not going to take over the wheatbelt—in fact it was very, very rare—the fight to get out of paying that levy began. It has been an awkward process.

I will quote the submission by the GRDC to the committee, as quoted in the report —

> The Skeleton Weed Levy is an example of the difficulty to opt out of a particular levy and the penalty to be able to access service when you opt back in. Under the current opt out of Skeleton Weed the levy is still paid and can take twelve months to get back by which time the next years levy is paid. All the while being on the overdraft incurring interest.

I cannot comment on the opt-out process in the APC bill because we do not know what it will be. It will be in the regulations somehow. I would hate to think it is anything near what the skeleton weed levy process was like. So members are reassured, the skeleton weed pandemic is under control.

Page 31 refers to weighted voting. I talked about that briefly before. I have some real concerns about weighted voting and the briefing we received did not allay any of those concerns because the advisers simply did not know what it would look like. I will quote again —

> (1) The Commission may in compiling a list of producers of agricultural produce [under section 16], determine in writing the number of votes each producer is to have in a poll of the producers of the agricultural produce.
>
> (2) In determining the number of votes each producer is to have in the poll, the Commission is to ensure that each producer —
>
> (a) has at least 1 vote;

That makes sense. But it appears to be in the commission's powers to determine that system. I have some issues with that.

Finally, at the back of the forty-fifth report is a number of appendices, including "Potential producers' committees". This appendix outlines what the department believes some of the uses of these committees could be. It refers to crop insurance schemes. I would have thought that would be private business between individual producers and their insurers. I am not sure why that sort of scheme would be useful there. It also refers to allowing local or regional livestock groups to address specific parasite, nutritional, fertility and meat quality issues. I am keen to know, if we are talking about the cattle industry or the sheep industry, how would we define "local"? Could a number of shires band together on behalf of the sheep industry? Would it be a region? I need specifics on how we would have local or regional sheep, for example, or wheat or some of those broad categories. How would we then pull that back to a small area?

The final appendix, appendix 8 refers to a WA farmers wish list, if you like. It includes —

> Grain growers on the Tier 3 Line wanting to examine the costs and benefits of sub leasing the Tier 3 lines.

I will just let members know where that might go wrong. For example, in the tier 3 area that I live in—but my railway line has been closed—CBH now has competition from Bunge as a storage and handler. That grain goes via road to Bunbury. Several of my neighbours actually sell exclusively to Bunge; they store the grain on-farm in big, long sausage bags, and over the season they ship it out. I am not sure they would be all that thrilled to be caught up in a local Agricultural Produce Commission that talks about railway lines going to a storage and handling provider that they do not use any more. These are just a couple of things in the forty-fifth report that I wanted to highlight.

I thought it might be useful to let honourable members know some of the levies the broadacre sector currently pays. I am concentrating on the broadacre inclusion, or otherwise, in this legislation; I do not apologise for that, referring back to my original comment that this system was never designed to deal with the complexities of broadacre agriculture. It is quite a long list. We already pay these levies: wheat, barley, canola and lupins pay 1.02 per cent of the sale value; wool, 1.5 per cent of the sale value; fodder, 50¢ per tonne; cattle export, 0.9523¢ per kilogram; lamb and sheep export, 0.6¢ per head; cattle processing, 60¢ per kilogram; lamb processing, 16¢ per head; sheep processing, 15¢ per head; cattle transaction, $5 per head; and lamb and sheep transaction, 20¢ per head. For the state ones, cattle, 20¢ on all carcasses; sheep and goats, 15¢ on all carcasses; grains, seeds and hay, 25¢ per tonne on the first sale of grains, 12.5¢ per tonne on the first sale of hay produced in the south west. As members can see, there is a significant list of levies that broadacre producers already pay.

I want to enlighten honourable members on what that actually means at a local farming level. Those figures covered cents per head and cents per tonne; it might not sound like much, but RSM Australia did a study some years ago in which it worked out that that can be as much as 12 to 15 per cent of the producer's profit. Hon Darren West is

away on urgent parliamentary business. If he has a good year this year on his vast holdings in the Avon Valley, he will be paying tens of thousands of dollars in levies for that production. That is good; let us hope he has a good year and pays lots of levies.

Let us talk about another hypothetical example: a Lake Grace farmer's season is off to a flying start. He has wonderful crops and he is fertilising them heavily. He has spent every dollar he can on getting them to a lovely stage, but then, after he has spent every dollar on those crops, 15 September rolls around and it is minus three degrees. There is massive frost, Lake Grace is smashed to bits and he is virtually wiped out. He will produce some grain—we always do in a frost—and take it to the bin. Let us say that instead of 3 000 tonnes he will produce 350 tonnes. That is not an outrageous story in a bad frost. He will pay the levies on every single tonne he delivers, and the levies come off his gross. He could lose $1.5 million farming at Lake Grace this year, and still pay levies.

Hon Alannah MacTiernan: Is this under the GRDC thing you are talking about?

Hon STEVE MARTIN: All sorts of levies. People can lose 60 per cent of their lambing flock in a bad summer storm and get the rest to market, but they will still pay a levy on them. They will probably lose money on their livestock operation that year, but they will still pay the levy. They pay it on the gross. I think we need to be very careful about imposing any more burdens on producers in the broadacre sector.

I would like to briefly mention the level of support for amendments to the Agricultural Produce Commission Amendment Bill 2021. Until very recently I was a broadacre farmer, and I have to say that this was not front of mind for fellow producers. I do not think most broadacre farmers actually understand the APC system; they would be surprised that we are considering introducing further levies. We have heard about support from the Western Australian Farmers Federation and the Pastoralists and Graziers Association. The president of WAFarmers is a friend of mine, John Hassell. John has been actively seeking feedback from producers, but it would not hurt to remind members that there are approximately 7 000 broadacre cropping, grazing and pastoral enterprises in this state, and WAFarmers represents probably fewer than 1 500 of them. I have been to a few WAFarmers meetings, and the level of attendance is not high, so I would be reluctant to say that there is widespread industry support because WAFarmers says so. The PGA, on the other hand, is opposed to this scheme.

I do not see a need to include the broadacre sector in this bill. Like Hon Colin de Grussa, I understand the need to modernise the legislation, and I support the amendments to it. I think we need to be careful about extending it into areas that are already well covered by other levies and taxes.

Hon Alannah MacTiernan: Are you a PGA or a WAFF person?

Hon STEVE MARTIN: I am neither. I go to enough meetings; I was a shire president for 10 years. I am meeting-ed up, so I have never joined either of them! I support both; I think strong voices in the ag sector are useful, and they are both that.

Getting back to my point about the level of support, I think we need to be careful about gauging that. I support some of the amendments. I will also support the amendment that Hon Colin de Grussa has flagged about the opt-out clause. I think that needs to be in the bill. I am nervous about regulations that are nowhere near being drafted, and I have no idea what we are signing up to with regard to some of that.

I thank honourable members for allowing me to make a contribution. I look forward to discussing this further in the committee process.

HON NEIL THOMSON (Mining and Pastoral) [5.56 pm]: I will not take long. I would just like to raise a couple of issues that are particularly relevant to my region. Before I do, I want to make it clear that I think the Department of Agriculture and Food's role in ag research and the intervention of the state in support of industry has always been exemplary over the years. I am sure some members of the sector might not agree entirely with that, but we have seen some great programs in my part of the world, such as Northern Beef Futures and other programs that are operating. The early part of my career was spent in the Department of Agriculture and Food in the days when I think there were more consolidated funds put into ag research. I think there were some very good reasons for that because of the smaller and atomised nature of some of the farmers back in earlier days. I think that picks up on points raised earlier about the genesis of the Agricultural Produce Commission, focusing on that niche industry, the Horticultural Produce Commission, when it was first established. We know that there was a desire in the industry then to leverage the funds it could collectively gather and utilise to get a better outcome for its marketing and research. That is something that has been very important to the genesis and growth of that industry.

I note that the pastoral industry takes some exception to this legislation, particularly the PGA. I have been trying to contact the Kimberley Pilbara Cattlemen's Association to find out its position. I will be interested to hear from the minister whether there has been any consultation with that body and with some of our Aboriginal producers who are becoming more active in the industry as we move along. I will be interested to see what their positions are on this legislation, particularly clause 4. As shadow Minister for Lands, I am very interested in that clause and why we have focused on a land tenure approach to dealing with what seems to be a challenge. There was a bit of argy-bargy across the floor about what defines broadacre agriculture, and we could obviously also have some argy-bargy about what defines grazing.

It seems to me that the good lawyers who have advised on this legislation have said, "We've got this really neat solution for dealing with this problem. We can stop the argy-bargy around the definitions of grazing and broadacre simply by bringing in this issue under part 7 of the Land Administration Act, which defines pastoral activity." I want to have a discussion on that, because I think it is really important. In my region, the Mining and Pastoral Region, part 7 of the Land Administration Act represents only about 30-odd per cent of the landmass. Members opposite might say, "Well, a lot of that's desert land. There's no production there." But I know that there is a lot of grazing activity on land that is not subject to that part of the act. I will point out a few for discussion, because I think there is a bit of a risk here if, for example, the grazing industry has an APC committee that is applying levies. We heard from Hon Colin de Grussa about freehold land, but what about grazing activities that are occurring on Aboriginal Lands Trust reserves? On a couple of those that I know of—Yandeyarra is one of them—there is commercial grazing activity. The Department of Planning, Lands and Heritage has recently put out an expression of interest for someone to come and operate that station. We know that that particular activity has had a chequered history recently due to some issues on other matters that we do not need to go into here, but something that we really encourage is the development of Aboriginal land, including pastoral lands, reserves and unallocated crown land for grazing activity.

Sitting suspended from 6.00 to 7.30 pm

Hon NEIL THOMSON: To pick up from where I ended at six o'clock this evening, I was talking about excluding pastoral leases under clause 4(2) of the Agricultural Produce Commission Amendment Bill 2021 and the issues around other land tenures on which grazing activity occurs. The point I was making was that I am seeking to use the provision of part 7 of the Land Administration Act to deal with this challenge. I suspect that the legal team that has put this bill together probably had some discussions about the challenge around identifying what is grazing activity and also about responding to the Pastoralists and Graziers Association of WA. For the record, I want to say that I support what the PGA has put forward, which is for the proposal to be exempt. That is what the industry is saying. I reflect on the conversations that I have had with people in the industry, even though I would like to hear some feedback on that from the Kimberley Pilbara Cattlemen's Association and others in more detail when we get into the committee stage. I also reflect on the position of a lot of pastoralists, which is that they would not necessarily want to avail themselves of this provision.

Hon Alannah MacTiernan: Sorry, do you think we should or should not exclude them?

Hon NEIL THOMSON: I would support the exclusion. That is what the industry is saying. In thinking about this, I am not sure why we picked on that particular provision in the Land Administration Act because, as I said, there are other pastoral-like activities, even if they occur not on pastoral leases but in the rangelands more broadly. For example, we might say that everything east of the rabbit-proof fence is excluded, although I do not know how we would do that because we have horticultural activity. Clearly, the horticulturalists in Carnarvon probably think it is a great idea to have these provisions to enable them to raise funds for their particular needs. For the benefit of the house and for the record, the Violet Valley reserve in my part of the world in the Kimberley is an Aboriginal Lands Trust reserve that is connected to Bow River station. I believe that quite a bit of grazing activity occurs there. I am not sure how we would deal with that under this provision. I do not know the latest situation, but to the south of Walagunya station in the Pilbara is an area of unallocated crown land, which I believe is utilised. As we know, in reality, cattle are wandering all over the Kimberley and throughout the Pilbara. Often, rightly or wrongly, people utilise those activities. I am not sure whether we will say that someone will be suddenly subjected to the provisions of this levy if they raise a calf on some unallocated crown land or on native title land in the state that was established for grazing and did not include pastoral activity.

Another property in the Pilbara is the former Meentheena station. That station was bought out by the state for the establishment of a conservation estate. I believe there is an agistment arrangement, at least, on that land at the moment. The traditional owners have entered into an agistment arrangement with a neighbouring station to raise a few cattle. It is not a big operation. A lot of these types of operations are very small and very marginal operations. The point is where we are going as an industry in the rangelands. I like to use the word "rangelands" rather than the term "pastoral industry" because the rangelands is the environment we are in. This is about where we are heading under section 83 of the Land Administration Act. I championed that provision in my previous life as a consultant working with Aboriginal groups. I think we underutilise that provision. We could use it a lot more readily to develop economic outcomes for Aboriginal people.

Hon Alannah MacTiernan: What does section 83 do?

Hon NEIL THOMSON: It is an excellent section because it is very broadly defined and is for Aboriginal economic development, use and purpose. I would be more than happy to have a conversation with either the Minister for Lands or the Minister for Regional Development about the use of that provision for unallocated crown lands where Aboriginal groups want to develop economic outcomes such as running cattle or maybe more intensive forms of agriculture. Section 83 could even be used to trade out of an Aboriginal pastoral lease because they might say that that type of lease is not suited to their requirements. There is a real opportunity that the government might want to avail itself of under that provision. I am happy to sit down and get some good outcomes. I am not here to argue; I want to see good outcomes for the people in my region. All I am saying is let us not cut ourselves off at the pass.

Section 79 of the Land Administration Act, of course, is the wonderful provision that allows the Minister for Lands to lease land to be converted to freehold land if certain provisions are put in place. Not far from where I live in Broome is the former Waterbank station. It was a pastoral lease but is now no longer a pastoral lease. An expression of interest for that land was put out a year or more ago, from memory. Currently, the department is negotiating with proponents and working with the native title holders to get an outcome. Some of the proponents in that part of the world are looking at a range of activities that include intensive activities, but also grazing. If the purpose of the exclusion, if that is the right term, under clause 4(2) is to take out those rangeland grazing activities, it would be better to put more emphasis on the definition of rangeland grazing activities, rather than grabbing for the simple tool under part 7 of the Land Administration Act 1997; namely, the partial lease provision. It is very neat and simple, but the problem is that these exceptions will fall out of it. The one that worries me the most is the exceptions for the future, particularly those Aboriginal corporations that want to step up.

While I am on that point, I raise one more potential example. It might be a disincentive for an organisation to step away from its pastoral lease. This is probably a little hypothetical but I know these conversations have been had. I will not go into the specifics of the pastoral lease, but it is a large Aboriginal pastoral lease not far from Broome. Members can work that out. There has at least been the idea that maybe the tenure has changed, so suddenly it goes from not being included to being included. That creates a few little gremlins in the system from here. I am trying to make it clear that if the intent of clause 4(2) is to exclude grazing activities on rangelands, including pastoral leases, we should spend some time defining what that grazing activity is so we can exempt it.

That comes down to the question of whom have we talked to about this; with whom have we consulted? I have not been privy to those discussions, but I would like to think that there has been some consultation with the likes of the Kimberley Land Council and some of the major traditional owners. Groups such as Miriuwung–Gajerrong have been very progressive in their thinking about native title lands and what they can do, including the unallocated crown lands and some of those reserves. Another that comes to mind is the water reserve at the south of the lake, which used to be part of the old station in the really good heavy soil country. Suddenly they get caught up, whereas their neighbour —

Hon Alannah MacTiernan: The whole point is that they do not get caught up.

Hon NEIL THOMSON: Well they would because it is not a pastoral lease.

Hon Alannah MacTiernan: I know; that is exactly right. You are not thinking the logic through. Precisely the way we have described it does not catch them, and I will explain it to you.

Hon NEIL THOMSON: I am really looking for that explanation. I am happy to be corrected. This is why we ask questions. If, for example, a bunch of graziers said they wanted one of those committees and they all got together and said the only place it did not happen was on a pastoral lease, hypothetically they might get caught up. I am very much looking forward to that explanation.

Those were really my points. I wanted to focus on the land issue. I am sure I will get plenty more opportunities to discuss this. The development of land for the purpose of our regions is an area that I think more broadly has a huge opportunity. My region needs development and does not need the imposition of red tape and extra cost. I will let my learned friends talk about broadacre land in the agriculture region. I think it would be good to make sure that we are free from those things, and we see the intent of clause 4(2) delivered in the broadest context.

HON DR STEVE THOMAS (South West — Leader of the Opposition) [7.44 pm]: It was put to me at dinner time that I do not think the Minister for Regional Development has heard enough from me today, so I would not like to skimp by not making a contribution.

Hon Alannah MacTiernan: I thought you had already spoken.

Hon Dr STEVE THOMAS: It is like voting—vote early and vote often. The same applies to contributions to bills. In this particular circumstance I am pleased to make a contribution to the Agricultural Produce Commission Amendment Bill 2021 because I was on the committee that reviewed this process as late as last year. I was seconded onto the committee—I nearly said "succumbed"; I succumbed to being seconded—and it was a useful process. Let me start with the second reading speech following the introduction of this bill. It states that 31 years ago the Horticultural Produce Commission Act 1988 was established. It eventually became the Agricultural Produce Commission Act in 2000, but it commenced its life for its first 12 years as the Horticultural Produce Commission Act. If members were looking for the greatest success story of this process, they would have to look at the horticultural industries in the south west. That is where, in my view, this act, the commission and its activities has had the vast majority of its success. It has been limited because up until debate around this bill, it has not been able to be applied to the broad agricultural sections in the wheatbelt and the north west. However, for those members who might consider that it has no relevance or function, I want to talk about my experience with this bill, because it has been useful in the south west. That is not to say that it has always been perfect and that it could not be improved. It is in the south west where the APC has probably done its best work. It began in the horticultural areas. The process has been somewhat difficult on occasions but I think relatively successful. We can tell that that is the area in which it has the greatest level of success.

If we go to the very good Standing Committee on Legislation review of this bill last year for the definitions of what currently exists in relation to the APC, page 3 of the report at 2.6 states that currently 11 producers' committees are operating: avocado producers; Carnarvon banana producers; beekeepers producers; egg producers; pome, citrus and stone fruit producers; pork producers; potato producers; strawberry producers; table grape producers; vegetable producers; and wine producers. Members can see it is very much focused on the horticultural size. There is an important reason for that. Many of those horticulturalists, particularly in Western Australia, are not enormous producers. Some have got to a reasonable size but it is difficult to compare a horticultural producer with a fruit producer who might have five to 10 hectares of fruit on average, because that is about an average family farm size. Some are significantly bigger. The corporates are significantly bigger and avocado producers are the latest to take on that very strong corporate model. It has been a way for those smaller producers particularly to not only contribute to the development of their industry and gain some benefit in return, but also profit from that investment. This is where the APC is at its best; where it gives those producers the capacity to invest, even at a low level if they are a small producer, and retain some benefit.

It was not always the case that everybody benefited from these schemes. I can tell members that the collection of levies in some areas, particularly for apple producers very early on and, in some cases, for stone fruit producers, made it very easy for producers to hide their production and not to pay significantly. It was always the larger producers in the Donnybrook region, where I come from, who complained but who seemed to minimise their payments through the APC model and who often were the first to gain a benefit. When a research project, often based around the Department of Agriculture and Food, wanted to deliver a new product into the marketplace, there was not necessarily any reward for that effort. It was not the case that it always worked perfectly. It was not the case that those who contributed proportionally highly—not necessarily just at an absolute dollar level, but those who proportionately paid their share—necessary got the benefit. I have to say that sometimes the largest producers were very good at hiding their production, particularly in the early days and probably before many people in here became aware of the industry. If a producer had the capacity to transport fruit over east, that was often a good way for them to avoid paying their fair share of the levy. But when the ag department came knocking on the door looking for a good place to trial new versions of fruit, for example, major producers were often the first place they went to.

In every system there is always an ability to shift things. No system is ever perfect; no system is incorruptible. But, as far as I can tell, it did result in successes in research, and there have been a number of them. Again, they have not always been perfectly done, and even the research done by the ag department resulted in errors. I am sure that members are aware that when the Pink Lady apple was developed in Western Australia, which was a major success story for this country, as the Acting President (Hon Dr Sally Talbot) would well be aware, Pink Lady producers in the south west made very good money when they first got in and had a monopoly on production. They were exporting container loads of Pink Lady apples particularly into Europe, but mostly England, where there was a great marketplace. Apple producers made an enormous amount of money from the Pink Lady. Unfortunately, be it due to the ag department or attached areas, trademarking of Pink Lady genetics did not happen on an international basis.

Hon Alannah MacTiernan: Although Madam Acting President possibly shares that view, and there are books that are being written, the apple breeders in the ag department contest this version of events. What I would love one day is for someone to not write this up in a partisan way, but actually have this researched, because that view, which has taken hold, courtesy of a couple of people from the old department of ag, is not necessarily shared.

Hon Dr STEVE THOMAS: That is interesting.

Hon Alannah MacTiernan: I do not know whether at the end of the day that is true, but I can tell you with Bravo and all the other sensational apples that we are doing now, we have got them protected.

Hon Dr STEVE THOMAS: That is exactly right. It is certainly the industry's view that the protection and trademarking of the Pink Lady was not sufficient to prevent a massive increase of plantings, particularly in southern Africa and South America. The market for Pink Lady apples traditionally filled by Western Australian producers was overtaken by other countries, and they did so without paying a royalty fee to Western Australia. Whether it was thought, probably on the side of producers and members of the ag department, that there were adequate trademark protections in place, the reality is that if we had trademarked the apple adequately, an explosion in production would not have happened elsewhere. Maybe that is not entirely true, but that is the position of producers.

I agree that for future developments—in the case of more recent developments, Bravo, for example—we need to be much better at trademarking.

Hon Alannah MacTiernan: You need to licence counter-cyclical growers. It does not make sense not to licence people in the northern hemisphere.

Hon Dr STEVE THOMAS: I absolutely agree with that. In my view it has not been perfect, but it has not been terrible. I think we missed an opportunity to potentially extend our sphere of influence with the Pink Lady apple. An example of a good outcome is when industry invests in its own future. I have always been a big believer in industry needing to invest in its own future. I think that that is absolutely mandatory. The Agricultural Produce Commission, as opposed to the Horticultural Produce Commission, and the intention that producers invest in the future of their industry is a very good concept. Like I say, perhaps it is imperfectly delivered at times, but the concept itself is sound.

There have been some good outcomes. Obviously, some industries are very disjointed, for which this bill will be very important. I think that this will work for small dispersed suppliers—beekeepers, for example—who are part of the process. These things are particularly important for small dispersed producers. Avocado producers have got very big in the meantime. I know that some in the avocado industry, particularly the bigger players in the industry, are very happy not to be paying APC levies, but to be managing their own research and development, and promotion. I suspect that that has always been the case in the bigger parts of the industry. Some in the fruit industry might think the same thing, but for some smaller participants in the industry who are not growing, I suspect that these commissions will be value for money.

I approached the review of the bill by the committee with some degree of bias in that I have seen the producers' committees work reasonably well. The question for me is not whether there is value in the APC producers' committees, because I think that there is—the south west demonstrates that—but is about the way in which producers' committees will be applied and whether they will be of particular value to those industries in which they might be expanded and whether there might be a better way of doing this. A number of members tonight have acknowledged the extension into broadacre cropping. When we originally looked at this bill, there was potential for it to be extended into the pastoral industry. Given the forthright opposition by members of the pastoral industry, the minister withdrew that component from this bill. There has been some adamant opposition amongst some organisations that I think members have already raised. But that did raise a number of questions. The first is whether those in certain industries will pay significant money to their own industries through other levies—in particular federal levies. I note that the committee report tends to dismiss that as an issue, as it did some of the other issues.

I am sure that the Acting President will be well aware that when the committee looked into this, I was concerned about where the committee was heading. I have been sitting on a document that I wrote. I thought it would be considered to be minority report, but it was not accepted by the majority of committee members so it did not make it into the final report. However, the committee allowed me to make it a public document. I still have, by motion of the committee, permission to make it a public document. In the time since September 2020 to now, which is not quite a year, I have not seen a need to make this a public document and to raise my concerns. But I intend to read a fair degree of this document to the chamber tonight because I think it is appropriate to raise the concerns that I raised in this document. I may then talk in more detail about some of those components.

These are my comments that I put together at the time and were supported by the other Liberal member on the committee but not necessarily accepted by the entire committee. The document states —

> The Committee report on the Agricultural Produce Commission Amendment Bill 2019 looks in detail at the operations of the Agricultural Produce Commission (APC) and the potential extension of its role as proposed by the legislation before the Parliament.
>
> There is no doubt that the APC process of charging agricultural producers for services that a producers' committee has recommended has served several parts of the WA agricultural sector well. This has been most obvious in the fruit and vegetable sectors in the South West, where there is widespread although not unanimous support for the system. It would be unrealistic to expect every producer to support a process of charging an industry a fee for service.
>
> **User pays V Government investment**
>
> The investigation of the Committee was limited to the functions proposed in the Bill, and therefore there was limited scope to examine the principle of Government charges being put onto industries for the supposed benefit of those industries, including an inability to conduct an examination of whether the role of Departments of Agriculture both state and federal has changed over time, or whether there has been a cost shifting from Government expenditure back onto industry itself.
>
> There are however obvious examples of Government shifting the onus of responsibility away from Government departments to a user pays system; no more so than in the area of biosecurity. In this example the work of controlling weeds and invasive species was previously done by Government, originally by the Agriculture Protection Board … However successive governments downgraded and eventually got rid of the APB, and today those wanting to control pests must form their own "Recognised Biosecurity Group" and charge all landowners in a region a legislated "biosecurity levy", which is matched by the state.

Hon Alannah MacTiernan: Sorry, is this about the APC or the RBG?

Hon Dr STEVE THOMAS: This is entirely about the APC, minister—utterly about the APC.

Hon Alannah MacTiernan: Well, it sounds like it's about the RBG.

Hon Dr STEVE THOMAS: It is an example of cost shifting. Fair enough, the next sentence states —

> This is an example of cost shifting from Government to land owners, and whilst it is supported by some using a user pays argument there remains a concern that the State is abrogating its responsibilities.
>
> The Legislative Council should consider whether extending role of the APC is a genuine enhancement of services to additional agricultural industries to ensure it is not a Government cost shifting exercise.

I think that is relevant, minister. It continues —

> **Should producers pay charges for the development of their industry?**
>
> Many industries receive government investment into research, technology, marketing and operations. The Australian car manufacturing industry received billions in subsidies over decades, as has the renewable energy industry. The agricultural sector across Australia has also been the recipient of government support in many ways, like drought support.
>
> The difference between agriculture and most other industries however is that few other businesses pay government instigated charges for industry development, including both state and federal charges. It must … be noted that the charges are not voluntary at all in relation to federal charges, and in relation to state charges not voluntary once a vote has been taken and passed by producers.
>
> The Bill would continue to make contribution to state APC schemes mandatory.
>
> The existing producer committees that presented to the Legislation Committee were highly supportive of the APC Act and their various scheme. Of course, as the representatives of and advocates for the existing system, it would have astounding if they did not.
>
> **Cost V Reward**
>
> The critical question that is not part of the Bill but underpins the need for it is whether industry as a collective should be able to apply a charge to all of its constituent parts, and what the motive is for doing so.
>
> Should the driving force for the institution of such a scheme and the associated charge be to develop additional administration or an expanded lobby group, in my view the proposal should be vehemently opposed.
>
> It is vital therefore that any schemes and charges developed under the APC Act deliver defined and measurable benefits to the industry to which they apply. If they do not, they are simply another tax on production.

Hon Alannah MacTiernan: Oh, you get the Tony Seabrook elephant stamp for this bill!

Hon Dr STEVE THOMAS: Aha! It continues —

> The Legislative Council should consider the use to which APC levies might be put during debate on the Bill.
>
> **State and Federal charges**
>
> During its investigations the Committee was made aware that many industries paid both federal levies under the Primary Industries Research and Development Act and state charges under the APC Act. Indeed, the fruit and vegetable industries have been doing so for decades.
>
> It was put to the Committee that extending the APC Act to broadacre agriculture would simply apply another "tax" to broadacre producers, and in the purest sense this is true. However, the dual system exists in other existing agricultural industries, and some of those industries gave evidence that having a concurrent state scheme produced synergistic benefits by being able to leverage funds from the federal scheme.
>
> There is obviously the potential that a poorly managed APC Act scheme in broadacre farming areas might be an unlinked additional burden on producers, but the potential also exists for additional synergistic benefits.
>
> The Legislative Council should consider how concurrent state and federal funding schemes would interact to ensure that there is not simply a doubling up of fees and charges.
>
> **The potential income of including broadacre agriculture is enormous**
>
> Evidence presented to the committee indicated that although there was not set charge for service under the APC Act, and that the APC could set a charge generally on the advice of Producer Committees, there was a general trend that state and federal charges under their respective acts were often similar in size and value. The level of fee was frequently around 1% to 1.5% of production.
>
> In smaller niche industries, which have been historically well served by the APC Act, the total revenue generated was moderate. The total APC revenue across all agricultural industries for 2019–20 according to their submission was $3.66 million, with the fruit industry ($967,000) and vegetable producers ($744,000) contributing the greatest amount.
>
> The Department of Primary Industries and Regional Development … gave evidence that federal levies on grains is 1% and raises over $150 million annually across Australia. They also stated that the federal levy on grains raises somewhere between $40 million and $60 million annually in Western Australia alone.
>
> Should the trend of equivalency of charges be maintained, this would mean an additional charge on grain producers raising over $40 million and perhaps as much as $60 million annually.
>
> There is of course no predestined outcome, and any such charge would have to be passed by a vote by producers.

The Legislative Council should note that the extension of the APC scheme to broadacre farmers could deliver a massive potential increase in income to the APC, and should consider whether limits to the amount raised should be considered.

The Legislative Council should also consider accountability and openness mechanisms, including adequate audit functions, to ensure that significant additional income is well considered, well spent and well accounted for.

Does the Bill automatically impose a charge?

The committee found that the passing of the Bill does not automatically generate a producers' committee and impose a charge. This is correct. It must be noted however that a large section of producers opposing a charge can be outvoted by the majority, and that issues of the accuracy of a vote were raised with the committee.

This was highlighted by the responses to the proposal in the Bill to include "broadacre cropping and grazing" producers in the APC Act, and in particular the reluctance of all parties, including the Department of Primary Industries and Regional Development … the APC, WA Farmers Federation … and the Pastoralists and Graziers Association … to "test the proposal" by surveying producers prior to the passing of the Bill.

We thought it was of particular interest that parties on both sides, that is for and against the extension of the scheme, were opposed to testing the industry's position. All parties seemed to be concerned that a concerted campaign by their opponents could sway the vote in the opposite direction.

This lack of confidence in the discernment and decision making capacity of industry is of concern. We would have thought that the broadacre agricultural industries were developed and mature, and would be capable of expressing an informed opinion. To suggest that they don't know what is best for themselves and their industry, or that they are too easily swayed by a campaign, is in our view dismissive and paternalistic.

We remain of the view that broadacre producers should be polled by DPIRD or the APC to determine the level of support for the changing of definitions in the Act prior to the Bill being agreed to in Parliament.

Opt in or Opt out

The issue of opt in or opt out schemes was raised with the Committee, and there was much confusion about the definitions of each. Many submitters were confused about the concept.

In an opt in model, producers would be assumed not to be contributors to an APC scheme and would notify the APC that they wanted to be included. They would then pay the charge and be a recipient of the services to be provided.

In an opt out model, producers would be assumed to be contributors and levied the charge, and would have to seek the permission of the APC to be excluded. This would not be a simple choice of the producer not to pay, and those not granted an exclusion by the APC would face legal action to enforce payment of the charge.

Existing APC Committees were not supportive of either opt in or opt out models of delivery.

The full report of the Legislation Committee points out accurately that the proposed new part 14(5) of the Act, found in clause 16(2) of the Bill, which proposes that the APC would be able to waive, refund or reduce the charge, is neither an opt in nor an opt out clause. Under proposed section 15(5) a producer or group of producers could apply for a variation, however all the power to make a decision would reside with the APC.

Indeed, it seems obvious that the current and proposed systems are not designed with either opt in or opt out as a priority, as evidenced by the Bill proposing greater compliance actions to access information on documents. Clause 26 if enacted would require a "relevant person" to provide the APC with a relevant record, including payments and production records. Such powers are unlikely to be needed if producers were able to either opt in or opt out of the system.

The Legislative Council should note that both the existing and proposed APC systems under the Bill are neither an opt in nor an opt out system.

I have taken a few minutes to read that particular report in, because I think it explains very much some concerns that exist out there in the wider industry about this legislation. I think it demonstrates genuine commitment —

Hon Alannah MacTiernan: Member, when you say it's a report, what sort of report is it?

Hon Dr STEVE THOMAS: This was my attempt at a minority report.

Hon Alannah MacTiernan: And it couldn't be a minority report because —

Hon Dr STEVE THOMAS: The committee decided it could not be a minority report, but gave permission for it to be a public document.

Hon Alannah MacTiernan: Why did it decide it couldn't be a minority report?

Hon Colin de Grussa interjected.

Hon Dr STEVE THOMAS: Good point. I have to be cautious about what I say about —

Hon Alannah MacTiernan: Because it actually wasn't a minority report within the definition of the standing orders that said you can only have a minority report when there is dissent, and there was no dissent.

Hon Dr STEVE THOMAS: There was dissent, minister, on what needed to be discussed and debated on this particular bill. There was dissent. It did not necessarily meet the standing orders of the day, but there was dissent about precisely what needed to be looked at and discussed. I would have thought that these were both fairly obvious and simple observations, and the mere fact that the minister is making a fuss about them I would suggest means perhaps she is a little sensitive about it.

Hon Alannah MacTiernan: I don't want you to mislead Parliament and pretend that that was a minority report.

Hon Dr STEVE THOMAS: I have not done that in the slightest. I did not represent it as a minority report. I said that it was my attempt to write one and it was not accepted by the committee. That the minister is leaping up down and complaining about it to me would suggest that she might be a little sensitive about it and that there might not be absolute acceptance of the government's agenda across the board in agricultural sectors in Western Australia. I think it might make the minister a little sensitive to have pointed out that perhaps it is not a perfect system, that it could be made better and there are things that this house should consider as part of the debate around the bill. Personally, I would have thought that that was what a minority report or in fact the report of the committee should have been doing. But the fact was that the committee did not want to look into some of these issues and did not want to look into, for example, the cost-shifting exercise. There was some discussion around state and federal charges with, effectively, very limited conclusions. It did not talk in great detail about this massive potential contribution of the grains industry. I think that in particular is worth a reference. I would be interested for the minister to, and I am sure it will come up in the clause 1 debate, while we still have them —

Several members interjected.

Hon Dr STEVE THOMAS: You never know! By the end of tomorrow anything could happen.

Hon Sue Ellery: I actually read the report; it doesn't say anything about clause 1.

Hon Dr STEVE THOMAS: It says a couple of things. That is a debate for tomorrow, Leader of the House. I do not want to distract us from the debate tonight. I have been distracted too much already by the Minister for Regional Development.

I would have thought that this needed to be considered as part of the debate. Evidence from the Department of Primary Industries and Regional Development gave an indication of how much we could expect to raise a level of fee. The level of fee was frequently around one to 1.5 per cent of production. It generally matched federal fees. DPIRD itself gave evidence of federal levies on grain at just one per cent and it could be expected to raise $40 million to $60 million in Western Australia. Is it now the government's intention to potentially put in an Agricultural Produce Commission Act that would allow the raising of $40 million to $60 million? That is not to say that it is automatically a bad thing. If industry thinks raising a levy that will contribute up to $60 million is well invested in research into the future, it is possibly a good thing. But I think we should be cognisant of the sort of money we are talking about. Remember that I started this conversation by saying that this was a particularly good use of resources in the horticulture sector, which is of a relatively limited size in Western Australia. In fact, APC revenues across all agricultural industries in 2019–20, remember members, was $3.66 million—generally, at one to 1.5 per cent of production. The biggest contributors are the fruit industry with just under $1 million and the vegetable producers with $750 000. We are looking at modest but significant amounts of money being reinvested in industry. That was the intent of this act when it was first introduced in the 1980s, and I think it remains a good thing.

It behoves us to be aware, however, that when we apply this to the bigger agricultural industries in Western Australia, particularly the grains industry, which is the iron ore industry of agriculture in Western Australia, it has the potential to raise a massive amount of money. This becomes important. This then leads itself into the argument about whether the amount of money that is being raised federally through an existing process is adequate for the research and development and marketing needs of grain producers in Western Australia. Again, bearing in mind, as evidenced by the report, that if the federal grains levies in Western Australia raise between $40 million and $60 million, the expectation is that the state levies might raise something similar. We would move from a potentially combined levy process that might go anywhere between $80 million and $120 million a year. At least with the Western Australian APC levy, we can presume that that would be entirely focused on local research and marketing in Western Australia, although, I note that there are some fairly close relationships with APC groups and their national body. As I said, in the fruit industry, that situation exists whereby it pays national and state levies. Currently, with some disgruntlement, most industries survive and can live with that. It is an impost when the price of fruit is lower, I have to say, but they survive that. But they are not raising anything like the amount of money that would be raised by the grains industry in Western Australia, which is a massive amount of money. Being aware that that is the case is important. We are not debating here another extension of $3.66 million a year. We are not talking about increasing it and doubling that to $7.5 million in APC levies; we are talking about a levy potentially raising tens of millions of dollars in one industry alone. I think that is a critical thing to remember with this bill.

One of the other critical issues that I raised that is also important is the question of opting in, opting out and whether the bill will automatically impose a charge. Effectively, a group of producers might decide that they want to apply a levy. They might go to the minister through DPIRD and say, "We would like to apply a levy." My understanding is that it can be applied to almost any group. We could have one industry with which we are operating. We could have part of an industry within a geographical restriction. For example, we might find that my good friend Hon Colin de Grussa's south east wheat producers might put in an application for their particular location, not necessarily an entire group. We might find that GM growers decide that there is an advantage. Basically, anybody who thinks there might be value in that has the capacity to put forward a nomination. If the minister accepts that this group, in their view, might get a benefit from this, it will then go to a poll of producers. I think the poll is interesting in itself. The Standing Committee on Legislation's report, particularly appendix 4 on page 50, gives an indication of the kind of response that industries have given, in both successful and unsuccessful polls. The table on page 50 shows that of the polls that were taken of producers in the 11 industries that I mentioned before, the percentage of the industry that voted was higher than 50 per cent in one example. For the Agricultural Produce Commission egg producers' committee, 60.2 per cent of producers voted. For every other poll, even in the successful models, under 50 per cent of producers voted. In trying to get an indication of industry approval, it would probably help to get more than half the number of people to give an indication of whether they like the idea. That has not happened.

Hon Alannah MacTiernan: Do you reckon we should introduce compulsory voting?

Hon Dr STEVE THOMAS: I am sure that the minister's department could make a greater effort to get responses. It is hard to say what the outcome would be. I suspect a lot of producers say, "I'm not really interested. I don't want to pay a levy. I don't want to fill out a form", so they throw the thing in the bin. Bear in mind that I support the APC system; I just want a realistic debate, not the gold-tinted, rose-coloured version that sometimes gets presented. I suspect a lot of the producers who do not vote just do not want to be involved in the system. In 2015 there was a successful vote of wine grape producers: 67.7 per cent voted yes and 32.3 per cent voted no, but only 31.5 per cent of wine grape growers voted. Less than a third of those involved voted in the poll. So when we do a calculation for 67 per cent of 31 per cent, nearly 20 per cent of people in the industry voted in favour. I know there are wine producers and people who know wine producers in the chamber. They might like to give us a bit of history, without naming members, because we do not want to put them on the spot necessarily.

Hon Jackie Jarvis: I'm more a drinker than a producer.

Hon Dan Caddy: There are plenty of consumers in the chamber.

Hon Dr STEVE THOMAS: Yes, but I am not sure that we take their votes in the same way that we take producers' votes. I suspect that if wine consumers voted, there might be a lot more numbers in there.

Before we assume that the industry is overwhelmingly in favour of these things, it needs to be remembered that most of the time, less than half the industry has voted. The chart shows that the best exception is the turf industry. There are not a lot of turf producers. They issued only 49 ballot papers but 94 per cent of the producers voted. In total, 51 per cent voted no and 49 per cent voted yes. That was a very close poll, but at least it gave a pretty accurate representation of the industry, which was pretty evenly split. For most of the other industries, I would have to say that the vote was limited.

People talk to the APC producers' committees and the committees tell us that it works wonderfully well. In lots of cases it does work well. There are absolute success stories in my region. The pome producers, which include apple and stone fruit producers, all get a genuine benefit from this. However, I would be cautious about saying that everybody is happy with the system and that the system cannot be improved. I would be cautious about saying that it has overwhelming support. During the process of looking at this bill, I spent a lot of time suggesting that maybe it would be wise to gauge the view of industry before we extend the provisions of the bill to the Agricultural Region—the pastoral region is no longer included. It would be interesting to see whether we could gauge the view of farmers before we got there. I was intrigued about why it was basically universally opposed. Nobody was much interested in trying to work out what the broadacre, particularly cropping, sector thought in advance of debating the legislation. It is very hard to stand up and say, "Grain producers think X" because I know as many grain producers who like the idea as those who do not and I suspect that if they were eventually surveyed, the turnout would be moderate and it might give a pretty even result. It might look like some of the results in the table in appendix 4.

Nobody was much interested in testing the water. I suspect the reason was that everybody was frightened of the outcome. Everybody thought that if they gave their opponents an opportunity to put their case, their case might somehow be diminished. I found that the most amazing and astounding position that people took, was to think, "I am so certain of my position, but I'm so frightened that somebody else might convince all my neighbours that they should be opposed to me that I would rather live and die in a political battle and let it go through the process of committees in Parliament than genuinely gauge the thoughts of the farming community in Western Australia to which this bill does not already apply." I thought that was astounding. If we get to the point that we are legislating and we are too frightened to put forward our argument, what does that say about how we are going about our business and what we are trying to do?

I have always taken the position that it would be good to know in advance precisely what the agricultural sector thought of this. That is not just to get the views of two competing agricultural representative bodies that have traditionally taken diametrically opposed views, sometimes just on principle it would seem, but to genuinely find out what the agricultural industries in Western Australia in those broadacre areas think about this issue. I think we missed an opportunity. I suspect that at some point most of them will have to be tested anyway, because I am of the view that it is unlikely that many would escape the attempt by somebody to set up an APC committee that covers either their geographical or industry area. So I would say that the government is only putting off the inevitable. To me, it would have made sense to try to test the entirety of industry, because all these things will come forward once this bill passes, and it will pass because the government has the numbers. With the right prodding and a couple of amendments, the opposition would probably be prepared to accept the bill, but it will pass either way. I would have thought it would be extremely useful if we had some indication of whether industry accepted the legislation.

On the opt-in, opt-out provisions, I do not think anybody could argue that the current bill, or, in fact, the 2019 bill, would allow producers to either opt in or opt out, and the committee made that quite plain, and I think it did so very well.

Hon Kyle McGinn: Were some amendments submitted?

Hon Dr STEVE THOMAS: I do not know; we could come up with some very quickly if the member likes!

Hon Kyle McGinn: You were just talking about it, so I thought there were some amendments.

Hon Dr STEVE THOMAS: I think it needs to be changed. That is why we have the Committee of the Whole stage—to look at it at that point. This is neither an opt-in nor an opt-out provision, so, basically, once a committee is formed, producers do not have the capacity to opt in or opt out. Once the minister is convinced that their industry or geographical location, or a combination, should proceed down the path, a vote is taken. The vote is the only opt in, opt out component that they have. Their peers will inflict an outcome on them—perhaps "impose" is a better word, not to be pejorative—and they will either be all in or all out depending on the vote, which can potentially be as low as 30 per cent of the producers or members in the geographical patch. There is no option at this point; there is no alternative. If it is imposed and producers do not pay, they break the law. They cannot say, "I refuse to accept this which was imposed upon me." I have met with a few bush constitutionalists, who have told me that the government is unable to legally impose any tax or any law, but it is a bit hard to take that seriously. My view is that they will be forced to pay a legally imposed liability. No member of the community or a producer should think that they can go through a vote process and then decide whether to pay these bills. They cannot.

One of the good things about the bill is that, to some degree, it will probably cause a greater openness in production. As I said, there have always been questions around whether those who are happily paying their levy are getting a reward equal to some of those who had not paid their levy. There is enough evidence to say that that has not always been the case. The bill seeks greater accountability. It will empower the committees to seek further information. If these fees are to be applied and used for industry, that level of openness is required. I do not think anybody in the debate so far tonight has suggested that we should not have greater accountability for those people who are trying to hide from their obligations once they have been imposed. In my view, that is a good component of the bill. Ultimately, there are some good components of the bill.

I will finish where I began. In the south west in particular, some components of this bill will be of benefit. The APC act is applied very much to the benefit of growers and producers in a range of horticultural industries. It is effective most of the time. Hopefully, when the time comes that it is not effective, we will learn from that and make it better. Across the south west, I have always been supportive of the APC act, its committees and its application. I am not opposed to its expansion into other industries. All I say to members of the house is that if it is done, it needs to be done carefully, cooperatively, with a high level of accountability and with an open mind. We should not just assume that everything that comes out of this act is always good. We should not assume that there are no pitfalls—we must make sure we do not fall down them along the way. Tonight I have tried to identify some of those pitfalls that need to be addressed. I would appreciate it if the government addressed them in some detail as we proceed with the bill.

HON DR BRIAN WALKER (East Metropolitan) [8.33 pm]: Having looked at the Agricultural Produce Commission Amendment Bill 2021, we are generally in broad agreement. I have a couple of questions. I confess that I was away on urgent parliamentary business and I missed a large part of the earlier debate. One of the first things we have to say is that with this general support, we also have general support from the producers, which is excellent, but there are exceptions. There is never one perfect solution for all the population. However, there seems to be a common theme; that is, support is given provided an opt out option is available. I heard this mentioned earlier. I am sure more learned colleagues have been speaking about this.

The point I wanted to mention just now is a little different. I am unaware whether anyone has addressed the Indigenous situation in the Agricultural Produce Commission. When we were looking for further information, we had an interesting email from Mr Whittington. Again, there was broad agreement. I am sure all members have seen it. I do not have any evidence of this, but there seem to be issues in the Kimberley. Apparently, there are pastoralists

there who do not wish to be part of the Pastoralists and Graziers Association. I do not know whether that is true. There are 43 Indigenous pastoral stations, none of which are represented by the PGA and which have been excluded from the APC on an unfair basis because of vocal representation by the PGA. I do not know about this; I do not have the resources to check this. Once again, I ask that perhaps we be given more resources. If this is the case, we are not only being unfair to a subgroup of pastoralists, but also perhaps liable to being seen as unfairly targeting the Indigenous community. I am unaware of any of this. I would like some answers. Once again, I reiterate that we are broadly in favour of the legislation. I appreciate that I raised a negative point, but I would like some confirmation of this.

HON ALANNAH MacTIERNAN (South West — Minister for Agriculture and Food) [8.35 pm] — in reply: I thank members for their input to the debate on the Agricultural Produce Commission Amendment Bill 2021. This is a most interesting debate because it almost distils all the issues and problems that we have in agriculture in Western Australia, not the least of which is the blue on green war, which actually impedes any reasonable progress. I was astounded that members opposite were saying, "This review came down in 2006 and, golly gosh, why are we only now dealing with the recommendations of that review?" We should look to the other side of the house. During the eight and a half years that the now opposition was in government, from 2008 to early 2017, the people who purport to represent the farmers were not able to bring a piece of legislation forward on pastoral reform because its members could not agree. Right out there in the bush, this big fight goes on between the Pastoralists and Graziers Association and the Western Australian Farmers Federation. That big fight between the PGA and WAFF plays out time and again, as it has done here again today.

We came into government after eight and a half years of inaction. Actually, no progress was made during the period of the Liberal–National Party coalition. We saw zero progress. The Agricultural Produce Commission came to us and said that there were these 2006 reforms, and it would like to introduce this legislation. The Agricultural Produce Commission said that it had been a great success and many more people wanted to access it. It said that its members, the people who are part of it, wanted to modernise the legislation. The commission needed to look into a whole range of areas to make it more efficient. We said that sounded good and we would do it.

Members would have listened and heard the history. The commission started out in the 1980s as the Horticultural Produce Commission. In 2000, under the Liberal–National government, some reforms were introduced to expand it beyond horticulture. But again, the then government could do only a tiny little bit, because when it put it forward, all these blues came out and it ended up having to introduce an exemption. It was renamed the Agricultural Produce Commission, but it did not include livestock farming or broadacre cropping. The opposition is now complaining that it does not know what broadacre cropping is. The former government put it in the legislation in 2000; it made the exemption.

Several members interjected.

Hon ALANNAH MacTIERNAN: Members, please just let me explain how this works. All agricultural produce can be covered by this legislation, except that we have two exclusions in the bill. The exclusions are broadacre cropping and pastoral livestock activity. They are the exemptions that are there. We were going to proceed with just those issues that came out of the 2006 report and we then had representations from farmers like Mic Fels. Honestly, members opposite were quite right when they said that grains are the iron ore industry of agriculture. Grains are the big driver. They are worth $8 billion or $11 billion in production. Mic Fels is one of the most successful, innovative and creative grain farmers in Esperance, that area of great creativity; it is the gift that keeps on giving. The farmers there want to work together in a collective and they are forward thinking. They are telling us that they want to have the opportunity to be included. They did not want to be excluded.

Hon Colin de Grussa: Did Mic Fels want an opt-out clause?

Hon ALANNAH MacTIERNAN: Yes. Those farmers wanted an opt-out clause and they have an opt-out provision in the legislation. They were fully aware of our legislation and they said, "Please include us." Of course, David Slade, the president of the livestock division of Western Australian Farmers Federation, asked to not be excluded. This is an argument for people saying, "Please, don't exclude us. Please allow us the option to undertake and go into a levy arrangement." We do not have any intention of making farmers pay a levy. Remember, what is important about this is that it is the industry groups that determine whether or not a levy is granted. All we are doing by providing these exclusions is not giving them the option of making a decision on whether or not they will be included as an industry. We have said that we are prepared to listen to what they say because I think WAFF claims to represent 1 000 farmers in the agricultural sector. I presume that is correct. WAFF certainly has standing. That says to us that it is a pretty good reason for at least giving it the option.

Another thing members must understand is that the agricultural sector, even grain and beef, is undergoing radical change at the moment. CBH Grain will tell members that 20 per cent of what they produce is now segregated. We are moving away from the single commodity markets. Things are becoming more complex. Markets are becoming more complex. More opportunities are available for people who want to band together in a geographic region or a type of crop, whether it is a certain type of oat or hemp producer, or whatever it might be. They want to come together and they want to raise a levy. Members opposite are completely correct that all these growers pay levies

as part of the federal system, but that is absolutely true for all the horticultural industry already. The opposition acknowledges that because the table grape and citrus growers pay a levy to Horticulture Innovation Australia it is not a reason to deny them an opportunity to be in the Agricultural Produce Commission, yet somehow or other the fact that grain growers are contributing to the Grains Research and Development Commission or the southern beef growers are contributing to the Meat and Livestock Association is the reason that they should not be allowed to choose to be part of this scheme. I just do not get that. That is logically inconsistent. Of course, nothing is perfect or without problem and complexity, but I am saying that growers who are part of the APC have come to us. I went to a combined meeting of the APC the other day. Those members are immensely enthusiastic about the structure. Whether they are pine fruit growers or beekeepers, they believe this will give them an enormous advantage. They were absolutely desperate for this legislation to go through, and so we are proceeding with it.

Hon Dr Brian Walker asked about a couple of the complexities, including the Trevor Whittington letter. This is pretty much a case in point. Trevor is the reason that things never progress, unfortunately. We moved to accommodate the Western Australian Farmers Federation in the last term of government when we did not have the numbers and were trying to negotiate the legislation through. I made a commitment at that point that I would exclude pastoral lands because we had to make some progress. Honestly, it has been 15 years since that report came down. I was not going to go back and start again. However, I felt, as a matter of integrity, that I could not reverse the announcement that I had made before the last election without extensive consultation. There was no way I was going to sacrifice moving forward on this legislation that growers have been waiting for 15 years for, just to go out and solve another problem. My view is that we should get on with it. I am completely open to, at some point next year, consulting all the pastoralists and asking them whether they want us to turn this around and to change this and move forward to allow the pastoral sector to come into play. If they do want that, I am more than happy to make that amendment, but I am not going to create more delays by doing that, which is the general modus operandi in this space.

Hon Neil Thomson raised some issues about leases and other land tenure in the body that is generally considered the rangelands that are not leases under this division of the Land Administration Act. That is true. There could be upward of 20 of them. But it is no great disadvantage to them that they are not excluded. Remember, the way this works is that they are just not excluded. Those particular tenure types, whether it is under the Aboriginal Lands Trust, a holding or an old water reserve—I remember granting some of those to various Aboriginal groups—are not excluded at this time. The likelihood of them getting together and seeking a levy at this point is probably pretty marginal, but I would love to see the rangelands have an opportunity. There are extraordinary things going on in the southern rangelands. I look at what is going on with those pastoralists in the southern rangelands that now number over 80 who have carbon farming projects and I look at their commitment to regenerating those lands going beyond just the carbon farming and what they can do to move forward. People like Debbie Dowden have been incredible, inspirational leaders, taking these groups forward. They want to form groups, and we are helping them do that, because they can see that collective action will be the thing that drives this change. It is far more complex than the days of having the huge single commodities of wheat, beef and sheep, and that is what the APC legislation is about. The government does not have a secret agenda. We do not have any agenda for any group to do that, but we understand that it is important for us to empower people to do this.

One concern that was raised, which I understand, is the opt-out clause. What we are providing here is the head of power for an opt-out clause. There has been concern about what exactly that will look like. I am more than happy now to give an undertaking to this place that I will produce that in a draft form in the first instance. We will certainly make every endeavour to have that done fairly promptly and have that tabled before this house and circulated to industry before we finalise it. I understand that people want to see what it looks like. I propose to table, hopefully within the next three months, an exposure draft of what that clause might look like.

There is no secret agenda here. We want to be there, supporting growers who want to come together in groups to provide extra research or marketing. Members will know that I have worked extremely hard to try to rebuild the R&D capability of the department. This is certainly not cost shifting. We took on a demoralised department and have really tried to rebuild many of these areas. We have invested heavily in the trade and promotional side of this as well. We are not cost shifting. We recognise that industry groups want to come together and do different and interesting things and we are here to support them.

Members talked about getting locked into this. On two occasions the groups have voted for a levy and then in subsequent years decided that that was no longer necessary. There are currently no levies on either avocadoes or eggs because the industry decided that it does not want to continue with that levy. I urge members to support this legislation because it is about empowering growers to come together and establish schemes for their mutual benefit. It has been incredibly good for so many of these groups. The only reason we have not seen it in the grain sector or livestock sector is because they have been precluded by law from participating. All this does is give them the opportunity to participate should they so vote that way. I urge members after all this time, let us not have any further delays and let us get these reforms in place.

Question put and passed.

Bill read a second time.

Committee

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

The DEPUTY CHAIR: Members, supplementary notice paper 18-1 contains an amendment that we will deal with, being new clause 24A.

Clause 1: Short title —

Hon COLIN de GRUSSA: I understand there are a few differences between the Agricultural Produce Commission Amendment Bill 2021 and the Agricultural Produce Commission Amendment Bill 2019. Is there a table or a document that provides an outline of the key changes between the bills?

Hon ALANNAH MacTIERNAN: I am advised that the only difference between the bills is that amendments have been made to sections 3 and 9. As we have debated, section 3 removes the exemption for broadacre cropping and grazing industries. This amendment has been changed to reinsert the exemption for pastoralists. The wording in section 3 has been amended to make it clear that this applies to livestock enterprises conducted on land on a pastoral lease. Pastoral leases are defined in the Land Administration Act. Section 9 changes have been made in renumbering the new clauses.

Hon COLIN de GRUSSA: I presume the minister is referring to section 3 of the act rather than the amending bill, which is clause 4. I presume the changes are in clauses 4 and 9 of the Agricultural Produce Commission Amendment Bill 2021. Could the minister clarify that; I think that is where we are going.

Hon ALANNAH MacTIERNAN: Yes, I was referring to the sections of the act; the clauses of the bill are clauses 4 and 7.

Hon COLIN de GRUSSA: The minister talked about some of the regulations in relation to the opt-out provisions in the bill. When does the minister expect regulations to be drafted and to come into effect once this bill passes? Is it possible to have some indication about what might be in those regulations? The minister indicated that a draft of the opt-out options might be circulated, but, of course, we are still debating the legislation. Is it possible to have some oversight during the course of this debate on what those opt-out provisions will look like?

Hon ALANNAH MacTIERNAN: I understand the idea is that the opt-out clauses will not be general. They will be negotiated with each industry. The pork industry might have different provisions than the grain industry. At the moment each APC sector is governed by a separate set of regulations and those regulations include the opt-out clauses that will be negotiated in that sector.

Hon COLIN de GRUSSA: In terms of other regulations in the bill, does the minister have an indication of when they might be ready once the bill passes—assuming the bill passes?

Hon ALANNAH MacTIERNAN: Part of the difficulty is that it will depend on whether a new industry group is formed. Let us presume that someone comes forward and wants to set up a quinoa association or committee—whether it is quinoa, hemp or some organic group, or even as Hon Dr Steve Thomas suggested, a GM group wanting to come together to promote their sector—the regulations will be dependent on those that come forward. At the moment, until such time as a group comes forward and adopts a provision for their industry, there will be no regulations because they are not at large; they will be bespoke for each sector.

Hon COLIN de GRUSSA: Will existing producer committee regulations need to be amended, presumably, to reflect changes in the act, and will that have to happen pretty quickly?

Hon ALANNAH MacTIERNAN: The way it works in this legislation is that it is a head of power. Each existing committee will be able to look at whether they want to introduce an opt-out provision under their act. This is a head of power. This will give them the capacity to look at precisely how that might happen and in a way that will work for their industry.

Hon Colin de Grussa: By interjection, I am not referring just to the opt-out provisions; I am referring to regulations in general for each of those committees.

Hon ALANNAH MacTIERNAN: I will take more advice on that.

I am advised that no other regulatory requirements will come into play; that weighted voting will not be the subject of regulation.

Hon STEVE MARTIN: On weighted voting, I want to clarify whether each committee will have its own set of regulations and will there be a separate form of voting for each committee?

Hon ALANNAH MacTIERNAN: My understanding is—hopefully this is correct—that weighted voting itself will not form part of the regulations. It will be an enabling provision for the committee. Weighted voting will happen before a committee is formed. There will be a voting procedure. If there is a majority vote, a committee will be formed. If a committee is formed, then a set of requirements about the levy will need to be enshrined in regulation, the way the levy is to be charged and what the opt-out provisions will be.

Hon STEVE MARTIN: That is quite a complicated process. A committee will be formed after a vote of members and that executive committee will come up with a formula for weighted voting. Will members who have signed up not know how the voting process happens until after the committee has been formed?

Hon ALANNAH MacTIERNAN: It is the opposite. A determination will be made by the APC about the relative weight of voting before the committee is formed.

Hon STEVE MARTIN: There could, in fact, be two different sorts of regs for different APCs. The soft wheat growers from Nomans Lake and the noodle wheat growers from Esperance could have two separate committees with two separate regs and, I assume, two separate levy rates.

Hon ALANNAH MacTIERNAN: There is no limit on how the thing might be defined. The regs for banana growers in Carnarvon do not apply to banana growers outside Carnarvon or to people growing mangos in Carnarvon. It will depend on what the group comes up with. There might be a particular type of grain. That grain might be a subsection of wheat. There is no limit around that. From time to time, groups that are looking at different farming styles might want to come together. Unfortunately, they will not be included in this, but they include groups like the Southern Rangelands Pastoral Alliance. This is open to any group to come forward and say, "This is what we are looking at", and a determination will then be made on whether the Agricultural Produce Commission believes it is a valid and administratively possible proposal. The commission will then have the task of identifying all the people who participate in that sector of the industry and giving them a vote on whether a committee is formed. Obviously, the commission is there to do some sort of sorting as to whether these proposals are possible and viable. Is this a proposition for which the participants in the industry can be quite readily identified, as it has been framed in the proposal, and will it be possible to make contact with them? Can we actually establish who the people are who are growing in this way?

Hon COLIN de GRUSSA: Going back to the opt-out provisions that the minister talked a little bit about before, the minister made the point that they would not be general in nature but would be specific to each APC committee that wanted them—they would not necessarily all have to have an opt-out provision; that would be up to each committee. Am I to understand from that that the opt-out provisions that would be in those regulations would be visible only once a committee had been formed and that they would only then be negotiated with that industry? In other words, they would not be negotiated with the industry before it formed a committee?

Hon ALANNAH MacTIERNAN: I suspect that what will happen is that the opt-out provisions will be included in the voting regime, so that when a vote is put to the farmers, the opt-out provisions will be included so that farmers know what they are voting on.

This is very much an iterative process. A number of members recognise the fact that in the wine industry, it took some 10 years to negotiate. The sort of thing that will happen is that a sector of industry will initiate discussions with the commission. I think it is highly unlikely that the commission will go out and do this without there being some industry players coming to it and making the proposition that it had coverage. The commission will then start a dialogue with that sector. It will talk to the sector about the nature of this levy, how it would be imposed and what the quantum of the levy would be. All those things are negotiated; it is not like a decision is made and then there is a vote, because no-one will want to do this if it is not going to get majority support and if the growers do not want it. There is no secret agenda here; this is just a facilitation of the industry. We can pick a grain sector that might want to be included. Hon Dr Steve Thomas's GM canola people might want to get together. They would negotiate what this would look like. When the commission felt that it had arrived at a point that it pretty well understood what the industry wanted, the package would go out to the industry.

Hon COLIN de GRUSSA: Does the Agricultural Produce Commission Amendment Bill 2021 contemplate mandating that opt-out provisions must be provided when a vote is taken to establish a committee?

Hon ALANNAH MacTIERNAN: No. At this point, the bill states "may", and that is what we have negotiated. I understand that that is what has been recommended. If that is a live issue for new industries, obviously there will be an interest in inserting those provisions for that sector. It is an empowering provision; it is not compulsory. Bear in mind that this is a process by which the commission seeks to see where consensus lies and it can establish common ground before putting it to a vote. Clearly, this is going to be important for some of these new sectors to come in.

Hon Dr STEVE THOMAS: Just before I get into a couple of the issues that I am interested in, given that the original version of the Agricultural Produce Commission Amendment Bill 2019 was sent off to the Standing Committee on Legislation on 11 June 2020—over a year ago—and the debate around the opt-in and opt-out clauses has been around from that time at least, and potentially sometime before that, why did we not have a review of potential opt-in and opt-out clauses? If we had, they might have been put into the legislation as opposed to being held over to regulation. Why have we not arrived at that stage? Is there a reason that we did not seriously look at opt-in and opt-out clauses at that time? If it is the government's intent to have an opt-out clause, I do not understand why we are not debating it as a part of the bill, to be honest, when we have had that period of time to look into it.

Hon Alannah MacTiernan: To debate what?

Hon Dr STEVE THOMAS: To debate an opt-out clause. My understanding is that the minister said she would consider an opt-out option as a compromise mechanism, and that she would look to put it into regulation. Is that what the minister said?

Hon ALANNAH MacTIERNAN: The opt-out option is there as an enabling provision. There will now be a head of power; currently, there is no capacity to do this. Presumably, this is something that existing committees could take advantage of, because they could decide to discontinue or not have a levy and could utilise this head of power to have an opt-out clause. Personally, I think that in the framing, creation and bringing in of new committees, we are probably more likely to see the creation of an opt-out clause. It is a recommendation. I think it is appropriate because all these industries are very different and their structures are very different. I think leaving it up to the commission, in putting it to a vote in the first place and then the committees revising what they do, it is important to have that ability to tailor how it may work for each industry.

Hon Dr STEVE THOMAS: In the minister's reply to the second reading debate, did I hear her correctly when she said that her intent was that, in the future, she might survey pastoralists to see whether they wish to be included in the act? Is that what the minister said?

Hon ALANNAH MacTIERNAN: I do not think it makes sense to exclude them, but I had made that undertaking in an attempt to get the legislation through Parliament last time. Of course we were not necessarily expecting the huge landslide win, so when we went to the election I guess I would say that our position was that the pastoral industry would be excluded. I do not think the fact that we now have the numbers necessarily enables me to reverse that. I would like not to do it, but I would need to do consultation. Given that it has now been 16 years, I am not prepared to put this bill off for another year or two while we attempt to do that. Should I get an indication from a substantial section of the pastoral industry that they, too, want to be included, I would be more than happy to remove their exclusion from the bill because I think it can only be to their benefit. But of course that is not the way they see it. The Pastoralists and Graziers Association—I agree with some of the comments made—probably represents 100 of the 500 pastoralists, but because I went to the election with the position that the pastoralists would be excluded, I cannot reverse that without engaging in extensive consultation. I am not prepared to do that and delay the introduction of this legislation. Should we get a sense that people want to do this, whether through formal or informal groups in the pastoral sector, I would be happy to do that. It may well be that the appropriate thing and how this might unfold is that people will see southern grain growers or southern livestock growers taking advantage of this provision and say, "Why not me too?" At that point it would be the appropriate time to change it. I was not prepared to delay this bill any further while I went about doing further consultation with the pastoral sector.

Hon Dr STEVE THOMAS: I will check *Hansard* at some point, because I was under the impression that the minister said she was prepared to survey the pastoral industry.

Hon Alannah MacTiernan: That could be and we could do it.

Hon Dr STEVE THOMAS: The minister may well and that is fine. That is a good idea. I am all in favour of surveying and finding out in advance, which is why I am suggesting that at some point during this very long debate—as the minister said, 16 years of this debate—someone might have thought to have surveyed the broadacre cropping industry to see what its opinion was. I was intrigued when the minister stood up in this process and said in her second reading reply that she would be happy to survey in advance if it was likely to bring people into the Agricultural Produce Commission's purview, but she was not interested in surveying the greater community, I guess, of the bigger numbers in the broadacre cropping section to see whether they want to be in it. I am intrigued by this double standard, which has been an issue for me the entire time during the process, because as I said during my second reading contribution, there was a general feel by everybody in the debate that if we allowed a general survey of people, our opponents, from whichever side they might find themselves, might hold sway and find the day. I think that is an interesting double standard that we have to acknowledge.

A number of times during the minister's second reading reply she referenced the fact that it was a previous conservative coalition government that introduced the exemption for broadacre cropping and pastoralists. Can the minister tell me what the Labor Party position was at the time?

Hon ALANNAH MacTIERNAN: At that point it quite possibly supported the exclusion but perhaps that was just in order to make progress. I have not gone through and read *Hansard* from the year 2000, but maybe it could see there was an impasse, bearing in mind that when Labor first introduced this bill it was a horticultural bill that was aimed at horticulture and then there was a desire, I think widely accepted, that it should be expanded to be an agricultural produce bill. There was negotiation that took out to make these exclusions. As I said, one of the things that has changed is that the probably the largest—I am not saying it represents everyone—peak body representing people in the agricultural sector, which is WAFarmers, has now made it clear that it wants the opportunity. I must say that I think it is sensible. I meet many farmers who certainly are not in the Western Australian Farmers Federation family and are working on new industry directions that are looking at new markets, new products and new ways of promoting and selling their products, and these APC committees are the ideal vehicle to enable them to progress that.

Hon Dr STEVE THOMAS: The minister will be pleased to know that I have the particular *Hansard* in question, from Wednesday, 24 May 2000, when an amendment was moved by Hon M.J. Criddle that states —

> … To delete all words after the word '**industry"**' and substitute the following words —
>
> > means a horticultural industry and such other agricultural industry as may be prescribed but excluding broadacre cropping and grazing industries.

That was followed by Hon Kim Chance, who said —

> I am happy to indicate that I and my colleagues will support the proposed amendment.

Hon Alannah MacTiernan: He was keen to get progress.

Hon Dr STEVE THOMAS: He was keen to get progress. I am glad to see him supporting it.

Hon Alannah MacTiernan: Let us hope we have the same spirit here.

Hon Dr STEVE THOMAS: We are very cooperative. I did mention in my second reading contribution the potential income that might be received, particularly in the broadacre cropping section. Can the minister give us an indication of an expectation of what sort of total amount might be raised? I know we have been calling it a levy, chair, and we really should be calling it a fee for service, I suppose. That is what industry that is engaged in it prefer to call it, but, let us say if, for example, the grains industry or even the wheat industry was to come under the auspices of the APC, what indications do we have of the potential fundraising capacity of this bill?

Hon ALANNAH MacTIERNAN: I certainly do not think that we would see a levy on something like all wheat growers. I think it is almost inconceivable that that would be the type of thing around which a committee was formed. I think it would be a much smaller subset than that, without knowing. This is just enabling legislation. The funds collected, just to give the member some examples, include $116 000 for the Carnarvon banana producers' committee, which is relatively small; around half a million dollars for the pome, citrus and stone fruit committee, and there were three different levies there, all in a little less than $1 million; a little over half a million dollars for potatoes; about half a million dollars for pork; and $744 000 for vegetables. They are quite small amounts, but it will entirely depend on the industry grouping. It might be a really small geographic area and it will of course depend on what service is provided. The member quite rightly reminded us that it is a fee for service, so it will depend on whether it is a research and development or marketing effort. At this point it really is impossible to predict it other than to say that all the existing committees appear to be raising sums of less than $1 million. When we go out to speak to these groups, the strong support for this and the sense that this has been instrumental in taking forward their industries is palpable.

Hon Dr STEVE THOMAS: I agree, minister. For the south west horticulture industry, that is exactly the case. I will be intrigued to see whether that remains to be the case for the broadacre cropping industry in particular. I do not think we really have an indicative figure for what might happen in that industry. Let us move on, as I am sort of coming to the end of my clause 1 component.

Regarding expenditure, can the minister give us an indication of whether a fee-for-service system or the levy that is coming will be able to be expended on agricultural advocacy? Could an agricultural group form an advocacy group or a lobbying group through the funding of an APC committee?

Hon ALANNAH MacTIERNAN: I understand that this is the concern of the Pastoralists and Graziers Association—that it is a play by the Western Australian Farmers Federation to somehow fund its advocacy. I appreciate that. Clause 13 of the bill, which amends section 12 of the act, sets out quite clearly what is allowed. It does not include advocacy.

Hon Dr STEVE THOMAS: Can the minister confirm, by interjection if she likes, that advocacy is precluded as an activity funded by an APC committee?

Hon ALANNAH MacTIERNAN: A very clear list is set out in clause 13. It states the services that producers are able to provide. The list is there for members to look at. There is a provision that other services that we have perhaps not thought of may be prescribed, but no-one is attempting to do this and we have absolutely zero interest in supporting the continuation of the agripolitics that have played out here over the last 100 years. This is very much about allowing industry to evolve and develop. The needs of industry change and the sorts of things that could be useful to farmers will change from time to time. For example, 100 years ago, or even 30 years ago when the act came in, digital property would not have been a thing in farming. It is now a very big thing. Industry changes and structures change, and the APC committees need to be able to respond to industry. As members can imagine, we are not in the business of taking sides in the massive dispute between these two agricultural political groups.

Hon COLIN de GRUSSA: Obviously, the minister is well aware of the forty-fifth report of the Standing Committee on Legislation, which inquired into the Agricultural Produce Commission Amendment Bill 2019 in the last Parliament. That committee made some 10 findings and five recommendations. Does the government have a document with responses to each of those recommendations? Most of them are essentially "please explain" about various aspects of the bill. Rather than having to ask a question at each clause about the response to those recommendations, I think it would be useful if a document could be made available with those responses prior to getting into the rest of the bill.

Hon ALANNAH MacTIERNAN: Member, there are detailed responses. Unfortunately, we do not have a copy of them here with us for some reason, but I am happy to table them as soon as they can be located.

Hon STEVE MARTIN: Without wanting to labour the point, I want to go back to the weighted voting story, please. In the minister's second reading speech, she mentioned —

> … including power for the commission to have weighted voting at a poll for the establishment of a committee. Weighted voting, determined according to the proportion of produce produced by a producer, would be utilised only if there were sufficient industry data available to the commission for it to make the determination in the best interests of the relevant agricultural industry.

Can the minister tell me what that sufficient industry data might look like, for example, in the grains sector?

Hon Alannah MacTiernan: This is the data in relation to what?

Hon STEVE MARTIN: It is the data that the commission would need to organise weighted voting.

Hon ALANNAH MacTIERNAN: In order to even consider weighted voting, the commission would need to know the average production of growers and the number of growers, and it would need that data over a period of five years.

Hon STEVE MARTIN: On the same topic, the minister stated in her second reading speech that the commission would "make the determination in the best interests of the relevant agricultural industry". Just humour me. I assume that the commission does not, at the moment, have anyone from the grains sector on that body and that, if the grains industry came rushing to the commission's door and said, "Please set up a weighted voting system", it would be done by a body that does not necessarily have anyone on it with any grains industry experience. In the minister's words, they would have to make that determination in the "best interests of the relevant agricultural industry". Can the minister please give me some explanation of that process?

Hon ALANNAH MacTIERNAN: As I said, member, these are legitimate questions, but bear in mind that this is very much an iterative process. The commission does not go out and unilaterally say, "This is what it's going to look like", and vote on it. There would be wide consultation. Over the years of experience with all 11 committees, the member can see that that is what happened. There are people with experience; for example, Bill Ryan, the long-term APC chair, has a strong grains background. We have Anita Ratcliffe, who is a banker in the agricultural space who would have a strong background in all sectors of the industry. Obviously, if we have these new committees coming on board, over time the complexion of the commission will change to reflect that. But the commission does not unilaterally make a determination. It has to engage in great depth with the industry, and it is to its peril if it does not, because if it does not engage, it will not get support. At the end of the day, the point for the commission is that it is just enabling. It does not dictate what goes on. It responds to industry demand.

Hon NEIL THOMSON: I have really a general question, so it is about clause 1, about the potential for cost-shifting through the raising of these levies and the issue of what is currently being delivered through the Department of Primary Industries and Regional Development. Going through the budget papers and looking at some of the things it is currently doing, I can see that there are some great initiatives. For example, there is the eConnected Grainbelt program and the budget estimate there is about $2 million a year over the forward estimates. It will help grain growers to better manage risk. I do not know whether that has consolidated funding, but I assume it is coming out of the consolidated fund. Could funding raised through the Agricultural Produce Commission related to the broadacre sector, the grain sector, obviate the need for any support from the consolidated fund to the current research program across the department?

Hon ALANNAH MacTIERNAN: That is certainly not our intention. As the member would be aware, we are trying to rebuild the agricultural capability of the department. After the great contraction, we are trying to build that back. This legislation goes right back to the 1980s, and there have been continual attempts to give it a broader remit.

I now have a copy of our response to each of those five recommendations and I table it.

[See paper 336.]

Clause put and passed.

Clauses 2 and 3 put and passed.

Clause 4: Section 3 amended —

Hon COLIN de GRUSSA: The minister indicated earlier when we were asking about the differences between the 2021 bill and the 2019 bill that there were some differences in clause 4. Could the minister outline what those are?

Hon ALANNAH MacTIERNAN: I think the member is well aware of what they are, because I have explained it over and again and opposition members all commented on it in their second reading contributions. They are well aware that we are limiting exclusion, so the number of people kept out of the act is being reduced. Previously we were removing all the exemptions. For the reasons I have explained on several occasions, in order to help us get that legislation through, we made a commitment not to include pastoral leases in the bill. I have indicated that at a future time, should I be confident that there was demand for that, I would do so, but I have not had the opportunity to do that consultation since the election.

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

LOTTERYWEST — MARGARET COURT COMMUNITY OUTREACH

Statement

HON PETER COLLIER (North Metropolitan) [9.47 pm]: I rise to respond to comments the Premier made in the other place last week. It was in response to a Dorothy Dixer, believe it or not, on Lotterywest. I agreed with one part of the comments he made on Lotterywest, but disagreed with another part. I totally agreed with the first part of his comments when he talked about the value of Lotterywest grants. It has a history of magnificent contributions of grants to a plethora of different organisations throughout Western Australia. As minister, I presented dozens upon dozens of grants. I have no issue with that whatsoever.

The issue I have with Lotterywest is fundamentally with the direction it is taking lately, and I stand by that. That is where I disagree with the comments in the second part of the Premier's contribution, when he stated about my pursuit of Lotterywest —

> It is unrelenting; one after another, he asks questions impugning the integrity of the CEO and board of Lotterywest. It is bordering on hounding and harassment of Lotterywest by Mr Collier, and it has to stop. It is affecting the organisation.

I will not be stopping, and I am not impugning the reputation of Lotterywest at all. I have asked dozens upon dozens of questions. I need not have asked dozens upon dozens of questions if the Premier had perhaps given the correct answer the first time. The fact that I put in a freedom of information request that came back over the summer break and contradicted a number of the original answers meant that I required yet further clarification. Can I say to the Premier that he could perhaps get his office to give accurate responses to questions and I will not have to ask dozens of additional questions.

The second thing the Premier stated was —

> He is doing this because Lotterywest decided not to provide a grant to an organisation that he supports.

That is absolute rubbish. I am doing it because of the calibre of the decision-making that came about as a result of the rejection of the grant to Margaret Court Community Outreach. It was a valid issue. It is my legitimate right as Leader of the Opposition.

Sorry, have we got the timer working? Do you want me to start again, President?

The PRESIDENT: Thank you, honourable member, for pointing that out. The clock is not working. I can see that you have spoken for three minutes. There you are.

Hon PETER COLLIER: Thank you, President. I stand by my comments. It is clear discrimination on the part of Lotterywest with regard to the Margaret Court Outreach centre—clear discrimination. There is no doubt about that whatsoever. Other organisations with identical values got grants. FOI documents that were presented to me show there was a great deal of confusion and uncertainty about the rejection of this grant. Similar rejections have never been done before. That comment comes from the CEO of Lotterywest. There is nothing on its website that says an organisation has to align to the values of Lotterywest before getting a grant.

This is an absolutely legitimate issue and I will continue to pursue it. As I said, I stand by those comments and I will not be intimidated by the Premier on this issue. But do not take my word for it, President, take the word of the former senior policy officer of Lotterywest, a man by the name of Crispin Rovere. Members might know him. He was the adviser on the gaming and wagering bill in this house under the auspices of the Minister for Regional Development. He was a senior member of Lotterywest who resigned from Lotterywest in November 2020. He resigned because of the direction Lotterywest has taken and because of its decision with regard to the Margaret Court Outreach centre. He said quite clearly, right at the start, that he did not agree with Margaret Court's views but that he did not agree with the way Lotterywest rejected that application.

On 26 November 2020, Gareth Parker interviewed Mr Rovere. Mr Rovere said that the Margaret Court Community Outreach organisation application had met all the criteria required by Lotterywest. He said that the decision to reject the Margaret Court Community Outreach application did not meet the public sector standards and was based on the personal views of the board. He said that the decision directly violated the Equal Opportunity Act and discriminated against the Margaret Court Community Outreach organisation, based entirely on Margaret Court's views. He said that he raised his concerns about the decision many times at all levels of the executive of Lotterywest and was told that the executive must serve at the discretion of the board. He said that many staff at Lotterywest are deeply uncomfortable with the direction taken by Lotterywest.

Gareth Parker asked Mr Rovere whether Lotterywest was being ideological in its distribution of grant money, to which he replied, "Absolutely." He said that it was a deliberate and wilful direction of that organisation. It is not me saying that; it is a former senior executive officer of Lotterywest who felt so strongly about the current direction of Lotterywest that he resigned. He then put up a blog, which states, in part —

> 'Lotterywest is looking to allocate grants on personal views rather than legislated mandate'

> ‘The formulation of the proposed ‘Our Commitment’ words leans heavily on diversity and inclusion (but does not mention that we are Lotterywest) and yet they are to be applied ironically to mean exactly the opposite—anyone who we do not approve of is excluded with a narrowing of diversity to only those who hold the ‘right’ opinions.’
>
> ‘However one slices this—ethically, professionally, politically or the brand—the injection of personal views in the exercise of Lotterywest’s statutory decision-making is a spectacularly catastrophic idea that has turned out badly whenever it has been tried. As public servants it is not our role to do this, and I urge the executive to fully consider all the implications of going down this path.’
>
> ‘The sole and singular reason why this particular grant was rejected was because the board was not happy with Margaret Court’s views on same sex marriage.’

He said that his resignation was not based on one case alone, stating —

> ‘For me personally it’s part of a broader trend for the Board using its discretionary power not to uphold the public good, but to use the $1b that is provided by the WA public for their own private social weapon and I think that this is totally inconsistent and incompatible with WA public sector values.’
>
> ‘I see no evidence whatsoever that the Victory Life situation is viewed by the Lotterywest Board and Senior Executive team as a red flag indicating an ominous direction, rather, they see it as an arrogance and a lesson on how better to use the billion dollars raised by retailers and gifted to the public as their own private social weapon, unsupported by the legislation, an illegitimate misuse of public money and power.’
>
> ‘To the Corporate Executive team, thank you for the opportunities I’ve had working at Lotterywest. It’s been a great experience. But the truth is you have lost the confidence of a great number of the staff body and deservedly so. Some of you refuse to appreciate the difference between public service and activism and the enormous moral hazard of that confusion. Others simply have distorted loyalties twinned with an embarrassing form of cowardice.’

Those words come from the mouth of a former senior executive officer of Lotterywest. They are not from me or anyone else, or any supporter of the Margaret Court Community Outreach; they are from a former senior executive officer of Lotterywest. There is an issue here. On Tuesday, 15 June, the Premier said —

> The final thing —
>
> A member —
>
> … said was that this bashing of Lotterywest has to stop. It will not stop.
>
> In other words, he is saying that he is bashing Lotterywest and bullying that organisation.

That is rubbish. In terms of the bashing, as members know, I was paraphrasing Hon Dan Caddy.

Hon Pierre Yang: The “honourable” Dan Caddy.

Hon PETER COLLIER: I said Hon Dan Caddy. Settle down.

As a result of that, I was paraphrasing him. There is no bullying going on. The issue rests with Lotterywest. Look in the mirror, guys. Look in the mirror, Premier. I will leave the final words once again to Mr Rovere —

> ‘To the Lotterywest Board, for those who genuinely believe you are doing the right thing, I don’t have much to say, except that you are driving the organisation off a cliff. Lotterywest can still be saved, but it does need a reckoning.’

It certainly does need a reckoning. All I am doing is what I should do as a member of the opposition. There is a clear indication here that Lotterywest discriminated against an organisation. Clearly, that is against its ambit. I say to the Premier, “You can chuck a hissy fit and carry on all you like and you can spit the chewy yet again over and over again because you don’t get your own way, but I’m not going to stop.” I will continue to pursue this issue because it is a legitimate issue. If Lotterywest is to provide grants based on its personal views, quite frankly, it is doing that wonderful organisation a disservice. The people involved, particularly the board and the Premier, need to go and look in the mirror if they want to see where the problem lies. Do not lambaste someone who happens to raise the issue. Do not shoot the messenger, guys. All roads are leading to you, and if you do not want to fall off a cliff, do something about it.

CYCLONE SEROJA — NORTHAMPTON COMMUNITY FOOTBALL

Statement

HON SANDRA CARR (Agricultural) [9.56 pm]: President, I rise today to recognise the incredible efforts of members of the Northampton community in their ongoing efforts to recover and rebuild following the devastation of the impact of cyclone Seroja, and the fantastic work of former AFL player Andrew Lockyer in assisting the Northampton community recovery via the AFL Rams Community Support Fund.

On the weekend, I had the pleasure of joining the Northampton community at the AFL Rams Community Support Fund league game coordinated by Andrew Lockyer, between the Northampton Rams and the Towns Bulldogs. I attended the game with the Minister for Emergency Services, Reece Whitby, MLA; the member for Geraldton, Lara Dalton, MLA; the Fire and Emergency Services Commissioner, Darren Klemm; Superintendent Craig Smith; and the state recovery controller, Melissa Pexton, who all attended to support the Northampton community. The AFL Rams Community Support Fund league game was a fundraising event that yielded many benefits to the local Northampton community, including funds well in excess of $40 000, and a much-needed opportunity for the community to gather, relax and enjoy a great boost to a community heaving under the heavy burden of the mammoth task of rebuilding.

Along with recognising the fantastic efforts of Andrew Lockyer in coordinating this event for his community, I also acknowledge the efforts of another former AFL player Harry Taylor who played for the Rams on the day and earned valuable dollars for every goal he kicked—a whopping $11 000 in total. Thanks must also go to West Coast Eagles star, the legendary Josh Kennedy, who spent the day kicking the footy with kids, signing everything from footies to pregnant bellies, and tolerating the attention of starstruck fans like me. These men of football, who all hail from the Northampton region, are a tribute to the kinds of people the Northampton community produces—people who understand that community support is a reciprocal arrangement and who have thrown the weight of their footy fame behind the cyclone recovery efforts.

The Northampton Town Football Club, where the game was played, is currently surrounded by rich rolling green paddocks that make it difficult to comprehend the havoc wreaked upon the landscape less than three months ago, yet the rich green landscape that surrounds Northampton today, the result of some consistent winter rains, has for many also compounded some of the property damage already suffered from the cyclone. It has meant further damage to properties, due to both rain and more damaging winds, and for a number of residents this has also resulted in the need for additional insurance claims. Some have found themselves underinsured whereas previously they were not.

Although the rains may well have given cause for farmers to feel optimistic about potential yields, that optimism will have to sit on the backburner while those farmers, having now finished the intensive task of seeding, can finally commence the job of repairing and rebuilding damage to the structures on their properties. Suffice to say the needs of the Northampton community are ongoing and the rebuilding efforts will need to be significant. These ongoing needs of the community are recognised by members of the Red Cross, who were a welcome presence at the game on the weekend, moving amongst the locals and connecting with the community. The hand-knitted teddy bears they handed out to the kids were a huge hit, and between the free teddy bears and the ready access to Josh Kennedy, I think it is safe to say that their smiles were wider than Kennedy's arm span. The Red Cross has been a presence in the community, operating from the Northampton Memorial Hall and the RSL since the cyclone hit. It is now focusing its efforts on outreach, travelling out to people in the area to offer a supportive ear, check in on their wellbeing, and assist with any of their specific individual needs.

In addition, I recognise the efforts of the Shire of Northampton, which is responsible not only for Northampton, but also Kalbarri, a mammoth responsibility at any time, let alone in the wake of a cyclone as devastating as Seroja. The shire CEO, Gary Keefe, the shire president, Craig Simkin, and the Northampton Cyclone Response Committee have worked tirelessly to support the people in their community impacted by the cyclone and have been integral in supporting and advocating for them during this incredibly difficult time. They welcomed the opportunity to have the Minister for Emergency Services, Reece Whitby, attend the game to speak with and support their community.

To date, the state government has approved around $10 million in assistance and support for residents affected by cyclone Seroja, with support programs still open, and crisis accommodation options available for anyone requiring assistance. The Northampton shire indicated it was incredibly heartened by Minister Whitby's advice on the day that the state government is working on a joint funding package with the commonwealth, and his recognition of the ongoing need for temporary accommodation, which will be met by the joint funding package. That support will include temporary accommodation for people who have been made homeless, as well as for housing the tradespeople we will need in the area to help with the rebuild.

In making the AFL Rams community support fundraising game possible, thanks must be extended to Northampton Football Club, in particular Damian Harris and Kate Box; East Fremantle Football Club; AFL Rams; West Coast Eagles and Fremantle Dockers; Channel 7 and Rory Campbell; Steve Butler, and all those who donated items for the auction; the players from both the Rams and Towns Football Clubs; and the broader Northampton community, for their resilience and determination to be proactive in supporting each other and rebuilding their community.

Although the impact of the cyclone may be a slowly abating memory for those not directly affected, for those still suffering from the devastation, the need for support and assistance remains stark, confronting and dauntingly real. The AFL Rams support fund, established by Andrew Lockyer, can be found on Facebook. I urge everyone who is able to make a donation to support Northampton and the surrounding community. Thank you.

YIRRA YAAKIN THEATRE COMPANY

Statement

HON DAN CADDY (North Metropolitan) [10.02 pm]: I rise briefly to acknowledge the outstanding contribution being made by Yirra Yaakin Theatre Company to the arts sector, and to telling the story of our local first Australians, and for its contribution to Western Australian society as a whole. I was fortunate enough to be invited to a function last Thursday evening for donors to Yirra Yaakin. The event was hosted by Wesfarmers Arts, and the board of Yirra Yaakin.

It was a truly magical evening. We were treated to poetry written by Indigenous man Maitland Schnaars. He set a couple of his poems to the Didgeridoo. It was a very moving experience. The conversation I had afterwards with Maitland about where he draws his inspiration from was also fascinating. I felt very privileged to have had that conversation.

YirraYaakin is committed to developing and mentoring the next generation of our First Nations theatre professionals in all facets of production, both on stage and behind the scenes. It intends to keep standing tall for its communities through sharing First Nations stories and storytelling through the magic of theatre. But the main reason I rise tonight is to inform the house that Yirra Yaakin Theatre Company was recently nominated for in the order of a dozen awards at the 2021 Performing Arts WA Awards. It took home eight of those awards, including best main stage production, best new work, best mainstage director, best actor female, best supporting actor female, best supporting actor male, best newcomer theatre, best lighting design, and best composition. A special mention to Cezera Critti-Schnaars, who is the daughter of Maitland, about whom I was just speaking, who took out two of those awards.

Members, this is an incredible feat and shows the strength of the company, its actors and its board, and especially the artistic Director, Ms Eva Grace Mullaley. Eva is a proud Yamatji woman. She graduated from the Western Australian Academy of Performing Arts in 2003, and within two years was directing Indigenous theatre. In the 20 years since, her roles have included director, arts administrator, stage manager, tour manager and producer for both national and international productions, just to name a few. She has worked as a director for Moogahlin Performing Arts, Yellamundie Indigenous Playwrights Festival, Ilbijerri Theatre Company, Te Rehia Theatre Company, WAAPA, and Yirramboi Festival. She has also worked as the development producer for the Australian Blackfulla Performing Arts Alliance, which as members would know is the national peak body for Indigenous theatre and performers. She is currently the artistic director at Yirra Yaakin Theatre Company here in Perth, the only Indigenous theatre company in Western Australia, and it is, in my opinion, very fortunate to have her. A large measure of the troupe's success in recent times can probably be attributed to her. I have had the pleasure of meeting Eva on a few occasions over the last couple of years and I have seen a couple of the shows that she has directed. She is a force of nature and I look forward to their new show, *Dating Black*, when it comes out in November.

I congratulate everyone at Yirra Yaakin on this incredible achievement at the 2021 Performing Arts WA Awards. Thank you.

VOLUNTEERS

Statement

HON SHELLEY PAYNE (Agricultural) [10.05 pm]: I would like to take a few minutes to acknowledge all the volunteers in our community. The volunteer movement is so valuable in Western Australia across our entire state. Our thousands of volunteers make a massive contribution to our communities and our economy.

I would like to acknowledge how great it is that we have a minister with responsibility for volunteering. The week prior to our swearing in as members was Volunteer Week, so we did not get much opportunity to recognise it here in this house. During Volunteer Week, our Minister for Volunteering, Reece Whitby, honoured Western Australians at the WA Volunteer Service Awards, with 166 volunteers being recognised for over 25 years of service to a single organisation. Six of the recipients had been volunteering for over 50 years.

Last week, we saw the Surf Life Saving WA awards of excellence to recognise the extraordinary contribution of volunteers from this organisation. Western Australia has thousands of amazing volunteers who belong to their local surf life saving club. Volunteers are the backbone of our community and deserve to be recognised for their important work.

Thank A Volunteer Day will be held on 5 December 2021. Grants of up to $1 000 are available for community organisations to host events or activities on Thank a Volunteer Day. The grants support communities to celebrate Thank a Volunteer Day as a whole of community event to acknowledge and celebrate the role of volunteers in the community. Applications now open and close on 5 August.

Volunteers commit thousands and thousands of hours each year, and their work is of particular importance when responding to emergency events across our vast state. This year alone, we have seen the recent cyclone Seroja, the Wooroloo and Gingin bushfires, and the flooding events. Volunteers have been absolutely crucial for responding to these events and getting our communities back up and running.

With regard to the recent cyclone Seroja, over the duration of the event over 500 emergency services, WA government employees and volunteers from across Western Australia were deployed and were on the ground across the region to help with the recovery efforts. Emergency services personnel were assisted by volunteers both from across WA and those who had flown in from other states. This included more than 100 personnel from New South Wales, Victoria, Queensland and South Australia. Then there were all the other community volunteer organisations whose work is so important, like the BlazeAid team, which moved in after the event, and all the volunteers who stepped up to assist BlazeAid in its work to help rebuild. Then there were the hundreds of volunteers working within their communities to help get them back up and running, and who are still working hard to get things back to normal.

Volunteer fire crews from all over the state assisted with the Wooroloo fire, including my local crew from Esperance, who are well experienced with tackling fires across our huge local government area in remote and challenging conditions. My community of Esperance sent two trucks and six volunteers for five days, a mixture of volunteer fire and rescue members and volunteer bush fire crew. They worked as part of the great southern strike force and were tasked mainly to the northern edge of the fire. It was challenging terrain but a great experience for them to be involved in fighting fire in a different environment from that in Esperance. This was not the first time, and nor will it be the last, that this Esperance crew has been mobilised to assist other communities in need, as so many other community fire crews do. When it comes to tackling fires, it is so important to build and maintain a strong volunteer base. This has been shown in the Wooroloo fire, the ones over east, and the ones we have had in Esperance, when we are able to put the call out and get such a large response, particularly in remote areas where we need volunteers.

Volunteers are vital. I would like to acknowledge and thank all fire response volunteers for their ongoing contribution. I would also like to acknowledge the great work done by the Department of Fire and Emergency Services over the past four years in working collaboratively with regional communities and their many volunteers to develop tailored, purpose-built fire response vehicles for the regions and to acknowledge the varying conditions and needs across regional WA. This has been important, particularly in places like Esperance where the land area is vast, the terrain is difficult and traditional fire vehicles are not practical.

In particular, I would like to acknowledge volunteers who dedicate their time not only to the emergency response, but also for working with our government to achieve better outcomes for their communities in the development of these tailored vehicles. It is extra time that they dedicated over and above the time that they dedicate to responding to fire events. It has been great to see the collaboration between volunteers and our government and also how this government supports the many volunteers across our state and recognises the value of volunteers across all sectors of our community.

PILBARA COMMUNITY SERVICES EXCELLENCE AWARDS

Statement

HON PETER FOSTER (Mining and Pastoral) [10.10 pm]: On Saturday, 19 June, I had the pleasure of attending the third annual Pilbara Community Services Excellence Awards in Karratha at the Red Earth Arts Precinct with the member for Pilbara. The event was organised by Pilbara for Purpose Inc, which was able to host the event this year after pausing it in 2020 due to the COVID-19 pandemic. Pilbara for Purpose is a peak membership board for the for-purpose sector in the Pilbara and aims to support innovation and collaboration in the delivery of community services by connecting people and organisations, celebrating and promoting success, advocating and aligning solutions, and providing information and support services. The Pilbara Community Services Excellence Awards forms part of its work. This year's event was promoted by organisers as a celebration of the resilience, creativity and leadership of individuals and organisations who work in the community services sector in the Pilbara. Several awards were bestowed on organisations both large and small, and others were reserved for individuals who have made remarkable contributions to the sector. Thirty-nine organisations and 11 individuals were nominated for the awards.

The Impact Award that recognises organisations in the field of collaboration, innovative thinking, recovery and response, determination and spirit was won this year by Blue Beanie Projects in the small organisation category for its work with youth suicide reduction. According to one judge, these youth would have otherwise fallen through the cracks of a system in which they do not quite fit. Instead of letting this happen, this amazing organisation has now turned them into positive role models and set their feet firmly on the path to self-confidence and positive change in their lives.

The Impact Award in the medium to large category went to Robe River Aboriginal Corporation, an organisation commended for delivering services for young people needing support, such as education and food relief, while also enabling young people to have a leadership role in the wider community.

The Innovation Award celebrates out-of-the-box ideas and creative thinking by an organisation that has led to improved programs, services and initiatives across the region. This year the award in the small organisation category went to Val and Kathy's Crafty Kitchen, which fosters a welcoming and inclusive place for locals to connect over a cup of coffee and to participate in social and crafting activities.

In the medium to large organisation category, the Innovation Award was jointly awarded to Nintirri Centre, a local not-for-profit organisation based in my home town of Tom Price, which successfully adapted many of its programs during the 2020 COVID-19 lockdown so that essential services would still be delivered to people who needed them the most, and to the Youth Involvement Council for its meditation and mindfulness program that is aimed at at-risk youth in Port and South Hedland.

The Partnership Award, which recognises organisations that have found new and innovative ways of working together across the sector, leading to better services, programs or initiatives, went to Pilbara Community Services Ltd in the small organisation category, for its work in creating a better future for ex-offenders. It begins its work in the prison system and provides vital continuity by continuing it on the outside. In the medium to large category, the Partnership Award was won by the Pilbara Aboriginal Health Alliance, which was formed recently on 23 June 2019. Three Pilbara Aboriginal medical services joined together to become one strong voice for the better health of Aboriginal and Torres Strait Islander people in the Pilbara.

The Young Champion of the Year Award is given for positive achievements of our Pilbara youth under the age of 26 and was this year won by Kaydn Barrow, who is only eight years of age and suffers from dyslexia, anxiety and post-traumatic stress disorder. Kaydn is leading an entrepreneur program called "She'll be right", making eggshell powder for gardens and donating half of his proceeds to the Royal Flying Doctor Service.

The Community Hero of the Year Award acknowledges the contributions of those who have gone above and beyond the call of duty to bring about positive change in their community, inspiring others in their sector. This year it was awarded to David Heathwood. For over 20 years, David has been supporting, leading and managing various youth and community activities and events through his continual hard work and dedication.

The Community Spirit (Volunteer) of the Year Award recognises the extraordinary work done by volunteers within the Pilbara for Purpose sector in overcoming adversity and demonstrating community spirit. It was won by Val Walker and Kathy Brooker, the founders of Val and Kathy's Crafty Kitchen, which is based in Roebourne.

The Progressive Leadership Award is given to an organisation or individual that has set an example for the community in how to lead through a period of change by challenging traditional leadership models. This year, it was awarded to the Ngarliyarndu Bindirri Aboriginal Corporation, Roebourne's oldest Aboriginal corporation, which is proudly 100 per cent Aboriginal owned and operated. Ngarliyarndu Bindirri empowers Aboriginal people, providing local solutions for local people.

Finally, the People's Choice Award, which was voted on by the entire Pilbara community, was this year awarded to Pilbara Community Services Ltd for its important work in ensuring a collaborative, accessible and responsive system of services and supports to ex-offenders across the Pilbara.

I am very proud to have been involved with several different community organisations as a volunteer, and I have seen firsthand the impact of a strong community sector on people's lives. Those organisations are the glue that binds our regional towns together and many of us benefit from the outstanding work they do.

I was particularly proud to see that the Tom Price Youth Support Association was nominated for the Partnership Award in the small organisation category for its work during the COVID-19 pandemic, including running online programs and games for youth to stay connected during lockdowns, coordinating foodbank and other welfare and justice services for those who found themselves suddenly without work or stranded in town due to the border closures and helping to keep families connected with the assistance of mobile phones.

I congratulate all the recipients and nominees for their contributions and achievements, and the organisation Pilbara for Purpose for founding and organising this great event. Each nominee and recipient is an inspiration to the sector they represent. They have all done their communities proud. I also thank the many sponsors who contributed financially to the event and local Roebourne musician Angus Smith for his stories and songs.

The COVID-19 pandemic has seriously tested the Pilbara community services sector, as it has tested us all. It was an honour to meet the people whose resilience, inventiveness and sheer hard work have made such a difference to so many lives during the toughest of times.

House adjourned at 10.18 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

MINISTER FOR FINANCE — PORTFOLIOS — PURCHASING CARDS

116. Hon Tjorn Sibma to the minister representing the Minister for Finance:

For each department and agency within the Minister's portfolio, could the Minister please provide information for the financial year 2019–2020, concerning the use of purchasing cards (including debit and credit cards) including:

(a) how many cards were issued to staff;

(b) what expenditure and transaction limits applied to the use of those cards;

(c) the total dollar value of transactions made via those cards;

(d) the total number of transactions made via those cards; and

(e) a breakdown of the categories of goods and services purchased via those cards?

Hon Stephen Dawson replied:

The Department of Finance advises:

(a) 433 cards

(b) Limits range from $1 to $50,000.

(c) $2,604,693.52

(d) 10,255 transactions

(e) This detailed information would require considerable time, which would divert staff away from their normal duties and it is not considered to be a reasonable or appropriate use of government resources to provide this information. If the member has a more specific query, I will endeavour to provide a reply.

MINISTER FOR LANDS — PORTFOLIOS — PURCHASING CARDS

117. Hon Tjorn Sibma to the minister representing the Minister for Lands:

For each department and agency within the Minister's portfolio, could the Minister please provide information for the financial year 2019–2020, concerning the use of purchasing cards (including debit and credit cards) including:

(a) how many cards were issued to staff;

(b) what expenditure and transaction limits applied to the use of those cards;

(c) the total dollar value of transactions made via those cards;

(d) the total number of transactions made via those cards; and

(e) a breakdown of the categories of goods and services purchased via those cards?

Hon Alannah MacTiernan replied:

Department of Planning, Lands and Heritage

(a)–(e) Please refer to Legislative Council question on notice 131.

DevelopmentWA

(a) 90

(b) Card credit limits ranged between $500 and $50 000 monthly.

(c) $644 637

(d) 2 112

(e) This detailed information would require considerable time, which would divert staff away from their normal duties and it is not considered to be a reasonable or appropriate use of government resources to provide this information. If the member has a more specific query, I will endeavour to provide a reply.

Landgate

(a) 171

(b) $1,000–$50,000

(c) $900,171.47

(d) 3,464

(e) This detailed information would require considerable time, which would divert staff away from their normal duties and it is not considered to be a reasonable or appropriate use of government resources to provide this information. If the member has a more specific query, I will endeavour to provide a reply.

MINISTER FOR SPORT AND RECREATION — PORTFOLIOS — PURCHASING CARDS

118. Hon Tjorn Sibma to the Leader of the House representing the Minister for Sport and Recreation:

For each department and agency within the Minister's portfolio, could the Minister please provide information for the financial year 2019–2020, concerning the use of purchasing cards (including debit and credit cards) including:

(a) how many cards were issued to staff;

(b) what expenditure and transaction limits applied to the use of those cards;

(c) the total dollar value of transactions made via those cards;

(d) the total number of transactions made via those cards; and

(e) a breakdown of the categories of goods and services purchased via those cards?

Hon Sue Ellery replied:

Department of Local Government, Sport and Cultural Industries

(a)–(e) Please refer to Legislative Council question on notice 126.

Venues West

VenuesWest's response is as follows:

(a) 82

(b) Monthly transaction limits for individual cardholders range from $2,000 to $30,000.

(c) $1,172,196

(d) 3,483

(e) This detailed information would require considerable time, which would divert staff away from their normal duties and it is not considered to be a reasonable or appropriate use of government resources to provide this information. If the member has a more specific query, I will endeavour to provide a reply.

MINISTER FOR CITIZENSHIP AND MULTICULTURAL INTERESTS — PORTFOLIOS — PURCHASING CARDS

119. Hon Tjorn Sibma to the parliamentary secretary representing the Minister for Citizenship and Multicultural Interests:

For each department and agency within the Minister's portfolio, could the Minister please provide information for the financial year 2019–2020, concerning the use of purchasing cards (including debit and credit cards) including:

(a) how many cards were issued to staff;

(b) what expenditure and transaction limits applied to the use of those cards;

(c) the total dollar value of transactions made via those cards;

(d) the total number of transactions made via those cards; and

(e) a breakdown of the categories of goods and services purchased via those cards?

Hon Samantha Rowe replied:

Department of Local Government, Sport and Cultural Industries

(a)–(e) Please refer to Legislative Council question on notice 126.

ATTORNEY GENERAL — PORTFOLIOS — PURCHASING CARDS

127. Hon Tjorn Sibma to the parliamentary secretary representing the Attorney General; Minister for Electoral Affairs:

For each department and agency within the Minister's portfolio, could the Minister please provide information for the financial year 2019–2020, concerning the use of purchasing cards (including debit and credit cards) including:

(a) how many cards were issued to staff;

(b) what expenditure and transaction limits applied to the use of those cards;

(c) the total dollar value of transactions made via those cards;

(d) the total number of transactions made via those cards; and

(e) a breakdown of the categories of goods and services purchased via those cards?

Hon Matthew Swinbourn replied:

Western Australian Electoral Commission

(a) 16

(b) Expenditure and transaction limits range from $20 000 to $40 000, depending on the employee position and delegation.

(c) $148,182.79

(d) 504

(e) This information cannot be provided as this would require an excessive amount of resources from the Agency.

Department of Justice

(a) 1,251

(b) Expenditure and transaction limits range from $5,000 to $50 000, depending on the employee position and delegation.

(c) $22,253,394

(d) 67,348

(e) This information cannot be provided as this would require an excessive amount of resources from the Department.

This information is inclusive of the State Solicitor's Office.

Corruption and Crime Commission

(a) 56

(b) Expenditure and transaction limits range from $1 to $25 000, depending on the employee position and delegation.

Note: Four (4) staff are on extended leave and have returned their cards to the Commission. These cards are on hold, hence the $1 credit limit.

(c) $563,530

(d) 1,778

(e) This information cannot be provided as this would require an excessive amount of resources from the Agency.

Equal Opportunity Commission

(a) 12

(b) Expenditure and transaction limits range from $1,000 to $25 000, depending on the employee position and delegation.

(c) $211,513.83

(d) 586

(e) This information cannot be provided as this would require an excessive amount of resources from the Agency.

Legal Aid WA

(a) 81

(b) Expenditure and transaction limits range from $1,000 to $20,000, depending on the employee position and delegation.

(c) $923,919

(d) 5371

(e) This information cannot be provided as this would require an excessive amount of resources from the Agency.

Office of the Information Commissioner / Freedom of Information

(a) 5

(b) Expenditure and transaction limits range from $2,000 to $15,000, depending on the employee position and delegation.

(c) $116,021.7

(d) 397

(e) This information cannot be provided as this would require an excessive amount of resources from the Agency.

Office of the Commissioner for Children and Young People

(a) 7

(b) Expenditure and transaction limits range from $1,000 to $20,000, depending on the employee position and delegation.

(c) $97,209.07

(d) 494

(e) This information cannot be provided as this would require an excessive amount of resources from the Agency.

Office of the Director of Public Prosecution

(a) 55

(b) Expenditure and transaction limits range from $5,000 to $50,000, depending on the employee position and delegation.

(c) $937,725

(d) 1,511

(e) This information cannot be provided as this would require an excessive amount of resources from the Agency.

CORRECTIVE SERVICES — JUVENILE DETAINEES

138. Hon Nick Goiran to the minister representing the Minister for Corrective Services:

I refer to the detention of children less than 14 years of age in the calendar year 2020, and I ask:

(a) how many such children were detained;

(b) how many such children were serving a period of detention arising from a sentence following a conviction;

(c) further to (b), what were the charges that resulted in the conviction and consequential sentence; and

(d) what was the longest continuous period of time that such a child was detained without a conviction?

Hon Alannah MacTiernan replied:

(a) 108

(b) 5

(c) Burglary and robbery offences.

(d) 121 days

HEALTH — SPECIALISED MEDICAL EQUIPMENT

141. Hon James Hayward to the minister representing the Minister for Health:

I refer to the *WA Today* article on 15 May 2021, titled "Waiting for six hours with a bleeding bowel: Leaked email exposes the extent of WA's health crisis" and the claim that the health system is experiencing a severe shortage of specialised medical equipment, and I ask:

(a) how many instances have occurred in 2021 to date, where hospitals have had to resource share specialised medical equipment:

  (i) how many of those in (a) have resulted in patient medical emergency;

(b) how many instances have occurred in 2021 to date, where practitioners in different departments within a hospital have been delayed due to resource sharing;

(c) does the Minister receive a collation of these occurrences from each health service provider:

  (i) if yes to (c), how frequently does this occur; and

  (ii) what action is taken to escalate the issues raised; and

(d) if no to (3), has the Minister previously received this information:

  (i) when did the Minister stop receiving this information?

Hon Stephen Dawson replied:

For the South Metropolitan, North Metropolitan, East Metropolitan and WA Country Health Service:

(a) Nil.

  (i) Not applicable.

(b) Not applicable.

(c) No.

(i)–(ii) Not applicable.

(d) No.

(i) Not applicable.

For the Child and Adolescent Health Service:

(a) Four equipment loans and 25 instrument set loans.

(i) Nil.

(b) Not applicable.

(c) No.

(i)–(ii) Not applicable.

(d) No.

(i) Not applicable.

PERTH MINT — PRECIOUS METALS SOURCING

142. Hon Dr Steve Thomas to the minister representing the Minister for Mines and Petroleum:

I refer to the Perth Mint's sourcing of precious metals for the purposes of refining and creating bullion that is on-sold to customers and markets around the world, and I ask:

(a) what types of precious metals are accepted by the Perth Mint for refining;

(b) of those metals in (a), what volumes are on average annually sourced from:

(i) Western Australia;

(ii) Australian jurisdictions outside of Western Australia; and

(iii) overseas;

(c) has the Premier, or his office, received any allegations that the Perth Mint is unable to fulfil customer allocations of gold or silver bullion and, if so, what actions are being undertaken to investigate the allegations; and

(d) does the Perth Mint purchase metals from China and, if so, which ones and in what quantity?

Hon Alannah MacTiernan replied:

(a) Gold and Silver.

(b)

	Fine Gold (kg)	**Fine Silver (kg)**
(i) Western Australia	180,766.74	36,643.21
(ii) Australian jurisdictions outside Western Australia	34,941.79	158,373.32
(iii) Overseas	70,921.13	12,126.64

(c) Please refer this question to the Premier.

(d) Yes. Gold Corporation purchases LBMA accredited metal from internationally based bullion banks in varying quantities depending on global demand for precious metals.