



Parliamentary Debates

(HANSARD)

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LEGISLATIVE ASSEMBLY

Thursday, 23 March 2023

Legislative Assembly

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THE SPEAKER (Mrs M.H. Roberts) took the chair at 9.00 am, acknowledged country and read prayers.

WATER CORPORATION — DISABILITY-CONFIDENT RECRUITER STATUS

Statement by Minister for Water

MS S.F. McGURK (Fremantle — Minister for Water) [9.01 am]: I am pleased to inform the house that the Water Corporation has become the first Australian water utility accredited as a disability-confident recruiter and is one of just 27 organisations nationally to achieve that status. The Water Corporation is focused on making it easier for people with a disability to join its workforce thanks to an improved recruitment process, which has been recognised by the Australian Network on Disability. The accreditation recognises the Water Corporation's work to identify and remove common recruitment barriers for people with a disability. This includes improving language in job advertisements, providing more accessible locations for job interviews and helping applicants access a support person or interpreter.

The Water Corporation's commitment to improving employment outcomes for people with a disability is stated in its disability access inclusion plan, which supports a diverse and inclusive workforce. Under the plan, the Water Corporation works closely with disability employment providers to promote job opportunities, particularly through career entry and graduate programs. One such initiative, undertaken with disability employment provider Edge, has seen three high school-age students complete traineeships and go on to obtain permanent employment with the utility. A further four school-age trainees with a disability will join the program in March.

Applying for a job can be difficult and sometimes it is a stressful process, but hidden recruitment barriers make it even tougher for people with a disability. By removing some of these barriers, the Water Corporation is helping provide people with a disability equal opportunity to find and enjoy a fulfilling career. Making it easier for Western Australians with a disability to obtain meaningful employment not only supports the individuals, but also benefits their families and the wider community, while helping create diverse and inclusive workplaces.

WATER TANKS — REDMOND AND NORNALUP VOLUNTEER BUSH FIRE BRIGADES

Statement by Minister for Water

MS S.F. McGURK (Fremantle — Minister for Water) [9.03 am]: I am pleased to inform the house of my recent visit to Albany where I, along with the local member, Rebecca Stephens, had the pleasure of announcing that two 200 000-litre water tanks would be gifted to Albany and Denmark volunteer bush fire brigades. The new tanks were gifted by the Water Corporation to Redmond Volunteer Bush Fire Brigade in the City of Albany and Nornalup Volunteer Bush Fire Brigade in the Shire of Denmark.

The tanks will help improve regional bushfire response and preparedness activities and ensure that volunteer firefighters in the great southern will be better equipped to respond to bushfire threats. Additional water storage in country areas is increasingly important as climate change increases the risk of bushfires, like those seen in the great southern in February 2022. The donation builds on the delivery of the Water Corporation's \$25 million Albany to Denmark pipeline. That 43-kilometre pipeline connects Denmark to the lower great southern towns water supply scheme and was built in response to declining rainfall in the region. Around 200 people were employed on the project, with 94 per cent from the great southern.

Volunteer firefighters play a critical role in protecting communities from bushfire threats, particularly in regional areas where access to hydrants and water storage can be limited. By providing additional water storage for local brigades, crews can reduce the time needed to refill firefighting trucks, allowing them to respond faster and better protect lives and property. I thank the Redmond and Nornalup Volunteer Bush Fire Brigades for all the work they do to protect their communities and I hope that this donated infrastructure makes their jobs a little easier and their communities safer.

ABORIGINAL RANGER PROGRAM

Statement by Minister for Environment

MR R.R. WHITBY (Baldivis — Minister for Environment) [9.05 am]: Today I would like to update the house on key outcomes from the evaluation of phase 1 of the Aboriginal ranger program. The program helps Aboriginal organisations manage country and protect the environment across the state, in partnership with the public and private sectors. Funding is available for jobs for Aboriginal rangers, training and community development. The program is led by Aboriginal people and administered by the Department of Biodiversity, Conservation and Attractions.

A qualitative case study analysis measuring social change over time was undertaken by social scientists within DBCA to identify social, cultural, economic and environmental benefits resulting from the Aboriginal ranger program. The

final report entitled *Empowering people, culture and connection to country: Evaluating the benefits of the Western Australian Aboriginal ranger program 2017–2021* has recently been released. Key outcomes identified from the evaluation of the Aboriginal ranger program include opportunities for meaningful employment on country for Aboriginal people; financial security, as well as respect from family and community; contribution to improved mental health; emotional and spiritual wellbeing; future job and career prospects as a result of undertaking further education and training; contribution to the empowerment and healing of Aboriginal people through employment and training on country, allowing for connection to country and culture; increased capacity within Aboriginal communities to undertake land and sea management; and contribution to the empowerment of Aboriginal communities that can identify and address cultural and environmental priorities, leading to more resilient communities. A social return on investment analysis was undertaken with the Esperance Tjaltjraak Ranger program to measure and value the economic impact of the Aboriginal ranger program. This resulted in a social return on investment ratio of three to one, meaning that for every dollar invested, approximately \$3 of social, economic, cultural and environmental value was created.

A copy of the final report is being sent to members of Parliament and is also available on the DBCA website. Evaluation of the \$66.5 million expansion of the Aboriginal ranger program is currently underway, and I look forward to advising members of its progress.

SWAN AND CANNING RIVERS — MANAGEMENT

Statement by Minister for Environment

MR R.R. WHITBY (Baldvis — Minister for Environment) [9.07 am]: Today I would like to update the house on the streamlining of tourism and commercial approvals for the Swan and Canning Rivers. In February, the Swan and Canning Rivers Management Amendment Bill 2022 was passed by the Legislative Council, and on 1 March, it received royal assent from the Governor.

The amendments to the Swan and Canning Rivers Management Act 2006 and the Swan and Canning Rivers Management Regulations 2007 introduce regulatory reforms under the government's Streamline WA initiative. Approval processes will be streamlined for more than 60 tourism and commercial operators, with only one type of approval now required. These changes will benefit a wide variety of operators, from large charter vessel and ferry operators to smaller aquatic-based activities, including stand-up paddleboarding and kayak hire and tours. Most of these businesses will now be regulated via a permit only, with the need for a licence removed. The amendments also remove a duplicative requirement for consultation that existed for making changes to the Swan Canning development control area and the Swan Canning Riverpark.

The protection and good management of the Swan Canning Riverpark are very important to the people of Perth and Western Australia. The rivers are known for their outstanding natural beauty as well as their cultural significance and tourism uses. I welcome the changes that have been made to the act and its regulations, as they support local jobs in the tourism sector by streamlining approvals and providing clarity on regulatory processes. These changes clarify the arrangements that apply to people who operate tourism and other commercial businesses on the rivers, while ensuring that the rivers are protected and not placed at risk.

COUNCIL ON THE AGEING WESTERN AUSTRALIA — LEGAL RIGHTS GUIDE

Statement by Minister for Seniors and Ageing

MR D.T. PUNCH (Bunbury — Minister for Seniors and Ageing) [9.09 am]: I am very pleased to inform the house that on 21 February 2023, I launched the *Let's make it legal guide*, developed and published by the Council on the Ageing Western Australia. COTA WA produced this comprehensive guide in partnership with the Northern Suburbs Community Legal Centre's Older People's Rights Service to provide older people with clear and accurate information and guidance on legal issues, such as housing and accommodation, with specific advice on strata titles and retirement villages that is particularly useful for older people; family violence and elder abuse; guardianship orders and the role of the Public Advocate and Public Trustee; and end-of-life decisions, including wills, organ donation, advance care planning and voluntary assisted dying. The guide is a plain language compilation to assist older people who seek advice or clarity around issues that may affect them. It is the most recent in a suite of guides produced by COTA WA to assist older people in navigating issues they may encounter as they age. During consultations for the upcoming WA seniors strategy, many people said they wanted easy access to information. The guide is a prime example of how engagement with people can help us to understand their needs and how to present information in a user-friendly manner.

The launch was attended by several members of the COTA WA team, as well as representatives from the following organisations—Northern Suburbs Community Legal Centre; Carers WA; Chung Wah Association; Legal Aid Western Australia; Linkwest; and Men's Sheds of WA. I acknowledge Ms Christine Allen, chief executive officer of COTA WA; Mr Chris Jeffery, chief policy officer at COTA WA and lead author of the guide; and Ms Kathy Cokis, chief executive officer of Northern Suburbs Community Legal Centre, who provided valuable legal advice and editorial contributions to the guide. The guide is available in print, or online from the COTA WA website. COTA WA is currently exploring options to translate the guide into other languages. I recommend the guide to all members of the house, in support of older people across the state.

NEURODEVELOPMENTAL DISORDERS — WAIT TIMES

Grievance

MR S.N. AUBREY (Scarborough) [9.12 am]: My grievance is to the Minister for Health; Mental Health. Before I begin, I would like to take a moment to thank the minister for taking my grievance today. I would also like to commend her for her hard work in managing very complex portfolios and delivering better health and mental health outcomes for the Western Australian community.

I wish to provide a warning to anyone who may listen to or read this speech that it contains references to suicidal ideation and other mental health challenges. If anyone requires assistance, please call Lifeline on 13 11 44.

This grievance is on behalf of parents of children with undiagnosed neurodevelopmental disorders in my community of Scarborough and in WA. I want to raise our concerns about wait times and difficulties that are being experienced accessing paediatricians and other specialists for diagnosis and treatment. I will be speaking for all neurodevelopmental disorders, including autism spectrum disorder and learning disabilities, attention deficit hyperactivity disorder and many more, but I will focus on ADHD as this is one that I have personal experience with.

Members will remember that last year I gave a passionate contribution to the Health and Disability Services (Complaints) Amendment Bill 2021. In that speech I detailed some of my personal story and some of my mental health journey to highlight the importance of the bill. I told my history of suicidal ideation in my teens and my recent diagnosis of anxiety, depression and a binge eating disorder. What I did not include in that speech was that I thought long and hard about whether I would be able to find the balance between serving effectively in my role as the member for Scarborough and improving my mental health. I determined that if I had faith, I could continue to fulfil my oath to serve the people of Western Australia to the best of my ability and navigate my mental health journey. I gave myself one year—a year of dedicated commitment to improve my mental health so I could confidently come into 2023 ready to serve my community and Western Australia to the best of my ability.

As I underwent my mental health journey, I found more challenges along the way. As I lifted out of the fog of my depression, I began to realise there was something else—something that I knew had been there all along, but that I could not put my finger on. In August last year, I was diagnosed with attention deficit hyperactivity disorder. Around 65 per cent of those with ADHD have comorbidities with one or more other disorders, such as depression, anxiety, eating disorders and many others. The diagnosis was not a surprise to me; in fact, it made a lot of sense and the diagnosis and subsequent treatment alongside treatment for my other mental health challenges has made a world of difference to my life. In many ways, my ADHD is the superpower that has driven much of my success in life, but it also took its toll in many other ways, and not all get through it as I did. Not all are as lucky to have grown up in the era or environment I did or have the opportunities I have had and some people are not here today to tell their stories, as I very nearly was not.

Although I would not change my path, I am raising this grievance so that others do not have to take the gamble or struggle as I did, and to make the paths of others in my community and Western Australia easier and their lives and opportunities better. Early intervention is key in delivering better outcomes for those affected with a neurodevelopmental disorder and their families. The waiting times being experienced is having a negative impact, on not only people with neurodevelopmental disorders, but our education system and economy. The neurodevelopmental disorder ADHD is present in six to eight per cent of Australian children and three to five per cent of Australian adults. That is more than one million Australians who have ADHD. It has also been found that 28 per cent of those diagnosed with autism spectrum disorder are also diagnosed with ADHD.

A report by Deloitte Access Economics shows that the total cost of ADHD in Australia in 2019 was \$20.42 billion, which includes financial costs of \$12.83 billion and wellbeing losses of \$7.59 billion. That does not include productivity losses due to ADHD, which are substantial at \$10.19 billion. Early childhood educators in our education system are becoming better at identifying neurodevelopmental disorders. Our society is also becoming more accepting to the point where parents no longer resist the diagnosis and instead seek out treatment. Reported cases of neurodevelopmental disorders have risen exponentially, but our ability to service this growing demand is struggling to meet the need. An article in *The Sydney Morning Herald* in September 2022 states —

Prescriptions for ADHD medications have more than doubled within a decade ...

In this article, a spokesperson for the Royal Australian and New Zealand College of Psychiatrists, Dr Karuppiah Jagadheesan, said the figures reflected reduced stigma around taking the psychostimulant drugs and better awareness of ADHD in the community, particularly in adults. The article states —

“In the last 10 years, there’s been a lot of awareness so many people are reaching [for] help and getting a diagnosis who didn’t before,” he said. “There is also more openness in the profession to prescribing, with better education programs and awareness about whom medication could benefit.”

A recent article by the ABC states —

In Perth, parents say they are facing an 18-month wait to see a public paediatrician, but wait times are estimated to be longer in regional and remote areas.

These wait times also impact our school environments. Many schools in my electorate have told me of their struggle to effectively help children with undiagnosed neurodevelopmental disorders, how the lack of a diagnosis prevents access to much-needed support from the Department of Education, and how undiagnosed and unsupported children through no fault of their own can disrupt classes and consume time from educators that takes away from the whole class. I have heard of parents who have had to change medications due to supply chain issues coming out of China and for one parent the cost to just change a script was over \$500 at their private paediatrician. That parent was able to afford that price and had access to a private paediatrician, but not everyone can afford that private access and in a nation such as Australia, where we are so proud of our universal health system, this should not be happening.

I can now say proudly that since late last year, after dozens of sessions of professional treatment, I am free from my anxiety, depression and binge eating disorder. Although I will live with ADHD for the rest of my life, following my diagnosis and subsequent treatment, I now control my ADHD and it does not control me. I ask, what are we doing as a government to rectify this issue, reduce the wait times and provide these families vital treatment and support, so that we can give our Western Australian kids with neurodevelopmental disorders the best opportunity to grow up able to control their disorder, not the other way around?

MS A. SANDERSON (Morley — Minister for Health) [9.18 am]: I thank the member for Scarborough for sharing his experiences of living with and managing attention deficit hyperactivity disorder and mental illness, and for his advocacy for the families and children in his electorate, and, of course, across the state. Like many parents across the community and in this chamber, I know that receiving a diagnosis and treatment for ADHD and autism spectrum disorder is challenging and onerous. As the member for Scarborough noted, Australian data shows that six to 10 per cent of children aged four to 17 are affected by ADHD. Diagnosing ADHD requires considerable training and experience and is usually carried out by clinicians, such as paediatricians and psychiatrists, who are experienced in the diagnosis of developmental and mental health disorders. An accurate diagnosis of ADHD is essential and many mental health and neurodevelopmental disorders that can resemble ADHD. The government-funded Child Development Service plays an important role in the diagnosis and treatment of neurodevelopmental disorders and in supporting children and their families in managing neurodiversity.

Of the children with an ADHD diagnosis who are currently engaged with CDS paediatric services, 71 per cent have also been involved with occupational therapy and 70 per cent with speech pathology at some stage during their journey. CDS has experienced a significant and sustained increase in demand for services, including a 123 per cent increase in referrals for developmental paediatrician services over the last 10 years.

It is not a secret that the highly specialised workforce that supports the Child Development Service has not grown at the same rate as referrals, which has unfortunately resulted in longer wait times. However, this is not the case for all specialties. This has had a significant impact on families, including in the member's electorate of Scarborough. But while many parents seek appointments with private specialists, even these are very difficult to secure, and many paediatricians in the community have closed their books to new patients or are retiring. The number of university places is also not expanding, so we are not actually training enough people who are skilled at diagnosing and supporting children. It requires at least a master's level degree to be a psychologist or educational psychologist, and university places are very limited and highly subscribed. Therefore, I call on universities to broaden their places so that we can ensure an appropriate pipeline for this important and growing workforce. The government is keen to progress innovative solutions to address the growing CDS waitlist. We supported the establishment of the Select Committee into Child Development Services to look at the workforce pipeline issues. I look forward to reviewing the committee's recommendations when they are complete.

I will talk about a few of the things that WA Health is doing to reduce waitlists for children who need to access a diagnosis. To reduce the waiting times, the CDS paediatricians completed an assessment blitz in 2021. There were 435 assessment appointments offered over a two-month period. However, unfortunately, a corresponding number of new referrals were also received over that period. The COVID restriction on outpatients also limited the number of assessment that could be completed in 2022.

CDS has a specialist metro-wide autism assessment clinic. In response to growing demand for autism spectrum disorder assessments, it recently implemented a diagnostic pathway at all CDS sites for children under five years who show clear signs of autism. This has helped to streamline services for this cohort. As part of this expansion of ASD clinics, and in response to the increased demand for ASD assessments, additional staff have been trained in diagnostics. In the last financial year, CDS provided 507 ASD assessments compared with 380 in the financial year before and 182 in the financial year before that. Referrals for an ASD diagnostic assessment have increased 82 per cent over the last five financial years, with referrals trending higher again in this financial year to date. For current CAHS CDS clients with an ADHD diagnosis who are prescribed schedule 8 medication, CDS uses a shared-care model with GPs where possible, including co-prescribing in certain cases. However, this is not without its challenges. There are considerable training needs for GPs in order for them to play a stronger role in medication co-prescribing. This includes a comprehensive course on ADHD, its assessment and management, and supported co-prescribing of stimulant medication and monitoring. In addition, GP practices need to be linked with a community of practice to support the management of children with ADHD to ensure safe and evidenced-based care and allow for case discussions and support by a public developmental paediatric service, especially when dealing with comorbidities.

In the mental health space, recommendation 11 of the *Final report: Ministerial taskforce into public mental health services for infants, children and adolescents aged 0–18 years in WA* outlines the need to establish new statewide services to address critical gaps within the current range of specialised services for children with neurodevelopmental issues. The Mental Health Commission is currently developing a new model of care to ensure that mental health services can be better delivered to neurodiverse children.

The government currently funds two services to support children with neurodevelopmental issues. The first support is the Complex Attention and Hyperactivity Disorders Service, or CAHDS, at Perth Children’s Hospital. CAHDS specialises in the assessment of kids and young people who present with persistent and severe attentional difficulties and comorbid complex behavioural, social or emotional disorders. These assessments can take up to 15 to 20 hours, with children going through a range of disciplines such as speech therapists, occupational therapists and neurodevelopmental psychologists. It is a very thorough assessment process. The second support is the North Metropolitan Health Service’s Youth and Adult Complex Attentional Disorders Service. It provides specialist consultation, assessment and treatment to respond to the needs of 18 to 64-year-olds with complex ADHD and co-occurring issues.

I want to again thank the member for Scarborough for raising this grievance and for his advocacy in this space. It is a complex space, which crosses over the public and private systems as well as the training and university sector. We are looking forward to some of the recommendations that will come out of the CDS inquiry, which will interrogate some of those issues and look for some very tangible solutions to this complex issue.

CLIMATE CHANGE — WARREN–BLACKWOOD ELECTORATE

Grievance

MS E.J. KELSBIE (Warren–Blackwood) [9.25 am]: I rise today to raise a grievance with the Minister for Environment; Climate Action concerning the impact of climate change on the great southern and south west. I thank the minister for taking my grievance.

Warren–Blackwood is a beautiful electorate, following the coast from Denmark to Margaret River, stretching from Mt Barker to Manjimup, out to Boyup Brook and up to Balingup. It covers forest and farmland and all in between. It is home to majestic karris, unique habitats and unparalleled marine environments. Sadly, this special part of the world that I am privileged to call home is increasingly under threat from the impacts of climate change. We are experiencing climate-induced drying, reduced rainfall and prolonged droughts, which impacts our bushfire risk, wetlands and biodiversity. Climate change impacts not just our precious environment and unique flora and fauna, but also our hardworking local farmers and producers.

Unfortunately, but not surprisingly, the impacts of climate change have been exacerbated by the complete inaction of the Liberals and Nationals at the federal level and confusion when they held office at the state level. Federally, we have seen a decade of backflips on energy policy from the Liberal–National government, giving our business sector no confidence in how to proceed. We have seen opposition to the net zero emissions target. Previously, we have been an embarrassment on the world stage, with the United Nations Secretary-General describing Australia as a “hold out” for refusing to do more to cut greenhouse gas emissions. We have even been told that electric vehicles will ruin the weekend! How ridiculous. We have seen the former Barnett government send in bulldozers to destroy the ancient ecology and Aboriginal heritage of the Beelie wetlands, support shark culls and dispute the human cause of climate change. Again, how ridiculous. We have seen the former government’s failure to plant the required levels of softwood under its own forest management plan, leaving us with the shortfall. Its inaction and confusion left our government playing catch up, as usual. The missed opportunities, misinformation and mistakes make me angry.

Western Australia is one of the best equipped places in the world to lead the future green economy. The level of past incompetence would be laughable if it were not so important. Interestingly, we have still not heard from Leader of the Liberal Party on where she stands on our historic decision to end native logging. This decision is something that is no doubt supported by her constituents in Vasse. Her lack of comment makes me wonder whether she secretly supports our stance.

Any positive change or action to reduce the impact of climate change has happened despite Liberal–National governments, not because of them. Thankfully, we now have both federal and state Labor governments that take the issue of climate change seriously. We understand that climate change is a global issue and we all need to do our part to enact change. Despite the inaction of our predecessors, as a government we have the commitment and courage to make the big changes, like ending native logging in the south west, supporting farmers to increase carbon farming and creating greener jobs and cleaner industries. We also know that it is a collaborative effort and we cannot do it alone. As a government, we support the amazing community-led initiatives and actions on the ground.

I recently hosted the Minister for Environment; Climate Action in Denmark. We held a series of important meetings with local community organisations, which, like me, are passionate about climate change and the environment. We visited local peat swamps, met with the dedicated staff at Green Skills and hosted a community meeting with stakeholders to talk about the draft forest management plan. Representatives from the Shire of Denmark, the Shire of Manjimup, the Denmark Environment Centre, Gondwana Link, the Walpole–Nornalup National Park Association,

Fire and Biodiversity WA, the Wilson Inlet Catchment Committee, Nannas for Native Forests, Bio Diverse Solutions and South Coast Bushcare Services attended. I was pleased to secure this visit for my electorate and to host the many community leaders who took the time to meet the minister, show us around the peat swamps and take part in respectful two-way conversations about issues that people in my community of Denmark are very passionate about. It is because we care. We understand that climate change is real. The government hears those concerns and has a plan for the future. It is doing its part to support the global aims of reforestation, afforestation and stopping deforestation. It understands the impact this will have for future generations and the important role that WA can play.

Those opposite still do not understand this. The shadow Minister for Forestry in the other place, Hon Steve Martin, called the decision to end native logging unscientific. I suggest he familiarise himself with the range of reports, including the numerous Intergovernmental Panel on Climate Change reports, to learn the science. Really, he could read anything relating to climate change to understand just how important reforestation, afforestation and stopping deforestation actually is. Perhaps the member for Vasse has read those documents. Perhaps she understands the overwhelming body of scientific evidence that went into making this historic decision. Perhaps she could come out and say so. After years of inaction from both the previous Liberal state government and, more so, the Liberal–National federal government, could the minister please explain why WA and the south west forests are unique in a climate context? Can the minister also please explain the impact of climate change on the south west and what the McGowan government is doing to further climate action in Western Australia?

MR R.R. WHITBY (Baldvis — Minister for Environment) [9.31 am]: I congratulate the member for Warren–Blackwood for her impassioned questions to me. I know the grievance was directed to me, but I am pretty sure that her grievances are with others! However, I will take the grievance today and respond. I make the point that the member is a very strong advocate for her community. I had a constructive day in Denmark recently. I know how critical the issue of climate change is in the member’s community. Indeed, it is the greatest challenge of our lifetime.

As the member for Warren–Blackwood rightly pointed out, the south west is a wonderfully unique place. The science shows us that climate change will adversely affect the south west. Western Australia’s south west climate, characterised by warm, dry summers and cool, wet winters, is on the front line of climate change. The science tells us that there have been shifts in rainfall seasonality, with a 20 per cent decline in winter rainfall since 1970 and a slight increase in summer rainfall in the eastern parts of the south west. The science also tells us that summer heatwaves and prolonged drought periods have been more frequent in recent decades. For example, Perth has experienced a doubling in the number of days greater than 40 degrees Celsius and an increase in heatwave events by one and a half times when compared with historical figures dating back to 1910. The Bureau of Meteorology has developed national hydrological projections. The four key climate takeaways of those projections for the south west are that there will be less rain, the soil is drying, rainfall patterns are changing and climate change is a key driver. In terms of vegetation, localised sites in the northern jarrah forest with shallow soils have experienced canopy die-off associated with acute drought and heatwaves. In terms of fauna, species generally considered most vulnerable to climate change include those that have restricted and/or fragmented ranges, low genetic variation, dependence on a particular disturbance regime and reliance on a particular moisture regime or habitat. In terms of carbon, declining rainfall is expected to lead to long-term declines in the net primary productivity of forest ecosystems and, hence, the carbon-carrying capacity of sites. Wetlands are particularly vulnerable to climate change in south-western Australia through impacts on water depths and water quality, including acidification. Our environment is under siege. We must act now. That is what this government is doing.

Climate change both affects and is affected by forest health. The ability of the forests to withstand and cope with these changes will vary depending on factors such as soil type and depth, elevation and aspect, and the structure and density of vegetation. Drier and warmer conditions will interact with other pressures affecting south west forests, such as fire, disease, weeds and pest animals, although the effects of those interactions are difficult to predict. Climate-related extreme weather events, such as heatwaves, higher intensity bushfires or storms, may amplify the impact of other pressures on native species and ecosystems. A key focus of the draft *Forest management plan 2024–2033* is therefore management and climate-adaption activities to support forest health and resilience. More than 45 climate-related peer-reviewed publications are referenced in the draft plan. Avoiding deforestation, as the member wisely pointed out, and achieving reforestation is climate action. The McGowan government’s decision to end native logging is a decision to further climate action, in addition to the broader environmental benefits. Building the resilience of the south west’s biodiversity, including threatened species and ecological communities, is key to ensuring the survival of our forests. Such capability building will also help our forests adapt to the changing climate and withstand a range of current, emerging and future threats.

Another key focus of the draft FMP is forest management and climate-adaption activities such as ecological thinning—an active forest management climate-adaption tool undertaken to support forest health and resilience. It involves the selective removal of individual trees to improve or maintain the ecological values of a forest. Thinning aims to reduce competition between trees and supports the survival and growth of the remaining vegetation. By reducing the density of trees in parts of the south west’s forests, a greater pool of resources—water, nutrients and sunlight—will become available to each of the retained trees, improving their ability to grow and deal with future

changes in climate. It is more like the way that our forests develop naturally. Reducing the impact of established pressures on threatened species, such as tackling invasive pests and weeds and conserving habitat, will build the resilience of our native species and support their capacity to adapt to a changing climate.

Climate change is also increasing the likelihood and consequences of extreme bushfire events in the south west of WA. Adaptation to these risks is an important aspect of the response to climate change. Eliminating the occurrence of bushfires is not possible, but adaptation and mitigation efforts, including fuel management, are proven approaches to managing the risk. In Western Australia, prescribed burning is the primary tool to manage this bushfire risk and protect communities from the devastating impacts of large, intense summer bushfires. Current and future investment in fire management is critical to the mitigation of and adaptation to climate risk. Prescribed burning will continue to be essential to manage carbon stores, and the prescription will likely need to vary to adapt to a changing climate.

But let us take a step back and look at the whole economy. The Western Australian climate policy includes actions to transition public sector agencies to net zero emissions, prepare Western Australia's electricity network for a net zero transition and develop strategies to guide emissions reductions across key sectors. This includes investment in climate science, a WA program to fight coastal erosion, an agricultural climate resilience fund, the climate adaptation strategy, a climate risk framework and a climate change risk management guide, to name but a few initiatives.

I will finish by again thanking the member for Warren–Blackwood for her commitment and engagement to her local community and her strong advocacy for environmental and climate action initiatives.

TRAFFIC CONGESTION — WESTERN SUBURBS

Grievance

DR D.J. HONEY (Cottesloe) [9.38 am]: My grievance is to the Minister for Transport, and I thank the minister for taking my grievance. My grievance relates to the current government's failure to prepare my electorate and the western suburbs generally for current and projected increases in traffic congestion over the coming years. As Benjamin Franklin famously once said, "Failing to plan is preparing to fail." The specific issue that I want to discuss today is the lack of any published plan to deal with the ever-increasing traffic congestion throughout the western suburbs. It may be surprising to many in this house—especially the numerous Labor MPs who live throughout the western suburbs—that there is currently no funding in the forward estimates to combat the ever-increasing traffic congestion that is occurring throughout that area. A textbook example of this congestion is Stirling Highway during peak hour, which is also bracketed by school pick-up and drop-off times. Traffic now banks up all the way from the Claremont shopping centre through to the old Fremantle Traffic Bridge in the morning, and in the evening traffic banks up from Claremont to the Perth side of the University of Western Australia; in fact, it backs up even further, to the Cottesloe area. I am sure many members here would have firsthand experience of this congestion, as I am sure that a number of MPs in this house must use this route each time they wish to come to Parliament House.

Another example of this congestion is the significant volume of traffic on Curtin Avenue, which nowadays is consistently banked up in both directions from Marine Parade right through to Rochdale Road heading towards Oceanic Drive during peak hours. Adding to this congestion are the railway level crossings along the Fremantle rail line. There has for some time now been concern about the logjam of vehicles caused by the level crossings along this line—particularly the level crossings at Victoria Street, Jarrad Street and Salvado Street in Cottesloe. This is a concern that I have previously brought up in this house and that the minister has responded to.

I am especially concerned about the Victoria Street crossing. Traffic banks up along both Stirling Highway and Curtin Avenue, which causes chaos on both roads, especially Stirling Highway. Traffic running both north and south banks up in the turning lanes, reducing traffic flow to one lane. There are also numerous near-misses, with vehicles coming upon the banked-up traffic and having to brake suddenly. This bank-up of traffic is a significant contributor to congestion on that section of the highway. There are some 16 schools within the Cottesloe electorate alone. As I am sure members can appreciate from experiences within their own electorates, having so many schools in one area adds a significant amount of traffic to these already heavily congested roads. Likewise, the recent and significant increase in high-density housing throughout the area has also substantially increased the volume of traffic in the area.

An area of particular concern is that traffic studies associated with the government's infill program simply fail to take into account wider traffic congestion issues. The great majority of this infill is not occurring near the rail line, and essentially all of the new residents are further compounding the traffic congestion issues. We need a major traffic study across the area to properly assess and plan for the certainty of substantial increases in traffic congestion due to the infill program. The minister will recall the studies around the inner harbour relocation that predicted a 50 per cent increase in traffic across the Fremantle bridges within 10 years. Almost half that traffic is commercial traffic; only a small percentage is trucks—as I recall, around eight per cent. Thus, any eventual port relocation will not make a material difference to the traffic congestion issue compared with normal traffic growth. Traffic density across Perth will continue to increase, and when the numerous new developments that have already been approved are completed in the western suburbs, we will have a crisis situation and more gridlock throughout the area. In fact, I think we will have almost complete gridlock throughout the area.

This problem requires foresight. It requires a major investment in infrastructure and, most importantly, it requires a plan. I understand that there have been proposals put forward over the years on how we can fix the traffic congestion on local roads in my electorate and in the western suburbs generally. These proposals include constructing tunnels that would allow traffic travelling to Perth from Fremantle and along the coast to bypass local roads. This would significantly improve traffic flow within the area. Another idea that has been floated previously is to grade-separate the level crossings along the Fremantle rail line or to possibly sink or cover the Fremantle railway line from Subiaco to North Fremantle. This second option would also have the benefit of freeing up a significant amount of prime real estate that is in a perfect location for infill—that is, on the rail line—as opposed to the current process, which is more akin to a developer free-for-all substituting for proper planning and community input. I have spoken with major developers who believe that the sinking of the rail line could be done at minimal cost to government.

Accordingly, I respectfully request that the minister immediately work with Main Roads to begin investigating options that could be implemented to tackle traffic congestion throughout the western suburbs. Further, I also request that the minister ensure that before further infill in the area is considered, there is a comprehensive study of traffic congestion impacts to inform any such plan. Thank you.

MS R. SAFFIOTI (West Swan — Minister for Transport) [9.44 am]: I thank the member for Cottesloe for his grievance. Stirling Highway—like many of the older key routes such as Albany Highway through Cannington and Canning Highway through Bicton and Bateman—suffers from longstanding issues related to significant use and a lot of interaction with businesses and connecting roads. They share certain characteristics: they are major connecting roads that have a lot of activity. As the member knows, we have been looking at some of these areas—Canning Highway, in particular, and of course Stirling Highway.

The member will be aware that in 2012 the previous government undertook a study of Stirling Highway that looked at the existing reservation, proposed reservations and future needs. The then government went through a metropolitan region scheme proposal and there was a rationalisation of parts of the Stirling Highway corridor. The original corridor was quite wide and the rationalisation noted that there was sufficient space to provide queue-jumping lanes for buses and other paths and activities. There was a plan in place.

With regard to the statistics, I know it is very busy, particularly with the number of school drop-offs. There are a number of major schools on Stirling Highway that have students from all suburbs. They are not schools that have a student population only from the local area; they have large catchments, and as a result people come from other areas to drop their children off, so I totally understand that there is a lot of usage.

We had a look at some statistics. I know that sometimes statistics provide no comfort to people who are stuck in traffic, but in looking at the statistics for usage over time, we see that on certain sections of Stirling Highway, in some instances, there has been a drop in usage, but, more generally, there has been a stabilisation of car traffic between 2017–18 and 2021–22, which is a good thing.

I also make the point that the government has increased public transport services through that area. I understand that the frequency of public transport advantages some kids in getting to school. In particular, I have had feedback that there is more accessibility to those schools because we now run extra trains through to Claremont. We have also completed stages 1 and 2 of the principal shared path through the member's electorate to the city. Again, the feedback I have is that that has supported more people cycling to work and children cycling to school because they now have a safe cycling path away from traffic.

As I said, many of the schools on Stirling Highway attract students from other suburbs, so we have also provided the Connecting Schools grants program. On Wednesday, we launched an action plan to increase the number of children walking or cycling to school; of course, catching public transport is part of that, too. Historically, around 70 per cent of children walked or cycled to school; that figure is now down to 25 per cent on average, so we want to try to increase that level of activity.

With regard to Stirling Highway, plans were submitted that drove the MRS I mentioned earlier. The plans included widening the highway, in many instances; provision of median strips to make crossing safer the highway for pedestrians; and creating wider intersections to allow for dedicated bus lanes. Those are all worthy projects. As the member knows, the government has made a record spend on transport, so our ability to address all these issues over the next few years is limited. Another issue is that whenever we try to take a bit more from a road reserve, there are a lot of complaints. I am not ambitious enough to address that issue right now, because even though people's front verges might be in the metropolitan region scheme reservation, they do not want that reservation touched. There is always a challenge in getting the community to support any works on Stirling Highway. That being said, as part of some of the developments happening, a requirement will be to improve turning lanes to try to, in a sense, get cars out of the two lanes into turning lanes or dedicated turning pockets in a safer way. All those types of initiatives will be considered as part of any development application along Stirling Highway.

Regarding the level crossing removal, I agree that the current level crossings have an impact on traffic flows and congestion that often blocks the left-hand lane of Stirling Highway, particularly going into the city. We will continue to look at how we can shape some of these proposals. I note that a lot of developers say that if we sink the line, it will

be of no cost to government, but I have never seen that actually work—as in, there is always a cost to government. I am very happy for anyone to come forward with any market-led proposals to try to capture some value and that have ideas to either sink or lift the rail line in order to remove those level crossings. I am happy to contemplate it all, but, as I said, we have a very full book at the moment. It is definitely an area that we need to tackle into the future.

ROAD SAFETY — LAKE GRACE

Grievance

MR P.J. RUNDLE (Roe — Deputy Leader of the Opposition) [9.51 am]: My grievance today is addressed to the Minister for Transport. I thank the minister for taking my grievance about a serious road safety risk occurring in my electorate. I ask that the Minister for Transport instigate immediate and urgent remediation to the intersection of Stubbs Street and South Road/Kulin–Lake Grace Road in Lake Grace. As is the case with many regional towns in WA historically built around the main road through the township, Lake Grace is no exception. Lake Grace, a wheatbelt town situated 325 kilometres south east of Perth with a population of 550, is the main commercial and service centre for Newdegate, Lake King and Varley, which comprise the Shire of Lake Grace. Agriculture is the town’s primary industry, offering a large CBH receival facility, agricultural machinery dealerships and merchandise outlets. The intersection is a crossroad for traffic from Hyden, Albany, Esperance and Perth. Heavy haulage and tourist traffic interact with and add to local traffic volumes through Lake Grace. A combination of compounding risk factors at the crossing of Stubbs Street and South Road/Kulin–Lake Grace Road contribute to its complexity for motorists to navigate. Such is its reputation as a potentially fatal crash site, locals agree it is merely a matter of when, not if, that situation unfolds. “When” was realised on Saturday, 11 March 2023, when a serious but not fatal crash occurred.

A 2017 road safety audit commissioned by Main Roads safety identified the following issues at the crossing. Stop sign locations created confusion; the proximity of a rail crossing north of the intersection does not allow stacking if a road train is part of the stack; rail crossing warning signs are inconsistently spaced from respective approach directions; paving markings are poor and short lived; a culvert wall head on the north east corner is only one metre behind the kerb line; there are no raised reflective pavement markers on the approaches; information signs on the south west corner are at an incorrect height; the pavement shows signs of deformation; road signs are faded; and vegetation caused some obstruction for drivers to read road signs. No major road works have been carried out at the crossing since this audit was completed. Even as recently as last week, Main Roads applied tarmac to the roads in question without adding any minor road safety treatments such as highly effective rumble strips on entry to the intersection.

I applaud this government’s *Driving change: Road safety strategy for Western Australia 2020–2030* to reduce the number of killed and seriously injured on WA roads by 50 per cent to 70 per cent. Personally, I spend a large number of hours each week on WA roads, metropolitan and country, covering my parliamentary and electorate commitments. As with most road users, I am abundantly aware that as a driver I must take personal responsibility for my behaviour when I am behind the wheel of a vehicle. *Driving change* recognises that even the most attentive, responsible driver may falter, which is why building safer roads and road systems is one of the five priorities in the strategy. I have been made aware of the ongoing efforts by the local Lake Grace community to elicit remedial action on the intersection as their biggest fear continues to be when, not if, a fatal crash will happen. The Lake Grace community is anxiously seeking a safer intersection in the very heart of their town. The Premier, in his *Driving change: Road safety strategy for Western Australia 2020–2030* foreword, states —

Our roads can be pretty dangerous places. Too many West Australians lose their lives in crashes; too many suffer from long-term injury.

The people of Lake Grace get this. They also know that working towards a reduced road fatality target involves the whole community. This community is working together to make change happen; they are screaming unheard for support. They are waiting for Main Roads to help.

There is no question that road users share responsibility in the almost weekly near-miss incidents at the intersection. Go to the Lake Grace Roadwise Facebook page to see video footage captured by a local business situated on a corner of the intersection to see examples of what is reported to be occurring frequently. On the afternoon of Saturday, 11 March, a family of five travelling from Perth to Esperance were T-boned at the intersection by a van driven by a foreign tourist. Both vehicles rolled. My understanding is that the family of five were all hospitalised but are going to be okay.

Permanent, more impacting road treatments will inevitably incur significant expenditure. Lake Grace residents are fearful that the “when” is drawing closer. They are fearful that it could be one of their own who loses their life at the intersection, or maybe even a bus full of their children will be cleaned up by a speeding road train.

I implore the minister to investigate immediate remediation at the Lake Grace intersection. At the very least, prioritise installation of rumble strips on the north and south approaches to the crossing, and illuminated speed signs at all approaches. I thank the minister for taking my grievance today.

MS R. SAFFIOTI (West Swan — Minister for Transport) [9.57 am]: I thank the member for Roe for his grievance. Initially, I offer my sympathy to the family involved in that shocking accident. I have seen the vision of the white van T-boning the car, and I am very, very pleased that there were no fatalities, because the accident was shocking. I have also seen this morning vision of other incidents that have occurred at that intersection. I note that the member has raised this with me informally outside the chamber, and Hon Shelley Payne has also raised the issue of this intersection with me. I am advised that there are 830 vehicles a day on Stubbs Street and 320 a day on South Road, and that for five years, there were no reported crashes at this intersection. I note, however, that there have been a lot of near misses, and I have seen a lot of near misses that have been, basically, half a metre or a metre between two road trains that could have potentially crashed. I have seen a lot of near misses. It is an issue of concern.

Main Roads conducted a road safety audit in 2017. Some improvements were undertaken at the time, including the installation of additional advanced warning signage, the relocation of existing Stop signs, the reinstatement of line markings, the installation of a large guide sign and the clearing of vegetation. However, since this issue has been raised by both Hon Shelley Payne and the member for Roe, the director of Main Roads wheatbelt region, Mr Mohammad Siddiqui, and two of his staff travelled to Lake Grace yesterday to inspect the site and meet with the shire CEO and local police. As a result of the meeting, Main Roads will undertake some immediate actions, including the installation of new holding lines that will be completed by the end of this week. In addition, Main Roads will look at other minor treatments to further enhance safety at this location, such as the issues raised by the member for Roe, including rumble strips, pavement treatments and signage. As I said, I have seen the near misses. Trucks do not even stop. Of course, there was that terrible accident when a van did not stop at all. I am also advised that the intersection is scheduled to be sealed with asphalt in May this year, at which time the other line markings will be reviewed.

I thank the member for the grievance. I saw the vision. We need to improve the signage and the line markings and see whether we can install other pavement treatment to slow down vehicles and make drivers take care. I am not happy that there was an accident, but I am happy for the family that there were no fatalities, given the severity of the crash. We will be undertaking those works over the next few months.

JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

Third Report — Annual report 2022 — Tabling

MR G. BAKER (South Perth) [10.00 am]: I present for tabling the third report of the Joint Standing Committee on Delegated Legislation titled *Annual report 2022*.

[See paper [1874](#).]

Mr G. BAKER: The report that I have just tabled advises the house of the key activities of the committee for the period 1 January 2022 to 31 December 2022. The committee scrutinises instruments made under statutory delegation. It determines whether the instruments are within the power of the authorising legislation or otherwise in breach of the committee's terms of reference. During the reporting period, the committee scrutinised 329 instruments, including 163 regulations and 99 local laws.

Motions for the disallowance of delegated legislation usually do not proceed if the committee receives satisfactory undertakings. The committee recommends disallowance only as a last resort. During the reporting period, the committee received departmental undertakings covering three instruments and local government undertakings covering 24 local laws. Some notable instruments for which the committee sought and received undertakings included the following. First, a regulation enabling the Electricity Licensing Board to delegate its powers and duties. The committee considered that the Electricity Act 1945 did not authorise this delegation. The Minister for Commerce undertook to delete the regulation. Second, a number of local laws banning or placing restrictions on cats in public places or forcing owners to confine them to avoid committing an offence. This is not authorised by the Cat Act 2011, which allows cats in public places unless they are not complying with this act. Third, local laws copying clauses containing errors subject to previous committee undertakings. This can be avoided by local governments checking the undertakings list on the committee's website as well as any relevant disallowance reports.

The local laws working group, hosted by the Department of Local Government, Sport and Cultural Industries, met on 9 March 2022. It provided an opportunity for participants to discuss local law issues of concern and was a valuable forum to update participants on new developments and initiatives.

The committee trusts that the matters noted in this report will assist those making delegated legislation understand the committee's processes and requirements.

I would like to finish by thanking the members for Churchlands, Nedlands and Scarborough for their contributions to the committee. I commend the report to the house.

GUARDIANSHIP AND ADMINISTRATION AMENDMENT (MEDICAL RESEARCH) BILL 2023

First Reading

Bill read a first time, on motion by **Mr J.R. Quigley (Attorney General)**.

Explanatory memorandum presented by the Attorney General.

Second Reading

MR J.R. QUIGLEY (Butler — Attorney General) [10.04 am]: I move —

That the bill be now read a second time.

The Guardianship and Administration Amendment (Medical Research) Bill 2023 implements two of the recommendations from the *Review of the Guardianship and Administration Amendment (Medical Research) Act 2020 (WA): Final report*, which I tabled on 22 February 2023.

The bill proposes two significant amendments: it seeks to amend the definition of “lead researcher” so that a broader range of health practitioners may enrol represented persons in their medical research projects and to repeal the sunset clauses in the amendment act that will have the effect of deleting the urgent medical research provisions for represented persons in the Guardianship and Administration Act 1990 on 8 April 2024. The 2020 amendment act commenced on 7 April 2020 and has enabled urgent medical research to be carried out for persons who do not have the capacity to consent to it. The legislation contains various safeguards and a process of independent review by a third-party medical practitioner to ensure the integrity of the represented person’s enrolment in the research when their consent has not been obtained. There are many reasons that a person may be incapable of providing consent, such as an ongoing disability, injury or acquired condition, or when they are temporarily incapacitated as a result of being unconscious or are receiving treatment owing to an emergency. The amendments to the GAA were an important reform during the early days of the coronavirus pandemic. This was due to the GAA not permitting represented persons to be enrolled in medical research at that time, either with the consent of their decision-maker or in urgent circumstances.

The effect of the 2020 amendment act was that it provided that authorisation and contained appropriate safeguards to enable a represented person, through their representative, to provide consent for their participation in medical research. There are two circumstances in the 2020 amendment act in which a represented person may be enrolled in medical research. The first is with the consent of their decision-maker and the second is in urgent situations in which that consent has not been obtained prior. In order to ensure the integrity of the process of enrolling a represented person in medical research, the 2020 amendment act also includes various safeguards. These safeguards are a requirement for an independent medical practitioner to provide a risk assessment that takes into account the conditions and symptoms particular to the patient that are prescribed in part 9E of the GAA and ministerial reporting requirements to Parliament. It is important to note that the medical research provisions that the amendment act inserted into the GAA are consistent with provisions that were already in the GAA for providing medical treatment to represented persons in Western Australia. When Parliament considered the 2020 amendment act, a review clause was included so that the operation and effectiveness of the new legislation could be assessed once 12 months had passed since the amendments commenced. In addition, as the house is aware, the 2020 amendment act was referred to the Standing Committee on Legislation of the other place on 2 April 2020. The committee made recommendations in its forty-eighth report directed towards particular aspects of the 2020 amendment act and the 2020 bill, and these issues are discussed in chapter 5 of the final report.

Now that I have completed the first review of the legislation, with the assistance of the Department of Justice, I am pleased to advise the house that the medical research amendments have, overall, been working well in practice. During the statutory review of the 2020 amendment act, the Department of Justice consulted widely with stakeholders, including the Department of Health; disability advocates; mental health advocates; First Nations health advocates; culturally and linguistically diverse communities’ health advocates; medical researchers and practitioners, including emergency medicine in the public and private sectors; and other relevant agencies at the state and commonwealth government levels.

The final report has noted that, although the amendments to the Guardian and Administration Act have been generally working effectively, there are areas for improvement in relation to some definitions within the act. The definitions of “medical research” and “independent medical practitioner” have been operating effectively, overall, since the 2020 amendment act commenced. However, the definition of “lead researcher”, as currently drafted, provides that only a person who is a medical practitioner may act as the lead researcher who has sole or joint overall responsibility for conducting a medical research project. The final report has found that this limitation in the definition has had an adverse impact on medical research projects that may be led by health practitioners other than those who are medically trained. This includes paramedics, nurses, physiotherapists or any of the 13 other recognised health professions in the Western Australian Health Practitioner Regulation National Law.

It is important to remember that not all medical research occurs in a hospital or clinical setting. Many medical research projects are led by health practitioners who are based in the community, conducting their research directly with candidates in various settings, such as home-based studies. The final report has therefore recommended that the definition of “lead researcher” be broadened to include other health practitioners, not just those who are medical practitioners. Broadening this definition will enable represented persons to have access to a wider range of new therapies.

Concerningly, during the review the Department of Justice found that the impending sunset clause, which will remove the ability to enrol represented persons in urgent medical research in situations when their consent cannot

be first obtained, has caused a detrimental impact on medical research in Western Australia. The final report has recommended that the sunset clause on urgent medical research be deleted. The sunset clause will take effect on 8 April 2024, so from that date onwards no new medical research projects can be commenced where represented persons may be involved. It is important to consider what “urgent medical research” means in a practical context for the medical research community.

As a result of the developing coronavirus emergency in 2020, the medical research community strongly advocated for the ability to provide urgent care to patients suffering from COVID-19 complications in the form of new and innovative procedures. For example, a medical researcher may investigate the effect of making minute variations in the standard dosage of a particular medication or may run an additional test or analysis during the routine collection of a patient’s blood sample that is part of established treatment practices. The review of the 2020 amendment act heard from stakeholders that scenarios such as these, which are included as case studies in the final report, are examples of actual medical research trials that could not proceed because, prior to the 2020 amendment act, the GAA did not permit represented persons to be enrolled.

All medical research that involves humans must go through a rigorous approval process, as fostered by the National Health and Medical Research Council, and regulated by the relevant human research ethics committees, funding bodies, research institutions and the Department of Health here in Western Australia. The *National statement on ethical conduct in human research* makes it clear that there are two issues that must always be considered in medical research involving humans: the risks and benefits of the research and the consent of participants. Research is ethically acceptable only when its potential benefits justify the risks involved. It is the role of a human research ethics committee to assess any proposed medical research project and determine whether it is satisfied that the benefits of the research are justified by any risks. Researchers must also be satisfied that the consent obtained from a research candidate is voluntary and sufficiently informed of the purpose, methods, demands, risks and potential benefits of the proposal.

It is crucial to the advancement of our health system and the health of all Western Australians, including the most vulnerable members of our community, that medical researchers and health practitioners are at the cutting edge of technology and can access innovations in medical research.

I commend the bill to the house.

Debate adjourned, on motion by **Mr P.J. Rundle**.

LOCAL GOVERNMENT AMENDMENT BILL 2023

Second Reading

Resumed from 22 March.

MS J.J. SHAW (Swan Hills — Parliamentary Secretary) [10.16 am]: Deputy Speaker —

The ACTING SPEAKER (Ms M.M. Quirk): Member for West Swan.

Ms J.J. SHAW: Swan Hills.

The ACTING SPEAKER: Swan Hills, sorry; and I am the Acting Speaker, not the Deputy Speaker.

Ms J.J. SHAW: Sorry. We are all having an identity crisis!

I will just seek an extension because I know that I will use all my time this morning.

[Member’s time extended.]

Ms J.J. SHAW: Thank you, Acting Speaker.

This is a somewhat punctuated debate for me. Members may recall that yesterday I began some comments on the Local Government Amendment Bill 2023 and reflected on some of the reforms and some of the positive aspects. I will just very briefly mention the introduction in the bill of the principles around the recognition of Aboriginal Australians. I just want to put on the record today, as the question that will go to the Australian public has been announced by the Prime Minister, my unequivocal support for a Voice to Parliament. I will also commend the member for Belmont for her contribution to the debate yesterday. I thought it was fantastic and it really underscores the important role that all levels of government and all communities play as we debate what I think is one of the most fundamental policy issues we will face. I unequivocally express my support for the Voice to Parliament and encourage my community to vote yes.

Yesterday, I was just about to have a chat about some of the issues that we are experiencing in the City of Swan. As I said, the debate was punctuated by private members’ business. I want to pick up where I left off and talk about and provide examples of just why these reforms are so very, very relevant. As I said yesterday, the people of Swan Hills are sick to their back teeth about the dysfunction they are seeing in local government and the appalling behaviour we are seeing, as evidenced by some councillors in local government. We need these reforms, people need to start paying attention and, more importantly, they need to turn out and vote in October if they genuinely want change. I want to open with those comments.

The first reform that I am going to talk about this morning is the optional preferential voting and backfilling. The Local Government Amendment Bill 2023 will provide for the introduction of optional preferential voting that gives electors the greatest degree of choice by being able to indicate their preferences. Voters are very familiar with optional preferential voting. It has been used in state and federal elections, so it is something that we are all very familiar with. This bill will introduce it at council elections, bringing the process more into line with state and federal elections. There will also be provisions for the filling of vacancies. Rather than having a retirement trigger a by-election, the preferential voting system will enable us to backfill a vacancy as and when they arise, which saves ratepayers considerable expense. The City of Swan recently had a by-election following the retirement of a councillor, and I will discuss that later.

When the preferential voting issue has been debated, some quite disingenuous commentary has been offered particularly from the opposition about the risk of politicisation. Let us face it, we are not really going to sit here and take lessons on local government reform from the opposition, given the absolute dog's breakfast it made of local government reform in the past. But there is something about pots and kettles here. We have had the most flagrant politicisation of local government by the Liberal Party. For its members to turn around and somehow pretend that party politics does not occur, frankly, is insulting to the intelligence of the people of Swan Hills and the state of Western Australia. It is an insult, but it actually reflects the kind of born-to-rule chauvinistic approach that those opposite tend to take when dealing with their constituents. They really do think we are all stupid. We are not stupid and the wool has not been pulled over our eyes. We very clearly understand how politics works within the Liberal Party. Nobody is fooled by the charade that is being played. We all know that Hon Nick Goiran and Hon Peter Collier are still pulling the strings and circumventing political processes. We are not stupid. It is blatantly obvious that the City of Swan in particular has been susceptible to the most flagrant politicisation. One only has to turn up on polling day to see a raft of Liberal councillors getting out there in their light blue T-shirts. It is no secret, so to pretend otherwise is insulting. The member for West Swan and I are probably the two current members of Parliament who have the most direct evidence that the Liberal Party seeks to influence and control the way that local governments operate in the wake of the release of over 700 pages of WhatsApp text messages from "The Clan" in which Hon Nick Goiran and his little mates all messaged about how they are orchestrating things. I draw the attention of the house to pages 658 and 659 of "The Clan" messages in which the guys patted each other on the back for the elections in 2019 and how they managed to get control of the local councils. There is a bit of an exchange from members of "The Clan" about other councillors, but I will talk about the member for West Swan and me. Christopher Tan messaged —

We got three up in Thea city of swan. The libs now have the balance of power we should get the deputy Mayoral position and be able to cause Rita and Jess Shaw no end of trouble.

They all started high-fiving each other in their little clan text message group. If there is no clearer indication that local government processes have been politicised, it is in the very text messages that they exchanged among themselves—I mean, please! Do not insult the people of Western Australia. Honestly, I know it is 700 pages long—I have read them; I am a bit of a geek like that—but it makes for some pretty good reading and it highlights how chauvinistic the Liberal Party is towards the people of Western Australia. Then, blow me down, once they got control of the City of Swan, they started moving motions to scuttle the most transformative public transport project that has ever been delivered to the people of Ellenbrook: the Morley–Ellenbrook line. They used their control of the City of Swan to start moving motions to deny the people of Ellenbrook the public transport connectivity that they have been crying out for for decades and to deny the people of West Swan access to train stations. Those people do it all the time. That is what happens in the City of Swan.

Just while we are on preferential voting, I was very concerned when in a recent by-election, the City of Swan moved to make it an in-person only election, which completely disenfranchised the people in the Altone ward. It led to the lowest voter turnout in the City of Swan that we have seen in many years, if not ever. I was very concerned to hear rumours about Liberal Party–aligned councillors in the City of Swan now pushing for all council elections to be in-person only. I actually questioned the Minister for Local Government about this when we were being briefed on this bill because, again, members opposite are trying to disenfranchise people. They love it that they can get their little clan-aligned people to turn out in person. By removing the postal voting process, they would disenfranchise thousands of people in the City of Swan. The former Mayor of the City of Swan apparently said that if he had his way, he would run the City of Swan like a benevolent dictator. That tells members everything they need to know about the Liberal Party and how its mates view local government as an instrumentality to wield against this democratically elected state government and the agenda that it is prosecuting for the people of Western Australia—absolutely shameful!

The second key reform is about the direct election of mayors for large local governments. I really hope that the people of Swan Hills are paying attention to this. Introducing direct election will mean that we all have a say. It will not be left to councillors to vote for mayors. There is a bit of a saying in politics that the people always make the right decision. I can tell members that councillors for the City of Swan have not always made the right decision, and my constituents, the ratepayers of the City of Swan and our communities are the poorer for it. One reason the direct election of mayors has been introduced is to give people a direct line of sight, visibility and media attention on the

process, because usually it is hard to get that, particularly when councillors are brokering amongst themselves for the mayoral position. That is not always the case and during my time as a member of Parliament, I have worked with excellent mayors and great shire presidents, but I have seen the good, the bad and the very ugly. I have witnessed personal conduct that has drawn the attention of the press. It has also given ratepayers an insight into people's values and their suitability to hold public office. As we move forward to October 2023, I really hope that the ratepayers of the City of Swan do their due diligence.

Interestingly, if I google "Shire of Mundaring president", I get three pages of results and only one article that mentions the Shire of Mundaring president and his support for the Wooroloo bushfire recovery. I will compare the pair. If I then google "Mayor of the City of Swan", I get dozens of articles, many of which are about positive things, but the eleventh article talks about a mayor who was forced to apologise after labelling councillors "only housewives" and "batshit crazy", and also accusing councillors of being just employees of the Labor Party—I actually think that makes someone pretty good, but, you know! One does not have to go far before seeing media attention. Further down there is an article about the current mayor and his support for healing after the Wooroloo bushfires, and still further down is an article outlining how a former City of Swan mayor had to apologise for calling a young boy at a citizenship ceremony the next "darker skinned Nat Fyfe". I am as aghast as other members are. It is disgraceful. The people always do get it right, if we accept that premise, but council has got it wrong in the past. As I say, our community has been the poorer for it. We need to keep moving forward with direct elections. We need to elect a mayor who is committed to delivering, who can work with the federal and state governments and who will act with integrity and not abuse their position.

There are a few other provisions in the Local Government Amendment Bill 2023 around standardised meeting procedures and the video and audio of meetings, which will be good, because if anybody takes the time to look at the way that the City of Swan has conducted itself, they will see that it has a heap of problems and is completely dysfunctional. I want to assure my constituents that this dysfunction will be addressed.

The next tranche of reforms will contain a heap of provisions about wards and councillor misconduct. I draw the house's attention to the City of Swan's register of complaints. Between 2015 and 2019, there was one complaint a year. In 2020, when there were real issues around the leadership of the council, there were 13 complaints. In 2021, under a new mayor, it was back to one complaint. It is worth having a look at the councillor conduct complaints register for the City of Swan to see the sorts of complaints that were made about certain behaviours. According to the Local Government Standards Panel, in 2019–20, the City of Swan had the second largest number of complaints behind the City of Cockburn, accounting for 17 per cent of all complaints lodged. Twenty-five councils had one or two complaints, but the City of Swan sits there with 17 per cent of all complaints lodged. The mediation of those complaints through that process cost the ratepayers of the City of Swan \$17 500. In the following year, there were another 13 complaints about the City of Swan, which was disproportionately high, covering \$18 500 in sitting fees.

I will briefly clip through the sorts of complaints that were lodged. They include councillors involving themselves in administration matters; abusing their authority; failing to declare interests as to impartiality prior to voting for the mayor; making allegedly derogatory comments about and reflecting adversely on other council members at council meetings; repeatedly interrupting council meetings; calling councillors liars; endorsing Facebook posts that made detrimental comments about councillors; allowing statements about the city's annual budget to be published on Facebook; emailing members of the public to discredit other councillors; making disparaging comments about councillors to the CEO of community not-for-profit organisations; making comments like "batshit crazy" and "just a housewife" about other councillors; making disparaging comments in advertorials, which, in my view, was an absolutely flagrant misuse of the position of mayor; making disparaging comments about the state government in advertorials; and implying that other councillors are racist. There have been reports of assaults in the media. The current mayor has been whacked with a microphone by a ratepayer. This council is dysfunctional.

Debate adjourned, on motion by **Mr D.T. Punch (Minister for Regional Development)**.

[Continued on page 1451.]

GOVERNMENT TRADING ENTERPRISES BILL 2022

Consideration in Detail

Resumed from 14 March.

Debate was adjourned after clause 14 had been agreed to.

Clause 15: Recommending candidates for vacancies —

Dr D.J. HONEY: Clause 15(1) states that if a vacancy occurs, the board may recommend a candidate. Subclause (3) states —

The Portfolio Minister is not required to wait for, or follow, a recommendation.

Why does the bill contain that equivocation? I would have thought it would be incumbent on a board that it must recommend a candidate. Perhaps the Treasurer can explain that.

Mr M. McGOWAN: The reason that it provides discretion is to ensure that the minister's powers are not fettered.

Ms M.J. DAVIES: Following on from the member for Cottesloe's question, what will happen if the portfolio minister does not follow the recommendation? The board can make a recommendation but the minister obviously has final say on the appointment; how will that interaction be undertaken if they disagree?

Mr M. McGOWAN: It is the prerogative of the minister to make a recommendation to cabinet and cabinet will decide who the member of the board will be.

Ms M.J. DAVIES: Just to be clear, it is within the remit of the portfolio minister to override the recommendation of the board. They need to go to cabinet to have that approved and the board's recommendation will be disregarded.

Mr M. McGOWAN: That is correct; that has always been the case.

Clause put and passed.

Clause 16 put and passed.

Visitors — Friendship Force

The ACTING SPEAKER (Ms M.M. Quirk): Before I give the call to the member for Central Wheatbelt on clause 17, I welcome members of Friendship Force to the public gallery.

Debate Resumed

Clause 17: Terms and conditions of appointment —

Ms M.J. DAVIES: Clause 17 refers to the terms and conditions of the appointment of a director. Specifically, subclause (2) states —

A director of a GTE holds office on the terms and conditions of appointment determined by the Portfolio Minister.

Will a standard set of terms and conditions be used? Can the Treasurer explain what they might include as part of the appointment process?

Mr M. McGOWAN: It will be fairly standard things, including the term of appointment, which is one year, three years or five years; the remuneration, which will be determined by the State Administrative Tribunal; and the frequency of meetings, which, as the member knows, can be quarterly, monthly or whatever the case might be. Those are the sorts of terms and conditions that will be part of it.

Ms M.J. DAVIES: Obviously the purpose of the bill is to standardise these things across all government trading enterprises. Will they be standardised or specifically written for each of the GTEs? Will there be specificity for each GTE or will the appointment of directors be standardised across all GTEs so that when directors are appointed, there is a clear expectation of government policy and their requirements, notwithstanding the specifics of the legislation of the entity within which they will operate?

Mr M. McGOWAN: As I said before, the terms of appointment will include the term, remuneration, frequency of meetings and so forth, anything specific to that board—that might include code of conduct for that particular board or agency—and any particular corporate policies for that GTE.

Clause put and passed.

Clauses 18 to 23 put and passed.

Clause 24: Review of board performance: self-assessment —

Dr D.J. HONEY: These comments relate to clauses 24 and 25, but we can obviously deal with them separately. I refer to this idea of the assessment of the board's performance—firstly, the internal assessment against the criteria, and then, as I say, the next clause relates to the external review of that. This legislation is supposed to be normalising government trading enterprises with what the private sector does. I am not aware that private sector boards actually report on their own performance, or, unless there is some enormous dysfunction, engage in any external review of their own performance against KPIs. I just wonder why this clause is here, particularly the part relating to internal assessment. Given the board has control of both processes, even though one is with an external consultant, I wonder whether we are likely to get any meaningful or harsh review of the board's performance.

Mr M. McGOWAN: I suppose the relevant comparison is that, contrary to what the member said, private corporations present annual reports that are made public and then hold annual general meetings, which shareholders can attend and often have a go at the members of the board about whatever the issues might be, or take up specific issues. In the case of a government trading enterprise, I suppose that is a comparable arrangement.

Dr D.J. HONEY: I appreciate that I am crossing the boundary into clause 25 here. In that case, might it be better for the minister to arrange the external review? My concern is that it is going to be a self-congratulatory exercise controlled by the board. It will have the appearance of transparency. I had not thought of the point that the Premier

made, but I take on the point that private corporations have shareholder meetings at which the boards are subject to questioning, which is a good thing. If that is the intention, should the external review be more in the hands of the minister rather than the board itself?

Mr M. McGOWAN: We are going into clause 25. Proposed section 25(4) will allow the minister to do that. I assume that would occur if there were any specific concerns.

Ms M.J. DAVIES: Is it currently the practice of GTEs to conduct self-assessments? Is there a standard or a template that they use? If it is something that GTEs currently do, how would that be communicated to the minister? Is it as part of the annual reporting process? Is it ahead of the budget? What would be the timing for this assessment?

Mr M. McGOWAN: The expectation now is that the chair of the board may well report to the minister any such assessments of overarching performance, whatever they might be—financial performance and so forth. This legislation will ensure that there is an assessment of performance. My expectation is that ministers and chairs of boards would then have the opportunity to discuss that assessment, but the legislation does not actually require a discussion of that assessment.

Visitors — Palmyra Primary School

The ACTING SPEAKER (Ms M.M. Quirk): Welcome to Parliament House, Palmyra Primary School.

Debate Resumed

Ms M.J. DAVIES: Just so that I am clear, is it currently the practice of GTEs to conduct self-assessments to review board performance; and, if so, which GTEs are currently doing that? To the point that I made earlier, is there a pro forma that is going to be expected of GTEs if they do not currently do it, given that this legislation is about standardising transparency and ensuring that we improve governance of our government trading enterprises?

Mr M. McGOWAN: I think that, currently, it is up to the individual GTEs. I do not think there is any requirement. This legislation will require it to take place. I missed the second part of the member's question.

Ms M.J. DAVIES: I have forgotten it myself!

Mr M. McGowan: It will come back.

Ms M.J. DAVIES: It will come back. I asked whether it is currently the practice of GTEs. The Premier said that it is not; it is informal. Which GTEs do and do not conduct self-assessments? If the Premier is saying that it is informal, he would not currently have access to that information.

Mr M. McGowan: I do not have that information.

Clause put and passed.

Clauses 25 to 37 put and passed.

Clause 38: Selection criteria —

Dr D.J. HONEY: I refer to clause 38(1), which states —

A GTE's board and the Portfolio Minister must endeavour to agree selection criteria for the office of the GTE's chief executive officer.

Who wins in that case? It may be that there is a profound difference of opinion. The bill uses the word "endeavour". Will the minister or the board have the final say on what those criteria will be?

Mr M. McGOWAN: It will be the board.

Ms M.J. DAVIES: I will just follow up on that question, Premier. The board will have final control of the selection criteria for the appointment of the CEO, but, ultimately, the portfolio minister and cabinet will have responsibility for signing off on who is appointed; is that correct?

Mr M. McGowan: No, the board does.

Ms M.J. DAVIES: The board will sign off.

Mr M. McGowan: But cabinet decides who the board will be.

Ms M.J. DAVIES: Presumably, there will be an informal discussion between the minister and the board about the appointment.

Mr M. McGowan: Yes.

Ms M.J. DAVIES: I think that it would be an unusual outcome for the board to make an appointment that would not align with the portfolio minister's desires.

Mr M. McGOWAN: My expectation, and I think this is current practice, is that the board will appoint the CEO subject to an interview process and so forth. This is saying that it will try to seek some sort of agreement between the

relevant minister and the board about what the selection criteria might be. It will then be up to the board to undertake the selection process. I expect the board will use—those organisations, what are they called again?—executive search firms and so forth to find who might be suitable. It will then be up to the board to undertake the appointment.

Ms M.J. DAVIES: Can I confirm that the government trading enterprise minister, which will be created under this legislation, will have no role in the process of setting selection criteria for individual GTEs? They will have no formal responsibilities around appointments or selection criteria for the CEO.

Mr M. McGOWAN: The GTE minister will not.

Clause put and passed.

Clauses 39 to 44 put and passed.

Clause 45: Fiduciary relationship with, and duties to, GTE —

Dr D.J. HONEY: I refer to subclause (1) of clause 45, “Fiduciary relationship with, and duties to, GTE”. What will happen when there is a conflict between the opinion of the minister and what the board strongly believes is its fiduciary responsibility? For example, as we go further into it, we see that there is what I think is called the “statement of corporate intent”, which is to provide stable power. What if there were a ministerial direction around, for example, shutting down coal-fired power stations and the board formed the view that, in fact, doing that would cause a problem? I am not alleging that this is the case. I am just using this as a hypothetical example. How far will the board’s responsibility go and how will a conflict like that be resolved?

Mr M. McGOWAN: There will be no change in relation to that. Currently, if the minister and the relevant government trading enterprise board have a conflict of views, the minister, if they want to—I think this is a very rare occurrence—can issue a direction, and that will not change.

Clause put and passed.

Clause 46: Care and diligence —

Dr D.J. HONEY: I will not go through every single subclause agonisingly. Clause 46(3) has a penalty. I am surprised that a fine is included there because I would have thought that in the great majority of these cases, certainly based on my previous experience in industry, that if I committed that offence as an employee, I would be summarily dismissed. I wonder why that is not there. We can go on further around people telling lies and whatever. Again, in any normal organisation, as soon as someone crosses that line, they do not have a job. I wonder why we have a fine in this clause and what effect it would really have. As I say, I would have thought that these matters would have been very, very serious for the integrity of a board, director or officer. In fact, is a person still able to be dismissed for these contraventions?

Mr M. McGOWAN: Regarding what the member said about someone being disciplined, dismissed or what have you, depending on the circumstances and the nature of any such breach, that can take place, but that does not really require legislation. The penalty the member pointed out currently exists under the Statutory Corporations (Liability of Directors) Act, which is a state act, so that has been brought across to this bill. It also exists in some form under the commonwealth Corporations Act.

Dr D.J. HONEY: This is a matter of interest as much as anything else. Has it ever occurred? I am intrigued by this fine because I cannot see that it will ever be applied. If someone did this, they would be subject to other disciplinary action. I cannot imagine someone who had committed these offences being fined and continuing in their role. I am intrigued about whether it has actually ever occurred, because it seems almost redundant.

Mr M. McGOWAN: We do not have any information about whether it has occurred, but this is the existing position that is being moved across.

Clause put and passed.

Clauses 47 to 69 put and passed.

Clause 70: Statement of expectations —

Dr D.J. HONEY: The statement of expectations is outlined in this clause. Is this, in fact, just a reprising of the statement of corporate intent or is there a difference? If there is a difference, what is the difference?

Mr M. McGOWAN: The statement of expectations will replace the strategic development plan, and it will now be a term-of-government document. If there is a new government, the new government will have the opportunity to put a new one in place, and it will automatically expire.

Ms M.J. DAVIES: The bill states that the strategic development plan needs to be in a form acceptable to the portfolio minister and the Treasurer. My understanding is that the Treasurer is intended to be the GTE minister as well. How will that process work? Will there be a form from Treasury to outline its requirements or will it be led by the portfolio, the board or the portfolio minister? I am trying to get an understanding of who does the work up-front.

Mr M. McGOWAN: The Department of Treasury will provide guidance to the GTE about the content of the document and then facilitate the development of the document between the portfolio minister, the Treasurer and the GTE.

Ms M.J. DAVIES: Is that different from what happens currently? From my recollection and experience as the Minister for Water, I prepared documents with the Water Corporation, or the Water Corporation prepared documents in concert with Treasury. Is this simply formalising a practice that already occurs or, as the member for Cottesloe asked, are there differences; if so, where are they?

Mr M. McGOWAN: This is the way that Treasury has always wanted, and it tries to work with GTEs, which I think makes sense. This basically standardises it across GTEs so that there is an understanding of how these things should work.

Ms M.J. DAVIES: It might be further down the track—I cannot see it—but the statement of expectations is not a public document; is that correct?

Mr M. McGowan: Correct.

Ms M.J. DAVIES: I think it was the statement of corporate intent. Is there an equivalent of the publicly available document under the current system that is being created as part of this process to be shared?

Mr M. McGOWAN: There will be an annual performance statement, which is a public document, under clause 74.

Clause put and passed.

Clause 71: Preparing draft statement of expectations —

Dr D.J. HONEY: Under clause 71(1)(a), the board must consult the portfolio minister and the Treasurer regarding the GTE's statement of expectations for the statement period. I know it is in a different guise, as the Treasurer outlined; however, is that done currently so that the Treasurer and the minister input before the board puts down its own thoughts of how it should meet overall expectations?

Mr M. McGOWAN: There is currently not a formal requirement to consult with the Treasurer.

Dr D.J. HONEY: I heard in the preamble for this bill that the expectation was that it would align the GTEs with the private sector and that we wanted boards to have greater scope and accountability and the like. Does this not run the risk that boards do not in fact do that and do not act freely? If they know up-front that they have the Treasurer and the minister saying that they must do X, Y and Z, there is a strong inclination, being human, that the boards will simply do that and that may subvert the requirement for them to act freely and act like a normal private sector board. I am not aware of any equivalent process in the private sector and this step itself will intrinsically bias that process and, in effect, prevent the board from acting freely.

Mr M. McGOWAN: There is an expectation contained within a number of provisions in the bill to keep government informed of the boards' strategic direction. This clause allows for the government's expectations to be made clear to the boards when they set their strategic direction. That is similar to the private sector, I would have thought, whereby they are answerable to their shareholders, and the shareholder under this legislation—in fact, the only shareholder—is the government for government trading enterprises.

Dr D.J. HONEY: I am not aware of shareholders listing a series of demands—I will call it that to be pejorative—or a set of expectations that the board will have to comply with, knowing that further in this clause is reference to the Treasurer. I will ask why that is, knowing that it cannot go through without the agreement of the Treasurer. I am concerned that the government will have appointed a board of knowledgeable people with a matrix of skills and they are there to work out the best way to meet the overall objectives of a particular enterprise, yet up-front the minister and the Treasurer will tell them what to do, basically. Why have that knowledgeable board with that matrix of skills if that is what is going to happen? Regardless of the ministers we have now, we know that over time various ministers, and Treasurers, have been particularly strong-willed and have had particular ideas. They may be wrongheaded ideas, but effectively they could stop the board from exercising all the skills in preparing that draft statement of expectations. The board will just give the minister and the Treasurer what they ask for right at the start and it will become an almost redundant exercise. Why have a board if a minister or Treasurer is going to do that?

Mr M. McGOWAN: Clause 71 provides the opportunity for government to provide its expectations to the board so that it understands what the government's direction might be and whatever broadly it is—economic activity, maximising economic development, supporting regional development or making sure that people who can least afford services are protected as best they can be within commercial parameters. I think that is what it is designed to do. As has just been pointed out to me, privately the major shareholder would most likely have a seat on the board, so it would actually be on the board. That is not necessarily the case with GTEs. This clause allows for the government's views to be known to the board.

Dr D.J. HONEY: Thank you, Treasurer. Clause 71(2) provides that after receiving the draft statement of expectations, the portfolio minister may require the board to reconsider and so on. My interest is with paragraph (b); I am intrigued as to why the Treasurer needs to be involved. I would have thought that the normal process of government would be that the Premier would give very clear expectations to his ministers and would tell the ministers what he wanted them to achieve and the ministers would go away and do that. The Premier, through this process, would hold them accountable for whether they did what they should be doing. Something has come into this bill. I know this bill went through Treasury and that Treasury was heavily involved in its preparation, but it looks like an enormous

amount of control will go into the hands of the Treasurer and that the minister will effectively be sidelined and will not have absolute authority. I cannot see how the Treasurer is going to cope with the workload that will come out of this; I think he will be utterly overwhelmed, to be frank. The current Treasurer may be a fine fellow, and I am sure he would agree with that contention. However, we might end up with a particularly strong-willed Treasurer who has strong views and is wrongheaded, and that person will have enormous influence over the GTEs and what they are doing, above the minister. What is clear is that the minister will be subsidiary to the Treasurer in running their own government trading enterprise. I wonder why we have gone down this path. I can understand it from Treasury's perspective—it likes to have its hands in and control of everything—but I am not sure that this will necessarily be a good outcome for good government.

Mr M. McGOWAN: There is a concurrence role under existing laws for government trading enterprises. This will move it to an approval role. The reason for that is the management of financial risks to the state. GTEs are major businesses and present an inherent risk to the state. It is a risk worth taking, of course, but they have a risk. This is designed to manage that financial risk.

Dr D.J. HONEY: Thank you, Treasurer. I understand that motivation and appreciate that we do not want GTEs to do things that would put the state at risk, but this will cover a whole range of areas and not just financial risk. Just to clarify: if a minister is running their own portfolio or enterprise, would it perhaps be prudent to limit the Treasurer's scope to the consideration of matters that represent a financial risk to the state, if that is the motivation?

Mr M. McGOWAN: As I said before, there is an inherent risk, but it is a risk worth taking. This will ensure that there are more checks and balances on that risk. All major strategic decisions inherently have potential financial or economic consequences.

Ms M.J. DAVIES: If we accept that, and if the premise of the bill is that the government is attempting to increase transparency and accountability and put in checks and balances, we have an example right now in which the minister and the Treasurer are in the same role. Is there a responsibility to have a check and balance of someone outside the Treasurer's role? For instance, if the Premier were still the minister responsible for the Perth Mint, or Gold Corporation, and also the Treasurer—that is, the portfolio minister and the Treasurer were one and the same—how would that work in the spirit of the legislation, which is to increase transparency and accountability checks and balances?

Mr M. McGOWAN: The protocol will be that the Deputy Premier, assuming that that person is not the Treasurer, will undertake that role.

Ms M.J. DAVIES: To be absolutely clear, in cases in which the Treasurer also holds the portfolio for one of the GTEs, will the Treasurer's sign-off role be handed to the Deputy Premier or another minister who is not involved in Treasury or the portfolio?

Mr M. McGOWAN: The Deputy Premier will endorse the statement of expectations before such time as the Treasurer agrees to it, so it will have that additional check and balance.

Ms M.J. DAVIES: Is that in the legislation or is that just a protocol? In terms of how the Treasurer is presenting this legislation, that is something that someone has obviously thought about and anticipated, so is it legislated or is it a government policy?

Mr M. McGOWAN: It is a longstanding protocol. That protocol exists for the Insurance Commission of WA, the Government Employees Superannuation Board, the Western Australian Treasury Corporation and Lotterywest, and that will continue.

Clause put and passed.

Clauses 72 to 75 put and passed.

Clause 76: Submitting draft annual performance statement and related information —

Dr D.J. HONEY: I will not read through this clause, but, in effect, subclause (1) states that the annual performance statement cannot be published before the GTE has given the Treasurer the relevant budget papers for the year and the draft statement has gone to the portfolio minister or the Treasurer. Subclause (2) states that after receiving a draft annual performance statement, the portfolio minister may require the board to consider other matters. Effectively, GTEs will not be able to put out a report that the portfolio minister or Treasurer does not completely agree with. Is that the current practice? Rather than drawing this out, I will go directly to my concern. Is this a way of making sure that a minister or the Treasurer can ensure that negative information is not revealed to the public and that the only thing that will go out is information that will put the government in a good light? I do not know whether the current practice is that GTE annual performance statements or their equivalent have to have the minister's final approval before being released. It concerns me that important information that could put the government of the day in a bad light could simply be suppressed.

Mr M. McGOWAN: The information in annual performance statements is forward looking and included in the GTE's full budget statements. This includes disclosure of significant issues, whether they be opportunities or risks, that will impact a GTE's achievement of key deliverables that it has agreed to with government. The statements include factual information that in and of itself will not be able to be changed because the government might like to.

Dr D.J. HONEY: I am intrigued; I would have thought that this would be the equivalent of the annual report. I know the Treasurer is saying that it is forward looking, but although there might be factual information that cannot be altered, could factual information that the board recommends be left out? More particularly, there may be information involving potential—not actual—risks or concerns that, if they had the potential to put the government in a bad light, the minister and/or Treasurer could make sure did not see the light of day so that the public would not be informed.

Mr M. McGOWAN: An independently audited annual report is released that is a backward look on the year that was and then there is the annual performance statement, the equivalent of the statement of corporate intent, which is a look forward at the year ahead. Only commercial-in-confidence information would perhaps not be included in that, but I would have thought the board would be keen not to include that, in any event.

Ms M.J. DAVIES: Just for clarity, in my experience the statement of corporate intent, which is to be replaced by the annual performance statement, is a publicly released summary document that is much shorter, has less detail and is broad brush in terms of providing information about the potential risks, opportunities and priorities the board has for that government trading enterprise. I am just trying to clarify whether the annual performance statement is, in fact, the equivalent of the statement of corporate intent under a different name. As the Treasurer said, it does not include any commercial-in-confidence information that could be compromising and it is not a detailed document, whereas the annual performance statement is the internal government agreement about what the GTE will deliver between the organisation, the government and the minister of the day. Do we have that right—that we are transitioning with new names for essentially the same outcomes? Is there any material difference between the statement of corporate intent and the annual performance statement?

Mr M. McGOWAN: The annual performance statement performs the same role as the statement of corporate intent.

Ms M.J. DAVIES: Just to confirm, there is no real, material difference between the statement of corporate intent as it currently exists and what is proposed under the new legislation.

Mr M. McGOWAN: There is no material difference between the statement of corporate intent and this document, but it is true that there are now enhanced disclosure requirements in the budget papers that we brought in two years ago—another accountability measure.

Clause put and passed.

Clauses 77 to 87 put and passed.

Clause 88: Right to request, obtain and retain information —

Dr D.J. HONEY: In relation to the right to request, obtain and retain relevant information, I did not want to consider clause 87 here but these are, I think, good clauses. It must be a frustration for ministers, sometimes, that they are held accountable for issues that they have limited control over or information on. But at the end of the day, they are the person who is pinged, if you like, when there are problems.

This clause states —

(1) A relevant Minister is entitled —

- (a) to be given, and to retain, information in the possession of a GTE or any subsidiary of the GTE; and
- (b) if the information is in or on a document, to be given, and to make and to retain copies of, that document.

I am a little concerned about that. As an example, during the caretaker period, government trading enterprises go into a state in which the minister does not give direction and is not normally entitled to that sort of access. Will the minister subsequently gain access to all the documents in that organisation? A shadow minister may correspond with a government trading enterprise during the politically sensitive caretaker period. Will the minister, after the caretaker period, have complete access to all the emails, records of telephone conversations and so on with that entity during the caretaker period, or will that information remain confidential, which, to be direct, is what I would expect, given that it covers the caretaker period?

Mr M. McGOWAN: I am not quite sure what the caretaker period issue is, other than to say that the release of any cabinet information relating to a previous government requires the consent of the Leader of the Opposition. Sometimes that is requested, for whatever reason, and that remains in place. The provision of the right to be given and to make and retain copies of a document is so that the minister can see the actual information as opposed to a summary of the information that the GTE might provide. I do not think there is any other relevance than that in respect of caretaker periods, election campaigns and so forth. I do not see the relevance. As the member for Central Wheatbelt knows, ministers have their fortnightly or monthly meetings with their GTEs, whatever it might be, and whatever information they give a minister is there, so if they want to use it at some point in time, I suppose it is open to a minister to use it however they might wish. I do not know whether there is any great difference if they use it during the caretaker period or otherwise.

Dr D.J. HONEY: Just to be very clear, the wording is “in or on a document”, and that could be email correspondence, for example, to the government trading enterprise. Does that mean that the minister will have access to all emails and all letters that go to the government trading enterprise? Will the minister have the right to access that information generally, but more particularly during the caretaker period? I would think that most ordinary citizens would expect that they could communicate with GTEs and that the minister would not have access to their emails or letters; otherwise, this is a very wideranging authority.

Mr M. McGOWAN: Currently, the minister has the power, because we are the only shareholder, to request information from a GTE. If I wanted Lotterywest to give me its emails, bearing in mind that 250 people work there, in the course of a day, there would be tens of thousands, if not hundreds of thousands, of emails. If I wanted all the emails, it would be millions, if not billions, of them. I suppose I can ask for that currently. It never occurred to me that I could do that. I hope Lotterywest can give me next week’s numbers! I might ask Lotterywest for Saturday night’s numbers—it is \$20 million! That is currently the case. I think this is just formalising the existing situation.

Dr D.J. HONEY: Just to go further with the analogy that the Premier gave about a private corporation, I doubt whether any company in the world would release its correspondence and emails to shareholders. Regardless of whether the government is a single shareholder or whether it has a thousand or a million shareholders, I cannot see the parallel. In particular, it concerns me that correspondence during the caretaker period would be available—any letter and any email to the minister. I do not see any parallel between a private sector company with shareholders and a GTE in that regard.

Mr M. McGOWAN: I am advised that this is the same clause that is in all the GTE enabling bills. It is just transferring across to the head legislation.

Dr D.J. HONEY: Just to be clear, is the Premier saying that would apply to any correspondence during the caretaker period during an election campaign?

Mr M. McGOWAN: No. The convention has been that that cannot be done during the caretaker period. I cannot imagine a circumstance when I would call the Government Employees Superannuation Board and ask it to give me its emails during the caretaker period. I would be too busy for that.

Dr D.J. Honey: After the election has been held and you have had the caretaker period. So after the election.

Mr M. McGOWAN: I have got the gist. Can either the caretaker minister or the opposition spokesperson, after the election, go back and ask for all those emails for that month? I do not know. Whatever the caretaker conventions say is what the situation would be—whatever that is—but I suspect not. I suspect that period is a black hole because a new government cannot access what happened in an old government without the old government’s permission. I suspect there would be a period in which that information could not be accessed. Whatever the existing protocols are is what will continue.

Clause put and passed.

Clause 89 put and passed.

Clause 90: Minister must be kept informed —

Ms M.J. DAVIES: I refer the Treasurer to the language in this clause in relation to the GTE. Clause 90(a) states —
 keep the Portfolio Minister reasonably informed of the operations, financial performance and financial position of the GTE ...

I presume this has been dropped in from existing enabling legislation, as have many of the other clauses. Can the Treasurer give me an understanding of what “reasonably informed” would entail and provide examples of what might be seen as operational versus something of significance that a minister should be made aware of? It is a bit of a grey area. I have been a minister when I relied on the judgement of a board and its executive to run their eyes over what would be the risks for the minister, who is ultimately responsible. The buck stops with the minister in terms of accountability to the Parliament and the people of Western Australia. Is there a formal definition of what “reasonably informed” is across the board, just so that the legislation can deliver on the government’s aspiration to provide additional accountability and transparency for our government trading enterprises?

Mr M. McGOWAN: The minister is not the CEO. I think it is a mistake for ministers to delve into GTEs in that manner. The types of matters that the GTE would be expected to keep the minister informed of would be matters like financial standing or the obtainment of key performance objectives. Other government expectations are matters that impact on the operations and day-to-day decision-making of government. There would probably be a discussion between board and management about what is required and what the minister should be informed of. It is not about the day-to-day operations, though.

Ms M.J. DAVIES: We have been having a debate in this house in relation to the Gold Corporation and when and how information was shared with the responsible portfolio minister in terms of changes to policy or the outcomes of changes to policy. There is clearly room for improvement. Is this in the enabling legislation now, and does the Treasurer believe that this needs to be enhanced to ensure that we do not have a repeat of some of the issues that have come out over the last six months in relation to the Gold Corporation?

Mr M. McGOWAN: The existing law requires ministers to request what they want, so they can seek the information from GTEs, but that is being reversed here, to some extent, by requiring the GTEs to keep the government informed. This legislation will put the obligation on the GTE to provide the information.

Ms M.J. DAVIES: What guidance has been provided to GTEs in terms of what they should be offering to the portfolio minister to keep them reasonably informed of the issues outlined in clause 90(a)? Will a pro forma document be provided by Treasury or government to set a level of expectation or will it be left to the discretion of the board and the CEO to make those judgements? I think we would all agree that from time to time there are differences in what government trading enterprises see as risk and what governments and cabinet ministers see as risk with their different roles and responsibilities.

Mr M. McGOWAN: As I said before, the legislation will put the onus more on the GTE to provide the information. We are encouraging more information to be provided to the relevant minister and how the rules or the protocols around that could be covered in the statement of expectations or in correspondence between the minister and the GTE or agreed to at a meeting between the CEO, the board and the relevant minister. It will basically require GTEs to keep government more informed of those matters that are outlined in clause 90(a).

Ms M.J. DAVIES: Thanks, Premier. What will be the consequence if they do not adhere to that? I cannot see any. I appreciate that there is now a clear indication in the legislation that the GTE will have responsibility to keep the minister and the government informed, but will the consequence of not doing that be horses for courses? If a minister and a GTE decide it would be unpalatable for people to know something and decide not to make it public, and the Parliament may not know about it, would it be reported? Will it be part of the reporting process through either the annual report or the statement of expectations and the other various documents that will be created? Whilst we have created an expectation, there needs to be a remedy for government or the government trading enterprises to make sure that that is in fact what happens.

Mr M. McGOWAN: If a GTE does not adhere to this and the minister is dissatisfied, in due course the relevant board chair and/or CEO may not be in that role anymore.

Dr D.J. HONEY: The intent of this provision is good. A private corporation would certainly be required to report anything that could materially affect the market. Obviously, that is enforced by the stock exchange in terms of reporting requirements. I would have thought that clarifying the scope of this in that way could perhaps help.

Mr M. McGOWAN: We would expect information to be provided to the minister because the minister and the government are held publicly accountable for whatever occurs within it.

Clause put and passed.

Clause 91: Notice of financial difficulty —

Ms M.J. DAVIES: Do the provisions within clause 91 sit in the current enabling legislation for GTEs or is this a new provision?

Mr M. McGOWAN: It is a current provision.

Clause put and passed.

Clauses 92 to 94 put and passed.

Clause 95: Terms used —

Dr D.J. HONEY: I have tagged clause 95 and subsequent related clauses as the GTE-forever clauses in the bill. Can the minister enlighten me as to whether that is correct? I want to ask questions on a couple of the provisions in this clause. At the moment, Western Power is nominally poles and wires, but it is increasingly going down the path of installing stabilising infrastructure such as batteries and the like. A subsequent government may decide that it wants Western Power to be just poles and wires and that it does not want other businesses, if you like, or other aspects of the operation to creep into that business. It might think that that is inappropriate, and then it could be extremely expensive to dispose of those battery installations and the like. I want to clarify whether this clause applies to those things. Let us imagine that a subsequent government wanted to dispose of those internal assets but not alter the GTE's main purpose. Is that encompassed by this clause?

Mr M. McGOWAN: In terms of disposal, as in being sold off or transferred for whatever reason, anything that is an asset of a GTE and meets these criteria will need ministerial approval and Parliament will have the opportunity to disallow the disposal of any significant asset.

Dr D.J. HONEY: Is the arrangement whereby a GTE cannot dispose of a significant asset without being subject to the potential for disallowance in Parliament found in existing legislation; and, if yes, what is the current trigger for a disallowance in Parliament?

Mr M. McGOWAN: The same provision exists under the Electricity Corporations Act for electricity utilities.

Dr D.J. HONEY: To be clear, will this clause expand the arrangement, or at least the provision, that exists for electricity corporations to all other government trade trading enterprises such as the Water Corporation?

Mr M. McGOWAN: It will expand the existing requirement of the Electricity Corporations Act to other GTEs.

Dr D.J. HONEY: Can the Premier explain why he saw the need for that? He probably understands my concerns with this from at least the comments that I have made. It appears that if we look at the subsequent clauses up to clause 98, and perhaps a little further, this is a GTE-forever clause. Given the changes that the government is making to the upper house voting system, it is extremely unlikely that any government will control the upper house in the foreseeable future. Effectively, we could end up with a situation in which it is impossible for the government of the day to govern whatever a GTE embarks upon. Why would we do that? The whole idea of GTEs is that they are supposed to act, if you like, with the freedom akin to a private entity, whilst the government is the sole shareholder. But the government of the day could potentially have its hands completely tied. What is the logic behind this? Why would any government want to make the selling of assets within a business disallowable in Parliament? It seems to be to entrench the status quo forever.

Mr M. McGOWAN: It is giving oppositions a greater say and it is making these sorts of transactions, which are obviously significant, more publicly accountable. It gives the members who have been elected by the people a role in these important matters. One could argue it is an accountability measure for the public. There will be consultation requirements around asset disposal and it will enhance the transparency and accountability mechanisms that support informed government decision-making—for example, the potential impacts the disposal of a significant asset may have on future strategic uses, particularly development areas, trade opportunities or strategic infrastructure planning.

Dr D.J. HONEY: There is a real risk that if the government is intent on making a decision to exit out of a business, it can simply let those assets wither. That will not help the public. I understand the point the minister made about transparency, and we on this side are especially keen on the topic of transparency, but it seems to me that this is fundamentally putting at risk the ability of government and government trading enterprises to make sensible decisions. These decisions will be subject to the whim of the upper house of the day. As I said, I think there is the high likelihood that although we have a unique situation at the moment, in the future minor interest group parties will have the balance of power in the upper house. The only thing that government trading enterprises will be able to do is acquire assets, grow bigger and take on more and more functions. They will be in a position in which they will risk not being able to divest significant assets in conjunction with a mandate that a government has given after taking a policy to an election.

Mr M. McGOWAN: The trigger is for issues, matters or transactions of substance and significance. The minimum is \$100 million. It is about giving the Parliament a say in the disposal of assets of more than \$100 million and making sure that it is accountable, transparent and open so that an organisation does not do something of which the public and Parliament are unaware and unable to have a say in the matter.

Dr D.J. HONEY: Just to be clear, I did not quite read it as the minimum being \$100 million, but I will not agonise over the words. Is it clear that the minimum value of the asset must be \$100 million, so it must be an asset that is worth \$100 million or more? I thought the \$100 million was a catch-all, or otherwise, if the Treasurer knows what I mean. Could assets under \$100 million still fall within the scope of this clause?

Mr M. McGOWAN: The minimum is \$100 million. If a GTE is small—I cannot think of one that is very small—it is to deal with those big transactions and big matters.

Clause put and passed.

Clauses 96 and 97 put and passed.

Clause 98: Disposal orders —

Dr D.J. HONEY: Just to be clear—perhaps the answer is simple—either house can disallow the disposal of an asset.

Mr M. McGowan: Correct.

Clause put and passed.

Clauses 99 and 100 put and passed.

Clause 101: Restriction on effecting significant transactions —

Ms M.J. DAVIES: Clause 101 states, in part —

- (1) A relevant entity must not enter into a significant transaction unless the Portfolio Minister has approved the significant transaction under section 103.
- (2) A relevant entity must not organise or structure a transaction with the sole or dominant purpose of avoiding the application of subsection (1) to that transaction.

Can the Treasurer provide an explanation of subclause (3)? It looks like it is a get-out-of-jail clause! It might just be the way I am reading it, but I seek clarification on why it has been included and how it will work.

Mr M. McGOWAN: The clause will ensure that the government is aware of significant transactions that might be taking place. If a GTE breaches, we do not want to be subject to a breach of contract action or become commercially unreliable by invalidating contracts entered into between a GTE and another entity.

Ms M.J. DAVIES: Essentially a GTE will be able to, for whatever reason—I would say that it would be a fatal flaw in the relationship between the government and the minister!—enter into a transaction that does not have approvals that have been laid out in the legislation and this particular clause says that the GTE can progress regardless. Therefore, a GTE could progress down the pathway of a significant sale that would have implications for the state without the minister or the government being aware and there would be no recourse for the minister to stop or halt the transaction. Is that what that subclause (3) is saying?

Mr M. McGOWAN: I cannot really explain it better than I did before. The minister is required to be informed, but if the GTE does not inform, this provision will not invalidate any such contract because that would basically be a sovereign risk. It will not invalidate it. I suspect, as the member said, it may damage the relationship between the minister and the board chair and/or the CEO, but the subclause will ensure that the government is not a risky partner in these matters. There is still the ministerial direction capacity, which, as we all know, is rarely exercised, that may be able to stop an agency from doing something, but then the agency would be subject to legal action. That is a complex thing and it is unlikely to be used.

Ms M.J. DAVIES: Can the Premier clarify that this is a new section—that it does not exist in current GTE enabling legislation?

Mr M. McGOWAN: There are similar sections in all, I am advised. This will clarify for all of them what the position will be.

Clause put and passed.

Clause 102: Consultation regarding significant transactions —

Ms M.J. DAVIES: I assume that the convention will be that if the Treasurer and the portfolio minister are one and the same, there will be a requirement for consultation outside of those two portfolios.

Mr M. McGOWAN: Correct; it will be the Deputy Premier.

Clause put and passed.

Clause 103 put and passed.

Clause 104: Excluded transactions —

Ms M.J. DAVIES: Clause 104(1) states —

With the approval of the Treasurer, the Portfolio Minister for a relevant entity may declare —

(a) a specified transaction not to be a significant transaction for the relevant entity ...

Can the Premier give us an example of what this clause may be required for? Again, this sounds a little bit like a get-out-of-jail-free card in how it applies to the significant transaction requirements that are outlined earlier in the legislation. When does the Premier envisage that may be used, and how, within the GTEs that are captured under this legislation?

Mr M. McGOWAN: Proposed sections 99 to 103 will enable the portfolio minister with the approval of the Treasurer to exempt a GTE's transaction on a singular basis or a specified class of transactions. Exclusions may come with terms and conditions determined by the portfolio minister and the Treasurer. The exclusion provisions aim to cater for those transactions that are part of a GTE's activities that are considered to be business as usual, such as repeat transactions on standardised terms and conditions with low residual risk to the state. This provision relates to business as usual repeat transactions such as buying fuel for power stations. A GTE might have constant contracts to do that, with the same conditions every day, so it is to exclude those sorts of ongoing transactions that should not be subject to this provision.

Clause put and passed.

Clauses 105 and 106 put and passed.

Clause 107: GTEs not generally subject to direction by Government —

Ms M.J. DAVIES: This proposed section is under division 4, "Ministerial directions". Am I right in assuming that this is lifted directly from the current enabling legislation?

Mr M. McGowan: Yes.

Ms M.J. DAVIES: Proposed section 107 states —

Except as provided by this Act or any other written law, a GTE is not required to comply with any direction or administrative request given or made by or on behalf of the Government.

Just to clarify, can the Premier provide an explanation of what that actually means?

Mr M. McGOWAN: It means that any direction has to be authorised by law.

Ms M.J. DAVIES: Thank you; that was very direct. I have not quite caught up. The proposed section states —

Except as provided by this Act or any other written law, a GTE is not required to comply with any direction or administrative request given or made by or on behalf of the Government.

The minister will have the power to give a direction to the GTE; that has always been standard. Is this the enabling part of this legislation for giving ministerial directions, or will this give them an exemption if any other part of government is requesting something from a GTE? Sorry, the Premier has lost me.

Mr M. McGOWAN: No, this is an existing provision in enabling acts, but it is saying that GTEs will be subject to direction or administrative request only if it is authorised by this act or any other act of Parliament.

Clause put and passed.

Clauses 108 to 110 put and passed.

Clause 111: Policy orders —

Ms M.J. DAVIES: For the benefit of the house, can the Premier explain the policy orders for GTEs that are captured under this legislation?

Mr M. McGOWAN: It is the equivalent of a Premier's circular but in this case applicable to a GTE. Examples of issues that may be dealt with through policy orders include prioritising the local workforce based in regional areas being accommodated within the local community, supporting industries to invest in programs to train specialist occupations in Western Australia, facilitating the development of alternative energy sources to meet the state's climate policy targets, or being leaders in the provision of inclusive workplaces.

Ms M.J. DAVIES: In essence, policy orders will make clear to GTE boards and executives the particular policy outcomes that the government is seeking. How will that interact if it is at odds with a decision of the board? How will it be resolved if there is a direct conflict between a government policy order and the board taking a position and exercising its responsibilities?

Mr M. McGOWAN: Currently, under corporations law, directors' duties allow for directors to take account of policy orders or similar things in the private sector. Policy orders are of sufficiently high level that we do not think there will be a conflict.

Ms M.J. DAVIES: This provision is new, because the clause refers to the GTE minister, which will be a newly created role under this legislation. GTEs would not have received these policy orders previously. Is that correct?

Mr M. McGowan: Correct.

Ms M.J. DAVIES: How does the Premier envisage that policy orders will be communicated? What will be the relationship between the GTE minister and the portfolio minister and the lines of reporting responsibility for the board, so that there is a clear line of who is responsible for providing feedback and accountability?

Mr M. McGOWAN: Before the GTE minister issues a policy order, the GTE minister must have the approval of all the relevant portfolio ministers for the GTEs that will be covered by the policy order. Policy orders will be published in the *Government Gazette* and will be required to be made publicly available as long as the order applies.

Ms M.J. DAVIES: Will there be a reporting mechanism? When a policy order is given, presumably the government will want to know that the entities are actually adhering to progressing that government policy. How will that feedback loop be completed? Will it be through the portfolio minister to the GTE minister, will it be through the reports that we have spoken about that will be enabled by this legislation, or will this be a broad statement from government on high that the board can then go about ignoring at its whim and peril?

Mr M. McGOWAN: Was the member's question about a reporting mechanism to make sure that GTEs deliver on policy orders?

Ms M.J. Davies: Yes.

Mr M. McGOWAN: Apparently, it will be on a case-by-case basis, depending on the relevance of the policy order to the GTE. If there were a policy order about having local content in regional communities, for example, obviously, that would not apply to a GTE that does not operate in that regional community. It will be on a case-by-case basis, depending on the GTE.

Ms M.J. DAVIES: There will be no formalised process for policy orders. They are high-level documents that will essentially outline government positions that boards will need to take into consideration, and I guess that the portfolio minister can choose the extent to which that is reported back through their meetings, which we know will occur on a regular basis. Essentially, will there be no consequence if policy orders are not pursued?

Mr M. McGOWAN: It complies with the policy order. If they do not, that will be a matter that no doubt will be taken into account in the appointment of the chair and the CEO in the future. It is not like we are in North Korea and we take them out the back and shoot them. There is a process of taking all these things into account in reappointing people.

Clause put and passed.

Clauses 112 to 139 put and passed.

Clause 140: Final dividend —

Dr D.J. HONEY: Is the process in subclause (3) of clause 140, “Final dividend” on page 83, to be different from current practice, which is that the minister has involvement in that process?

Mr M. McGowan: It is consistent with what occurs now.

Clause put and passed.

Clause 141: Interim and special dividends —

Dr D.J. HONEY: I thank the Premier for the previous answer. In relation to interim and special dividends, I know this has been done, but my concern is with this practice that allows governments effectively to come in and raid corporations for short-term funding problems. I wonder whether there is a proper justification for this power. Is it something that can end up being abused by governments, given that the corporations will have already worked out what a dividend should be, subject to the organisation remaining solvent? A minister may come in, with the Treasurer’s approval, and raid an organisation, which may help out with a temporary problem, but it will not, in fact, be in the interest of the GTE. I will not drag this out, but is that still within the bounds of the solvency provisions for the organisation?

Mr M. McGOWAN: Clause 141(2) states —

As soon as practicable after receiving a request under subsection (1) the board must recommend to the Portfolio Minister an amount for the interim or special dividend, as the case may be, that the board —

- (a) is satisfied will meet the solvency requirement; and
- (b) otherwise considers to be appropriate.

The board has to meet the solvency requirement of the GTE.

Clause put and passed.

Clauses 142 to 149 put and passed.

Clause 150: Exemption from local government rates —

Ms M.J. DAVIES: Treasurer, I assume that this is again taken directly from the existing enabling legislation, but it would be remiss not to raise it in the context of this legislation because it is something that is regularly raised by local governments. Was any consideration given by government to changing the arrangement for the collection of, or exemptions from, local government rates for those entities? If not, is it something the government would consider down the track?

Mr M. McGOWAN: The answer is that that is the existing position. The second part is no.

Clause put and passed.

Clause 151: Payment in lieu of local government rates —

Ms M.J. DAVIES: The payment in lieu of local government rates is paid to government by GTEs. Is there any requirement for government to use that for the benefit of services delivery specific to local government? Is it set in a particular special purpose fund? It is a curiosity. I suspect it will just go into consolidated revenue, but it would be nice to be able to point to where those rates will go for the benefit of local government. I imagine this sector would be very supportive of that.

Mr M. McGOWAN: It is paid into consolidated revenue. It is the standard position, and it is a competitive neutrality measure so GTEs do not have an advantage over private business.

Clause put and passed.

Clauses 152 to 157 put and passed.

Clause 158: Making certain things publicly available —

Dr D.J. HONEY: The only requirement in making certain things publicly available is to be publication on a website. Is that consistent with other publication requirements now within acts? My concern is that publication will be missed unless people are fastidiously following government websites. It might be easy for a government to publish information. The provision refers to —

... a website of a department of the Public Service assisting the Minister.

It would be possible to have an obscure website that meets that criteria and avoid effective public scrutiny of important announcements.

Mr M. McGOWAN: It is designed to do the opposite, which is to make things more easily publicly accessible. I do not know how many people out there read the *Government Gazette*, so it is designed to put information out there in ways to make it more publicly available for ordinary people.

Dr D.J. HONEY: Would it not be appropriate that it also be published in the *Government Gazette*, or why is that not a requirement?

Mr M. McGOWAN: A range of things throughout the bill already are required to be published in the *Government Gazette*. This is just for things that are not already specifically required to be published in the *Government Gazette*.

Clause put and passed.

Clauses 159 to 303 put and passed.

Schedule 1 put and passed.

Title put and passed.

[Leave granted to proceed forthwith to third reading.]

Third Reading

MR M. McGOWAN (Rockingham — Treasurer) [12.18 pm]: I move —

That the bill be now read a third time.

DR D.J. HONEY (Cottesloe) [12.18 pm]: I thank the Treasurer as the responsible minister for the way he conducted the consideration in detail debate. It sets the standard for other ministers to do that in a good, cooperative and informative way. I thank also the Treasurer's officers who assisted him in that process; it aids greatly our understanding of the Government Trading Enterprises Bill 2022. The aspects of this bill that will make government trading enterprises more accountable to a minister are entirely understandable. Ministers have been put in an invidious position when material matters have affected government trading enterprises that the ministers could not have been aware of but for which they were held accountable. Equally, these are government trading enterprises. The minister, as a member of cabinet, is ultimately responsible for the good governance of that organisation for the benefit of the people of the state. It is important that there is greater clarity around the role of the minister and having a clear direction for the organisation and an understanding of what is happening within the organisation.

I am a little concerned that some of the review of the boards could end up being a self-serving exercise, but I understand the intent of it, which is to have greater accountability for the boards. I have an ongoing concern. If I were to sit back at a very pithy level, I might say that this bill was entrenching Treasury's absolute control of government trading enterprises and that ministers could be seen to be secondary to the Treasurer or the GTE minister. I have a concern that at times that may confuse the role of the minister and the minister may feel that they are being sidelined to some degree in an area for which they are held accountable but do not necessarily have complete control over the decisions. I appreciate the Treasurer's comment that GTE ministers have a crucial role in ensuring that the overall interests of the state are protected. I will end my comments there.

MS M.J. DAVIES (Central Wheatbelt) [12.21 pm]: I have some brief comments to make at the end of the consideration in detail process. I thank the Treasurer and the staff who provided the briefings to the opposition on the Government Trading Enterprises Bill 2022. We went through the genesis of why this has come about. The opposition indicated that we understood and appreciated the intent to improve accountability and transparency and standardise the requirements of how government trading enterprises operate. Having been a minister and dealt with a number of those GTEs, I think there is a requirement to clarify, and there will be some benefit from clarifying, those positions between ministers and the boards and executive of those organisations. The bill will formalise some of the processes that are in place. There is a strong working relationship—there was when we were in government—between the Treasurer, Treasury and the organisations, particularly those that have significant financial responsibilities, such as the Water Corporation and others.

The bill will provide clarity. Having had some experience of frustration when the board or executive of some of those organisations did not feel it was necessary to provide advice or information to me as minister at the time, the legislation seems to provide greater clarity, or at least signal to those government trading enterprises that they have a responsibility. I suspect that there will still be a disconnect because political risk does not always intersect with business and financial risk. It will always come back to a good working relationship between the Treasury, minister, cabinet and those organisations because they are strange beasts. They are made whole by government. They operate in a competitive environment. Matters such as local government rates and community service obligations allow boards to operate in a commercial manner, but, in essence, government will never let them go broke. By any assessment, it is a strange entity, yet a GTE does deliver and can deliver significant outcomes for the state when that capacity is harnessed. There is great innovation within those organisations when they are allowed to exercise that. For the most part, there is a good dividend financially and also from a policy perspective for those government trading enterprises to continue.

One of the issues I raised in my contribution to the second reading debate, which the Treasurer has since addressed by a statement to the house, was around how the next tranche of GTEs would be dealt with. The question was whether it would be by amendment to this legislation. Currently, the Forest Products Commission, Gold Corporation,

the Insurance Commission of Western Australia and the Western Australian Treasury Corporation are not encompassed in this first tranche. Arguably, those four entities potentially pose the most risk and carry some of the biggest challenges and complexities for government. I am interested to see how the next tranche will be dealt with and what the time line will be for them to be introduced. As I understand it, the Treasurer clarified that it would require new legislation for them to be dealt with, rather than just through regulatory changes or an amendment to the current legislation.

The aspiration is to deliver on gold-standard transparency. There would be no argument from the opposition on seeking to make the practices of these entities and the government of the day more accountable when spending significant state funds for the delivery of very important key services. The potential and future sale of assets was briefly discussed in consideration in detail. It will be interesting to see how that plays out when it is tested for the first time and how those business units and sales are dealt with, both by governments of the day and those entities coming forward. Again, we will not know until the first of those are tested and, I suspect, it will cause some headaches as government moves through.

The opposition will not oppose the Government Trading Enterprises Bill. I suspect that our colleagues in the Legislative Council will have their opportunity to go through Committee of the Whole House in greater depth. I again thank the Treasurer for responding to those questions and clarifying when clauses from enabling legislation have been transferred, when there is new legislation and clearing up for those who interpret that legislation down the track, what that means and how the government intends it to operate going forward.

MR M. McGOWAN (Rockingham — Treasurer) [12.27 pm] — in reply: I thank members for their support of this legislation. It is historic legislation. It means that we will have greater accountability and transparency for government trading enterprises and less risk to government. As a consequence, it is a very safe and precautionary measure that we are putting in place to protect the public interest. It is once again another significant accountability measure that this government is taking. I thank members for their support.

Question put and passed.

Bill read a third time and transmitted to the Council.

LOCAL GOVERNMENT AMENDMENT BILL 2023

Second Reading

Resumed from an earlier stage of the sitting.

MR J.N. CAREY (Perth — Minister for Local Government) [12.28 pm] — in reply: I will briefly touch on some of the comments made by the opposition before we go into consideration in detail on the Local Government Amendment Bill 2023. I appreciate the commentary of all three opposition members who spoke. I note the comments of all members in this chamber and the support that we all have for a dynamic, robust and democratic local government. There was much discussion about culture by both the member for Cottesloe and the member for North West Central.

Yes, member for Cottesloe, we want a robust debate in local government. But we know, as demonstrated by inquiries and the support required from our agency, that from time to time we unfortunately see significant dysfunction result from a breakdown in relationships on councils. That is why we are bringing in these reforms, including standardised meeting procedures, to provide greater clarity around how councils should conduct themselves in debates.

In reference to other issues raised by the member for North West Central, she spoke about CEO performance indicators and the concerns of some councils about them being published. I want to assure the member for North West Central that there will be an opportunity for councils to seek an exemption from the director general for highly sensitive matters. For example, if it relates to staff matters—there may have been previous problems with the staff—and that is a performance indicator, the council could seek an exemption. If it is an indicator about lifting the performance of public green reserves, clearly, that should be on the public agenda.

The member for North West Central also raised the issue of CEO recruitment. I want to clarify that the issue we are trying to tackle is that we currently have an independent member who sits on the panel. We are saying that the agency should have a number of people on the panel so that the agency can have oversight of the independent panel member. The simple reason for this is that concerns have been expressed by the community that the independent panel member, who is currently appointed by councils, occasionally may not be so independent. This is about having a check and balance. I understand why there might be some concerns, but this is about making sure that the director general of the department establishes a panel of suitable people.

I was asked why there was not a green bill. In short, it is because we have had so many inquiries and panel discussions. The feedback from many people and stakeholders was that the consultation process was exhaustive. We want to get on with dealing with the critical issues, both in tranche 1 and tranche 2. The few critics and conspiracy theorists do not acknowledge or accept the significant ongoing consultation and huge amount of work, dating back to 2017, to get to these reforms.

The member for North West Central raised the cost of transparency measures. I note that much of this information is already collected by local government, so to shift it online is not as complex as the member suggested. As the member acknowledged, transparency is important. Making this information easier for ratepayers to access is absolutely critical.

The members for Cottesloe and North West Central made reference to politics in local government. We accept that there is politics in local government—that there are Liberal, Labor, Greens and Nationals WA councillors. Even declaring yourself an Independent is politics. We want to make sure that there are good systems in place when there is dysfunction; that is the critical issue.

The member for North West Central asked about the cost of optional preferential voting. A similar voting system is used in state and federal elections. We are going to save money because it will enable backfilling. The member for North West Central asked what will happen if there is no-one or if someone in line does not put up their hand. I want to be very clear: if there is no candidate available to backfill a vacancy, an extraordinary election will occur. The current process will kick in. There was also an issue about the election of mayors. I always believe that ratepayers get it right. I have heard some criticism that this will encourage factionalism. I reject that. We can point to past examples in which different groups on a council have made deals over the position of mayor. They said, “Right, I’ll get mayor now; you get it in four years’ time.” Mayors start to worry about appeasing councillors rather than thinking about their ratepayers.

The issue of wards was noted by a couple of opposition members. We have seen a consistent trend away from wards. I will give an example. The Shire of Kulin has four wards. The shire’s east ward has one councillor for 48 electors. I do not think anyone would argue that that is particularly democratic. It is clear under the act that councillors represent everyone in their community. In fact, there is a concern that in the remaining tier 3 and 4 councils, there can be the extraordinary circumstance of a councillor being elected by very few people. I note that out of 95 councils in bands 3 and 4, only 11 still have wards.

Communication agreements were raised. There are some conspiracy theories out there. I make very clear that these reforms will not alter the scope of information to which council members are entitled. Section 5.92(1) of the act states —

A person who is a council member or a committee member can have access to any information held by the local government that is relevant to the performance by the person of any of his or her functions under this Act or under any other written law.

I assure the member for North West Central that that subsection will not be changed by the bill. That makes very clear what a councillor can access in terms of information.

I think I have covered most of the key issues. We will discuss them in detail.

I just want to quickly acknowledge and thank people for this significant work. These reforms, which are the biggest change in 25 years, have undergone an exhaustive process. I thank the agency, particularly Trish Edgar, Ethan Redshaw and Cameron Taylor. I want to thank the sector. I deeply respect Nick Sloan, Tony Brown and president Karen Chappel of the Western Australian Local Government Association. I acknowledge all the contributions from Local Government Professionals WA and, of course, the broader community, who made incredible submissions and engaged in a range of community consultation. There were more than 200 submissions, which I personally read. In fact, I had a huge stack of files in my office that my staff and I went through. I thank the community. On a personal note, I thank my own office, because this has been a big agenda—Claire Comrie, my chief of staff; Sam McLeod, a brilliant local government adviser; my former local government adviser Joslin Colli; and another great local government adviser, Matthew O’Keeffe. The reforms that we are seeing today are a result of the substantial and incredible work that has been delivered. Of course, tranche 2 will bring in the local government inspector and sweeping powers in regard to dysfunction.

Question put and passed.

Bill read a second time.

[Leave denied to proceed forthwith to third reading.]

Consideration in Detail

Clause 1 put and passed.

Clause 2: Commencement —

Ms M. BEARD: How much work still needs to be undertaken by the Department of Local Government, Sport and Cultural Industries to prepare for the enactment of the Local Government Amendment Bill 2023? Will it be able to deliver to the deadline of 23 October or earlier?

Mr J.N. CAREY: That is a good question. A substantial part is for the local governments that are being impacted by the reforms. Last year, I wrote to all the local governments that would be impacted—around 50 of them. They have all undertaken the substantial work already. We said that there were two pathways: a voluntary pathway and a reform pathway. The majority of local governments seriously engaged with this process. To give an example,

my favourite council, the Shire of Bruce Rock, undertook, in accordance with the legislation, six-week consultations. They are all now coming back in. The Local Government Advisory Board is making recommendations to me and I am approving them. The board, as the member knows, provides advice to me and I consider that advice. In addition, three sets of regulations will be required. Local governments will be undertaking the required reforms with regard to boundary reviews and the transition to new numbers. The regulations are the Local Government (Constitution) Regulations, Local Government (Administration) Regulations and Local Government (Elections) Regulations. There will be changes to those. Obviously, the bill also provides heads of power to other regulations, but with regard to elections, we are very confident that we will meet the required time lines for this year.

Ms M. BEARD: What additional resources will need to be put in place before that?

Mr J.N. CAREY: We put in additional resources for the process of providing support to the Local Government Advisory Board, and that was important. We have received good feedback from local governments on that. We are on track and are very confident about the Governor's orders and regulations that will be required.

Ms M.J. DAVIES: Just to follow up, the minister mentioned the different regulations. Sorry; I might have missed this in his very fulsome explanation, but when are they due to be completed and published?

Mr J.N. CAREY: Obviously, the election regulations are the priority and they will be completed by June. Other regulations will be completed later. We are still consulting with the Western Australian Local Government Association on standing orders and communication agreements. I want to get that right, so we have a working party for that. Some of those regulations will be settled once we have completed the consultation, but a lot has already been undertaken.

Ms M.J. DAVIES: Is there an end date for the consultations? Is the time line known to the sector and the public?

Mr J.N. CAREY: We have established a working group and the consultation is on both key issues, as identified. Elections will be done by June, which is critical, and we will be working through the others over the next six months. In addition, we are also still consulting with WALGA on tranche 2. With regard to the creation of the position of local government inspector, for example, we are testing how that will effectively operate.

Ms M.J. DAVIES: We expect to see the priority election regulations in June. The admin regulations and the other one, which I missed, will be completed by the end of this year—is that correct?

Mr J.N. CAREY: It is anticipated that they will be completed by the end of the year, but I will say that it will be based on consultation with WALGA. I am genuine and sincere about wanting to get these reforms right. I know standing orders seem simplistic, but as the member knows, they can actually be highly contested by different local governments and WALGA might also take a position. We are consulting both WALGA and some individual members.

Clause put and passed.

Clauses 3 to 5 put and passed.

Clause 6: Section 1.4A inserted —

Ms M. BEARD: What sorts of restrictions or circumstances would apply during the caretaker period for local government elections? Is it just elections and by-elections, or are there other circumstances in which a caretaker period could be put in place?

Mr J.N. CAREY: Just to clarify, it is only for ordinary elections, not by-elections, because councils still have to function.

Clause put and passed.

Clause 7 put and passed.

Clause 8: Section 2.2A inserted —

Ms M. BEARD: Proposed section 2.2A relates to regulations that may provide that a district cannot be divided into wards. Does the minister anticipate that such regulations might need to be used as a big stick for councils that refuse to comply with the new legislation, or will there be flexibility?

Mr J.N. CAREY: I have been very clear on the public record on this. As I said, there are two pathways: one is voluntary and one is reform. With the reform pathway, it is a spill, which means that at this election all positions will become vacant and the election will occur with the new structure in place. Some—not many—decided to go for the spill because they saw it as being a better way of reform. Some, such as Kalgoorlie, could not agree. I was very clear and up-front that cases in which there is non-agreement would also constitute a spill. On the issue of wards, I am not aware of many that are not. Most of them are going down the voluntary pathway.

Ms M. BEARD: Just for my own understanding, with a spill, all positions on a council will become vacant. In the past there would have been a crossover, so there would not have been an entirely new council at every election. There would be a crossover during which there would be experienced councillors still sitting on the council. Is that something that has been considered?

Mr J.N. CAREY: I will say two things on that. There are spills from time to time; I am thinking of the City of Perth whenever there is an inquiry. The member will also be aware that we currently have a commissioner in Augusta. It is likely that we would see the re-election of some existing members. In respect of Kalgoorlie, it could not arrive at a decision. Some councils have made a very deliberate decision to spill their local governments because they feel that that is the right course of action. To be frank, and as the member will be aware, some smaller local governments are struggling to get councillors, so I suspect that in some cases we will see almost the same make-up because it will be the same people. I am sad about that—I want people to come forth—but the reality is that we will see the same people standing because no-one else is prepared to stand up.

Ms M.J. DAVIES: Who will bear the cost of the bill to run an election? Will it be the council? Has that been factored in to provide support for the councils that go down that pathway?

Mr J.N. CAREY: Just to be clear about a couple of things, local government elections are always paid for by the local government. Ultimately, I do not think the cost is a significant burden, whether it is an election for half the councillors or all the councillors. But because we are cognisant of making a change to optional preferential voting, we are doing significant work to provide support to local government through the agency about that transition. Whether or not a council has been spilled, clearly, we have to provide education and support across the whole sector. Also, the Western Australian Electoral Commission has written to local governments outlining the new process. I want to assure the member that significant work is being done to educate and engage local governments.

Debate interrupted, pursuant to standing orders.

[Continued on page 1470.]

The DEPUTY SPEAKER: Private members' business. The member for Moore.

Mr R.S. LOVE: It is members' statements, I think, actually.

The DEPUTY SPEAKER: Yes, members' statements. You are correct.

Mr R.S. LOVE: Very good. Thank you. That was not part of my statement!

The DEPUTY SPEAKER: We will restart the clock for you. I am not going to rob you of your time.

ELECTRICITY SUPPLY — MIDWEST

Statement by Member for Moore

MR R.S. LOVE (Moore — Leader of the Opposition) [12.51 pm]: I refer to midwest power reliability. Thousands of residents in the midwest endured power outages last week not once, but twice—on Tuesday and Friday. Tuesday's outage lasted six hours and Friday's outage lasted for seven hours. Each of these blackouts impacted more than 24 000 consumers. Households went without power, their telecommunications were disrupted and those who were not on mains water went without water. In Dongara on Tuesday, the generators that were on stand-by failed. On Friday morning, the 1 500-berth cruise ship *Coral Princess* docked in Geraldton but there was no power. Retailers missed out on a great opportunity. I ask the McGowan government: is Western Australia really open for business?

Midwest residents and business owners are fed up with the unreliable power. Two years ago, they endured tropical cyclone Seroja and they are battle weary. The Shires of Perenjori, Northampton, Irwin, Coorow and Chapman Valley have the dubious distinction of having the least reliable power in the state.

A constituent recently posted on my Facebook page that she had cashed in her superannuation funds to purchase a generator. Another woman told me she has to have someone refuel and start her generator when the power goes out as she does not have the strength for the pull start. What an appalling situation, when the McGowan government sits on years of surpluses worth billions. Midwest businesses cannot operate with unreliable power. It is a major disincentive to commerce in the region. It is time to give the people of the midwest the power they paid for, and with the new budget coming, it is time to invest in new transmission lines, microgrids and more local generation.

YOUTH PRIDE NETWORK — WARREN–BLACKWOOD

Statement by Member for Warren–Blackwood

MS E.J. KELSBIE (Warren–Blackwood) [12.52 pm]: Warren–Blackwood is a diverse electorate. It is diverse in landscapes, cultures and people. We celebrate our diversity in many, many different ways, but, as my ongoing discussions with young people—including school leavers from Denmark Senior High School and Margaret River Senior High School—indicate, we can always do better, especially when it comes to celebrating and supporting our young LGBTQIA+ community. We are very lucky to have strong advocate groups in each corner of Warren–Blackwood—Margi Pride, which celebrated its first birthday last month; Albany Pride; and Manjimup's Southern Forests Rainbow Faction. Each group plays an important role in our community to bring young people together to help reduce social isolation, provide support, to advocate for our region's LGBTQIA+ community, and to provide safe spaces and promote strong relationships with other community supports.

Last year, I was pleased to advocate for the Youth Pride Network, based out of Perth, and assist it to stretch its wings and increase its reach to include regional WA. YPN is a group of LGBTQIA+ people from across WA who are working to improve the lives of young people by connecting and bringing them together and facilitating events and programs as part of its mission. I like its mission. It fits beautifully with the conversations that are happening across Warren–Blackwood about the possibilities for youth pride events, youth forums and for young people in leadership roles to play their part in events like these. YPN was successful in securing additional funding, and I look forward to helping connect our regional LGBTQIA+ community and supporters to see what we can create locally across Warren–Blackwood. Celebrate diversity. Always.

DJEREEDJEE MIA

Statement by Member for Central Wheatbelt

MS M.J. DAVIES (Central Wheatbelt) [12.54 pm]: I rise to speak about As One Nyitting Ltd, a social enterprise initiative that has been working with young people and families on Noongar country in Perth and in the wheatbelt region since 2015. Taking their lead and guidance from their elders, Robert and Zoe Davis and their team are building an organisation that delivers cultural programs to support and build belonging and identity, leadership, wellness and training and employment opportunities for Aboriginal people. In their own powerful words, they believe that First Nation people can embrace who they are, define their future and protect the oldest culture in the world.

On Friday last week, I had the honour of attending and participating in the opening of its newest social enterprise, Djereedjee Mia, which translates to “home of the zamia”. Inspired by the six Noongar seasons, the culturally safe space is an extension of the land the group are custodians of known as Nyitting Nature Reserve in Gidgegannup. In this space, people can help with seed collection, preservation and planting, participate in wellness journeys through creative expression and take part in yarnning circles and caring for country. Djereedjee Mia is home to beautiful and authentic locally made artefacts such as didgeridoos, jewellery, tapping sticks, artworks, bush tea, seeds and more. Trevor and Nancy Davis, and Robert and Zoe Davis spoke with such passion about their vision and mission to embrace, share and celebrate their culture with the whole community. I gave my undertaking as their member of Parliament, shadow Minister for Aboriginal Affairs and friend to walk with them and share their message as they embark on this new venture to support and empower their community and family.

SUBI SPRITZ PROGRAM

Statement by Member for Nedlands

DR K. STRATTON (Nedlands) [12.56 pm]: This Sunday, I joined award-winning chef Caleb Azuka for a gnocchi masterclass at Caleb Restaurant and Bar as part of the Subi Spritz program. In 2021, chef Caleb was Restaurant and Catering Australia’s Western Australian Chef of the Year, and at the Gold Plate Awards in 2022 he won the Best European/Mediterranean Dining category and the prestigious Premier’s Award. On Sunday, Caleb opened his kitchen and his talent, forged in Italy and built in the United States, with sixteen keen participants. He showed how to make the perfect light gnocchi. The secret is being gentle and patient and to not overwork the dough—a little bit like life. He also shared the importance of joy in the preparation of food, for we share it to connect, to show our love and care and to nourish. It is clear why his restaurant is such a smashing local success, and we are very lucky to have his talent in Subiaco.

The gnocchi masterclass was held as part of Subi Spritz, an opportunity to be transported to southern Europe for 10 days of la dolce vita in the streets, venues and gardens of Subiaco. Over 20 events were held that included long lunches, wine tasting, masterclasses and a roving artist in residence. Subi Spritz is one of many events that encourages people to return to and visit a Subiaco that has been revitalised over the last few years thanks to the vision and active commitment of local government, local businesses and hospitality, and, of course, due to the impact of expanded housing opportunities including mid and high-density developments in Subiaco.

SCULPTURE BY THE SEA

Statement by Member for Cottesloe

DR D.J. HONEY (Cottesloe) [12.57 pm]: Starting last Friday, and for the eighteenth time, Cottesloe had the privilege of hosting over 70 artists from 13 different countries who helped to transform Cottesloe Beach into one of the world’s largest sculpture exhibitions. As I am sure members are aware, *Sculpture by the Sea* has established itself as one of the foremost cultural events for not only the Cottesloe electorate, but also the whole of Western Australia. I was therefore extremely honoured to have the opportunity to attend and speak at the launch of the 2023 *Sculpture by the Sea* exhibition. This year we also had the pleasure of exhibiting the works of two artists from Ukraine, which was curated by a special guest, Ms Viktoria Kulikova, art director of the Abramovych Art Agency in Ukraine. Furthermore, this year was the first time in three years that we were able to welcome back our international and interstate artists. Sadly, travel restrictions over the past three years during the COVID-19 pandemic had kept many of these artists away. Lastly, but most importantly, I would like to give a very special thankyou to all the artists, both local and international, of the 70-plus sculptures in this year’s exhibition, and to the board of *Sculpture by the Sea* and especially David Handley and his incredible team for organising such a wonderful event. What a fantastic exhibition you have organised yet again! Thank you.

NORTH BEACH URBAN RENEWAL PROJECT*Statement by Member for Scarborough*

MR S.N. AUBREY (Scarborough) [12.58 pm]: A little over two years ago, Cromer Way residents in North Beach were among the 5 000 people I spoke to on their doorstep as their local Labor candidate for Scarborough. It was made clear to me that the Cromer Way flats had been an issue for many years. Some residents explained how they were promised by their real estate agent that the units would be gone in two years when they moved in over 15 years ago. It was with great pride this week when I returned to their doorsteps as their local Labor member for Scarborough to advise them of the North Beach urban renewal project. I advised them that a tender has gone out for the demolition of the structures, with completion expected in mid to late 2023, paving the way for the future renewal of the site.

I want to thank the Minister for Housing, John Carey, his team and the Department of Communities for working with me to deliver an outcome that not only is considerate of the last remaining tenants, but also delivers for the North Beach community. I also thank “Team Scarborough” for its efforts over the last three days. Together we have engaged with over 10 000 members of our community to inform them of the good news. The response from the community has been overwhelmingly positive. Former federal and state parliamentarian Hon Graham Edwards, who lives in North Beach, said —

Social housing is a matter of urgent priority so well done Stuart

The Mayor of the City of Stirling, Mark Irwin, who I have had the pleasure of working closely with to deliver better outcomes for the Scarborough community, said —

Well done Stuart Aubrey MLA! Community has been wanting this for a long time.

Jeff Grubisa, a resident of North Beach, commented —

Stuart this is great news finally action is coming You might remember who I all and all the work I have done with neighbours and pushing for this to happen with Tony Krsticevic MLA and the media for nearly 14 years You met with me at my house when you we’re running for your seat

As members can see, the community is incredibly grateful to have this result and to have a local Labor member, the first in 30 years, who acts and delivers for his community!

Sitting suspended from 1.00 pm to 2.00 pm

VISITORS*Statement by Deputy Speaker*

THE DEPUTY SPEAKER (Mr S.J. Price) [2.00 pm]: I have a few people to acknowledge today. I shall start with the guests of the member for Darling Range. I would like to welcome to the Speaker’s gallery today Mr Ashton Fowler who the recipient of the 2022 Beazley Medal for vocational education and training.

[Applause.]

The DEPUTY SPEAKER: On behalf of the member for Collie–Preston, I welcome Julie Higgins, her mother, to the Speaker’s gallery. Hi, Julie; great to see you.

On behalf of the member for Bateman, I welcome to the public gallery students and teachers from the Applecross Senior High School leadership group. Hello, up there!

On behalf of Minister Punch, I welcome members of the group People Who Care to the public gallery today. Lovely to see you all.

QUESTIONS WITHOUT NOTICE**GOLD CORPORATION — MINISTER FOR MINES AND PETROLEUM’S COMMENTS****184. Mr R.S. LOVE to the Premier:**

I refer to *The West Australian* report yesterday entitled “Perth Mint: Mines Minister Bill Johnston’s claims about gold-doping exposé stokes furore” in which the minister is quoted as saying in regard to an internal Gold Corporation report —

“Now I’m not going to speculate on who gave that to Four Corners,” ...

He then proceeded to provide sufficient information to identify who he believed was the person responsible. Is it appropriate for a government minister to use parliamentary privilege in this way?

Several members interjected.

The DEPUTY SPEAKER: Leader of the Opposition, you have asked the question.

Mr M. McGOWAN replied:

I do not know what the Leader of the Opposition is referring to.

GOLD CORPORATION — MINISTER FOR MINES AND PETROLEUM'S COMMENTS

185. Mr R.S. LOVE to the Premier:

I have a supplementary question. Does the Premier think that it is appropriate for a government minister to identify former employees of an organisation, using parliamentary privilege in that way?

Several members interjected.

Mr M. McGOWAN replied:

I can hear the minister interjecting to indicate that he did not and I have no reason to believe that he did. I know that the Leader of the Opposition says lots of things about this matter that are inflammatory and wrong—constantly—in order to stir up more clicks and more headlines in the hope that somehow he will create turmoil that self-perpetuates an adverse outcome for Western Australia. It is his hope that somehow something bad will happen to Western Australia because he has created enough doubt in relation to an issue—for instance, claiming that there has been money laundering when there is absolutely no evidence that there has. That is actually the inappropriate thing that has gone on here—the Leader of the Opposition's behaviour in this matter. Ordinarily, oppositions should be on the side of the people of the state; he is clearly not.

MAJOR EVENTS — JOBS

186. Dr J. KRISHNAN to the Premier:

I refer to the McGowan Labor government's commitment to diversify the Western Australian economy. Can the Premier outline to the house how attracting exclusive major events to Western Australia provides a significant boost to WA small businesses and tourism operators, and advise the house how these events create jobs for Western Australians?

Mr M. McGOWAN replied:

I thank the member for Riverton for the question.

There has been an incredible number of events going on in Western Australia in recent weeks. Today we mark the transition from summer to winter sport, although it still feels like summer to me. We have WA taking on Victoria in the Sheffield Shield final at the WACA today. We have our two AFL teams playing here this weekend. We had Ed Sheeran and the Red Hot Chili Peppers. We had that other guy I went to—Harry Styles. We had Rod Stewart, Cyndi Lauper, Pat Malone—what was his name?

Several members interjected.

Mr M. McGOWAN: Post Malone! We had Paul Kelly, Post Malone and Björk. Pat Malone might have been there, too! More than 650 000 people have attended these events at Optus Stadium.

This morning, Minister Templeman and Minister Cook confirmed English Premier League giants Tottenham Hotspur and West Ham United —

Mr D.A. Templeman: Here it is—Templeman!

Several members interjected.

Mr M. McGOWAN: Tottenham and West Ham will play at Optus Stadium on 18 July, which is just terrific news. That will bring people from Britain to watch that game. Apparently, there is a strong feud between Tottenham and West Ham—a North London versus East London feud. Hopefully, some of those fans will come here to witness that. We have the FIFA Women's World Cup, with Perth hosting five matches between 22 July and 3 August at the Perth Rectangular Stadium. It will be a great winter of round ball football. It is an exciting thing for Western Australia to have. It will be broadcast all over the world and have all the social media reach. As I said before, it may exceed the UFC's incredible social media reach and focus a lot of attention on Western Australia. There will be lots of international and interstate visitors coming in who will fill our bars, hotels and restaurants, and provide a lot of excitement. Obviously the spin-offs for the state's economy are very strong.

Members might recall that there were people out there a year or so ago, or even less, saying that Western Australia would never get back all these people. We kept COVID out. We saved the state's economy. We saved thousands of lives. Some people were critics. As I recall, the Liberal Party was a critic of that and said people would not come back. Look at these events! There has never ever been a period of such exciting events as what is going on now right here in Western Australia.

YOUR SAFETY IN OUR HANDS IN HOSPITAL REPORT — RELEASE**187. Ms L. METTAM to the Minister for Health:**

I refer to the annual release of the *Your safety in our hands in hospital* report, which for the last decade has generally been released towards the end of each calendar year, and note the 2021–22 report has not yet been released. Can the minister confirm that the 2021–22 report has been received by her office and that the extended delay in releasing the report is because of changes that the minister or her staff have requested?

Ms A. SANDERSON replied:

The Department of Health regularly publishes a range of reports. The *Your safety in our hands in hospital* report is one of the reports that has been published over the last 10 years. Sometimes those reports come through my office and sometimes they do not. If there are things that I am required to be briefed on, they will sometimes come through my office, but hundreds of reports are published by the department. They can usually be found on its websites.

We received the *Your safety in our hands in hospital* report at the very end of last year. The member will note that last year was an incredibly busy year for the system as a whole, including the system manager who develops the report, managing the pandemic and COVID in our community and in our hospitals, so there was some delay in getting that report to my office. As one would expect, I get myself across those reports and my office gets across those reports.

There was some concern about identifying case studies in those reports. It is a priority that patient confidentiality is always protected. People end up in the media, they end up in the news and they end up in reports for no reason or fault of their own, and their medical circumstances become public knowledge. It is important that we always protect their privacy. This report is developed for clinicians and hospitals to work on their systems and use as learnings. We have to balance transparency in the reporting that we provide. We are the most transparent government department, I would have to say. The Department of Health reports volumes of data. Clinical incidents and severity assessment code 1s are reported in every health service provider's annual report, which was not the case when this report was developed. Sentinel events are reported in those annual reports. Any outlet can seek information on SAC 1 events and sentinel events by the department and they are provided with de-identified information. A multitude of data and reporting is out there.

There is a good story in the report, so the Leader of the Liberal Party can take off her tinfoil hat. It is a good report. It shows that the number of clinical incidents are down, there was increased inpatient activity and the number of SAC 1 incidents are down. The concern is around identifying patient information, in particular when certain incidents had already been reported in the media and those patients were unhappy about being reported in the media.

*YOUR SAFETY IN OUR HANDS IN HOSPITAL REPORT — RELEASE***188. Ms L. METTAM to the Minister for Health:**

I have a supplementary question. De-identifying patients has always been a consideration for the last decade. Will the minister table the report; and, if not, is this just another example of the government burying information, similar to the government's decision to stop reporting on ambulance ramping?

Ms A. SANDERSON replied:

First of all, we have never stopped reporting on ambulance ramping. What is the member talking about?

Ms L. Mettam: When you first came into office.

Ms A. SANDERSON: We have never stopped reporting on ambulance ramping. St John took over the reporting on ambulance ramping.

Several members interjected.

The DEPUTY SPEAKER: Members! Leader of the Liberal Party, you have asked the question. Listen to the answer.

Ms A. SANDERSON: It is not usual custom that the report gets tabled. The Department of Health will publish the report on its website. That is what will occur.

Let us talk about information and how information is used. The vaccine report went in and out of my office within a week. As soon as that report was released, Hon Nick Goiran, friend of the Leader of the Liberal Party, was out there using that —

Ms L. Mettam interjected.

The DEPUTY SPEAKER: Leader of the Liberal Party!

Ms A. SANDERSON: He is out there using that report to undermine the incredibly successful vaccine program. It is another example of how —

Ms L. Mettam interjected.

Ms A. SANDERSON: It is another example of how the Liberal Party uses the information to undermine our response to COVID. That is exactly what has happened.

Let us talk about the other use of data.

Ms L. Mettam interjected.

The DEPUTY SPEAKER: Leader of the Liberal Party, can you please stop interrupting the minister so that she can finish her answer.

Ms A. SANDERSON: The Leader of the Liberal Party does not like to be challenged on her own views and her own record.

Let us talk about how information is also used by the Liberal Party with the constant requests for information by Hon Nick Goiran, member of the Liberal Party, friend of the Leader of the Liberal Party, on women who undertake late-term abortions. He seeks their personal information. He seeks their clinical information. He seeks the names of the clinicians who are treating them. He seeks the names of the reports of the clinicians who are treating them. Why would he want that information, Leader of the Liberal Party, and what are you doing as his leader to shut him down?

POLICE — EQUIPMENT AND INFRASTRUCTURE

189. Ms C.M. TONKIN to the Minister for Police:

I refer to the record growth in the number of police officers under the McGowan Labor government.

- (1) Can the minister advise the house how this government's record investment in frontline police services, including equipment and infrastructure, is supporting police officers to protect our community?
- (2) Is the minister aware of any attempts to undermine this investment in the Western Australia Police Force?

Mr P. PAPALIA replied:

I thank the member for her question and her fulsome support of the Western Australia Police Force. It stands in stark contrast to some other people in Parliament—not on our side of Parliament, but some other people in Parliament.

- (1)–(2) The McGowan government has supported the Western Australia Police Force like no other. This government has delivered, in the course of the last six years, body armour for every single police officer. They have two sets. It is sized to individual officers. Every police officer has body-worn cameras. We have the wonderful mobile phone distribution to all police officers, which, apart from giving them a mobile phone, connects them to databases so that they have connectivity and situational awareness like never before.

In the term of this government, we ended section 8s for police officers who are retired medically so that they are no longer treated like criminals. They are given a respectful passage out of the police force. We have also done something that the previous government said was impossible. We created a police compensation scheme without any diminution of entitlements for police officers, something that the previous government said could not be done, and I am very proud of the fact that this government delivered on that.

We are replacing equipment, giving our police force world-class capabilities, like completely replacing the air wing's helicopters. For the first time, we will have the same type of helicopters, the world-class Airbus H125s. We are also replacing the tactical response group's rigid-hulled inflatable boats and continuing to roll out world-leading equipment like the use of satellite communications to turn individual police cars in our remote regions into hubs that provide connectivity equivalent to that of officers in the metropolitan area to police officers in the regions.

This comes on top of massive investment in infrastructure around the state. Fourteen police stations were refurbished in recent years right across the regions and in the cities, in places such as Belmont, Narrogin, Merredin, Laverton and Katanning. All across the city old stations that have been neglected for many decades were refurbished and renewed. We are also in the process of rolling out brand new facilities in Armadale. Very shortly, that police and justice complex will be complete and opened. Forrestfield will get a new police station, as will Fremantle. Fremantle district will be getting a Fremantle district headquarters and police station. All of that is happening.

However, the opposition, the Liberal Party in particular, undermines our police force. It constantly criticises the police force and regularly makes public comments about police indicating that they are incapable or there are concerns about their morale or their culture. Only recently, the opposition said that a high level of disenchantment permeates throughout the police force. This police force has the highest satisfaction rating in the country, according to the Australian Bureau of Statistics. This police force did the biggest cocaine bust in the nation's history only a couple of weeks ago. This police force in recent years kept our state safe and delivered extraordinary outcomes in the Nick Martin murder case and, of course, the rescue of Cleo. These are extraordinary outcomes and the police force is enjoying, rightly, a record level of satisfaction in the wider community.

It is worth interrogating a little more the comments by the opposition this week only with respect to claims made about police numbers. It was claimed by members opposite that three regions in regional Western Australia had 110 unfilled police positions. The regions they were referring to were the Gascoyne, the goldfields and the Kimberley. Anyone who knows anything about police numbers and the way we account for officers across the state knows that at any one time officers are in transit from one location to another, on posting, on leave or extended leave, like maternity leave or long service leave, and they are counted in the police numbers as not yet being at that location, so it is notionally a vacancy. But in reality,

the officers are there; they have been posted there. We know the three regions to which this release by Hon Peter Collier referred, claiming that there were 110 vacancies, are 120 more officers stronger than they were under the Barnett government. There are 120 more officers across those three regions now than there were in 2016. Actually, under this government, the number has increased by almost the same number that the member claimed we are short.

The interesting part of the claims made about crime is that, apart from anything else, there are about 400 more officers across the state than there were under the Barnett government. Also, crime overall is down right across the state. In the two remaining Liberal Party seats in this house, there has been an extraordinary outcome in the reduction in crime.

Dr D.J. Honey: It's the great job we do as local members.

Mr P. PAPALIA: I will give the member that! The officers and the customer service officer at the Cottesloe Police Station are benefiting from the member for Cottesloe's leadership. I think there has been something like a 25 per cent reduction in crime in his electorate and a more than 30 per cent reduction in the member for Vasse's electorate. I look forward to them commending the Western Australia Police Force and the government on their excellent delivery of police services to their electorates and improvement in police services.

CYBERSECURITY — GOVERNMENT AGENCIES

190. **Dr D.J. HONEY to the Premier:**

Before I ask my question, I want to recognise that the purple pin that I am wearing today came from Hon Kate Doust. It recognises the sixtieth anniversary of the Epilepsy Association of Western Australia, and, in particular, its Purple Walk this Sunday, 26 March from 10.30 am to 1.30 pm at Curtin University's Edinburgh Oval South.

In her report released yesterday, the Auditor General revealed that 13 state government agencies had such poor cybersecurity practices that she could issue only qualified financial audits for them, a doubling of the number reported last year. Additionally, 282 agencies, which is equal to half of the number audited, had not resolved cybersecurity deficiencies identified in last year's audit.

- (1) Why is the Premier's government failing to treat cybersecurity threats seriously enough to ensure that it is protecting people's personal data and the integrity of the agency computer systems?
- (2) If he believes that he is treating this issue with the required seriousness, how can we see a doubling of the number of agencies with cybersecurity-related financial audit findings and half of all previous findings still unresolved in the past year?

Mr M. McGOWAN replied:

I thank the member for the question.

- (1)–(2) Obviously, cybersecurity is increasingly becoming an issue around the world. Indeed, we saw some major breaches by significant Australian companies in recent months. In particular, Optus and Medibank, amongst others, had some significant breaches. It is an issue that will continue to impact both the private and public sectors in Australia and around the world. We are not immune to that. We are not alone in having to deal with that, but we do take the risk seriously. We have been putting in place a range of measures to help us to deal with that. The Auditor General has acknowledged the efforts the government is making to mitigate the risks. Indeed, she said in her report yesterday, "I also acknowledge the hard work being done by staff and leaders across state government" to deal with those matters.

We established the first cybersecurity policy and we established the cybersecurity operations centre in 2020, and 62 agencies are already connected to that. A directive was issued earlier this year to all entities to further cybersecurity preparedness, and we established the \$900 million digital capability fund to assist public sector entities on a competitive basis to improve their cybersecurity and IT systems across government. That is \$900 million that we have announced in the course of the last year or so. I quote what the Auditor General had to say about that —

While the full value of this investment will take many years to realise, the enhancements are essential and it is pleasing that a number of entities have already accessed funding ...

The Auditor General's report further found that there has been no proven misuse of health information, court proceedings, prisoner information or child protection information. We take the matter extremely seriously. There have been some significant improvements on what was in place during the last government and a range of policy changes and also a huge amount of investment into this important area.

CYBERSECURITY — GOVERNMENT AGENCIES

191. **Dr D.J. HONEY to the Premier:**

I have a supplementary question. After six years in government, if the Premier is taking this seriously enough, how are we seeing so many fundamental system failures?

Mr M. McGOWAN replied:

I just outlined to the member that there has been no evidence of misuse of health information, court proceedings, prisoner information or child protection information. Secondly, I outlined to him that we have announced \$900 million in two tranches—I think the first was \$500 million and then another \$400 million—for agencies across government to enhance their cybersecurity and invest in IT systems. It is the biggest investment in IT in the history of Western Australian governments. Thirdly, we announced and established the cybersecurity operations centre two years ago, and 62 agencies have connected. Considering the member referred to the last government, under the former Liberal–National government, more than 60 per cent of entities failed to meet IT and cybersecurity benchmarks. This year, 66 per cent of entities met information security framework benchmarks. It is a higher level of compliance than before in relation to these matters.

Obviously, it requires continuous improvement and continuous vigilance. We are not alone. The member makes out like this is a Western Australian government issue. We are not alone; the whole world goes through this. Basically, every country, every business and every government is going through it. Frankly, it is incredibly naive to think that somehow we are unique in this. Every government and every business goes through it. Businesses that are essentially IT businesses like Optus have been hacked and huge amounts of information have been released. Other organisations have been attacked, because this is the sort of thing that people and organisations out there do all day. The main thing is that we are investing and we are taking action to deal with it, and there have been some significant improvements.

TRANSPORT INFRASTRUCTURE — RECYCLED MATERIALS

192. Mr D.R. MICHAEL to the Minister for Transport:

I refer to the McGowan Labor government's record investment in transformational road and rail infrastructure across Western Australia.

- (1) Can the minister advise the house how the government is embracing sustainability in the delivery of these projects, including through the use of recycled materials?
- (2) Can the minister advise what this means for our environment and the budget bottom line?

Ms R. SAFFIOTI replied:

I thank the member for the question.

- (1)–(2) Of course, we are spending a record amount on infrastructure throughout the state—a record program of transport infrastructure. But we also are coupling that with a record amount of recycling of materials across the state. A lot of the new roads that people are driving on and the new rail lines that they will be travelling on include a lot of recycled material. Over the past three years, Main Roads has used over 4.6 million tonnes of recycled or re-used material across the state. This includes crushed recycled concrete produced from concrete and demolition waste. In fact—I like this story because it demonstrates exactly what can be done with recycled material—about 98 per cent of the concrete from the two-tier and three-tier football stands at Subiaco Oval and the old hospital was re-used in the Kwinana Freeway base, which is incredible. If we think about it, when travelling along that road, we are travelling on the area that we used to sit in while watching our favourite team play on the weekends. It is incredible.

Dr A.D. Buti: South Fremantle winning the grand final.

Ms R. SAFFIOTI: If South Fremantle win the grand final. The Dockers are doing well.

It also helps produce a better outcome. For the Morley–Ellenbrook line, we are set to use over 21 000 tonnes of crushed recycled concrete in our busways, roads and car parks. Recycled plastic is being used in noise walls for the Thornlie–Cockburn Link and the Byford rail extension. In particular, we believe that using recycled plastic in noise walls has a huge future. We are testing and trialling that because we believe that re-using that type of material for noise walls will be very effective in using some of our unused or recycled plastic. We also re-used crushed glass in some of the areas adjacent to our rail lines. Main Roads has also supported the establishment of three recycling factories for crushed rubber. Crushed rubber is being used by local governments and, of course, the state government in all of its infrastructure program. We see this as having massive potential to continue to reduce waste, not only for government projects, but also for all private sector projects, and we are working with the Minister for Environment to see how we can support the use of recycled rubber and concrete in particular in many of our projects across the state.

HIGHGATE PRIMARY SCHOOL

193. Mr P.J. RUNDLE to the Minister for Education:

I refer to the rapid increase in the enrolment numbers at Highgate Primary School, which have increased from 567 to 930 over the past five years, and to the real issue of overcrowding impacting the school community. Given the

\$13 billion in budget surpluses over the past three years of this government, and the previous identification of new school sites by the Department of Education, when and where will the government build a new school to alleviate the pressures on the staff and students at Highgate Primary?

Dr A.D. BUTI replied:

I believe the member paid a visit to Highgate Primary School during the week, and he would have seen what a fantastic school it is and how the principal —

Mr P.J. Rundle: Yes, and it's very overcrowded.

Dr A.D. BUTI: The principal spoke very highly of the local member and the government when I went for my visit, and I assume he did the same to the member. Did he say to the member what a great job the government is doing? Did he tell the member that?

Several members interjected.

Dr A.D. BUTI: Since 2017 the state government has invested \$1.8 million on various infrastructure upgrades at Highgate Primary School, with an additional \$50 000 for high-priority maintenance works, and another \$1 million for transportable accommodation to support the increasing enrolments at the school. We also secured 785 square metres of extra land, which I am sure the member would have seen, that has been used by the school since 2022. The Department of Education recently had a meeting with the City of Vincent to look at potential options for shared use of open space.

The Department of Education has been actively involved in monitoring the enrolment growth in that area, and plans are well advanced for preparation of a business case to address the enrolment pressures at Highgate Primary School. The local member for Perth has been a strong advocate in that space for a number of years. We are progressing the issue of an inner-city or CBD primary school, but it is an incredibly important decision to make. There are significant issues and challenges when we build a new school in the inner city, whether that be traffic management, contamination, suitable ground conditions et cetera. I can assure the member that we are well advanced in looking at building another school in the area, and, as I have just said, we have spent significant amounts of money and investment in Highgate Primary, as the member would know from his visit.

With regard to the issue of toilets, the member would know that there is a sufficient number of toilets at Highgate Primary. The issue is that an additional building has been put in and that has resulted in some toilets being used more than others. The department, the local member, the Minister for Planning and I, and the whole of government, are working very carefully and methodically and are looking at when we will be able to make an announcement about a possible new inner-city primary school.

HIGHGATE PRIMARY SCHOOL

194. Mr P.J. RUNDLE to the Minister for Education:

I have a supplementary question. I note the minister's comments on the business case. When will the minister and the local member take accountability and responsibility, stop kicking the can down the road and give the local school community some time lines?

Dr A.D. BUTI replied:

The member does not understand that we are a mature grown-up government. We are not like the Colin Barnett–National Party government that just made decisions on the spur of the moment and ruined the finances of this state. We are not like the former government, where part of that government, the three National Party members, walked out of cabinet when they did not agree with a decision. We are a disciplined and mature government that is developing a business case. That is what we should do, member. We develop business cases to present the facts and to work out what the costs will be, and to then get approval to proceed. That is what we are doing.

Ms M.J. Davies interjected.

Dr A.D. BUTI: The member for Central Wheatbelt should not get into this space, because she was one of those three ministers who had no discipline and believed that they could walk out when they did not agree with a decision, which trashed the whole Westminster protocol. One thing about National Party members is that they have no discipline. They think they should take all the benefits, but without the discipline and hardship. They are the most sectarian, agrarian and socialist party ever known in Australian political history.

SCHOOLS — SUSTAINABLE ENERGY

195. Mr M.J. FOLKARD to the Minister for Education:

I refer to the initiatives —

Several members interjected.

The DEPUTY SPEAKER: Member for Burns Beach, just hang on for two seconds. Has the opposition finished? Thank you. Carry on, member.

Mr M.J. FOLKARD: I refer to the initiatives implemented by the McGowan Labor government to support Western Australia's transition to net zero.

- (1) Can the minister update the house on how this government is assisting Western Australia's public schools to become more energy efficient through the use of renewable sources?
- (2) Can the minister advise the house how the use of cleaner and sustainable energy sources in our schools will provide opportunities for students to learn about the importance of sustainability?

Dr A.D. BUTI replied:

I thank the member for his very important question. Before I answer it, the Premier talked about the list of forthcoming sporting and cultural events. I would like to add one—the 2023 Australian Rowing Championships, which will take place at the world-class Champion Lakes Regatta Centre in my neck of the woods from 27 March to 2 April, so members should get down there if they possibly can.

- (1)–(2) The McGowan government is very committed to creating a cleaner and more sustainable energy source for our public schools. The public school system has a very important role to play in ensuring that we do our part in dealing with climate change and creating a cleaner and more sustainable energy network. I would like to thank the Minister for Environment; Climate Action for working very closely with us on that. In 2021, the McGowan government launched the four-year \$44.6 million schools clean energy technology fund for the installation of solar panels and virtual power plants at public schools across the state. The Minister for Energy is obviously very important in this role as well. The fund was created to provide clean energy solutions for Western Australian public schools and help schools save on their energy bills.

I am very proud to let the chamber know that last week, the McGowan government announced the opening of round 3 of the fund, which will continue to focus on increasing energy efficiencies in our public schools. It will be a two-stage approach. This round will focus on the installation of more efficient technologies like LED lighting and upgrades and will continue to help schools save on their energy bills and assist in reducing carbon emissions. The fund so far has been a spectacular success. It aims to reduce carbon emissions, provide learning opportunities for students and teachers, and enable them to acquire new skills in STEM, and obtain the benefits of a renewable energy market and new technologies.

The first round of the fund resulted in 84 schools receiving solar panels. The government's 2023 investment in this program will result in the installation of the solar program in 28 schools in the Kimberley and Pilbara regions. Under round 2, 96 schools were awarded funding for a new solar system or to extend the solar coverage of existing systems. In round 3, eligible schools will receive a customised sustainability tool that will assist staff to better manage energy use and reduce carbon emissions. Installed solar systems will typically account for 25 per cent to 30 per cent of a school's electricity use and will reduce energy costs, saving schools more to spend on quality education. Eligible schools are encouraged to apply to help address energy consumption costs, and I encourage all members to reach out to their local schools. The schools clean energy technology fund will continue to deliver on the McGowan government's commitment to a cleaner, greener renewable energy and low carbon future for Western Australia.

ELECTRICITY SUPPLY — MIDWEST

196. Mr R.S. LOVE to the Minister for Energy:

I refer to the more than 24 000 residents of the midwest who awoke to six hours without power on Tuesday, 14 March, and again for seven hours on the following Friday and the failing of backup systems in towns such as Dongara.

- (1) Does the minister now concede that his blackout review has failed to improve the power supplies to these communities?
- (2) Will the minister conduct a review of this blackout to ensure such a preventable event does not occur again?

Mr W.J. JOHNSTON replied:

- (1)–(2) I am pleased to answer these questions. I begin by apologising to all the residents impacted by these two outages. It is clearly not acceptable and very difficult when the power is out. Therefore, I apologise for that, but it is also important to understand why it occurred. On 14 March, Western Power was conducting planned improvements to the transmission system, and therefore islanded the area north of Three Springs so that it was not connected to the larger grid at the time. It was being operated from the Mungarra power station. The electricity being used north of Three Springs was not coming, as normal, from the south west of the state but rather from the Mungarra power station. This is why the member for Cottesloe was so wrong the other day when he said that there was a problem getting the power station to start; in fact, the station was running. Unfortunately, a privately owned wind farm had a fault. That fault had nothing to do with the operations of Western Power, nor did it have anything to do with the operations of Synergy.

Unfortunately, that fault caused the Mungarra power station to trip off. The system had been isolated because of the need to do the improvement works to make the system more reliable. The backup generator was in use but unfortunately this privately owned power station caused a problem that led to the backup power station ceasing to operate. That is how we could not reconnect the backup power station—because it was already in use. I know that this is of no benefit to the community because they still suffered from that outage but I think it is important for people to understand that it did not relate to anything under the control of either Western Power or Synergy.

On 17 March, Western Power went back to do the works to improve the reliability of the system north of Three Springs. Unfortunately, a separate problem occurred. What happened was, even though the privately owned wind farm was not connected to the broader grid and therefore should not have been called into action, the Australian Energy Market Operator sent an instruction to Walkaway wind farm to restart. Unfortunately, because electricity must be in balance all the time and because the system at that time again was being supplied by the Mungarra power station, when Walkaway power station restarted under the instructions of the Australian Energy Market Operator, it meant there was an overpower situation. As a security measure, as it is supposed to do, the system shutdown. The reason it is supposed to do that is it is very dangerous and there can be electrocutions and other problems if an oversupply of electricity into the system is allowed. Again, it is one of these unfortunate situations, not because of anything Western Power did and not because of anything Synergy did but because of other people, there was a problem in the system.

Of course, if you are without power, none of this makes a difference, but the point I make to the community is very important. The government is investing millions of dollars to assist people in this area. We are spending over \$5 000 on average for each of the connections north of Eneabba because we know we can do better and that is what we are doing.

ELECTRICITY SUPPLY — MIDWEST

197. Mr R.S. LOVE to the Minister for Energy:

I have a supplementary question. Will the minister apologise to the people of the midwest for his systemic failure to provide power?

Several members interjected.

The DEPUTY SPEAKER: Hello, members!

Several members interjected.

The DEPUTY SPEAKER: Members! There is only one Minister for Energy in this place and he is about to respond.

Mr W.J. JOHNSTON replied:

I started my answer by doing that. I also made the point that I understand that when people are without power in modern society, it is never convenient. I will also make the point here that it is important for members of Parliament to be honest with their own constituents. Whether it is the member for Cottesloe who falsely claimed there was an outage in his electorate caused by Western Power when he knew it was a private power pole or whether it is any other member blaming Western Power for problems that were not related to the equipment or systems of Western Power, that is not good enough. The community will get better supply only when Western Power does things like it was doing on 14 and 17 March—trying to spend money on improving the systems, like it has done for the people of that area and is now doing even more in the area. It is interesting that the microgrid in Kalbarri worked, and the people of Kalbarri were able to be kept on. The battery in Mullewa performed properly and the people of Mullewa were able to be supported. However, of course, the battery in Mullewa is not a solution of itself. You still need generation.

Again, when commercial businesses go to the wheatbelt and say, “The solution to your power problems is to put a battery in”, they are being sold a false dawn. Again, we understand how difficult it is to supply electricity to these parts of the state for particular reasons. Every time I go and visit these communities, people say the same thing: “We have never had reliable power.” I understand that. That is why we are investing money in making the system better. We still have more work to do, but the community knows, under the leadership of Mark McGowan, this government is doing what it can to improve Western Australia.

MARNINWARNTIKURA WOMEN’S RESOURCE CENTRE — FITZROY CROSSING

198. Mrs J.M.C. STOJKOVSKI to the Minister for Mental Health:

I ask my question on behalf of the member for Kimberley who is not able to be in the chamber at this time. I refer to the McGowan Labor government’s commitment to improving social and emotional wellbeing for Aboriginal people in Western Australia.

- (1) Can the minister update the house on the progress to improve mental health services for young people in regional communities such as those in Fitzroy Valley?

- (2) Can the minister advise the house how the delivery of health services in partnership with Aboriginal community-controlled organisations allows for better connections with Aboriginal culture?

Ms A. SANDERSON replied:

- (1)–(2) I thank the member for Kingsley for her question on behalf of the member for Kimberley. I want to acknowledge the member for Kimberley’s advocacy and connection to her community. In particular, we went last year to visit Marninwarntikura Women’s Resource Centre in Fitzroy and met with people there. It is an organisation that is highly regarded and has been led by successive strong female leaders, including June Oscar and Emily Carter, the current chief executive. They are a strong and powerful voice for women, certainly in Fitzroy. The work they are doing at the moment includes partnering with the University of Sydney to conduct groundbreaking research into foetal alcohol spectrum disorder and the impact of intergenerational trauma through the Lililwan Project and the follow-up Bigiswun project.

We know that a high proportion of young people in Fitzroy have experienced trauma in their early lives, and they also live with neurodevelopmental disabilities. We understand the lack of assessment and services that are available in those remote communities. As a result, too many young people in the community have symptoms of anxiety and depression and suicidal ideation. They have simply not been able to move out of those symptoms and achieve their goals. We heard loud and clear from Emily herself that young people in Fitzroy want access close to where they live to improved services that are culturally safe, including mental health, emotional and social wellbeing support. We also heard that in order for this to be successful, it has to be driven by the community for the local community. That is why I am pleased to say that Marninwarntikura Women’s Resource Centre has received \$835 000 to deliver more services to young Aboriginal people. Informed by Aboriginal people and extensive research conducted in partnership with the community, this model is new and it will provide opportunities for cultural connection and create an environment that enables young people living in Fitzroy to heal, be healthy and be supported to achieve their goals.

The pilot will bring a combination of cultural and clinical expertise in the facilitation of referrals. MWRC has a clinical neuropsychologist onsite and it will provide a culturally safe and place-based assessment of cognitive disorders. These are practical supports to assist young people to navigate the cultural, systemic and language barriers that prevent them from accessing broader government and health services. These are critical to providing positive functioning and wellbeing for these young people.

A range of activities in this program are co-led by young people. These activities foster empowerment and provide opportunity and connection with culture to heal on country. Connecting vulnerable people with services that consider the unique cultural, linguistic and geographic context of the Kimberley region serves to protect and promote their social and emotional wellbeing. As the Minister for Mental Health, I am committed to working with Aboriginal people and Aboriginal-controlled organisations to co-design and support services that are led and delivered by them.

The DEPUTY SPEAKER: The member for Central Wheatbelt with the last question.

ABORIGINAL CULTURAL HERITAGE ACT — REGULATIONS

199. Ms M.J. DAVIES to the Minister for Aboriginal Affairs:

I refer to the Aboriginal Cultural Heritage Act.

- (1) Is the commencement date still expected to be 1 July 2023?
- (2) Given the government’s own deadline of February 2023 for the release of regulations and guidelines has now passed, when will they be released?
- (3) How much, if any, of the \$10 million committed to establishing local Aboriginal cultural heritage services in advance of the commencement of the bill has been allocated?

Dr A.D. BUTI replied:

- (1) Yes, 1 July is the commencement date.
- (2) Most of the regulations are ready, but some are still outstanding. I have not been able to gazette them at this stage.
- (3) In regard to the \$10 million investment, the first round of applications went out. It has been taken up by some of the local Aboriginal cultural heritage services. There will be more forthcoming as time proceeds to 1 July.

ABORIGINAL CULTURAL HERITAGE ACT — REGULATIONS

200. Ms M.J. DAVIES to the Minister for Aboriginal Affairs:

I have a supplementary question. Can the minister please provide a time line, given stakeholders are keen to make sure that they are ready for the commencement date, for the release of the regulations; and, if not today, when?

Dr A.D. BUTI replied:

There has been nonstop consultation for the last few years, from the time it was envisaged that we would have a new Aboriginal Cultural Heritage Act. The regulation is a co-design process. There has been an extensive and exhaustive consultation with all stakeholders, Aboriginal and non-Aboriginal—resources, farming, pastoralists and so forth. With regard to the regulations, there will be a targeted consultation before the commencement of the act on 1 July.

The DEPUTY SPEAKER: That concludes question time.

**GOLD CORPORATION — REVIEW
GOLD CORPORATION — PERTH MINT GOLD TOKENS**

Questions without Notice 164 and 183 — Supplementary Information

MR W.J. JOHNSTON (Cannington — Minister for Mines and Petroleum) [2.52 pm]: I rise under standing order 82A to add to answers.

I undertook to the Leader of the Opposition to name the consultant that was assisting with the work at the Perth Mint on the review. The business name is Oliver Wyman. I highlight that it continues to engage with us, but there may well be other consultants used as well.

I also undertook to the Leader of the Opposition to get back with the dates on the discontinuance of GoldPass. The enterprise risk committee of the Perth Mint decided to exit GoldPass on 2 December 2021. The Perth Mint advised Trovio on 25 January 2022. At the board meeting on 23 February 2022, the board noted the advice that had been given to Trovio on 25 January.

McGOWAN GOVERNMENT — TRANSPARENCY

Standing Orders Suspension — Motion

MR R.S. LOVE (Moore — Leader of the Opposition) [2.53 pm] — without notice: I move —

That so much of standing orders be suspended as is necessary to enable the following motion to be debated forthwith —

That this house condemns the McGowan Labor government for its history of targeting whistleblowers and complete disregard for transparency in government.

I understand that there has been discussion with the government and an agreement has been reached.

Standing Orders Suspension — Amendment to Motion

On motion by **Mr D.A. Templeman (Leader of the House)**, resolved —

To insert after “forthwith” —

, subject to the debate being limited to 10 minutes for government members and 10 minutes for non-government members

Standing Orders Suspension — Motion, as Amended

The DEPUTY SPEAKER: As this is a motion without notice to suspend standing orders, there will need to be an absolute majority in order for it to succeed. If I hear a dissenting voice, I will be required to divide the Assembly.

Question put and passed with an absolute majority.

Motion

MR R.S. LOVE (Moore — Leader of the Opposition) [2.55 pm]: I move the motion. I started question time today with a question to the Premier. The Premier seemed to be unaware of some of the discussions that took place in Parliament yesterday, so I am going to give the background for the benefit of the house and the Premier. I will be quoting from an article that was written by Josh Zimmerman. It was put out at 4.20 pm yesterday and is titled “Perth Mint: Mines Minister Bill Johnston’s claims about gold-doping exposé stoke furore”. That is quite a mouthful! It states —

Mines Minister Bill Johnston has told Parliament the author of a Perth Mint report that formed the basis of an ABC Four Corners episode exposing gold-doping at the refinery was terminated from her role —

Several members interjected.

The DEPUTY SPEAKER: Sorry, Leader of the Opposition, just wait. Excuse me, members, can we take it down a couple of tones. I think Hansard is having a bit of trouble hearing what is actually being said.

Mr R.S. LOVE: The article continues —

because of a failure to ensure compliance with financial regulations.

The comment—protected from legal repercussions by parliamentary privilege—came as Mr Johnston continued to talk down the significance of the gold dilution, an issue Premier Mark McGowan was last week caught on microphone labelling a “storm in a ... teacup”.

Responding to a question from —

Me —

... about the Mint’s now defunct gold-doping program, Mr Johnston said the bombshell report underpinning much of the Four Corners exposé was “never provided to the board or to me”.

“Now I’m not going to speculate on who gave that to Four Corners,” he said.

“And the fact that the author of the report was subsequently terminated because of her failure to implement the changes (required by the Anti-money Laundering and Counter-Terrorism Financing Act) I’m sure is not related to the story given to the ABC.”

They were weasel words to say that that is the person he believes gave the report to the ABC. They are complete weasel words from the minister, who has actually used parliamentary privilege—a privilege that does not exist for that individual—to identify that individual. Everybody who has worked at Gold Corporation and people who are in the gold industry will know exactly who that individual is. I expect that the journalist had already worked out who the person is that the minister was referring to at the time he wrote that article. This was out in the press within an hour. It has not escaped publicity. It is known and will be known across the community and the country that this person has been implicated in providing *Four Corners* with that information and report.

That is particularly worrying, given the onerous legal structure that exists around Gold Corporation. First of all, Gold Corporation is not considered to be part of the public service under the Public Sector Management Act. That is clearly laid out in section 68(4) of the Gold Corporation Act. The provisions of the Public Sector Management Act do not apply to Gold Corporation. Under the Industrial Relations Act 1979, Gold Corporation is not considered a public authority. There is a range of penalties in sections 71 to 75, which include anything from one to five years’ imprisonment, substantial fines and potential reparations for anybody who comes under that legislation.

This person is being put in a very difficult position by a desperate, worn-out minister who is, again, trying to throw somebody under the bus.

Several members interjected.

Mr R.S. LOVE: Today in question time, when I asked the minister about the situation with power in the midwest, he threw everybody under the bus except himself. Everybody else was to blame for there being no power in the midwest except this minister. He throws everybody under the bus. He has thrown this person under the bus, just as he would throw the Minister for Education under the bus if it would save his skin. He has used this place in a way that was, in my view, quite cowardly in not naming, but clearly implicating, this individual in this way. I believe that he should be called to account for that. This is part of a continuing pattern that we see when government members are questioned. They do not like it and they respond by attacking and not providing information. I asked the Premier today whether he thought what had happened was appropriate. Fair enough, the Premier had not been briefed on this issue and did not know what the question was about, but there was an opportunity for the Premier to say that he would look into it and get back to me. Instead, he attacked the opposition for raising issues in this house. He attacked me for raising issues about the potential for the situation at the Mint to have enabled money laundering. I have not accused anybody at Perth Mint of any such thing. What I have done is set out that failing to comply with the requirements of a federal law would potentially enable money laundering.

Several members interjected.

The ACTING SPEAKER: Members!

Ms R. Saffioti interjected.

The ACTING SPEAKER: Minister for Transport!

Mr R.S. LOVE: That is what I have said. You have attacked me for doing what is the role of opposition—to hold the government to account, to ensure that —

Point of Order

Ms L. METTAM: We cannot hear the debate because of the constant interjections.

The ACTING SPEAKER (Mr D.A.E. Scaife): There is no point of order, because I am satisfied that the interjections were part of some willing debate, but I do hope that we can get through the rest of the Leader of the Opposition’s contribution in silence.

Debate Resumed

Mr R.S. LOVE: Thank you, Acting Speaker.

Time is moving on very quickly. I move on to a situation that we saw with this same minister when he was named as a person who had been unable to deal with the situation at Banksia Hill Detention Centre. He was singled out by an eminent Western Australian, Fiona Stanley, who made some comments on 29 November 2022 about the situation at Banksia Hill. Professor Stanley singled out Johnston and the then Minister for Community Services, Simone McGurk, for responses they gave to questions during the meeting. What did we see happen? He came into Parliament and said that he will get legal advice to attack one of the most eminent Western Australians that we have ever had. A hospital is named after her; it is down the freeway. I doubt there will be a hospital named after the Minister for Mines and Petroleum at any time in the future. What was his reaction to that? He threw her under the bus, just as he throws everybody under the bus—just as this government refuses to be transparent and accountable.

MS L. METTAM (Vasse — Leader of the Liberal Party) [3.02 pm]: I rise to support this worthy motion. The opposition is outraged by the actions of the McGowan government since the airing of the *Four Corners* investigation into Perth Mint. It has failed in being able to provide proper transparency, and, as a result, the Perth Mint's reputation is in tatters. This government stooped to a new low yesterday, when it used parliamentary privilege to accuse a public servant of leaking confidential information to ABC's *Four Corners* program. The minister identified an alleged scapegoat who cannot defend themselves, tarnishing their reputation and exposing them to public scrutiny.

The government's choice to identify an alleged scapegoat is not surprising. It is straight out of this government's playbook. We know that this could have significantly damaging ramifications. We recently saw a situation with a Department of Education participation coordinator, a dedicated public servant, who had exposed issues of significant truancy and issues within the department at Halls Creek District High School, and, as a result, the Department of Education referred the leak to police, which searched Mr Burston's home. They charged him, but he was ultimately cleared of any wrongdoing. This is straight out of the McGowan government's playbook. These issues have significant implications.

The Labor Party has a history of doing this. This lack of transparency and accountability can have tragic consequences as well. Who can forget the tragic case of Penny Easton, a Perth lawyer who committed suicide in 1992 after a petition containing false allegations about her Family Court case was tabled in the Western Australian Parliament under Dr Carmen Lawrence when she was Premier? The McGowan government has failed time and time again to be transparent with the WA public, and this approach of attacking public servants who cannot defend themselves can have tragic consequences. It was made very clear in the media. It is very clear to this individual's colleagues, and her reputation has been tarnished and she cannot defend herself.

MR M. McGOWAN (Rockingham — Premier) [3.05 pm]: The government will not be supporting this motion. I do not know to whom members opposite are referring, but they are obviously very sensitive about this issue for some reason. Maybe the opposition can explain that. I note some of their questions in relation to Gold Corporation going back to last year—a whole range of detailed questions that indicates they had some information about the matters they are now talking about. Opposition members obviously had considerable information. If the Leader of the Opposition wants to be transparent, perhaps he can tell us where it came from. His motion is about transparency. Where did your information come from?

Mr R.S. Love: Which questions are you asking about?

Mr M. McGOWAN: I have one here from 1 December 2022—a four-part question with about 15 subparagraphs. We were able to provide a three-page answer to the Leader of the Opposition on various aspects of those matters, including on the Australian Transaction Reports and Analysis Centre, GoldPass and all those sorts of things. Obviously, this question came about because of something. Questions do not just magic themselves out of thin air. If you want to be transparent, where did your information come from?

Mr R.S. Love: Freedom of information requests, questions to the minister —

The ACTING SPEAKER: Leader of the Opposition!

Mr M. McGOWAN: No, you are talking about transparency, but you do not indicate where your information came from, which is hypocrisy writ large.

In any event, in relation to the Leader of the Opposition's points about transparency, it is a common drumbeat: in opposition you just say it. You will just say these things in the hope someone will pick it up, write a story and it will be in a headline.

Ms L. Mettam interjected.

The ACTING SPEAKER: Member for Vasse.

Mr M. McGOWAN: I am asking you where your information came from; it is actually a specific question. That is what it was, but you do not reveal.

Several members interjected.

Mr M. McGOWAN: Do you want to be transparent? I am asking you a simple question. Why are you so sensitive about this matter?

Dr D.J. Honey: We know what happens to whistleblowers.

The ACTING SPEAKER: Member for Cottesloe, the Premier has the call.

Mr M. McGOWAN: There are a couple of things to indicate. The opposition talks about transparency. Just today, this house passed our government trading enterprise legislation, which the opposition said is an enhancement to transparency. Every other state has it. The opposition was in government for eight and a half years and it did not do it, and we have enhanced transparency with the government trading enterprise legislation that we passed through this house and expect to pass through the upper house shortly.

Mr R.S. Love: You did not bring the Gold Corporation into that, did you?

The ACTING SPEAKER: Member!

Mr M. McGOWAN: We will. There are about eight to 12 GTEs as part of its first phase, but it is an accountability and transparency initiative.

Late last year, we passed through Parliament the new Auditor General legislation, which gives the Auditor General access to cabinet documents for the first time ever. These are two significant pieces of legislation to enhance transparency in Western Australia. They are landmark reforms, both of which will enhance transparency. I realise that when we enhance transparency, it does not get a word in the media because it does not suit the narrative or the opposition's narrative, but that is the fact. Both of them are major landmark pieces of legislation that will achieve both of those outcomes.

I also note that our changes to the way that government trading enterprises report in the budget enhanced transparency. We did that two years ago. I quote no less than the former Leader of the Opposition, the member for Central Wheatbelt, on 14 March 2023. She said —

I compliment the government for the changes in the budget estimates reporting of the Water Corporation to make it more transparent. When we were in government, I found the ... process to be a very strange way to report. Again, if we seek to improve accountability mechanisms, that is one thing this government can take credit for. In the estimates process, instead of just a one-line entry with very little detail, people will see more information in the budget papers and the information will be available through annual reports.

They are three major measures to enhance transparency: the new government trading enterprises legislation, the reforms to the Auditor General Act and our reporting of government trading enterprises in the budget. They are massive improvements in transparency for the people of Western Australia, the press, anyone who wants to look at government accounts, the Auditor General's access to information, government trading enterprise reporting to government and all the processes of transparency we were referring to earlier today. If the opposition wants to talk about transparency in government, all of those things are massive improvements in transparency, and we are happy to talk about it any day because that is what we have done. I do not recall any of that under the last government—none of that. There were no improvements to transparency. There was no effort whatsoever to improve transparency of government. These are landmark reforms—three of the major reforms that we have achieved in government. If we want to talk about transparency, we can talk about it any day of the week.

MR W.J. JOHNSTON (Cannington — Minister for Mines and Petroleum) [3.10 pm]: The Leader of the Opposition has this problem that he never remembers what he says. We pointed out to him that the other day in the matter of public interest debate he accused the government. He did not say he wanted to find out whether there had been illegal conduct. He said these things. These are my notes of what he said. He said, "That is what it means to fail to act according to law." He did not say, "I want to hold you to account"; his allegation was that we had broken the law. He said that the government "was involved in serious criminal matters", and he also said, "It is a criminal matter." They were the direct quotes from the Leader of the Opposition. But today the Leader of the Opposition wants to rewrite *Hansard* and what he said in the past by saying, "No, I didn't say that. I didn't accuse you of criminal behaviour, I accused you of not being aware of whether there was criminal behaviour." That is not what the Leader of the Opposition said. He said we were involved in criminal conduct, and that is unacceptable behaviour from the Leader of the Opposition. I know he is inexperienced at the job, but that does not give him an excuse.

The Leader of the Opposition also talked about investigating our own. I remind the Leader of the Opposition that in 2015, just as an example, the former government spent almost \$1 million investigating its own staff, hiring private investigators. It did not meet the requirements of the law to refer a matter to the police through the Public Sector Commission; instead, it hired private investigators to investigate those individuals and whether they had leaked to the media. That is what the former government did. We have not done that ever.

Let us get to the heart of this issue. A report was written by an executive at Perth Mint. The report said that the Mint would have to buy back 100 tonnes of gold at the cost of \$9 billion. That report went to the CEO; the CEO said it was not a good report and did not hand it to the board. At a later date, that report was leaked to *Four Corners*.

Four Corners accurately reported and said what was in the report. But other media businesses have reported that statement in the original report written for the CEO as if it was a fact. It was never a fact. I have made the observation on a number of occasions that there was never this \$9 billion question in front of the government. The debate last week in this chamber, when the opposition was attacking the Premier on this question of Gold Corporation, was based on the idea that there was \$9 billion at risk. That was never true. There was never \$9 billion at risk. When I was referencing the report, I pointed that out. I had to contextualise the report because the report was used as the basis of the claim that we had to buy back 100 tonnes of gold. I could not refer to the claim without referring to the report. Then I pointed out, accurately, that the person who authored the report that was rejected by the CEO, that was not given to the board and that I did not know about, which the new CEO had to dig out of the archive to read after the *Four Corners* report talked about it, was subsequently terminated because they were the person in charge of the anti-money laundering and counterterrorism financing work that was not being done satisfactorily. They are just statements of fact. I do not understand why the opposition gets upset about facts.

In question time, the opposition then accused me of not taking responsibility for Western Power. The opposition said I was blaming everybody else. I went through and explained in technical detail what had happened on 14 and 17 March. I explained that in technical detail, and I am sure many people were bored by the end of my answer. I provided a comprehensive, accurate, detailed answer and was then accused of blaming somebody else. All I did with that answer was say what occurred. I do not understand. This is the problem with the Leader of the Opposition; this is why he will never be Premier. I know he wants to be Premier and I know he thinks he can become Premier without doing any work, but he has to be up to the job and he is clearly not. That is the difference between this side of the chamber and that side. We have a Premier who puts the interests of Western Australians first and whose every decision is about making Western Australia a better place to live. On this side of the chamber, we all know there is more work to be done, but we are not afraid to do the work.

Division

Question put and a division taken, the Acting Speaker (Mr D.A.E. Scaife) casting his vote with the noes, with the following result —

Ayes (6)

Ms M.J. Davies	Mr R.S. Love	Mr P.J. Rundle
Dr D.J. Honey	Ms L. Mettam	Ms M. Beard (<i>Teller</i>)

Noes (39)

Mr S.N. Aubrey	Mr T.J. Healy	Mr D.R. Michael	Mr D.A.E. Scaife
Mr G. Baker	Mr M. Hughes	Mr K.J.J. Michel	Ms J.J. Shaw
Dr A.D. Buti	Mr W.J. Johnston	Mr S.A. Millman	Mrs J.M.C. Stojkovski
Mr J.N. Carey	Mr H.T. Jones	Ms L.A. Munday	Dr K. Stratton
Mrs R.M.J. Clarke	Mr D.J. Kelly	Mrs L.M. O'Malley	Mr D.A. Templeman
Ms C.M. Collins	Ms E.J. Kelsbie	Mr P. Papalia	Mr P.C. Tinley
Mr M.J. Folkard	Dr J. Krishnan	Mr S.J. Price	Ms C.M. Tonkin
Ms K.E. Giddens	Mr P. Lilburne	Mr J.R. Quigley	Mr R.R. Whitby
Ms E.L. Hamilton	Mr M. McGowan	Ms R. Saffioti	Ms C.M. Rowe (<i>Teller</i>)
Ms M.J. Hammat	Ms S.F. McGurk	Ms A. Sanderson	

Question thus negatived.

LOCAL GOVERNMENT AMENDMENT BILL 2023

Consideration in Detail

Resumed from an earlier stage of the sitting.

Clause 8: Section 2.2A inserted —

Debate was interrupted after the clause had been partly considered.

Clause put and passed.

Clauses 9 to 12 put and passed.

Clause 13: Section 2.17 replaced —

Ms M. BEARD: Proposed section 2.16B(6) refers to five-year intervals. Is this just aligned to the census?

Mr J.N. CAREY: Yes, it is.

Ms M. BEARD: The WA Electoral Commission takes snapshots of voters on a periodic basis, so could this apply at any point in time?

Mr J.N. CAREY: We base it on population, not the voters, and that is determined by the census.

Clause put and passed.

Clauses 14 and 15 put and passed.

Clause 16: Section 2.18A inserted —

Ms M. BEARD: Can the minister explain whether proposed section 2.18A, “Change orders”, will make the provision at clause 8 null and void? Clause 16 will empower the government to make orders as a consequence of a change made by regulations under amendments of the act. Can the minister explain the difference between those two for me?

Mr J.N. CAREY: Proposed subsection (8) relates to the spilling of officers and proposed subsection (7) relates to the removal of wards. Is that what the member was asking?

Ms M. Beard: Yes.

Clause put and passed.**Clause 17: Section 2.19 amended —**

Ms M. BEARD: Clause 17 relates to those eligible to vote in elections. I know the minister is aware that some regional people have an investment property, say, in the city and they may also have one in the metro area and they split their time accordingly. It will be a significant change for people who previously could vote. How many people are likely to be impacted by the restriction on voting, because some people will spend 50 per cent of their time in each location and have a vested interest in the electorate they vote in?

Mr J.N. CAREY: Member for North West Central, I need to make a correction for the record. I misspoke and said that there was a commissioner at Augusta. Of course, it is in fact Donnybrook. I want to put that on the record.

This will not make the change that the member is suggesting. It will not change voting rights; it will deal with sham leases. It will prescribe a time frame. The City of Perth inquiry identified that people were enrolling using a business lease taken out three months before an election to participate in that election. This provision will prescribe 12 months, creating a longer time line to show that there is a legitimate lease in action. This provision will not affect people’s property owning rights to vote. I want to make that clear. If a person lives in, say, Perth but they own a farm in another council, they will still be able to vote if they have enrolled that property; remember that people still have to enrol their property.

Clause put and passed.**Clauses 18 to 20 put and passed.****Clause 21: Section 3.1 amended —**

Ms M. BEARD: Section 3.1 of the act will be amended to include the need for local governments to plan for and mitigate risks associated with climate change. There will also be a need to consider long-term consequences and impacts on future generations. Will this remove these responsibilities from the state? I will explain that with an example that sprang to mind. If there is an issue with coastal erosion in a particular area, would that responsibility be put on the local council, or have I misinterpreted the provision?

Mr J.N. CAREY: Respectfully, this is a principle; so, no, it will not erode the state’s responsibilities. But I also want to acknowledge that the provision reflects the reality that many local governments are making conscious decisions to make plans and policies for mitigating climate change.

Ms M. BEARD: I totally agree and I think they should. I was just trying to work out what will change and what the financial implications and responsibilities will be if the lines change on what might need to happen.

Mr J.N. CAREY: I think putting this out is, again, similar to recognising the interests of Aboriginal people and involving them in decision-making. This is about modernising the act to reflect what local governments are doing right now and as key principles. It is fair to say that more and more local governments are embracing the challenge of climate change. I think the member would acknowledge that all tiers of government are responsible to help mitigate changes.

Clause put and passed.**Clauses 22 to 24 put and passed.****Clause 25: Section 4.8 amended —**

Ms M. BEARD: Proposed section 4.8(1) allows for an extraordinary election for mayors or presidents in the event of a vacancy. Was consideration given to allowing a deputy mayor to automatically take on the role of mayor, alleviating the need for an election and the costs associated, bearing in mind that they would have the skills to potentially step up, and then backfill the other roles?

Mr J.N. CAREY: No, it was not. Respectfully, the election of a mayor can be done differently from a deputy mayor. Someone runs for the office of shire president or mayor directly but a deputy mayor is elected by their peers. They are different methods of election.

Clause put and passed.**Clauses 26 to 37 put and passed.**

Clause 38: Section 4.46A inserted —

Ms M. BEARD: How will tracking which councils still have or may be using electoral roll information be undertaken?

Mr J.N. CAREY: To be very clear, it is the candidate's responsibility to meet those obligations. As the member would be aware, as state candidates we have certain obligations that we must meet. Similarly, that should be expected of a local government candidate.

Ms M. BEARD: With the level of information sharing between the Western Australia Police Force and the Department of Local Government, Sport and Cultural Industries, if a community member has taken out a restraining order, for example, will their details be struck off information for all council candidates?

Mr J.N. CAREY: That is a conscious decision for someone to be a silent enrollee. As the member would be aware, police, journalists and others can apply—as the member has described, someone who may be significantly worried about their safety—to be a silent enrollee, but, obviously, there are some constraints around that. If someone does that on the state roll, it applies to the local government roll.

Ms M. BEARD: Can the CEO of a council or the CEO of the DLGSC determine who is on the roll?

Mr J.N. CAREY: There is a slight difference. As the member would be aware, every state voter is able to vote in local government elections. However, of course, with property owners, that information rests with the local governments. As is the case at the moment, there will be a time frame by which the CEO is obligated to provide that information to the Western Australian Electoral Commission to create the total number of voters for that election.

Clause put and passed.**Clauses 39 to 41 put and passed.****Clause 42: Section 4.52 replaced —**

Ms M. BEARD: The information on candidates to be published has been an issue for some time, particularly residential addresses, for authorisation of materials. For example, candidates who for whatever reason may feel uncomfortable in the past have used other residential addresses. I understand some candidates may have to ask someone else to use their address instead. Is there provision for these people if they want to get around that requirement?

Mr J.N. CAREY: We understand that the member is talking about campaign material. This provision is about the candidate's own nomination process. My understanding, and the advice I have been given, is that it does not require the publication of that person's address.

Ms M. BEARD: But the campaign material does?

Mr J.N. CAREY: Yes.

Clause put and passed.**Clauses 43 to 73 put and passed.****Clause 74: Sections 5.92A to 5.92C inserted —**

Ms M. BEARD: This clause will insert proposed section 5.92A, "Local government to have communications agreement". I know the minister touched on this before. Has a communications plan or default agreement been developed?

Mr J.N. CAREY: That is a good question. We are working on that as we speak. As the member would be aware, we created a working group. We are working with the Western Australian Local Government Association and working through the exact model. I want to put on the record again—I think this is important—I noticed there has been some conspiratorial and, quite frankly, very disappointing social media commentary that in some way this is about seeking to restrict information. That is false. That was never the intention and those allegations are completely and absolutely wrong because we are not changing the part of the act that relates to which information can be accessed. This will be an advantage to councillors. We are trying to prescribe a clear time frame in an agreement for when they can expect information. It will deal with those sorts of issues.

As the member would be aware, part of the key problem we face is that often there is contention between elected officials and a CEO or administration about how information is requested and the time line for information, so we are seeking to resolve that. I note that when someone becomes a minister, they are required to undertake a communications protocol with their agency stipulating similar requirements. It is about ensuring a transparent process for both sides of this information transaction.

Ms M. BEARD: Can the minister advise on the parameters or what a framework of that might look like?

Mr J.N. CAREY: It will say how it is done; as we know, email is often the case. There will be time frames. But also interestingly, it will say who they can contact. Different local governments across Western Australia do different things. Some CEOs demand that it is through the CEO. Other CEOs tell the mayor that they can contact the senior

directors. We will set the template, but there will be nothing to stop the CEO of a local government, if it agrees, from saying, “I am really comfortable that you can email any of the senior leadership— the executive—but you must still register it through a central website so that we can track it.” We are going to create the basic benchmark. I will give the member another example. It is very easy for a mayor to be out and about and suddenly see a senior director and say, “Can you give me that info? I just spoke to a resident and there’s a broken footpath.” The template would probably say to put that down in writing, because the member knows what will happen; if the mayor does not get a response in a week, they will go around and say something. It will be very clear and transparent.

Clause put and passed.

Clauses 75 to 90 put and passed.

Clause 91: Schedules 4.1A and 4.1B inserted —

Ms M. BEARD: This is just a general question for my understanding. If there needs to be a change and someone has to step into a particular role on a council, and it can be backfilled, what will happen if there is a change in the circumstances of that person, such as they have undertaken something that is not seen in the community as being reputable or they have broken the law? Is there a provision to mitigate that?

Mr J.N. CAREY: I really appreciate the question, and I hope the member feels that I am being respectful as part of this process; I always try to be. First of all, if a council is backfilling, someone will have to agree to decide. There will have to be a clear, conscious decision, as the member might have seen in the upper house recently.

Ms M. Beard: That is what prompted my question.

Mr J.N. CAREY: Secondly, it is about eligibility. Whether someone is nominating to backfill a position or is running for general public office, the same eligibility requirements have to apply. As long as they are not disqualified, they will be eligible to run. That is democracy in action.

Clause put and passed.

Clauses 92 to 100 put and passed.

Clause 101: Section 20 amended —

Ms M. BEARD: What will be the overall impact of imposing the provisions of schedule 4.1A on the office of the Lord Mayor?

Mr J.N. CAREY: This is obviously a consequential amendment. As the member will be aware, the City of Perth has its own act. If a Lord Mayor resigned, it would use the same backfilling provisions that we are proposing. If there were, say, three candidates, the second candidate would fill the position if they accepted. Of course, if no-one did, it would then go to a full election again.

Clause put and passed.

Clauses 102 to 110 put and passed.

Title put and passed.

[Leave granted to proceed forthwith to third reading.]

Third Reading

MR J.N. CAREY (Perth — Minister for Local Government) [3.43 pm]: I move —

That the bill be now read a third time.

MS M. BEARD (North West Central) [3.43 pm]: I would like to thank the minister and his office and, in particular, Sam McLeod and Matt O’Keefe for the briefing on the Local Government Amendment Bill 2023. Also, I would like to acknowledge and thank the local governments that have clearly provided a raft of information and input to this process during consideration of the changes. We have been through a very lengthy and comprehensive process.

I acknowledge that the electoral reforms in tranche 1 are important for ensuring the integrity of the sector and that councils often have to step up in this space for housing, planning, community safety and health. Often ratepayers are ultimately slugged for the costs associated with delivering some of these key services. Tightening this up and giving a lot more transparency is really important. I also think reporting is really important, and streamlining processes for those local governments is essential.

We all know that local governments are a lot more than roads, rates and rubbish. They are a vital part of democracy. They are major employers in regional centres, particularly outside the metropolitan area, and they contribute a lot to the growth and development of those communities. The Nationals WA will always support the local government sector and devolving decision-making capabilities.

In summary, I would again like to thank the minister and look forward to discussing the second tranche of local government reform.

MRS J.M.C. STOJKOVSKI (Kingsley — Parliamentary Secretary) [3.45 pm]: I rise to make a brief contribution to the third reading of the Local Government Amendment Bill 2023. It has been quite enlightening to listen to the contributions of all my colleagues. Many have a local government background. I commend them for their service, whether it be as councillors or, like me, in administration. One part of the bill that I have really engaged with is the community engagement charter. This is a really important aspect of what we are changing through this bill. Any state member will agree that concerns, issues and complaints about local governments, and sometimes their lack of engagement, are raised nearly every day through their offices. If we provide some guidance and structure around this, it will improve. Having worked in a local government, I know that most people in local government are doing the best they can to engage with the community. It is not always easy, so I think providing some structure around this is a great move.

I am very lucky that the three councils in my electorate record audio of their meetings. I think that is a really great step. Moving forward, band 1 and 2 councils definitely should be doing visual recordings and band 3 and 4 councils should do audio recordings. The technology to do this exists. This will provide more transparency for electors and allow them to check what has been said. It could be particularly important for voters around election time to check what incumbent councillors have said about an issue that they are passionate about to make sure they are making an informed decision. I commend that change in the bill.

Members who have been here for two terms or longer will know that parental leave has been an issue for state Parliament. It is certainly something that the Minister for Health has been championing for a long time. I am pleased that we have seen some changes for female members of Parliament, particularly our colleague in the upper house Hon Ayor Makur Chuot, member for North Metropolitan Region, who has just had a beautiful baby girl, Ajak. I put on the record that I and everyone in the chamber congratulate her on the birth of her second child since being elected to Parliament. It is really important that we have included this provision for councillors. Becoming a mother for the first, second, third or fourth time is both a beautiful and trying time. It can be one that causes a lot of stress and a lack of sleep, but ensuring that we protect new parents and allow them to undertake their parental duties without having to worry about their council duties on top of it will open the gateway for more young women to get involved in council. We want a diversity of opinion on council. Robust discussion is welcomed in this chamber and in the federal chambers, and it should be welcomed in council chambers as well. I think this is a great addition to the bill.

The member for Joondalup made a great contribution earlier in the debate about consultation and the ramifications when it sometimes goes badly. I certainly know that in the City of Joondalup the poor consultation around housing opportunity areas has caused a lot of angst in the community. It has also caused a lot of trouble for the council and for the state members of Parliament. That is because there were no guidelines about what proper consultation should look like. We have made some changes in the planning legislation, but this bill will broaden the need for consultation in all aspects of the work of councils and is also a great addition in the bill.

Another great addition to the bill is council planning. This part of the bill focuses on ensuring that councils take a long-term strategic view in considering what services and facilities are required and where they are required. It is also important that councils consider risks and long-term trends that might cause a threat. I know from my interactions with the Cities of Joondalup, Wanneroo and Stirling that coastal hazards and erosion have been considered and that coastal hazard risk management and adaptation plan maps have been well developed.

I now want to quickly address the politicising of local government. The member for Cottesloe stated yesterday that he believes these changes will draw political organisations into local councils. Honestly, that is a very disrespectful thing to say. That shows that he thinks voters are not aware that political organisations are already involved in councils. We need to acknowledge that anyone in the community who is politically active will potentially have a political affiliation and could run for council. That seems to be a natural progression for a lot of people. There is no issue if a person moves from local government to state or federal government or from state or federal government to local government. What the member for Cottesloe said yesterday is very disrespectful and is taking voters for fools.

In the City of Joondalup, Mayor Albert Jacob is a former Liberal minister; Christine Hamilton-Prime used to work for a former Liberal member of Parliament; and Christopher May, John Chester and John Raftis are all members of the Liberal Party. In the City of Wanneroo, Linda Aitken is a former Liberal candidate for the federal seat of Pearce and the state seat of Butler; Chris Baker is a former Liberal member for Joondalup; Paul Miles is a former Liberal member for Wanneroo; Nat Sangalli used to work for the current Labor member for Wanneroo; the deputy mayor, Brett Treby, is a former Labor candidate for Wanneroo; and James Rowe works for the current Labor member for Landsdale. In the City of Stirling, Tony Krsticevic is a former Liberal member for Carine; Karlo Perkov is a member of the Liberal Party, as was verified in “The Clan” messages that we all read last year; Chris Hatton is a former Liberal member for Balcatta; Andrea Creado is a former Liberal candidate for Mirrabooka; Councillor Lagan is a former Liberal candidate for the state seat of Perth; Councillor Ferrante is a former Liberal candidate for the federal seat of Perth; Suzanne Migdale is a former Liberal candidate for the seat of Mount Lawley; Teresa Olow is a former One Nation candidate for Midland; and Councillor Elizabeth Re was both an Independent and a Western Australia Party candidate in various state and federal elections and also a former National Party

Senate candidate for the federal election. Therefore, the claim that this will bring politics into local councils is slightly undercooked, because it is clear from just those three councils in my electorate that politics already exists in local councils.

In the few minutes left to make my contribution, I want to talk about the principles and objects of this bill. The one that resonates most strongly with me is the recognition of Aboriginal Western Australians. A lot of councils are doing a great job with their reconciliation action plans. That is a great step. We will be faced with the opportunity to take another great step in the coming months with the Voice referendum. I have sought permission from the member for Kimberley, Ms Divina D’Anna, to speak on this next part. According to my notes, in May 2017, in a Facebook post headed “Feeling Proud”, she said —

I am proud to have been part of the National Convention on Constitutional Reform. I had approached with an open mind looking for ways to make real and meaningful change for not only my children and grandchildren but for all our mobs and future generations. I say why not explore all avenues to get to the end game. Let’s do something, anything and everything to try and help reduce the despair in our communities and support the mobs in their fight to be self sufficient and empowered.

The member for Kimberley was part of the collective team from northern Western Australia that was brought together as part of a series of regional dialogues that were held across the country with the Voice referendum council. She then went with the delegation to Uluru, as did others from across our nation, where discussions were had and the following statement was born. I will quote the Uluru Statement from the Heart for *Hansard* —

We, gathered at the 2017 National Constitutional Convention, coming from all points of the southern sky, make this statement from the heart:

Our Aboriginal and Torres Strait Islander tribes were the first sovereign Nations of the Australian continent and its adjacent islands, and possessed it under our own laws and customs. This our ancestors did, according to the reckoning of our culture, from the Creation, according to the common law from ‘time immemorial’, and according to science more than 60,000 years ago.

This sovereignty is a *spiritual notion: the ancestral tie between the land, or ‘mother nature’, and the Aboriginal and Torres Strait Islander peoples who were born therefrom, remain attached thereto, and must one day return thither to be united with our ancestors. This link is the basis of the ownership of the soil, or better, of sovereignty.* It has never been ceded or extinguished, and co-exists with the sovereignty of the Crown.

How could it be otherwise? That peoples possessed a land for sixty millennia and this sacred link disappears from world history in merely the last two hundred years?

With substantive constitutional change and structural reform, we believe this ancient sovereignty can shine through as a fuller expression of Australia’s nationhood.

Proportionally, we are the most incarcerated people on the planet. We are not an innately criminal people. Our children are aliened from their families at unprecedented rates. This cannot be because we have no love for them. And our youth languish in detention in obscene numbers. They should be our hope for the future.

These dimensions of our crisis tell plainly the structural nature of our problem. This is *the torment of our powerlessness.*

We seek constitutional reforms to empower our people and take a *rightful place* in our own country. When we have power over our destiny our children will flourish. They will walk in two worlds and their culture will be a gift to their country.

We call for the establishment of a First Nations Voice enshrined in the Constitution.

Makarrata is the culmination of our agenda: *the coming together after a struggle.* It captures our aspirations for a fair and truthful relationship with the people of Australia and a better future for our children based on justice and self-determination.

We seek a Makarrata Commission to supervise a process of agreement-making between governments and First Nations and truth-telling about our history.

In 1967 we were counted, in 2017 we seek to be heard. We leave base camp and start our trek across this vast country. We invite you to walk with us in a movement of the Australian people for a better future.

I stand here today, feeling slightly emotional but very proud to walk with them on this journey. It is fitting that today, the Prime Minister released the wording of the referendum question. Prime Minister Albanese stood alongside the referendum working group and said that the question would be —

“A Proposed Law: to alter the Constitution to recognise the First Peoples of Australia by establishing an Aboriginal and Torres Strait Islander Voice. Do you approve this proposed alteration?”

For what it is worth, I do approve of this alteration. I believe that we need a voice for our First Nations people to federal Parliament. This proves that at a federal, state and local government level, we all need to work towards these goals. I commend the Minister for Local Government for the amazing work that he has done and for the team that has put together this piece of legislation. I commend the bill to the house.

MR J.N. CAREY (Perth — Minister for Local Government) [4.00 pm] — in reply: I thank the members for Kingsley and North West Central for their contributions to the third reading debate. I thank the opposition for its support of the Local Government Amendment Bill 2023. I want to put on the record again that these are substantial reforms. As we know, this is the first tranche.

Particularly for ratepayers, I want to go over the transparency measures because there is a very small element in the social media glitterati who are obsessed with local government. They seek out the worst views or peddle the worst conspiracies about local government and local government reform. They can make their personal commentary about me and they do on a regular basis. I think the former Minister for Local Government experienced the joys of social media commentary by local government activists who believe the worst in local government.

The reforms we are implementing will increase transparency in local government. That cannot be denied. The creation of an election caretaker period clearly is going to bring greater prudence in the lead-up to elections. The mandatory video and audio recording of meetings is not just about ratepayers being able to watch from home or see what has happened, but also so that a local government inspector can investigate matters, because there will be an accurate record on the public agenda, rather than he-said, she-said. Standardising meeting procedures means that all local governments will be the same and will deal with conflict at meetings in the same way. There will also be a clearly prescribed format for the way in which ratepayers can ask questions of their local government.

A range of new online public registers are being created, which includes leases of local government property. Anyone who knows local government knows that there is often conflict and public debate about local governments giving leases to particular organisations, whether they be sporting or community organisations, and that there is confusion. This will put it all on the record—the lease, who is receiving the lease, the cost of the lease, the length of the lease and the property. It will be on the record.

Other reforms include the awarding of grants, high-value goods and services contracts, the disclosure of interests related to items considered at council meetings and cash contributions collected from applicants by local government for car parking and public open space. I do not know how anyone could argue against these reforms or say that these reforms will not increase transparency.

CEO KPIs will be publicly reported for the first time. We all know that the most critical decision that any local council makes for its administration is the employment of the CEO. They are the only person whom councils employ. We are saying that ratepayers will now be able to see what performance indicators have been put forward and the response by the chief executive. This will work to hold not only the CEO accountable, but also elected officials to account because ratepayers will be able to see in public what the councillors decided should be the performance indicators. If the community is crying out for reform in financial transparency, for example, and the council decides not to have that as a performance criterion for the CEO, that is something the council will have to explain to the local community.

Community engagement charters are about trying to encourage local governments to go beyond the normal few people who engage and seek a wider opinion. It will also require tier 1 and tier 2 councils to do ratepayer surveys. It will mandate that and the results will have to be published. Basic benchmarks will be set for the surveys. All these reforms are good for ratepayers, so I find it extraordinary that a very small subsection of people are criticising this legislation. It is a fear and scaremongering campaign. It is great to see that the Western Australian Local Government Association overall has embraced the reforms. The opposition has indicated it is supportive of the reforms. I believe that anyone in the wider community who reads this legislation and sees these reforms will also be supportive and embrace them.

This is not the end of the reforms. We have a second tranche coming, which will create the role of local government inspector. That will also enable us to create monitors who can go in early and deal with dysfunction. These are critical reforms. It is widely recognised that they are needed. Despite the ability of the agency to send out particular notices requesting information, the ability to get into a local government to try to sort out issues is not there. Often, the last resort is an inquiry. We want greater intervention when it is required so that we can deal with problems early. No-one wants to see inquiries and I put that on the record.

I want to touch on optional preferential voting because it was raised by the member for North West Central, the member for Cottesloe and many members on my side. Optional preferential voting will ensure a fairer, more democratic system of voting because it will enable the aspirations of voters to be clearly seen. It will also ensure that we do not have the ridiculous situation in which some councillors are elected with few votes; I think some got under 10 per cent and it has been as low as six per cent of the vote. That is not acceptable and no-one believes that that is democratic.

The argument against preferential voting, which the member for Cottesloe touched on, is that somehow it is going to cause greater politicisation of local government. I say respectfully to the member for Cottesloe that it is widely recognised that there are people in local government who either have political aspirations or belong to political parties. It is a reality and that is the nature of democracy. We should not be disrespectful to ratepayers and say that that is not the case. We have heard it multiple times. Western Australia is unique because, unlike other states where political parties make political endorsements, we do not have that. I think that is a good thing. There is a difference between saying there are people active in councils who belong to political parties and saying that political parties are endorsing and funding candidates.

I can tell members that everyone in my constituency knew I was Labor when I was a councillor. I put in all my own money or sought donors in accordance with local government rules. The Labor Party was not giving me any funds because, frankly, it was worried about the state and federal governments. I did not need endorsement from the Labor Party to run. That is a good thing. We want everyone to be able to run, regardless of whether they belong to a political party. They do not need endorsement from a political party to run.

There is an element that says everyone should be independent and no-one should have involvement in any politics. Being involved in a community group that is advocating for or against something in the local community is political. Saying you are independent is actually a deeply political position because it is saying that you are against party politics. Groups of candidates run in elections saying that they are a group of independents. That kind of does not make sense when we think about it, because it is another form of organisation. We have to understand that Western Australian local government elections are unique. I think the system works really well. People can run for local council without the endorsement of political parties and give it their best crack. We acknowledge that—we do not deny it—and we should never pretend to ratepayers that it does not exist or that the reforms we are making will somehow make it greater. I think it has been widely demonstrated by a number of members that that is a furphy.

I will end on this: the Local Government Amendment Bill 2023 was a long time coming. It was started by the former minister in 2017. It is built on a breadth of work from the City of Perth inquiry, the upper house inquiry, other inquiries, panel reports and even a last round of consultation that received 200 submissions. There has been substantial engagement on this issue—I think it has been exhaustive—and we continue to consult the sector through the working group. I look forward to these reforms being passed. This is the first set of reforms. We will come back to Parliament and introduce the second major tranche of reforms, which will create the role of local government inspector and deal with major dysfunction in local government.

Question put and passed.

Bill read a third time and transmitted to the Council.

TREASURER'S ADVANCE AUTHORISATION BILL 2023

Returned

Bill returned from the Council without amendment.

House adjourned at 4.11 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

HEALTH — SEVERITY ASSESSMENT CODE 1 — INCIDENTS

641. Ms L. Mettam to the Minister for Health:

- (1) In total, how many Severity Assessment Code (SAC-1) incidents were recorded (by hospital in both metropolitan and country health areas) for each of the follow periods:
- (a) 2021–2022; and
- (b) 2022–date?
- (2) For each of these periods in (1), how many of the incidents resulted in death (by hospital in both the metropolitan and country health areas)?

Ms A. Sanderson replied:

SAC-1s are any event where health care, by commission or omission, could have or did contribute to serious harm or death – this includes physical and psychological harm. SAC-1 clinical incidents may have multiple contributing factors that may not be solely responsible for the patient harm caused; this patient harm in some cases is death.

It is challenging to compare SAC-1 rates between hospitals as different hospitals have different acuity and levels of activity. Also, it is not possible to compare clinical incident data nationally due to the differences in data capture and the lack of standardised data definitions. There is no nationally agreed benchmark rate for clinical incidents. Rates can be also challenged by low numbers and tend to distract from the human story and care improvements behind each case.

- (1) (a)–(b)

Hospital	Jul 21–Jun 22	Jul 22–Dec 22*
Albany Health Campus	7	8
Armadale Health Service	13	7
Bentley Health Service	16	8
Broome Hospital	4	3
Bunbury Hospital	6	5
Busselton Hospital	4	1
Collie Hospital	4	1
Fiona Stanley Hospital	53	26
Fremantle Hospital and Health Service	10	11
Geraldton Hospital	9	1
Hedland Health Campus	10	1
Joondalup Health Campus (Public Patients)	21	16
Kalgoorlie Hospital	6	6
Northam Hospital	3	1
Osborne Park Hospital	6	1
Peel and Rockingham Kwinana Health Service	19	11
Peel Health Campus (Public Patients)	19	10
Perth Children’s Hospital	26	10
Royal Perth Hospital	44	17
Sir Charles Gairdner Hospital	58	14
St John of God Health Care Bunbury (Public Patients)	0	1
St John of God Health Care Geraldton (Public Patients)	0	1
St John of God Midland Public Hospital (Public Patients)	28	17

St John of God Mt Lawley Hospital (Public Patients)	5	1
Women and Newborn Health Service	16	4
Total	387	182

* to 31 December 2022

Note: Clinical incident data is dynamic and over time values may change.

Hospital services include non-admitted, outpatient, community and ambulatory services.

Data provided in the table above is correct as of 11 January 2023.

(2)

Hospital	Jul 21–Jun 22	Jul 22–Dec 22*
Albany Health Campus	1	2
Armadale Health Service	2	2
Bentley Health Service	5	3
Broome Hospital	0	2
Bunbury Hospital	1	1
Busselton Hospital	1	1
Collie Hospital	2	1
Fiona Stanley Hospital	18	1
Fremantle Hospital and Health Service	3	1
Geraldton Hospital	2	0
Hedland Health Campus	6	0
Joondalup Health Campus (Public Patients)	4	4
Kalgoorlie Hospital	1	2
Northam Hospital	0	0
Osborne Park Hospital	0	0
Peel and Rockingham Kwinana Health Service	3	4
Peel Health Campus (Public Patients)	5	3
Perth Children's Hospital	2	2
Royal Perth Hospital	8	2
Sir Charles Gairdner Hospital	7	2
St John of God Health Care Bunbury (Public Patients)	0	0
St John of God Health Care Geraldton (Public Patients)	0	0
St John of God Midland Public Hospital (Public Patients)	2	2
St John of God Mt Lawley Hospital (Public Patients)	0	0
Women and Newborn Health Service	2	1
Total	75	36

* to 31 December 2022

Note: Clinical incident data is dynamic and over time values may change.

Hospital services include non-admitted, outpatient, community and ambulatory services.

Data provided in the table above is correct as of 11 January 2023.

